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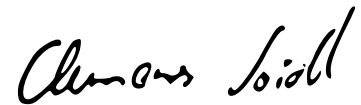
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Diese Masterarbeit stellt in vielerlei Hinsicht das vorläufige Resultat der Bemühungen meiner Studienjahre dar, Erkenntnisse über die Ansprüche und Bedeutung menschlichen Zusammenlebens in der Welt des 21. Jahrhunderts zu gewinnen. Diese Bestrebungen wurden von zahlreichen inspirierenden Menschen geprägt und an dieser Stelle möchte ich mich bei all denjenigen bedanken, die mich dadurch im Laufe meines Studiums und insbesondere bei der Anfertigung dieser Masterarbeit unterstützt haben.

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1 Introduction: The Idea of Global Distributive Justice

Is our world unjust, and if so, why? These are clearly questions anyone might (or should?) ask oneself. The particularity of these questions lies in the fact that almost no one would reject their meaningfulness in our times. As citizens at the beginning of the 21st century, our experiences are shaped by the intertwined and interdependent character of a highly-globalised world. Which of our newest goods have not been produced, sold and traded from elsewhere, which identities do we not share with many others on the globe, and which social, political or moral concerns are we not already taking to encompass our fellow co-citizens of this world. As Appadurai (1996) would call it, our world is one of many flows that connect various regions and peoples on the globe with each other, (pp. 9-10). Yet, although harbingers of unprecedented levels of wealth, the flows of globalisation have brought us discomfoting tides as well. Impressions of rapidly increasing rates of climate change, economic crises and political upheaval shape our experiences of the world just the same. Moreover, in the midst of these flows and despite considerable efforts, we have not seen the full realisation of the United Nations Millennium Goals (now transformed into the Sustainable Development Goals-agenda) to improve the lot of the most deprived of our times. Confronted with this, the meaning of justice in a world of constant flux remains a challenging task. But, as the increase of global challenges and our collective failure in establishing solutions to the most pressing problems of our world suggest, this question will become only more important. To change our world for a more sustainable and just future will arguably be among the greatest challenges of our age and only with combined acts of collaboration and cooperation will we be able to meet these tasks (see UNMDG Report, 2015, pp. 8-10).

Philosophy, I believe, has a role to play in these efforts as well. It helps us to clarify what is at stake in the numerous challenges we face as one humanity and helps us to see the normative ideal, which we should aspire to. With this thesis, I want to contribute to these tasks and explore hitherto neglected aspects of justice in our globalised world. In particular, I approach the questions of how the benefits and burdens of our world ought to be distributed among its denizens. And in the course of this work I shall develop a novel account of a just distribution of socio-economic goods for the globe and show its implications for the current state of our world. But before I turn to the content and structure of this thesis, let us ponder on the meaning of this philosophical question first.

For this purpose, consider these four statements:

- 1) Very high human development countries are the biggest contributors to climate change, with average carbon dioxide emissions per capita of 10.7 tonnes, compared with 0.3 tonne in low human development countries. [...] Countries with lower levels of human development, especially small island developing states, generally have the lowest emissions but are often the most vulnerable to climate change. (Human Development Indices and Indicators, 2018, p. 11)
- 2) In 2015, approximately 739,5 million people lived under the International Poverty Line, which currently resides at \$1,90 / day (see World Bank, 2018).
- 3) Today 26.5 percent of adults who are employed are part of the working poor – making less than \$3.10 a day in purchasing power parity terms. (Human Development Indices and Indicators, 2018, p. 7)
- 4) A lot is happening on the trade negotiations front in almost every corner of the world. Countries have been active and prolific at the bilateral and regional levels for some time – 432 RTAs (Regional Trade Agreements) have been notified to the WTO. [...] If current negotiations are successful, new rules will shape trade and investment flows, underpin global governance on 21st century trade issues and facilitate the proliferation of global value chains. [...] Or they may not. Much will depend on the specific provisions to be agreed upon and the type of preference they will create. Not all preferences are equal. Some of them carry a larger potential for discrimination than others. (González, 2014, p. 11)

The first statement raises, I argue, questions of justice. The severe consequences of human-induced climate change for the global population are not only worrying, the unequal share in these burdens clearly seem to qualify as an issue of justice. What is morally troubling in this case is the fact that we all, as humanity, contribute to the phenomenon of climate change, but share the burdens and benefits of our compliance highly unequally. On common, uncontroversial accounts, the concept of justice consists in giving everyone his or her due. This

suum cuique formula emphasises the political dimension of justice. (Miller, 2017). It relates to our intuitions that we have special enforceable rights and obligations towards those we share a special bond with. Contemporary philosophers have often taken this bond to be exhausted by the nation state. Consequently, theories of justice have tried to specify the rights and obligations of citizens to their compatriots. The case above, however, is obviously different. What is at stake in this case, seems to affect human beings on a global scope. Thus, we might ask what makes a problem of justice one of global justice.

Brock (2017) argues for four conditions that constitute a problem of global justice: they emerge from actions of agents, institutions practices or activities that either could harm residents of another state (1) or that could reduce harm or bring benefits for residents of another state (2). They are triggered by normative considerations which require agents of one state to take action with respect to agents of another state (3) or represent issues for residents of one state that could not be solved without the cooperation of agents of many states (4) (see Brock 2017). On this very broad definition, our problem above clearly qualifies as a problem of global justice. The factual existence as well as the growing number of such and similar problems suggests that there is a meaningfulness to the idea of global justice. But we have yet to see what this idea entails – what a state of global justice is and whose rights and obligations are at stake in the global realm.

Now, recall the second statement. From the perspective of a citizen of the affluent West, the current state of global poverty is morally horrendous. Although poverty rates have slightly declined over the last couple of decades, there remains a long way ahead to eradicate severe and extreme poverty. The persistence of high levels of global poverty has led contemporary philosophers to think of poverty as a specific problem of justice – one of distributive justice (Ip, 2017, p. 3). The idea of distributive justice goes back a long way. The concept was arguably first articulated by Aristotle, who contrasted it with corrective (later known as commutative) justice, and concerns according to him just distribution within society according to merit (most relevantly for Aristotle, in the case of political participation). The meaning of the concept has changed substantively after Aristotle's initial stipulation, but only since the beginning of the 18th century, it designates concerns for the distribution of material goods (see Fleischacker, 2004, pp. 17-24). Nowadays, the concept is commonly associated with the assessment of the socio-economic status of human beings within political entities.¹ In the context of modern, liberal polities, distributive justice refers to the justness of shares in burdens and benefits that

¹ For a comprehensive overview on the history of the concept, see Fleischacker (2004).

are derived from society's major social, political and economic frameworks (Lamont & Favor, 2017).

On this view, the second statement may or may not qualify as an issue of distributive justice. One may consent to the morally troublesome fact of poverty but argue that since it might be caused by morally arbitrary things such as natural infortune or disaster, it is not an issue of justice. It may call for moral action by individuals but nevertheless fails to be a political concern that legitimises substantive redistribution. Furthermore, since severe and extreme poverty primarily blight the less and least-developed countries of the earth, it may not be a political problem of distributive justice for residents in the affluent West. Global poverty might not be morally but politically arbitrary. The reasons for why philosophers have tended to view poverty as an issue of distributive justice are that they also regard it as a problem of global justice on the above given definition (see Brooks, 2008, p. 384). On any of the four conditions listed, poverty qualifies as a problem of global justice. Yet, especially on condition three, one might ask what the normative considerations for treating it as a problem of distributive justice actually are.

The third statement is of help here. Having to work on terms, that do not allow one to sustain his or her life, does seem as a paradigm example of distributive injustice. To participate in an economic arrangement without gaining a fair share of its gains is exactly one of the concerns that triggers considerations of distributive justice. It calls for an account of just labour wage, hence for an account of the just socio-economic state of the working poor. Accordingly, distributive justice justifies the claim rights that individuals have to socio-economic goods and demands political action for enforcing them. Since the third statement does not qualify its proposition to any particular state on the globe, it is a candidate problem of global justice as well. Therefore, we get the approximate meaning of problems of global distributive justice: they are problems that concern how rights and burdens ought to be distributed among human beings on a global scale (see Caney, 2005, pp. 103-104.). Any theory of global distributive justice thus tries to approach and justify requirements of socio-economic distribution for problems of global justice. The thesis at hand, is an inquiry into the current state of theorising about global distributive justice.

Theories of justice have always been the subject of philosophical debates, yet theories of global justice are a rather new development, which has grown out of the debates regarding John Rawls' (1971) seminal account of justice for a modern, liberal polity. Especially Rawls' later (1993) account of international justice has sparked a wider range of interest in this topic among

philosophers. That being said, two opposing positions on global justice have dominated the philosophical literature on this subject in the last decades: on the one side, we find approaches to global justice that restrict our rights and obligations to the domain of domestic politics. On the other side, we find approaches that extent our right and obligations to a global scope (see Ip, 2016, pp. 3-5.).

The first position is referred to as either statism, nationalism or minimalism about global justice. I shall use the umbrella term statism to designate these positions. Statism, whose major proponents are Blake (2001), Nagel (2005) as well as (to a certain degree) D. Miller (2007) and Rawls (1999), holds that for justice as an associational value to have any meaning, it must be limited to the assessment of domestic politics. In one way or another, advocates of this position justify strong requirements of justice within society but allow only for considerations of fair international state conduct and for duties of humanitarian assistance in the global realm (see Blake 2001, p. 295). For the case of global distributive justice, this position entails that we ought not to worry about the just distribution of socio-economic goods outside the state (see Armstrong, 2012, pp. 71-73.).

The second position is usually introduced under the terms globalism, cosmopolitanism or global egalitarianism. Here I shall use the umbrella term globalism to designate these positions. Globalist positions vary more substantively than statist positions and have numerous proponents. To cite only a few relevant authors: Beitz (1979), Pogge (1989), Caney (2005), Nussbaum (2006), Brock (2009) and Tan (2012) have all contributed to this position. According to a nowadays common definition, the crucial concept of cosmopolitanism entails three tenets:

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 [...] Third, generality: this special status has global force. Persons are ultimate units of concern for everyone” (Pogge, 1992, p. 48).

The concern for cosmopolitanism forms the basis of globalist approaches. Advocates of these approaches consequently argue for the extension of various justice-concerns to the global level, regardless of one’s affiliation to a political entity. While there are of course varying accounts of rights and obligations that ought to apply on the global scope (and those that only apply within a state), globalists favour extensive requirements of global distributive justice in order to tackle global injustices (see Moellendorf, 2012, p. 132).

These two positions are difficult to reconcile. Statists accuse globalists of not taking the value of community and association as well as the meaning of borders adequately into account. Conversely, globalists claim that the statist's restriction of justice-concerns is incoherent, given our basic normative commitments, and represents a cruel attitude towards the injustices of our world. Additional disagreement rests on many different levels and different tenets of each position. Thus, a committed statist or globalist has little reason to embrace the premises of the opposing approach (see Armstrong, 2012, pp. 25, 34-35.). The prospects of finding an acceptable answer to the demands of both statist and globalist positions of the divide are dim and have led to an unsatisfactory stalemate in the debate.

Above all, there is however, another, more substantive reason for being concerned with the statist/globalist framing of global distributive justice. Consider now the fourth statement. Does its proposition raise distributional concerns? Does it constitute a problem of global distributive justice? One might tentatively think so. International or global trade is arguably a long-established feature of global political and economic affairs that is largely consequential for the economic prospects of states. The rise and change in trade agreements should thus not go unnoticed by considerations of global distributive justice. Yet others would certainly object, calling into question whether the gains of international trade qualify as issues of distributive justice by the definition given above. Only extensive argument would settle this question.

Yet, importantly, note that neither statism nor globalism could easily make sense of this case in the first place: for the statist, distributive obligations only apply within the state. Economic issues that most likely would involve states, supranational institutions and other international economic, non-state private actors are not within the scope of duties of justice. On the globalist picture, obligations of justice are of global scope and apply to global agents or institutions. But the before-mentioned agents do not seem to fall into this category either. While clearly operative in the global realm of politics and economic affairs, these actors fail to represent agents of effective global scope.

Thus, on neither of these two approaches distributive justice emerges as a concern for phenomena that fall somehow between domestic and global scope – phenomena such as international trade or the set of trade agreements. Nevertheless, we might still be inclined to assume that normative, distributional concerns do play a role in these issues. Hence the assumption that they exhibit problem of global distributive justice. And to further complicate this issue, these *transnational* phenomena of global political and economic affairs are on the rise: besides international or global trade, resource extraction treaties, transnational labour right

movements, foreign direct investment treaties and environmental standards are just a few examples of these potential contexts of global justice, of which neither statism nor globalism seem fit to account for.

Seeking to overcome the divide between statist and globalist positions for exactly these reasons, recently new approaches towards global distributive justice have been brought forward. This very heterogeneous movement of theorising includes philosophers such as R. Miller (2010), James (2012), Risse (2012), Valentini (2012), Ypi (2012), De Bres (2012/2013), and Culp (2014) among others, but also critical theorists such as Fraser (2009) and Forst (2014). Due to the heterogeneity of these authors, their positions have been (often self-) described as internationalism, transnationalism or pluralism. What unifies these approaches is an acknowledgement of the complexity and multi-faceted nature of global political and economic affairs. The commitment to do justice to the various interdependent social, political and economic issues, which we are dealing with in our globalised world, has created a diversity of approaches that do not fall on either side of the divide between statist and globalists. Because many contemporary forms of global challenges seemingly affect residents of many but not all states, these approaches focus on those potential contexts of justice that go beyond the statist's demands but fail in establishing globally valid requirements of justice. Consequently, these approaches acknowledge the validity of a multitude of contexts for global justice. (see Culp, 2017, p. 171).

The intentions of these new approaches to global (distributive) justice are clearly ambitious. Yet, if these accounts prove to be successful they would allow us to focus in detail on the various aspects that make up the complex whole of our globalised world. Additionally, they would enable us to make progress on the disentanglement of the normative issues that we are currently facing. If contexts of global justice are not exhausted by statist or globalist concerns, we might find new ways to articulate our concerns for socio-economic distribution in issues such as global trade and trade agreements. Due to their claim of overcoming the statist/globalist divide as well as their alleged suitability for addressing these new transnational contexts of justice, these approaches are worth examining.

This thesis thus follows this current stream of theorising about global distributive justice. To be more specific, it follows primarily the explicitly pluralistic strand of these recent approaches. The pluralist position particularly stresses the existence of various contexts of global justice, each of which giving rise to genuine requirements of (distributive) justice. Moreover, *pace* both the statist and the globalist, it accepts that requirements of justice cannot be reduced to a single

set of normative considerations. Since this approach has been established only recently, much theoretical work remains to be done. Most of its exemplary accounts of global distributive justice have only laid the groundwork for a systematic treatment of the pluralist approach. Furthermore, and hardly surprising, statist and globalist's objections to this new wave of theorising are numerous and need to be answered properly. This represents the thesis-topic of this work. I shall therefore develop, defend and complete a coherent, well-justified pluralist approach towards the question of global distributive justice in this thesis. For this purpose, this thesis is structured as follows:

In chapter 2, I introduce and explain the meaning of pluralism about global distributive justice. I shall begin by tracing the emergence of the term in contemporary discussions on moral theory, before explaining its relevance for an approach towards global distributive justice. I shall continue by giving a tentative, preliminary definition of the pluralist thesis that will guide the endeavours in thesis. This definition refers to various tenets and aspects of the global justice debate and shall be explained in terms of its constituents in detail. With this definition in mind, I shall turn to three exemplary accounts of this recent trend of theorising and analyse their central tenets in the light of the before-established definition. Thus, chapter 2 allows for a first approximation to the pluralist approach, familiarises us with its central tenets and provides us with an overview on the well-established positions in the literature on global distributive justice.

In chapter 3, I confront the pluralist approach with four objections from both statist and globalist positions. This engagement with opposing theoretical approaches has a twofold function: on the one hand, it allows me to systematically engage with statist and globalist approaches and clarify what is at stake in the dispute about the correct conception of global distributive justice. On the other hand, this discussion reveals the crucial points any convincing approach to global distributive justice has to account for. I shall argue that the pluralist approach not only is conceptually well-equipped to deal with the challenges posed by rival approaches, but also fares better on those critical points of which statist and globalists alike fall short. Although I shall assert the superiority of the pluralist approach over these theories, I acknowledge the need for answering the open questions that have emerged from this discussion. Thus, chapter 3 serves as a defence of the pluralist thesis from statist and globalist charges and directs our view towards the central issues that remain to be taken into account by a systematic pluralist approach.

In chapter 4, I address these questions individually. Firstly, I clarify the pluralist's position on the relevance of factual knowledge for moral argument. I shall argue that the pluralist approach should make use of social science data and emphasize the demand of further collaboration

between descriptive and normative researches for the subject of global distributive justice. Secondly, I present a constructive methodology for the justification of normative principles in the pluralist framework. This methodology, I shall argue, provides the most fitting account of normative analysis for this approach. Thirdly, I explain the pluralist approach's meaning in the context of ideal and non-ideal political theory. I shall claim a limited role of ideal theory for global distributive justice that is consistent with the pluralist approach. Therefore, chapter 4 eventually provides us with a complete, coherent pluralist framework of global distributive justice.

In chapter 5, I apply the now-defended framework to a case study. This will be the case of international and global trade. I shall argue that the pluralist framework offers a genuine perspective on global trade and on the meaning of distributive justice in this context of justice. In particular, I shall argue for a distinct account of distributive justice in megaregional trade agreements that follows from the pluralist framework: one that enables us to specifically craft and design requirements of distributive justice that are tailor-made to the context in question. With this task being established, I shall assess the overall results that this framework delivers. While the previous chapters are meant to present, defend and complete the pluralist framework, the application of it to a case study in this chapter shall demonstrate the desirability of this approach to global distributive justice.

Although each chapter is accompanied by a brief introductory and concluding section, in chapter 6, I eventually draw the concluding remarks and summarise the findings of each chapter. I shall discuss the advantages as well as the limits of my discussion of the framework in this thesis and provide an outlook for a further research programme concerning the pluralist approach towards global justice in general.

2 On Being a Pluralist: The Many Faces of Justice

2.1 Introduction

As I have argued in the previous chapter, recent developments in theorizing about global justice have yielded promising accounts for overcoming the stalemate in the debate between statist and globalist accounts. Proponents of these accounts claim to provide the necessary conceptual resources for capturing what is essentially at stake from the standpoint of justice in the globalising world of the 21st century. In this chapter, the philosophical foundations on which these recent accounts are built upon are examined and the basis for a systematic framework of an explicitly pluralistic approach is formulated.

I shall begin by explaining the concrete meaning of the notion referred to as ‘pluralism’ in moral theory and its role for the latest global distributive justice debates (2.2). Following this initial approximation to the thesis-topic, I shall engage in a conceptual analysis of the pluralist conception of global distributive justice in order to illustrate and clarify its implications for moral theory. Furthermore, I shall introduce a preliminary definition of pluralism about global distributive justice that will guide our further endeavour in this thesis (2.3.1). Subsequently, I shall demonstrate the relevance of the constituents of this definition and provide an overview on their meaning in the general discussion about distributive justice in the philosophical literature (2.3.2). Having set the terms of debate, I shall analyse three examples of the novel accounts of global distributive justice from the perspective of the pluralist conception defined in this chapter (2.4). The chapter ends with concluding remarks on the nature of pluralist approaches towards global distributive justice and on the research questions that remain to be discussed in this thesis (2.5).

2.2 Pluralism: The Notion and Its *Desiderata*

The term *pluralism* enters the debate concerning the correct interpretation of the meaning of distributive justice beyond states’ borders at a point where both statist and globalists had long set out their respective views and where major cleavages were already clearly visible. Thomas Nagel (2005), defender of the most statist account of global justice to this day, argued at that time that morality does not come in the form of *monism*, whereby here the relevant

[i]ssue is the choice of moral units. The monist idea is that the basic constituency for all morality must be individuals, not societies or peoples, and that whatever moral

requirements apply either to social institutions or to international relations must ultimately be justified by their effects on individuals – and by a morality that governs the treatment of all individuals by all other individuals. (Nagel, 2005, p. 124)

Rather, for Nagel, morality establishes its requirements on different levels or layers. Demands of political morality may differ from demands of morality in general. Moreover, according to Nagel, the special cases of justice-related requirements of political morality are derived from specific associative grounds that are only realized in a political state. The argument's motivating force follows here the statist's general conviction about the limited extent of requirements of global distributive justice: we may very well live on the "cosmopolitan plateau" (Risse, 2012, p. 10) in terms of overall morality, but this does not establish the conclusion of cosmopolitan rights and duties of justice. In fact, since we ought to reject monism about morality on Nagel's view, we are on the author's account (strong statism) ultimately left just with requirements of humanitarian morality beyond the nation state, having reserved requirements of distributive justice for the domestic domain only (Nagel, 2005, pp. 146-147).

Challenging this strong statist view, Joshua Cohen & Charles Sabel (2006) remark that Nagel himself observes that *dualism* does not serve as a proper term for his conceptual distinction, regarding the demands of morality: dualism evokes the impression of moral demands as applicable on issues arising *either* between individuals *or* between nation states. Yet, the refusal of monism conceptually allows for a *plurality* of relations, onto which (different) demands of morality can rightfully be imposed. When combined with additional arguments capable of refuting Nagel's conclusion that only the political relations within nation states give rise to requirements of distributive justice, the adoption of *pluralism* about "justice-generating relations" (Cohen & Sabel, 2006, p. 149) enables us to reason about various relations as possible candidates for establishing demands of distributive justice.

Taking this conceptual distinction seriously, theorists of pluralist approaches towards global justice have since then started to develop accounts of distributive justice that track this thesis of pluralism about political morality. Acknowledging thereby that not all relations will generate particular demands of (distributive) justice, these theorists tried to shift the focus onto the degrees of demands that arise on a scale of general moral requirements. Thus, pluralism is interpreted as encompassing a variety of moral demands, with some more stringent than others, that are located on a moral scale, which is grounded in the particular nature of its underlying relations (see Abumere, 2017, pp. 38-40).

The image of a scale of moral demands is important here in two, although related, regards: firstly, it captures the view that moral demands differ substantially and are located on a spectrum ranging from roughly humanitarian duties of morality to egalitarian duties of (distributive) justice. A pluralist approach can make use of these distinction, favouring different moral requirements in different fields of moral inquiry, hence reject an all-or-nothing approach towards questions of moral requirements beyond a nation state. Secondly, accepting pluralism about political morality also allows for covering the “middle ground” (Wollner, 2013, p. 28) between the substantive views of statism and globalism. At least on this notion of pluralism, nothing hinders the robust defence of a genuine account of global distributive justice that is not just a more or less qualified version of statist or globalist position.

Notwithstanding, one can at this point raise doubts whether this notion of pluralism about political morality suffices to speak of a genuine and coherent approach of inquiry into the nature of global justice questions. Even theorists sanguinely involved in the overall “third wave of global justice debate” (Valentini, 2011, p. 3) – Laura Valentini’s preferred term for the recent movement of global justice theorising – admit that a full-blown defence particularly of pluralism as a coherent approach is still lacking. Especially since, as we will see later, the theoretical field of pluralistic accounts is broad and far-reaching, including proponents that would likely reject the label ‘pluralism’ for their respective work on global distributive justice. While most of the recent approaches are characterised by taking a middle ground between statist and globalist approaches, only few theorists such as for example Mathias Risse explicitly adopt a pluralist label.

With this diversity of approaches in mind, Gabriel Wollner (2013) argues yet for five features inherent to ‘third wave’ approaches, of which pluralism represents one prominent proposal: firstly, the conceptual distinctions of these approaches promise to grant us deeper insights into the nature of distributive justice in general. Additionally, they develop methodological and substantive alternative conceptions to positions of the earlier debate on global justice. Furthermore, Wollner argues that these accounts of global distributive justice also aspire to be developed into more general theories of justice. Apart from these points, these recent approaches also put special emphasis on the action-guiding requirements of their accounts and, consequently, stay very close in practical terms to the real world of global political affairs (Wollner, 2013, p. 27).

By adopting Wollner’s analysis, we can recognise that the author’s first three points resemble our discussion of the notion of pluralism in the debate about global justice so far. The conceptual

distinctions proposed by the pluralism in question ought to enable us to reason about global (distributive) justice in a novel and more refined way. Having said that, Wollner's last two points indicate an especially crucial element that is, as I shall show later on, usually taken to be part of the notion of pluralism about political morality in global distributive justice: The criterion of action-guidance and the relevance of facts about global politics. Both serve as a vantage point for its theory-building. Consequently, pluralism calls explicitly for political theory to deliver actual guidance in our, from the standpoint of justice, imperfect world. Thus, it demands of a philosophical theory of justice to be applicable to actual injustices in our world.

Let me summarise briefly what we have discussed in this section. I argued in the beginning that the notion of pluralism entered the debate about global distributive justice rather recently. Evolving out of the discussion of interpreting political morality as non-monistic, pluralism was found a proper notion to grasp the conceptual distinctions made in the debate. Later, theorists of pluralist approaches towards global justice expanded the thesis of pluralism about political morality to assert a spectrum of moral demands arising from various social relations human beings are part of. Special emphasis is put on the criteria of action-guidance and sensitivity to empirical facts for this kind of theory building. With this notion of pluralism in mind, we can now approach the question of what a coherent, complete pluralist account would have to include.

2.3 Pluralism: The Thesis (and What It Needs to Get Off the Ground)

2.3.1 A Tentative Definition

To begin with, let me further clarify what our sought-after thesis or conception is all about. So far, I have been using the terms 'pluralism about morality' and 'pluralism about political morality' rather interchangeably. However, at this point we need to be more precise: while I take the notion of pluralism as described in the previous section to refer to all sorts of moral requirements, here I am restricting my analysis to the thesis of pluralism about political morality. Hence, I shall leave aside conceptual questions dealing with non-political moral issues, among which I count for instance requirements of charity or requirements of general humanitarian morality. Furthermore, within the terrain of political morality I focus exclusively on demands of distributive justice, refraining from taking a stand on questions of broader social justice or non-justice related demands of political morality. The reason for this lies in the nature and limits of this thesis. I merely bring this up to emphasize the fact that the subsequently developed conception of pluralism does not prohibit any further expansion towards these other

important issues. Finally, I shall use from now on the term ‘distributive justice pluralism’, henceforth DJP, to designate the here outlined conception of distributive justice. And while that does not preclude any application of this thesis to the domestic domain, I am primarily concerned with its application to the global realm.

Another preliminary remark that should probably be made concerns my use of conception/thesis/approach. I roughly follow John Rawls (1999a) distinction between concept and conception for political theory in this regard. For Rawls, concepts are broader and, in a sense, more general than conceptions. We usually elaborate on concepts and add principles as well as criteria of application in order to arrive at specific conceptions of a concept. Thus, various, mutually incompatible, conceptions of one and the same concept are possible that are each nonetheless individually plausible. Rawls’s distinction allows us to locate our disagreements on the correct level of dispute: while most of us may for instance consent (to a certain degree) to the relevance of justice as a political value, we may nevertheless have an substantial argument about the correct interpretation viz., conception of, or thesis of, or approach to justice (Rawls, 1999a, p. 5). Endorsing these Rawlsian ideas in this thesis explains my use of conception for DJP. Understood as such and approximately in analogy to Rawls’ use of the distinction, we can treat distributive justice as the broader and more general concept, that serves as the foundation of several more specific pluralistic conceptions of global distributive justice. This suits the overall aim of this chapter of clarifying the ‘core’ of pluralistic ‘third wave’ accounts. In approaching pluralistic conceptions of global distributive justice, we may then conjecture how a requirement of these conceptions would be generated and justified. Let me give for this purpose an exploratory tentative definition of DJP:

Provisional DJP: A requirement ϕ of distributive justice 1) is generated by the interaction of the constitutive elements of ground, site and content of justice-generating social relations, with the proviso that these constituents come in various shapes and degrees; 2) receives its scope and target due to this interaction.

On that note, what do the necessary and sufficient conditions for this definition entail? One necessary condition requests that a requirement ϕ of distributive justice is to be worked out by considering how multiple elements – namely ground, site and content – are linked (*pluralism about constituting elements*). A second qualifying condition, the proviso, holds that there is

more than one correct interpretation of each constituting element (*pluralism within a constituting element*). At last, a third necessary condition indicates that *pluralism about constituting elements* and *pluralism within a constituting element* determine scope and target of the requirement φ of distributive justice. I take these three conditions to be individually necessary and jointly sufficient for *Provisional DJP*.

What we are trying to do with this definition is to formalise the notion we have found in the previous section and to substantially improve on it. The first condition aims at grasping the paradigmatic feature of DJP – that there is not one single set of goods and burdens in one setting alone, for which questions of distributive justice are negotiated. Additionally, it acknowledges the role that social relations play, in rendering the manifold contexts of distributive justice visible. The second condition eventually improves on the first by radicalising the understanding of pluralism regarding the elements derived from justice-generating social relations. In other words, a requirement of distributive justice not only builds on considerations of site, ground content, but takes into account that there may exist various possible, particular grounds, sites and contents. The third condition tries to secure the action-guiding intention of pluralist theories of global distributive justice by showing how the first two conditions point to the issue of identifying the relevant duty bearers and claim right holders.

How would one likely object to this definition, respectively to the three conditions offered? We can surely imagine objections targeting at the necessity status of each of the conditions. Firstly, one could deny that a requirement of distributive justice only arises by interaction of ground, site and content of justice-generating social relations. In some relation α , which we deem relevant for considerations of distributive justice, one of the constitutive elements might just be irrelevant or coincide with another element. Similar, in the same relation α , we might secondly deny the possibility of having more than one interpretation of ground, site and content, hence deny the proviso of our definition. Even more likely, one could thirdly point out that, even if we grant that we are able to derive a requirement φ of distributive justice in some relation α by way of the proposed definition, it does not follow that we are able to identify a concrete target or determine the scope of φ . I grant that for each line of objection, several examples could be construed that counter the definition above. These are points to keep in mind throughout this thesis and I shall return to them in my discussion of the arguments against the pluralist cause. But before I tackle these points, I shall now explain the exact meaning of each constituent of this preliminary definition.

2.3.2 Ground, Site, Content, Scope and Target of Distributive Justice

The definition of *Provisional DJP* refers to several terms now commonly associated with the philosophy of global justice, which arguably stem from an earlier ‘grounds of justice’-debate. Its proponents mainly aspired to settle the dispute about the correct interpretation of the *metric* of liberal, egalitarian justice (Blake, 2001, pp. 294-295). The idea is that the clarification of the conceptual status of the ground of egalitarian demands of justice, would also allow us to resolve the argument about potential sites of liberal, egalitarian justice. Having achieved that, it would bestow us the further *desideratum* of illuminating the content of liberal, egalitarian justice. Thus, by analysing the conceptual implications of ground, site and content of justice, we would finally be able to pose questions about global justice in a truly meaningful way. Arash Abizadeh’s influential (2007) article breached this alleged harmony by challenging the view that these conceptual distinctions would finally clarify the differences between statist and globalist theories of global justice. On the author’s view, deciding on the appropriate understanding of ground and site of justice does not necessarily give us conclusive insights in the scope of justice. Varying definitions of the before mentioned terms may point to differing demands in terms of the scope of justice (p. 357). Eventually, more recent approaches followed his direction, further adding the target-dimension to the debate - the question of how to specify the right target of theories of global justice as it is entailed by their scope (De Bres, 2013, p. 3).

This gives us a rough genealogy of the relevant terms of *Provisional DJP*. As I will now elaborate on their conceptual meaning, it might be helpful to bear in mind the origins of these terms. In some way or another, these terms bear the birthmarks of earlier arguments, in which they were developed to fit into debates that centred extensively on questions of domestic (distributive) justice. It will be one of the more complex tasks, when formulating a systematic framework for a pluralist approach later, to assess the aptness of these conceptual elements for issues of global distributive justice. That said, in the course of the elaboration of their meaning now, I will stay close to Helena de Bres’ (2012, 2013) taxonomical list of these terms.

Let me first turn to the *grounds* of distributive justice. The grounds of justice tackle the question which facts, if any, of the world are relevant for our reasoning about distributive justice. After all, to be persuaded by theories of distributive justice, we first need an account of which features of the world make the concept of distributive justice applicable. Thus, grounds of justice are the conceptual elements that allow us to see why distributive justice is *inter alia* necessary in the first place. A consequential distinction one might make at the beginning concerns the nature of the facts that are interpreted as grounds for justice. Theories suggesting that a certain feature

of social relations is a necessary ground for distributive justice may be called relationalist approaches. Theories suggesting that certain facts of being human or of what we share in virtue of common humanity is a necessary ground for distributive justice may be called non-relationalist approaches (Armstrong, 2012, p. 25). I will begin by examining the latter before turning to the more diverse relational grounds of justice. *Nota bene* that only the former necessarily entail a globalist thesis of distributive justice.

By arguing for a non-relational ground of distributive justice, non-relationalist approaches abstain from taking any other particular state of the world to be relevant for establishing demands of distributive justice. Thus, human beings have entitlements to distributive justice simply *qua* being human. However, these entitlements are requirements of justice and must not be conflated with requirements of humanitarian morality. For this reason, non-relationalist approaches of distributive justice entail globalism. To refuse the charge of counter-intuitiveness of globalism, non-relationalist approaches stress continuity in our reasoning about distributive justice and make use of the following strategy: they argue that our reasons for the grounds of distributive justice in the domestic domain are plausibly valid in the global domain as well. Additionally, the fact that globalisation has brought the world closer together has not changed our conceptual moral landscape – our grounds of distributive justice have always been already valid globally (Armstrong, 2012, p. 30).

That said, what are non-relational grounds of distributive justice? As a leading non-relationalist Simon Caney (2005) argues that the rationale for any ground of distributive justice relies “on a universalist conception of moral personality” (Caney, 2005, p. 140). We may call this ground of distributive justice that Caney refers to common (or shared) humanity. Risse (2012), a pluralist theorist of global justice which we will encounter frequently, adds another, common ownership of the earth. According to this non-relational ground, we have entitlements to distributive justice simply in virtue of collectively owning one world, a limited amount of resources included (pp. 7-10). These may manifest in minimal natural rights to and legitimacy constraints on property (Stilz, 2014, p. 502). While these two non-relational grounds are cited the most, we might of course imagine further non-relational grounds of distributive justice.

Turning to relationalist approaches, we find the grounds of distributive justice by reference to particular features of social relations human beings are standing in. Directing our focus towards social relations naturally results in manifold interpretations and explanations of what exactly triggers requirements of distributive justice in particular social relations. While this partly explains the divergent and expansive literature on relationalist approaches, we might find some

meaningful understanding of social relations in regard to grounds of distributive justice when we focus on the few general points on which different approaches converge to. Thereby we can qualify the notion of social relations as ‘practice-mediated relations’, which derive their relevance from cultural or social meanings or by nature of shared political and social institutions. Either way, requirements of distributive justice arise from aspects of practice-mediated relations they aim to govern (Sangiovanni, 2007, p. 5).

This means that relational grounds vary not only because theorists disagree about the relevant aspect of a social relation, but also per default, since different social relations give rise to considerations of different grounds. As theorising about (relational) grounds commenced in the ‘grounds of justice’ debate, it is only natural to see that special attention is paid to grounds accounting for the particular social relation which human beings stand in the nation state.

For Rawls, as it is well-known, the conception of justice as fairness serves as a moral basis for his “idea of society as a fair system of social cooperation over time from one generation to the next” (Rawls, 2001, p. 5). Thus, the ground for distributive justice in Rawls’ theory of justice may be called ongoing (or continuing) social cooperation. In a related manner, Cohen & Sabel identify a consequential scheme of rules, interdependence and institutional integration as possible grounds of distributive justice (Cohen & Sabel, 2006, p. 166). Then again, Abizadeh claims that Rawls can also be read as introducing ‘pervasive impact’ as a rationale for distributive justice. Understood as such, requirements of distributive justice are grounded in the pervasive impact institutions have on individuals’ life-choices (Abizadeh, 2007, p. 343). For Nagel in turn, the general idea of a moral basis for justice is coercion. Following, membership, co-authorship and co-subjection to coercive law grounds requirements of distributive justice (Nagel, 2005, p. 140). This account mirrors to a certain degree Michael Blake’s, who also stresses the fact of coercion as a ground for distributive justice (Blake, 2001, p. 265). Pace the coercion-based line of thought, Andrea Sangiovanni (2012) argues that it is not subjection to or authorship of coercive law that grounds requirements of distributive justice, but the ties of reciprocity that hold between citizens and residents in a nation state that ground considerations of distributive justice (Sangiovanni, 2012, p. 110). Finally, Risse emphasises shared membership as one ground of requirements of distributive justice (Risse, 2012, p. 23). While we have thus already encountered a broad range of relational grounds of distributive justice, we can nonetheless classify all of them as grounds of ‘associational’ relations that concern the nation state.

Moving beyond the borders of nation states, we find primarily accounts of distributive justice that extend (or deny), in one way or another, one of the above cited grounds to the international and global level. However, nothing speaks *eo ipso* against arguing for genuine international or global relational grounds of distributive justice. One prominent example is Thomas Pogge (2002), who analyses the international and global political order in terms of a shared institutional order. According to the author then, ‘institutional entanglement’ grounds requirements of distributive justice in a world in which nations and individuals are complicit with a certain institutional order (Pogge, 2002, p. 209). At last, the emerging pluralist approaches set it out as one of their goals to account for many more (national, international and global) grounds of distributive justice than the – in their view – non-exhaustive, current list of relational grounds offers.

The distinction made between non-relational and relational grounds of distributive justice is rather schematic, but it points to what *pluralism within a constituting element* tries to capture: our reasoning about possible grounds of distributive justice ought to do justice to the broad range of grounds that inhabit our moral landscape. DJP entails that requirements of distributive justice are to be worked out by specifying the right ground against site and content of distributive justice. It should be said though that this thesis is primarily concerned with pluralistic accounts of relational nature, and thus does not engage systematically with non-relationalist approaches. However, *Provisional DJP* does not discriminate among relational and non-relational grounds. Hence, DJP is in principle consistent with taking into account non-relationalist grounds among other relationalist grounds of distributive justice.

Let us move on to the second constituting element, the *sites* of distributive justice. De Bres (2012) defines a site of distributive justice concisely as “the sphere of social, political or economic organization within which a principle of distributive justice applies” (p. 317). Understood as such, the site of distributive justice refers to the actual locus, to which our inquiry should be directed at, in order to work out why something is or is not the proper object of requirements of distributive justice. Turning once again to Rawls’ account to distributive justice, we can see why the notion of a “basic structure of society” (Rawls, 2001, p. 10) is correctly described as the relevant site of distributive justice in *his* theory. Since Rawls is concerned with the society of a nation state in regard to requirements of distributive justice *and* interprets society as a system of ongoing cooperation (see the remarks above), the site of distributive justice must thus resemble something necessary to keep this cooperative, closed society going. Defining the basic structure of society as encompassing all the major political

and social institutions that enable and regulate social cooperation, logically asserts the basic structure as the proper site of distributive justice.

While logically conclusive for Rawls' approach, there are of course other candidates for the proper site of distributive justice. His disagreement with Rawls about the matter of inequalities triggering concerns for distributive justice, lead G.A. Cohen to claim that its principles must apply directly to "to people's legally unconstrained choice" (Cohen, 1997, p. 3). On the other side, Charles Beitz argued in his seminal (1979) work for the application of Rawls' difference principle – one of Rawls' principles of justice and the one directly concerned with issues of distribution – to the global realm, by claiming that international economic interdependence justifies considering it as something alike a global basic structure (pp. 144-146.). In a similar vein, Pogge (1989) and Allen Buchanan (2000) questioned Rawls' restricted comprehension of a basic structure as exclusively concerned with the domestic realm.

Comparing these arguments with Rawls' position, we may understand why these disagreements are arguments about the proper site of distributive justice: while Cohen locates the adequate site of distributional concern, metaphorically speaking, on a much smaller scale than Rawls, Beitz and his followers pinpoint it on a much larger scale.

This illustration of admittedly rather opposing positions on a spectrum showcases the necessity of careful analysis when interpreting the relevant site of distributive justice. As in the case of grounds of distributive justice, carving out the right site of justice depends on other consideration such as the ground and content of justice. Likewise, we can imagine various justified sites of distributive justice and the clause of *pluralism within a constituting element* accounts for that.

Now, considering the third constituting element, the *content* of distributive justice, we are looking at what we want to express in or gain from establishing requirements of distributive justice. In other words, the content refers to the subject matter of principles of distributive justice. A meaningful distinction that may be made here divides content into non-comparative and comparative 'concerns' of justice.

Non-comparative concerns of justice deal first and foremost with remedying absolute deprivation. A principle of distributive justice whose content is about remedying some form of absolute deprivation, let us say starvation, establishes requirements of distributive justice that aim to secure the minimum of nutrition necessary for survival, a minimum decent life or the like. We might call the content of such principle sufficientarian content. De Bres (2016)

highlights that such content demands “a specific form of treatment that is due to each claim-bearing individual or group, considered in isolation” (p. 163). Or in the words of another theorist: “in order to decide how much is enough to save a hungry man from starvation we do not need to consider the position of other agents, for example, how much food other people consume in the same time” (Ypi, 2012, p. 115).

However, sufficientarian content is not the only content of non-comparative concerns of justice. We may cite Rawls’ (1999b) international duty of assistance, which demands support for ‘burdened societies’ and for their capacities of institution-building, as another example of a content motivated by non-comparative concerns of justice (and there are many more, for instance concerns of desert²) (Rawls, 1999b, p. 106).

Moving on to comparative contents of justice, we are entering a domain of concerns of justice dealing with relative deprivation. Contrary to concerns of absolute deprivation, we now cannot view agents in isolation from one another when considering appropriate relief. Lea Ypi formalises the structure of relief from relative deprivation accordingly:

If agent A lacks O, and A's modes of accession or enjoyment of O partly depend on another agent's (call it B) modes of accession or enjoyment of O, then we will need to settle a way for regulating access to O. We shall do so by having recourse to some criteria for the distribution of benefits and burdens between A and B, and taking into account the claims of each. (Ypi, 2012, p. 115)

Prioritarian content qualifies as one form of comparative concern of justice. Fulfilling prioritarian content requires us to place special attention to some agent A compared to agent B. As such, we are not interested in absolute improvements of A *per se*, but decide on the right amount of improvement of A in the light of B’s position. Following a prioritarian concern, justice usually requires giving more moral weight to improvements benefitting those who are worse off (Parfit, 1997, p. 213).

In turn, egalitarian content arguably represents the strongest form of comparative concerns of justice. Revolving around the value of equality, egalitarian content requires a distribution of benefits and burdens between A and B that is equal viz., demands equal shares. Naturally, this notion of equal shares by itself invites differing interpretations. So-called luck-egalitarianism

² See De Bres’ (2016) footnote No. 4 for further proposals.

holds that the notion of equal shares demands that inequalities stemming from ‘brute luck’ – that is misfortune, which is undeserved and not traceable to bad decision-making – between agents must be remedied (Dworkin, 2000, p. 74). On this interpretation, egalitarian content is inherently affiliated with redistribution of resources. Yet, against this long-prevailing interpretation, Elisabeth Anderson argued in her influential (1999) article for an understanding of equality that is primarily concerned with equalising the relations human beings are standing in (a certain domain) and thus set the stage for conceptions of relational equality in contemporary political philosophy (p. 312).

Still, for both prioritarian and egalitarian content there exist a great plenty of conceptions that are used to justify different concerns of justice (Vallentyne, 2007, pp. 554-555). Furthermore, we can imagine comparative concerns of justice, which are neither included in prioritarian nor in egalitarian content. Cohen & Sabel’s (2006) content of inclusion points to such a concern. Finally, De Bres (2016) claims that all comparative concerns ultimately deal with requirements of fairness, hence introducing a different perspective on the content of comparative concerns of justice.

The diversity of non-comparative as well as comparative concerns of justice explains the variety in content of distributive justice. But it also explains why it is nowadays a commonplace in the philosophical examination of distributive justice that we should acknowledge “that justice can take both comparative and non-comparative forms: sometimes it concerns how people are treated relative to one another, sometimes about how they are treated in absolute terms” (Miller, 2007, p. 256).

As we have concluded for the cases of grounds and sites before, the content of justice may vary and its correct interpretation depends on other considerations (of ground and site). Thereby, we ultimately come to realise that content, ground and site, taken individually are not sufficient albeit necessary elements for determining a requirement of justice according to *Provisional DJP*. Having clarified the conceptual elements of the first clause of *Provisional DJP*, we can now progress to examine the last two conceptual elements the second clause refers to.

On a fairly uncontroversial definition, the *scope* of distributive justice “concerns the proper set of agents among whom principles of distributive justice apply” (Tan, 2012, p. 1). It thus directs our attention to the population of human beings encompassed by a certain requirement of distributive justice. However, *pace* Tan’s description above, I will call the scope of distributive justice to be concerned with the proper set of *subjects* among whom principles of distributive justice apply; and reserve the term *agents* for a genuine conceptual element of distributive

justice discussed below. This distinction is helpful when we try to grasp the differences between claim-right holders (subjects) and duty-bearers (agents) of distributive justice, which is one of the concerns of the second clause of *Provisional DJP*.

So, why should we introduce the scope as an additional conceptual element to *Provisional DJP*? Undoubtedly, one could come up with the *prima facie* intuitive claim that the scope of distributive justice is simply reducible to one of the before-mentioned terms. After all, the quarrel between nationalists and cosmopolitans was above all an argument about the appropriate scope of requirements of distributive justice. While the former hold that the scope of these requirements is only applicable to a population of a nation state, the latter argue for a global scope of most of these requirements. This may lead to the conclusion that the scope is determined by *either* the ground, site or content of justice alone. However, various authors have shown that this picture does not exhaust the conceptual options.

The reason why the scope represents a genuine conceptual element of *Provisional DJP*, lies in the fact that neither ground, site or content are individually sufficient to establish the scope of distributive justice: let us assume that the ground of justice regarding some relation α is the relational ground of ongoing cooperation, as it is in Rawls' theory of justice. Is the scope of justice then restricted to all participating human beings in that relation? Abizadeh (2007) demonstrated that certain grounds – our ongoing cooperation ground included – do indeed have a wider scope than initially believed. When considering the cooperation case, justice might require establishing new, broader relations of cooperation, which are then governed by a requirement of distributive justice. The decisive rationale for this concerns Rawls' specific definition of the basic structure as the site of distributive justice. Taken both site and ground together, we may arrive at a global scope of particular requirements of distributive justice (p. 357). In a related manner, Tan (2012) argues for a global egalitarian content of distributive justice on grounds of luck-egalitarianism that accepts Rawls' domestic basic structure but is global in scope (p. 194). In neither of these two exemplary cases, the scope can be derived from either ground, site or content of distributive justice. Therefore, I consider the scope of distributive justice a genuine element that is established jointly by the former conceptual elements ground, site and content. Thus, in order to clarify the scope of a particular requirement ϕ of distributive justice, we need to analyse the lexically prior elements of clause 1) of *Provisional DJP* first.

At last we find last the conceptual element expressed in *Provisional DJP*, the *targets* or *agents* of distributive justice. Since the scope explains who is subject to a particular requirement of

distributive justice, hence who may claim a particular right to distributive justice, the targets or agents represent the associated duty-bearers commissioned to bring about distributive justice.

In moral theory, duty-bearers are often distinguished on basis of to the internal logic between institutional and (groups of) individual agents. In theories of global (distributive) justice, the common view is to regard the state as the most capable institutional agent, often even taken to exhaust the range of possible duty-bearers, treating (groups of) individual agents as secondarily relevant (Miller, 2017).

Yet, identifying a corresponding duty-bearer to a particular right to distributive justice might sound simpler in theory than it is in practice. Even agreement on scope and site does not by itself deliver the appropriate agent tasked with realising a particular requirement of distributive justice. Additional considerations might come in that have us favour another agent for the requirement. Consider the case of those cosmopolitans that take the scope of justice to be global and the site something alike a global basic structure. Only few of them would recommend the establishment of a world-state as the adequate agent for realising global distributive justice, even when scope and site would recommend that conclusion. They might in fact have good reasons for arguing against a world-state and to favour a multi-level institutional approach that recognizes multiple duty-bearers in a variety of political domains instead (Caney, 2005, pp. 151, 182).

Furthermore, Onora O'Neill (2001) has pointed out that theorists of global (distributive) justice focus extensively on the right scope of justice but fail to give an equally satisfying account of duty-bearers. By oversimplifying cases, many cite only states and/or individuals as the possible duty-bearers and thereby misconstrue the reality of global political affairs. Moreover, in some cases states simply do not represent the best institutional agent to bring about justice. Not because a lack of 'power', but because they lack "a specific range of capabilities that are needed for the delivery of justice" (O'Neill, 2001, p. 190).

Therefore, considerations of distributive justice have to invest substantively more effort into working out the most suitable duty-bearing agent. Pluralism about agents of distributive justice takes this into account and conceptually allows for a broad range of possible agents, acknowledging the fact that for any requirement of distributive justice some agents are better equipped to bring about justice than others.

Therefore, I argue that specifying an agent for a particular requirement of distributive justice will, similar to the scope, depend on prior considerations of *Provisional DJP*. Hence, I take

agents of distributive justice to encompass all sorts of possible – institutional, state and non-state, corporative, individual and many more – duty-bearers, in accordance to clause 1) of *Provisional DJP*.

With my comments on the agents of distributive justice I want to conclude my discussion of the conceptual constituents of *Provisional DJP*. As I have remarked at the beginning, this discussion follows roughly the structure of a taxonomical list. Consequently, it served the goal of both explaining the meaning of the terms used, as well as of providing a comprehensive overview of the main positions in the literature on global distributive justice. The idea of this subsection was to illuminate what is at stake in the particular clauses of *Provisional DJP* and how various authors have responded to singular aspects of these issues.

We may now proceed by having a more detailed look on the already established third-wave accounts of global distributive justice that would fall under this description of the pluralist thesis. In particular, we now are in a position to detect the pluralistic aspects of these approaches and to evaluate their accounts from the perspective of the provisional definition of pluralism about global distributive justice given in this subsection.

2.4 Notable Pluralistic Accounts of Global Distributive Justice

The accounts of global distributive justice I shall discuss in this following section are those of Laura Valentini (2011), David Miller (1999, 2007) and Mathias Risse (2012). Each of them, I claim, exhibits pluralistic elements that are captured by our provisional definition of DJP. A closer examination of these elements helps us clarifying the meaning of the sought-for genuine pluralist framework of this thesis. The selection of these three accounts is somewhat arbitrary though, since many more would qualify for such assessment. I shall limit myself to these three accounts because they demonstrate the broad range of possible pluralistic conceptions of global distributive justice. Other pluralistic third wave accounts would either yield similar insights (in the case of Lea Ypi's³ and Richard Miller's⁴ approaches) or will play a greater role anyway later on in this thesis (in the case of Aaron James' approach).

As a first task, we may sort out the criteria needed for the pluralist assessment of the relevant accounts in this subsection. It follows from the provisional definition of DJP above that we judge these accounts in the light of the pluralism about ground, site, content, agent and scope of justice. Hence, we are interested whether a variety of grounds, sites, contents, agents and

³ See Ypi (2012).

⁴ See Miller (2010).

scopes is justified within their accounts. There are of course varying degrees of these kinds of pluralism. One could for example endorse pluralism about ground and scope of justice, but reject pluralism about the site of distributive justice. We can thus say that an account is more pluralistic, or endorses a stronger version of pluralism, the more pluralism it accepts about these five aspects. What I call a genuine ‘multi-pluralistic approach’ is the distinct position that allows for pluralism over all five aspects (De Bres, 2012, p. 318). The pluralist framework that this thesis tries to establish entails a multi-pluralistic approach.

With that in mind, we may take a closer look at Laura Valentini’s recent work on global justice. In her (2011) book, Valentini proposes a way out of the impasse between statist and globalist approaches to global justice. Her proposal is to focus on justice’s practical role for our lives in a globalised world, which the author interprets as a function of non-coercion. Valentini argues that justice is about justifying and limiting the amount of coercion human beings are confronted with. Coercion on this view is either interactional (exercised by an agent) or systemic (exercised by a system of rules). With justice as a function of assessment of coercion, Valentini steers a middle way between statist and globalist accounts. Coercion varies depending on the contexts of political and economic affairs but exists on many layers. Each context requires its own justification of the coercion exercised by its agents. Thus, she argues that global justice not only is a genuine subject but that it requires both, more than statist would allow for and less than globalists would favour (Valentini, 2011, pp. 42-44, 50-53.).

If we consider Valentini’s position from the perspective of the pluralist, we see that her approach is pluralistic in many ways. Valentini holds that various contexts of justice are in need of genuine justifications of coercion. Different sites of distributive justice ought to be governed by distinct principles of normative content, addressed at various agents. Hence, she accepts pluralism about sites, content and agents of justice. Against the statist, Valentini claims that the site of justice is not restricted to the nation state, against the globalist she argues that different principles are valid for different contexts and agents. However, Valentini’s theory is also monist in some respects. Since justice is always a function of (non-)coercion, her approach is ground-monist. Assessing and justifying coercion is the only task of justice. There are no other things that could call for requirements of justice to it. Furthermore, she shares with globalists the position that the scope of justice is global. However, against globalist approaches, this depends now on the present state of the partially integrated and globalised world. If political and economic affairs are arranged in a way that they continuously exercise coercion on many supra-national levels, justice demands its assessment on the global level. In a fully integrated world,

Valentini's approach would yield even globalist conclusions. In our present-state world, only sub-global conclusions are justified (see Wollner, 2013, p. 23). Yet, the scope of justice is in principle global. Thus, we can say that Valentini accepts a scope-monism about justice.

We may therefore conclude that Valentini's approach to global justice entails on the one side a pluralistic account of justice that accepts various sites, contents and agents of justice. On the other side, Valentini's approach entails ground-monism and scope-monism, allowing only for one ground (coercion) and one scope (global) of justice. For the case of global distributive justice, this theory makes requirements of redistribution dependent on contingent facts of our actual world. While there is no principled rejection to substantive distributive obligations in Valentini's work, only few contexts, in which coercion can only be justified by reference to those obligations, qualify as contexts of significant distributive justice (Valentini, 2011, pp. 526-528). This represents Valentini's pluralistic middle way between statist and globalist accounts of global distributive justice.

Moving on to David Miller's (1999, 2007) well-established work on social and global justice, we encounter a theory of global distributive justice that would not usually be counted among pluralist approaches. Miller is a prominent advocate of liberal nationalism, a position that holds that egalitarian demands of distributive justice are only valid within the context of a nation state. His theory is thus closely related to statism, but following De Bres (2012), I argue that especially Miller's earlier works are considerably pluralistic⁵ as well.

What justifies this treatment is Miller's 'contextualist' approach to questions of social and global justice. Contextualism holds broadly that it is the context of justice itself that determines which principles of justice are appropriate and, importantly, that these cannot be reduced to a further, more abstract principle (see Miller, 1999, pp. 24-26). Principles of social justice differ due to the fact that they are applicable on different 'modes of human relationships'. Of these, Miller identifies three: communities, instrumental associations and citizenship. While principles of social justice for solidaristic communities entail distribution according to need, principles for instrumental associations demand distribution according to desert and only principles among citizens require fulfilling egalitarian demands (see Miller, 1999, pp. 31-33). For these reasons, we can hold that Miller's theory is ground-pluralistic and content-pluralistic. The idiosyncrasies of contexts of social justice ground their specific principles and these principles vary in terms of their normative content. Any theory of domestic distributive justice

⁵ Even though Miller himself describes his work as a pluralistic theory of justice, his usage of the term serves a different purpose (see Miller, 1999, p. 21).

on this account has to accept the varying distributional demands of these contexts (see De Bres, 2012, p. 325).

In his more recent (2007) work, Miller extends his theory to address questions of global justice. There, he accepts the view that global justice entails certain non-comparative duties. Those are duties of justice owed to the global poor for providing assistance and protecting their vital interests. Note that these are still duties of justice, not humanitarian obligations. There is at least one site of non-comparative justice, that is not the nation state, in Miller's theory. Furthermore, he also argues for certain comparative principles of justice regulating international cooperation. Thus, Miller also accepts a weak version of site-pluralism. At last, he allows for a variety of agents in his approach that are tasked with duties of global justice, hence qualifies as an agent-pluralistic as well (see Miller, 2007, pp. 252-260).

Therefore, we may conclude that Miller's theory represents a pluralist not statist approach to justice. Principles of justice are on this view completely context-dependent. This allows for a variety of justice demands, which would be ruled out by statist approaches. In the case of distributive justice, however, Miller is determined to restrict distributional obligations to the context of the nation state alone. There are no concerns of socio-economic conditions outside a nation's state. As a consequence, Miller is better described as a site- and scope-monist about distributive justice. Thus, while his theory of global justice is already fairly limited, there is no place for an account of global distributive justice in his work.

Let us now consider the last of these three accounts – Mathias Risse's extensive (2012) work on global justice. His approach is the theory that explicitly endorses the pluralist description. Risse calls his approach 'pluralist internationalist', once more signifying the third way between statist and globalist theories of global justice. As one of the main proponents of the grounds of justice debate, Risse stresses the importance of various grounds of justice for global political and economic affairs. In total, Risse identifies five grounds of justice: rights and obligations as "human beings, members of states, co-owners of the earth, as subject to the global order, and as subject to the global trading system" (Risse, 2012, p. 10). For each of these grounds there is a specific *distribuendum* regulated by principles of distributive justice. Note, that Risse allows for both relational and non-relational grounds of justice. His framework does not exclude non-relationalist ground, usually attributed to globalist positions.

Whilst clearly representing ground-pluralism, Risse's theory is pluralistic in more aspects. The pluralist internationalist can readily accept site-pluralism, content-pluralism and agent-pluralism. Each ground of justice allows to specify the site that is to be governed by normative

principles relevant to its distributive consequences. Risse accepts for example the Rawlsian account of justice as fairness for the ground of membership in states, but holds that other contexts and grounds are capable of yielding genuine principles of distributive justice as well. These contexts will have their own agents responsible for bringing about the demands of these principles. At last, Risse also endorses scope-pluralism, arguing that these principles apply only to specific populations, hence vary in scope. The scope of principles of justice in state membership is for example clearly distinct from the scope of principles regarding the co-ownership of the earth (see Risse, 2012, p. 17).

Thus, Risse's theory of global justice easily qualifies as a candidate for multi-pluralism. For global justice in general and for distributive justice in particular, Risse allows for the existence of various contexts of justice. However, Risse seems to regard the ground of justice as the most consequential element of his pluralist internationalist view. It appears as if the specification of the ground of justice alone determines sites, content, scope and agents of justice. Still, his theory represents the most demanding and comprehensive work on pluralism about global (distributive) justice. The pluralist internationalist can recognise both statist and globalist concerns of justice among others. She allows for the normative peculiarity of the state, while also embracing some aspects of non-relational globalism and is capable of tackling concerns of justice that lie somehow in between, such as global trade.

Comparing these three pluralistic accounts we see that they yield various, even diverging conclusions about the requirements of global distributive justice. A weak but multifaceted pluralism, as in Miller's works, justifies only minimal concerns of global distributive justice. A stronger, but less diverse pluralism, as in Valentini's theory, might justify higher distributional obligations and Risse's multi-pluralist approach leads to many differing requirements of distributive justice. What all of these approaches share, is a commitment to the relevance of the context for requirements of distributive justice. Against statism and globalism, proponents of these approaches hold that only a rich account of ground, site, content, agent and scope can yield conclusive insights in requirements of global distributive justice.

However, we have not touched on the question whether these approaches in general provide convincing theories of global distributive justice. And as the variety among the third wave accounts suggests, agreement on the proper way of third wave theorising seems to be lacking as well. While these approaches seek to move beyond the stalemate of statist/globalist debates, we have yet to see whether the pluralist approaches can deliver on their promise of establishing genuine accounts of global distributive justice. Even if we accept the pluralist proposal of DJP,

we are still in need of a detailed explanation on the relevance and interaction of ground, site, content, scope and agents for an account of distributive justice. Hence, we require a coherent and complete defence of the pluralist framework.

This is also necessary to answer those concerns that have been raised by globalist and statist theorists of global justice. On the one side, many have argued against the possibility of any pluralistic account of global distributive justice, claiming the superiority of statist over third wave pluralist approaches. On the other side, theorists have acknowledged the global focus of pluralist approaches but claimed that they are ultimately not sustainable. If correct, the prospects of coherent pluralistic accounts of global distributive justice are dim.

Therefore, substantive works remains to be done. We are in need of a coherent and complete systematic pluralist framework that encompasses the various elements and theses presented in this chapter. Additionally, we have to engage with the objections raised by authors sceptical about the pluralist project. The strategy for dealing with these tasks in this thesis is to engage with the critics of pluralism first (in chapter 3) and develop a coherent pluralist framework out of the critical points later on (in chapter 4). But before we proceed in these matters in the subsequent chapters, let me briefly summarise the main points of this chapter.

2.5 Conclusion

In this chapter I introduced the pluralist approach to global distributive justice, its motivation and some established accounts congenial to its core tenets. The lengthy and detailed discussions of this chapter served primarily the purpose of both an in-depth exploration of the philosophical debate on global and distributive justice and a first approximation to what constitutes a pluralist approach in this area of academic interest.

In section 2.2, I discussed the emergence of the idea of pluralism in moral theory. I traced its meaning back to an argument about the proper unit of moral reasoning. Contrary to monist conceptions of morality, pluralists accept that moral demands arise from various individual and political relations human beings are part of. Pluralist or third wave theories of global (distributive) justice have then picked up this thread, arguing for context-sensitive accounts of justice that are, despite wide internal variety, united by their attempt to deliver action guidance for our actual world. However, I argued that a comprehensive and coherent defence of a thorough-going pluralistic framework is still missing – which is the main objective of this thesis at hand.

For a better understanding of what that entails, I proposed a first, tentative definition of pluralism about distributive justice (DJP) and explained its constituents in section 2.3. I argued that on my view, pluralism entails that requirements of distributive justice are the result of non-reductive considerations about grounds, sites, contents, agents and scopes of contexts of justice (the plural being essential at this point). The ground of justice refers to the facts of the world that are relevant for our moral reasoning whereas the sites of justice refer to the actual social, political or economic arrangements onto which principles of justice are applied to. The content of justice then, concerns the demands of these principles. At last, the scopes and agents of justice are the population affected by and actors responsible for these demands of justice. For the exact meaning of each of these constituents, I provided a detailed overview of the major positions on these theses in recent philosophical debates.

Having established the overall motivation and core aspects of the pluralist framework I have in mind, I turned in section 2.4 to an assessment of existing pluralistic accounts of global distributive justice. In particular, I analysed how the accounts of Laura Valentini, David Miller and Mathias Risse perform on the definition of pluralism given in the section before. I argued that all three accounts exhibit pluralistic elements and aspects albeit to varying degrees. This has demonstrated the variety of pluralistic accounts. I concluded that a coherent and complete systematic pluralist framework is still needed in order to engage with statist and globalist objections and to show the genuine desirability of the pluralist approach.

3 Facing the Critics: Arguments against the Pluralist Outlook

3.1 Introduction

Having arrived at a usable definition of pluralism about global distributive justice and its core tenets, the topic of this chapter is its substantive defence against criticism. Two distinct lines of critique shall be presented and dealt with in two sections. The first point of criticism concerns the very possibility of global distributive justice and the task shall be to convince those who doubt its value for global politics from its contrary. The second point of criticism acknowledges the value of the concept of global distributive justice, but claims that the pluralist conception is not viable. The task here shall be to refute these objections, which hold that it faces genuine unsolvable problems.

In section 3.2, we encounter first the Hobbesian Sceptic, who doubts the very possibility of international ethics. Inspired by Thomas Hobbes' political philosophy, this rather statist position, reaffirmed by later developments in the Realist School of International Relations (henceforth, IR), denies the value of global distributive justice for the assessment of global politics. I shall present and discuss this objection against the pluralist thesis (3.2.1), before I shall argue against the Hobbesian conclusion, hence vindicating the pluralist position (3.2.2).

In section 3.3, we encounter three arguments against the pluralist approach, inspired by globalist positions. The first and the second argument claim that the pluralist thesis fails to acknowledge a global basic structure requirement as either an intrinsically valuable demand (3.3.1) or an instrumentally valuable demand (3.3.2) of justice. The third claims that the pluralist thesis also fails on its aspiration of delivering a complete theory of global distributive justice (3.3.3). Again, I shall present and discuss these objections against the pluralist approach, before I shall refute them.

The chapter ends with a recapitulation of the insights in these sections. For the following reason, this takes some space: while I conclude that neither argument is ultimately successful in refuting the pluralist thesis, I shall argue that these arguments reveal open questions and outstanding issues that need to be clarified for substantive defence of the pluralist approach.

3.2 The (Alleged) Impossibility of Pluralism about Global Distributive Justice

3.2.1 The Argument from Hobbesian Scepticism

The arguably strongest objection against pluralism about global distributive justice comes in the form of Hobbesian Scepticism. In a nutshell, the Hobbesian Sceptic refuses the possibility of the pluralist thesis because she does not accept the meaningfulness of any idea of global (distributive) justice. Following Hobbes' (1651) monumental *Leviathan*⁶, she claims that justice in general has its sole place within a society governed by an effective sovereign. This thesis has inspired not only statist approaches to global justice (such as Nagel's (2005) minimal account) but was also influential for the formation of the long-time dominant Realist School in IR. In the following, I shall first present the core tenets of this Hobbesian position on justice and continue by showing its consequences for the moral assessment of global political and economic affairs. While the Hobbesian Sceptic's position does not affect the pluralist alone – but globalists alike – it is clear that if her arguments are sound, the case for any extensive account of global justice is severely diminished.

When approaching these arguments against global justice, we may first ask what society and justice actually *are* according to Hobbes. As proponent and “fountainhead” (Bobbio, 1993, p. 1) of the natural law tradition, Hobbes' political philosophy in the *Leviathan* develops and accepts several of this tradition' prominent premises, such as: the state of nature and the state of civil society are opposed to each other, whereas the former serves as the point of departure for the analysis of the emergence of the latter. The ultimate unit of moral analysis are sociable individuals who are depicted as free and equal in the state of nature. At last, Civil society is an artificial being, generated through voluntary acts of these sociable human beings wishing to leave the state of nature (see Bobbio, 1993, pp. 2-3).

On Hobbes' specific view, it is in the interest of individuals to leave this state since it amounts to a state of war. As is well-known, it is a state in which the life of man and woman is “solitary, poore, nasty, brutish and short” (Hobbes, 1991, p. 89). Yet, this situation is further constrained by the rights of nature, individual possess due to their human nature and the laws of nature, given to them as ‘precepts of reason’ (Hobbes, 1991, pp. 90-92). While the rights of nature explain any human being's natural liberty to self-preservation by all means in the state of nature, the laws of nature prescribe to seek out peace (if it is reasonable to expect it), to resign natural

⁶ References are made to the version of: Hobbes, T., & Tuck, R. (1991). *Leviathan*. Cambridge, New York: Cambridge University Press.

liberty via contracts in order to enter civil society, and to keep valid covenants and contracts (see Hobbes, 1991, pp. 92, 100).

However, for it being rational to the individual to leave the state of nature, civil society must offer an advantageous situation, worth giving up on (some of) their natural rights. It must consist of a stable state of peace, one which cannot be established in the state of nature. Consequently, civil society is legitimate if and only if it can provide this state. Finally, civil society is derived via these voluntary covenants and contracts, in which natural rights are transferred to a sovereign effective in upholding the state of peace (see Hobbes, 1991, p. 93). This doctrine of social contract illustrates, in all brevity, Hobbes' perspective on civil society.

It is interesting enough to see how Hobbes composes his account of morality alongside his theory of society. With natural rights established by fundamental characteristics of human nature and laws of nature on the opposite dictated by reason, Hobbes strikes a genuine balance between rights and obligations unknown to earlier, medieval natural law theorists (see Oakshot, 1975, pp. 35, 60). Using furthermore the concept of contract to show how these can be reconciled enables him to explain the need for civil government as a moral requirement. But what is of even more interest for our endeavour here, is to see how the notion of justice slips into Hobbes' account of morality at this point.

At the end of the thirteenth chapter of the *Leviathan*, Hobbes famously concludes:

To this warre of every man against every man, this also is consequent; that nothing can be Unjust. The notions of Right and Wrong, Justice and Injustice have there no place. Where there is no Common Power, there is now Law: where no Law, no Injustice. (Hobbes, 1991, p. 90)

Justice and injustice have, according to Hobbes, no meaning in the state of nature. Any notion of right and wrong necessarily requires a 'common power', the effective sovereign. The reason for this lies in Hobbes' definition of (in-)justice in the context of the natural law tradition: "[a]nd the definition of Injustice, is no other than the not Performance of Covenant" (Hobbes, 1991, p. 100). We can see how the notion of injustice relates to the state of civil society and the sovereign. If injustice is defined that way, Hobbes can easily demonstrate why injustice is a notion solely applied to the state of civil government: in the state of nature, any agent entering a contract cannot reasonably be expected to value its conditions because of her natural liberty – her right of nature to *anything*. Thus, although we could very well have made covenants in

the state of nature, with the advantages of civil society – the sovereign – missing, those covenants amount to nothing more than mere words (LeBuffe, 2007, p. 31).

Beitz explains this tenet of Hobbesian morality: it is because of the latter's purely prudential theory of obligation and natural law that we can only speak meaningfully of injustice, as breach of covenant, in civil society, where it is prudential for agents to perform covenants (Beitz, 1979, p. 31). If, as it is in the state of nature, an agent finds herself in a situation where it is not clear if covenants or contracts may be broken without consequences, she is rightly not obligated to value these covenants or contracts. Therefore, she is also under no obligation of justice to perform any contract in this state. It follows from this treatment of injustice, that Hobbes can deem civil government as a necessary condition for speaking meaningfully about injustice. Only in the state of civil society, can an agent be expected to alienate her natural liberty and be obligated to perform covenants and contracts. Since only then it is prudential for her to do so. Thus, it is also hardly surprising that Hobbes eventually writes that “the nature of Justice, consisteth of keeping valid covenants” (Hobbes, 1991, p. 101).

Justice is, on Hobbes' account, a political, societal value and for that reason only valid in civil society. It consists of keeping contracts if one could reasonably expect the other party to perform on the contract's term as well. Whereas laws of nature may always oblige one, they only do so 'in foro interno'. 'In foro externo' they rarely do so, if there is no security. The conditional is thus fulfilled only in civil society – in the form of positive law and in the sovereign guaranteeing its enforcement. Hence, again the need of an effective sovereign (see Hobbes, 1991, p. 110). The justification for this thesis is Hobbes' genuine contribution to the theories of justice⁷.

To see how the Hobbesian Sceptic can utilise this account of justice against the idea of global justice, a further crucial step is needed. In his final remarks on the state of nature, Hobbes asserts that there is a clear example of this state of nature: the relationship of sovereigns themselves with each other (Hobbes, 1991, p. 89). Defining the realm of global politics as a state of nature is consequential but it does not seem implausible. Hobbes' description of the state of nature as a state of not actual war but permanent disposition to war does not strike one as inaccurate considering the history of international relations. It is also particularly this assertion that “has made Hobbes the representative example of a 'realist' in international relations” (Lloyd & Sreedhar, 2019). Realists agree with Hobbes' rational theory of political obligation and transfer

⁷ See also Olsthoorn (2015) for the claim of yet another propriety-based argument for justice in Hobbes' *Leviathan*.

this theory onto the realm of international relations, claiming that sovereign states structurally are in the position as rational individuals in Hobbes' state of nature (Gallarotti, 2013).

Backed by this thesis, the Hobbesian Sceptic is finally able to formulate an argument against the idea of global justice. The following account provides us with a rough picture of the Argument from Hobbesian Scepticism (henceforth, HS):

The Argument from Hobbesian Scepticism (HS):

HS-P1: Injustice consists in failing to perform valid contracts.

HS-P2: Justice consists in performing valid contracts.

HS-P3: For contracts to be valid, assurance of compliance of the other party is required.

HS-P4: Such assurance is possible if and only if an effective sovereign is established that enforces compliance with contracts.

HS-C1: Outside the nation state, no valid contract exists (from P3, P4).

HS-C2: Unjust and just actions (as breaches of and compliance with contractual terms) do not exist outside the state (from P1, P2, C1).

This represents a valid argument, based on the premises of Hobbes' political philosophy in the *Leviathan* (see Olsthoorn, 2015, pp. 20-21). Conclusion C2 rejects the meaningfulness of any idea of global justice. The strong link between sovereignty and justice in Hobbes' theory is both compelling and difficult to refuse. It is therefore what Nagel calls the fundamental "problem of global justice" (Nagel, 2005, pp. 115-117). Anyone persuaded by this account, will likely adopt a statist stance towards global justice, preferring to restrict the scope of justice to the population of a state.

There have been of course several attempts to challenge the Hobbesian Sceptic. Most notably, Beitz (1979) has argued against the cogency of the analogy between the state of nature and international relations. Beitz claimed that for the analogy to hold, four conditions must be met: the actors in international relations must be states; these states are of equal power; as well as sufficiently independent; and there are no reliable expectations of reciprocal compliance. He then concludes on empirical grounds, that none of these four propositions describe the current state of international relations (Beitz, 1979, p. 36). This argument tackles P4 and C1, albeit

indirectly, and tries to establish a different picture of the state of international relations in the 20th century. It is primarily motivated by two ideas: on the one side, by the impression that a ‘new international economic order’ provides at least a *prima facie* reason for some principles of global justice. On the other side, it draws from empirical studies showing the commence of a new era of IR, increasingly characterised by non-state, supra- and transnational actors. Especially the latter should provide evidence for the existence of a sufficiently dense, interdependent global economic network of cooperation. This calls into question, whether the Hobbesian notion of effective, *centralised* sovereignty really is a necessary condition for justice. For these reasons, Beitz eventually argues for a globalist approach towards global justice, justifying principles of distributive justice that ought to govern the global interdependent network of political and economic affairs (see Beitz, 1979, pp. 8-11, 129).

However, Beitz’s conclusions are dependent on contingent, empirical premises. Theoretical adversaries have not accepted Beitz’s account of a loose global economic network as sufficient evidence for rejecting the argument from HS. In particular, realist scholars of IR interpreted the state of IR completely different. Following the works of classical Realists, such as E. H. Carr (1939) and Hans Morgenthau (1948), more recent (neo-)realist approaches to IR reaffirmed the argument from HS. Claiming that IR is defined by a system of power-driven states, they hold that anything short of a world state or world government cannot refute the conclusions of the Hobbesian Sceptic (Korab-Karpowicz, 2018). Against the Beitzian picture of an interdependent global political and economic system, they argue that the current world order falls short on anything sufficiently strong to support the anti-Hobbesian conclusion. Although new political and economic actors have entered the stage of IR, global politics is still driven by the Hobbesian disposition to war and characterised by power-relations and security threats. Hence the subscription to Hobbes’ verdict that “Covenants, without the Sword, are but Words, and of no strength to secure a man at all.” (Hobbes, 1991, p. 117).

Furthermore, certain strands of neorealism have celebrated Hobbes’ analysis of the state of civil society and the state of nature in the *Leviathan* as a ‘proto-game-theoretic’ model of IR (Jervis, 1988, p. 317). Arguing that the state of nature essentially represents a prisoner’s dilemma⁸, they try to show that a state has always a rational reason for defection over cooperation in the realm of IR, hence adding modern social science support to Hobbes’ thesis. Beginning with the works of Kenneth Waltz, neorealist thought became once more dominant in the study of IR and has commenced the lasting paradigm of using game theory for the study of IR (see Powell, 2003,

⁸ For an overview on the prisoner’s dilemma in game theory, see Kuhn (2019).

pp. 9-10, 27). In particular, non-cooperative game theory was used to explain and predict violent states' behaviour in global politics. This was not limited to academia as well. The focus on non-cooperative game theory in the study of IR arguably even gained enormous influence on the development of foreign policy and nuclear deterrence in the late 20th century (see Amadae, 2015, pp. 56, 58-60). The interpretation as a prisoner's dilemma has thus radicalised the idea of the state of nature. It adds further reasons to accept the argument from HS, since it rules out any cooperative behaviour in global political and economic affairs. Moreover, Neorealists such as Kenneth Waltz reject any conception of value for the study of IR, banning moral evaluation completely from assessing global politics.

Backed by the (neo-)realist game theoretic study of IR and Hobbes' state of nature, the argument from HS seems not only valid but sound. If we do not find sufficient empirical evidence for accepting Beitz's globalist conclusions, we are seemingly left with the statist conclusions offered by realists and the Hobbesian Sceptic. At this point, we may ask how we as pluralists can refute these globalist and statist conclusions. I shall argue there is a way for the pluralist to refuse the argument from HS that challenges the Neorealists' support for it on their own terms and which is more convincing than the globalist approach.

For approaching this refutation, note that the prisoner's dilemma interpretation of the state of nature has certain short-comings. Since it is always rational for a player of the non-cooperative game to defect, mutual defection is the Nash equilibrium: It is the best solution for each player, since no one could benefit from unilaterally changing their strategy. Although cooperation would yield the better (Pareto-optimal) outcome, defection is the rational route to pursue. Based on that, it is difficult to see how the prisoner's dilemma could explain the transition of the state of nature to the state of civil society. With an effective sovereign missing, rational individuals lack a reason to resign their natural liberty for the pursuit of peace. David Hume's (1739) example of two rowers has traditionally been taken as an example for the emergence of cooperation that does not require prior consensus or a sovereign power. Hume's idea was that social conventions and coordination arises from more or less spontaneous interactions between people (Hardin 2005, p. 176). This can explain the transition from one stable equilibrium, the state of nature, to another, truly stable, equilibrium, the state of civil society. It provides at least one *prima facie* reason against the prisoner's dilemma interpretation of the state of nature.

Another reason may be found already in the details of our argument from HS. P3 and P4 make explicit reference to the lack of *assurance* of compliance with contracts. While the prisoner's dilemma utilises this lack of assurance as well, it requires a stable state of non-assurance or

distrust. If we allow for a dynamic setting of the prisoner's dilemma, by invoking for example an uncontroversial theory of (infinitely) repetitive games with full knowledge over past choices, the matrix of the prisoner's dilemma changes. Through 'the shadow of the future'⁹, trust suddenly becomes a dynamic issue. This is hardly surprising – it is only natural to accept that once known past actions are calculated into the matrix of game theoretic decision theory, cooperation may become a Nash equilibrium as well. If I am to evaluate whether to defect or cooperate, but have now information about my opponents past behaviour, I may choose to cooperate if her past behaviour was cooperative as well. Likewise, if her past behaviour shows the tendency to defect, I will choose defection too. Additionally, I also have to calculate the future consequences of my present actions into my decision matrix. Defection becomes less attractive when I have think about my opponents' future reactions to my present preference of defection. This transforms the game: there are now two Nash equilibria, and while defection will still be the risk-dominant choice, cooperation is at least conceptually possible to achieve. This of course is not a prisoner's dilemma, but an assurance or coordination game. It is a formalised version of both Hume's observations as well as J. J. Rousseau's (1755) remarks on the nature of stag hunt, hence often called the 'stag hunt game' as well (see Skyrms¹⁰, 2004, pp. 3-6, 9-13).

For those, who think that this takes us too far away from Hobbes' original account of the state of nature and civil society, we have good reason to accept the assurance game interpretation by Hobbes' own remarks. In his famous response to 'the Foole', Hobbes holds against the Foole that defection from ongoing cooperation is not permitted and that justice is not contrary to reason (Hobbes, 1991, p. 101). The Foole exploits the tension in Hobbes' theory between rational self-interest and cooperation. Hobbes replies that defection as breach of contract would bring the Foole distrust from his fellows and could consequently be not dictated by reason (LeBuffe, 2007, p. 31). The mistake of Hobbes' Foole is his short-sightedness – the Foole forgets about the future (Skyrms, 2001, p. 33). Thus, we see that Hobbes' is well aware of the importance of trust and the shadow of the future for the assessment of assurance.

Defining the state of nature as an assurance game, rather than a prisoner's dilemma, has interesting consequences. *Pace* Beitz, we may accept the cogency of the analogy between the state of nature and international relations. Yet, interpreting the former as an assurance game, also allows us to circumvent the Hobbesian conclusion against global justice. We can claim that

⁹ For the coinage of the term, see Axelrod (1984).

¹⁰ For an overview on the relevance of the stag hunt game for the social contract tradition in general, see Skyrms (2004), chapters 1-3.

Hobbes' notion of an effective, centralised sovereign is not a necessary condition for the level of assurance or trust that is needed for international or global cooperation. The shadow of the future and the track-record of the past, may suffice for cooperative behaviour in the realm of global political and economic affairs.

We may also reject the Neorealist's focus on non-cooperative games for the study of IR, emphasising the adequacy of the assurance game instead. For this claim, we also have empirical support. More recent studies in IR, such as Robert Keohane's (1989) book-length treatment of the topic, show that cooperation can be the rational Nash equilibrium. Keohane shows "by employing game theory [...] that states can widen the perception of their self-interest through economic cooperation and involvement in international institutions" (Korab-Karpowicz, 2018). If the shadow of the future is strong enough, cooperation may become the risk-dominant choice for players of an assurance game.

Accepting the assurance game interpretation of the state of nature and IR, enables us to refute the argument from HS on grounds that are intelligible for (neo-)realism in IR scholarship, without obliging us to a questionable globalist position. But what does that mean for an account of global distributive justice and why is the pluralist approach suited to incorporate this interpretation of global political and economic affairs? In the next section, I shall draw the conclusion from this refutation of the argument from HS for the pluralist framework of this thesis.

3.2.2 Lessons from the Hobbesian Sceptic

Following James (2013), I argue that there is an important insight to take away from the Hobbesian Sceptic: issues of assurance and trust are inherent features of the realm of global politics. Hobbes' theory of the state of nature shows that without sufficient information on the compliance of others, cooperation will not be the risk-dominant strategy (the strategy with the largest basin of attraction) and exit from this state is unlikely to occur (see James, 2013, p. 265).

This is even more true in the context of global politics. Political actions on a large scale are certain to face problems of coordination, of which the required information is lacking. Epistemic access and availability of the relevant information is clearly limited. And as Skyrms (2004) argues in a similar manner, the stag hunt just becomes more difficult the more agents are involved. Mere coordination between many agents is already difficult to achieve, cooperation is even more demanding (Skyrms, 2004, p. 2). Furthermore, this does in no way

apply only to the Hobbesian self-interested, rational agents. As James illustrates, even morally-inclined actors in global politics face these assurance problems:

Matters of large scale are highly uncertain, because even well-motivated and basically competent moral agents reach different moral judgments, and are known to reach different judgments, as a result of differences in position, complex information, and how situations are interpreted or rules or principles applied. (James, 2013, p. 277)

While that does not justify a statist conclusion on the question of global justice, it does place heavy restraints on the demands of accounts of this subject. Hobbes' 'basic insight' is that the normative principles need to be justified in a way sensitive to the conditions of human agency, which is constrained by uncertainty over the actions of others. This also gives us a twofold objection to globalist conceptions of global justice: on the one hand, globally valid principles of justice may overstretch the possible of human agency. On the other hand, they may require political action that goes beyond the possible of epistemic certainty. Given the constraints on human agency and epistemic capacity, we may simply not know whether a proposed reorganisation of global politics is actually achievable or even better than the current state of affairs (see James, 2013, pp. 270-272, 283).

Accepting assurance problems as inherent feature of global political and economic affairs, also entails to take them as components of ideal political theory, rather than subsequent non-ideal theory that deals with unfortunate circumstances and, in principle, preventable levels of non-compliance (more to that in chapter 3.3.3). Likewise, accounts of global distributive justice, necessarily need to be sensitive to these constraints as well. Since assurance issues do come with a practical and an epistemic dimension, approaches of global distributive justice have to account for that as well.

This arguably strengthens the case for the pluralist approach towards global distributive justice. The pluralist approach's core tenets suggest a focus on sufficiently small-scale contexts of justice, each characterised by different grounds, sites, contents, agents and scopes. Thus, the pluralist is well prepared to incorporate the Hobbes' basic insight. Furthermore, since assurance levels may change, empirical support for the description of such contexts will be necessary. The pluralist can accept this requirement of empirical support, since the required information for sub-global contexts of justice is epistemically realistic and easier to access. As James' himself remarks, a pluralistic conception of global justice can then deliver tailor-made

normative principles for those transnational contexts of justice that fall short of Hobbesian sovereignty but come with sufficient, stable levels of assurance (James, 2013, p. 283).

Therefore, I conclude that the pluralist approach emerges as the most promising candidate for delivering convincing accounts of global justice. Having refuted the argument from HS, we are justified in refusing the statist approach towards global justice. Yet, in acknowledging the Hobbesian Sceptic's lesson, we have reason to doubt globalist approaches as well. Moreover, we have gained important insights in the nature of global (distributive) justice: any plausible account of this subjects needs to pay attention to the idiosyncrasies and constraints that the realm of global political and economic affairs poses for moral evaluation. An explanation on how exactly this is to be achieved, is yet to be given, and I shall return to this task in chapter 5. With that said, we may now leave the Hobbesian Sceptic's statism and move on to other arguments against the pluralist approach.

3.3 The (Alleged) Instability of Pluralism about Global Distributive Justice

3.3.1 The Argument from Global Basic Structure

On the other end of the spectrum of theories about global distributive justice, the pluralist encounters objections of a different sort. There, several theorists have developed accounts of global distributive justice that are deeply entrenched in the Rawlsian project of distributive justice. More precisely, they have argued for accounts close to the philosopher's approach to domestic distributive justice. The emphasis on the latter –Rawls' thoughts on domestic distributive justice – in reasoning about global distributive justice, has led, however, to an ambiguous relationship between those more recent theories and their Rawlsian heritage. This is mainly due to two reasons: these accounts commonly share the Rawlsian conviction that distributive justice is a well justified, much needed and ambitious, although controversial, concept for contemporary polities. Yet, what these accounts refute is Rawls' strict limitation of strong requirements of distributive justice to the realm of domestic politics in contemporary liberal polities.

Contrary to Rawls' own position on global justice in his (1993) *The Law of Peoples*, proponents such as the already introduced Beitz (1979), but also others such as Pogge (1989), Caney (2005) and Brock (2009), have argued, in one or the other way, that the Rawlsian approach towards domestic distributive justice might be extended to a global scope. Often but not necessarily this is achieved by adopting a cosmopolitan stance towards global justice. While this has led to a renewed interest in the ancient concept of cosmopolitanism, it is important to note that these

modern cosmopolitans commonly rely on Rawlsian premises (see Kleingeld & Brown, 2014). Thus, the objections and arguments that the pluralist faces from these cosmopolitan theorists often invoke both Rawlsian terminology and line of argument.

One prominent proposal is the argument from Global Basic Structure (henceforth, GBS). In a manner consistent with Rawls' argument for the basic structure of society as site and target of domestic distributive justice, the argument from GBS challenges the pluralist's conviction to focus on various sub-global contexts of justice by arguing that this allows or even enhances global background injustice and/or infringes the liberty of relevant political agents. To see why, it is helpful to consider Rawls' thoughts on the basic structure of society and background justice in more detail first.

Recall from chapter 2 that Rawls identifies the basic structure of society as the proper site (or, subject in Rawls' terminology) of political justice for the following reasons: since Rawls interprets society first and foremost as a fair system of cooperation, any political conception of justice (including distributive justice) must address those features of society that sustain such a system. The basic structure of society is defined by exactly those political and social institutions that guarantee the existence of a fair system of cooperation as a background social framework within which individual interactions take place. What marks the basic structure of society as the necessary site of political justice is 1) the role it plays in assigning duties, rights and opportunities to individuals and 2) the pervasive impact it has in general on people's life prospects (Rawls, 2001, p. 10). For the same reason, pervasive impact¹¹ was found the ground of distributive justice in chapter 2 as well. Hence, we may state that the basic structure's pervasive impact on people's life prospects is the first argument that Rawls gives as a justification for defining the basic structure of society as the primary site of distributive justice.

Thereby, Rawls has shown that it is necessary to take the basic structure into account. But he has yet to demonstrate that a political conception of justice must exclusively focus on the basic structure of society. Since one could legitimately object, arguing that distributive applies to both the basic structure of society and individual interactions. The reasons why Rawls denies the latter lie in the fact that Rawls defines society not only as a fair system of social cooperation, but furthermore as a fair system of cooperation *over time*. The argument he gives against the application of distributive justice to individual interactions is, that doing so might erode background justice. Limiting our focus to individual interactions could undermine over time

¹¹ See again Abizadeh (2007) for the ambiguity in Rawls' arguments concerning the question of the ground(s) of justice.

exactly those institutions of the basic structure of society, that are designed to guarantee the unity of society as a fair system of cooperation (Rawls, 2001, p. 50). Additionally, doing so would also impose limitation on the abilities of citizens to exercise their rightful liberty, hence undermining the *raison d'être* of any liberal polity. This second argument establishes the sufficiency of Rawls justification for the basic structure of society. Therefore, any political conception of justice must solely be applied to the basic structure of society.

This institutionalist approach to justice, that focusses exclusively on the basic structure of society, satisfies what Rawls terms the 'division of moral labour' and eventually allows to separate individual from political morality. Having fixed the basic structure of society as the only site of distributive justice, it is likewise easy to see why Rawls rejects any extension of distributive justice outside the nation state. Global justice (as well as local justice) is simply a different matter (see Rawls 2001, pp. 8-11).

According to Martin (2016), this twofold justification for the basic structure of society has often-overlooked importance: putting emphasis on the basic structure of society instead of individual interactions as the main candidate for distributive justice secures Rawls' liberal commitments. Taking the pervasive impact of the political and social institutions of the basic structure of society into account, on the other hand, secures Rawls' egalitarian commitments. As such, both justifying arguments resemble Rawls' motivation behind his two principles of justice in certain respects. Thus, anyone wishing to capitalise on Rawls' argument of distributive justice is well-advised to keep the lexical priority of these principles in mind as well (see Martin, 2016, pp. 14, 19).

Now, the argument from GBS is very much in the spirit of Rawls' analysis here. It holds that the Rawlsian take on the basic structure of society for domestic distributive justice is correct. However, following its global/cosmopolitan inclination, it is argued that a similar argument can be made for the case of global distributive justice. If it is possible, against Rawls' belief, to conceive of a *global* basic structure that is sufficiently similar to the Rawlsian domestic basic structure, then an argument against pluralism (or any conception not focussing on the global basic structure) regarding global distributive justice may be advanced.

Let us see how such an argument might look like. The following account provides us with the rough picture:

The Argument from Global Basic Structure (GBS):

GBS-P1: Rawls' argument for the basic structure of society as the site of distributive justice is sound/cogent.

GBS-P2: Social and political institutions of global scope exist, which have pervasive impacts on either:

GBS-P2_a: individual persons, and/or

GBS-P2_b: national, international and/or sub-global political agents.

GBS-P3: By analogy, domestic political agents' interactions and national, international and sub-global political agents' interactions are sufficiently similar.

GBS-P4: By analogy, background justice has a similar function in both the domestic and the global context.

GBS-C1: A global basic structure *exists* and *is* the proper site of global distributive justice because it exercises pervasive impact on relevant agents (from P1, P2_b, P3).

GBS-C2: Cosmopolitanism about global distributive justice is correct (from P2_a, C1).

GBS-C3: A global basic structure *is* the proper site of global distributive justice, because it establishes background justice (from P1, P3, P4).

Proponents of the argument from GBS generally argue for one of these three conclusions by endorsing one or more of the above-mentioned premises and putting special emphasis on individual premises in each case. In particular, lexically endorsing P2_a over P2_b yields the cosmopolitan conclusion C2. I count Beitz (1979), Pogge (1989), Buchanan (2000) and Tan (2004, 2012) as prominent supporters of different versions of this argument from GBS.

Furthermore, it has been pointed out that one could also validly reason to a different fourth conclusion, yielding an independent normative argument for a global basic structure as the appropriate site of global distributive justice:

GBS-C4: Thus, a global basic structure *ought to* be established (from P1, C3).

The crucial issue at this point is a genuinely different interpretation of P1, that, allegedly, allows to circumvent a potential Is-Ought-fallacy. I take Abizadeh (2007), Culp (2014, 2017) and Ronzoni (2009) to be arguing for a version of this conclusion of the argument from GBS. Both cases shall be evaluated in this chapter in due course, the latter case being the subject of the subsequent section.

Yet, before doing so, let us see why accepting the argument from GBS poses a problem for our pluralist thesis about global distributive justice. After all, even a confident pluralist about global distributive justice might acknowledge the role of a global basic structure as *one* relevant site of global distributive justice. Unfortunately, however, the argument from GBS achieves more. By accepting it, we would not only arrive at a cogent argument for the global basic structure (or, for the necessity to establish one), but also at an argument for refuting any other attempts to analyse dissimilar contexts of global distributive justice: since the argument from GBS relies on Rawlsian premises (here, P1), it carries with it its Rawlsian motivation for accepting the (global) basic structure as the sole site of (global) distributive justice. Any attempt to focus on other contexts of justice falls prey to similar arguments as those advanced by Rawls, which tackle arguments against the necessity of the (domestic) basic structure of society. In other words, if we accept the argument from GBS, then the global basic structure is justified as the *only* site of global distributive justice, and any other pluralistic endeavours (concerning other contexts or sites of justice) have to be dismissed for the same Rawlsian reasons as in the domestic case.

In order to save the pluralist thesis about global distributive justice, the argument from GBS needs to be refused. Despite its apparent advantages at first glance, however, I argue that we have no reason to accept this argument on closer inspection. To show that, I will begin by examining the case for the first three conclusions and then move to case for the fourth conclusion afterwards.

Moreover, I will, for the sake of the argument, assume the truth of premise P1. Again, since this thesis is primarily concerned with global distributive justice, I do not take on a stance on the question whether Rawls provides us with a cogent argument for the basic structure of society in the domestic case. Considering the case of global distributive justice and affirming the pluralist thesis about different requirements of distributive justice, my refusal of the argument from GBS does not depend on an evaluation of the argument for the basic structure of society in the domestic case.

Now, anyone pursuing the first route, wanting to defend the truth of either of the first three conclusions, must certainly argue for the truth of any of the first three premises. Nonetheless, the second premise, in either version P2_a and P2_b, plays an especially crucial role in most of the established accounts. In one way or the other, Beitz, Pogge, Buchanan and Tan respectively claimed that it is precisely because of the truth of premise 2, that a global basic structure of society exists, which ought to be regulated by a globalised version of the Rawlsian difference principle or any other related principle of redistribution. On account of this, these authors argue, we have good reasons to recognise that Rawls has misjudged the application of his own theory to the field of global politics.

Beitz (1979) assesses Rawls' theory of domestic and international distributive justice and claims that Rawls' restrictive account of the latter would only make sense on the empirical assumption of self-sufficiency of states, which Beitz denies. Recall from the previous section, that Beitz argues that "[t]he state-centered image of the world has lost its normative relevance because of the rise of global economic interdependence" (Beitz, 1979, p. 170). This empirically supported conjecture of interdependence and its notion of pervasive impact, justifies for Beitz the interpretation of the institutional make-up of global politics as an – already existing – global basic structure. Consequently, he asserts that it ought to be regulated by some principle of redistribution. In a similar vein, Pogge (1989), asserts that we all, the whole of humanity (endorsing particularly premise P2_a), are affected by an existing "global institutional scheme" (Pogge, 1989, p. 276), and that this global basic structure alike institutional scheme ought to be altered by institutional reform to be more just. At last, Tan (2012) argues for the existence of a global basic structure as well, albeit a global basic structure that differs from the one of society. But it shares with the latter its pervasive impact on people's prospects and life choices (Tan, 2012, p. 195). Thus, if true, premise P2 seems to do a lot of the work for the argument from GBS.

Yet, while the argument from GBS was (and still is) highly influential in the debate about global distributive justice, many voiced concerns regarding the crucial premise P2. To assert that a global basic structure exists because of the pervasive impact of social and political institutions of global scope, clearly depends on well-supported empirical research and justification. And indeed, many theorists are sceptical about these claims. To which degree empirical research suggests that social and political institutions exist on the global level, that pervasively affect people's life prospects is uncertain. Even the question of which amount of impact would in itself be sufficient to justify the conclusion that a global basic structure exists, is difficult to

answer. In addition, others even argued that we not only lack sufficient empirical data for the inference that social and political institutions with pervasive impact exist on a global scale, but that we would not ever be able to attain such a justified position. Distinguishing the causal mechanism that would allow inferring that these institutions exist, seems to go beyond what social science research is able to do, even in theory (see also Cohen, 2010; Blake, 2012; Nili, 2016). If these claims are correct, they provide us with a decisive reason to neglect the existence of a global basic structure on account of its pervasive impact, hence suggest refusing the argument from GBS as a whole.

The soundness of these claims is of course open to the same empirical charges, leaving us apparently with a stand-off between both claims. However, in order to deal with the threat, the argument from GBS poses for our pluralist thesis about global distributive justice, we only need to show that the pluralist fares better with these objections than the argument from GBS. The pluralist identifies contexts of distributive justice on equally contingent, empirical premises. But it seems at least *prima facie* justified to assert that it is easier to empirically distinguish single sub-global contexts (and the relevant institutions within them) of justice than to identify those global social and political institutions that yield the interpretation of a global basic structure. If social science research about global politics is indeed theoretically and practically limited, then the pluralist stands on better grounds than the, cosmopolitan-inclined, advocate of the argument from GBS. This shifts the burden of proof further towards the side of anyone pursuing the argument from GBS. Thus, we may conclude that the pluralist position represents a more plausible and feasible position than the one the argument from GBS establishes and this prevents us from having to accept conclusion C1 or C2.

Having at least *prima facie* denied the truth of premise P2, let us have a look at the remaining premises. Premise P3 is needed for any of the first three conclusions, premise P4 in particular for conclusion C3. Both make use of analogy for inferring that global politics is characterised by sufficiently similar features as domestic politics. To get the full Rawlsian justification for a global basic structure of society, both C1 and C2 must be true and hence P3 and P4 correct as well: the basic structure of society is justified as the sole site of political justice because it preserves both liberty and agency and guarantees the continued existence of society as a fair system of cooperation. To motivate a Rawlsian interpretation for a global basic structure, it is equally important that P3 and P4 express this accurately. Yet, for the pluralist it seems that especially P3 clearly contradicts its main ambition.

Fortunately for the pluralist, there are good reasons to reject the premises P3 und P4. As in the case of premise P2 before, the truth of either premise can be challenged on empirical grounds. At this point, we may doubt that the relevant inference of analogy is adequate, questioning whether there is empirical justification for the premise that liberty and agency of national, international or sub-global agents need similar protection as the liberty and agency of individual persons in the domestic case. Additionally we may not be convinced that there is empirical support for the thesis that the notion of background justice at the global level is meaningful. *Eo ipso* one is not justified to assume the truth of either premise. Several reasons for this can be cited.

Firstly, political agents involved in global politics clearly differ from their relevant domestic counterparts – individual human beings – in both their nature and their agency. Former contain or involve individual and collective (or, plural) agents, including state and non-state, as well as private corporate agents, each exercising agency to a varying degree. To assess that all these agents participating in global politics enjoy the same right of protection of liberty and agency arguably not only fails to represent global politics accurately but also fails to discriminate between these agents in respect to their (normative) significance to global politics. While it is, at least intuitively, convincing to express concern with the relative equality between individual members in a domestic polity, mapping the same concern unqualifiedly onto global politics is implausible. Yet, in order for P2 to be true, that needs to be asserted.

Secondly, assessing that background justice is a meaningful concept for global politics, assumes that any other treatment or regulation of the agency of national, international or sub-global political agents would infringe their rightful liberty. This interpretation of global politics seems to be misguided, since such an assumption needs to be made from a global point of view that already accepts that some global political entities exist or might exist, which are capable of guaranteeing and/or distributing this liberty. Asserting that background justice is relevant to global politics, assumes that a global basic structure is a meaningful concept as well, hence, that a global basic structure is justified and able to bring background justice about. So, in order to make sense of P4, one needs to assume the conclusion beforehand. Yet, in assuming the conclusion one wants to prove, one commits a *petitio principii*, the fallacy of begging the question.

The major reason behind the implausibility of premises P3 and P4, lies however, I argue, in the fact that the argument from GBS construes global politics entirely in terms of the Rawlsian analysis of a 20th century liberal closed polity. This has the effect of leaving it open to empirical

as well as theoretical charges: not only do its premises seem empirically unsupported, but its theoretical adequacy is in question as well. One could push the latter point even further. In order for the argument from GBS to work, even more of the central tenets of Rawlsian theory must be carried over to the realm of global politics. We would have to show that global politics can be analysed as a fair system of cooperation over time, as well as, that the Rawlsian liberal and egalitarian concerns are both valid in the case of global politics. And, as Martin (2016) accentuates, we would also have to take the lexical priority of these concerns into account alongside (p. 17). However, in doing so, we would impose a theoretical construct on global politics that is arbitrary at best, empirically unsupported and unjustified at worst. Therefore, I conclude that we have sufficient reason to deny and refuse the argument from GBS.

The upshot of this discussion is that the argument from GBS reveals, on closer inspection, the flaws of those globalist positions that assume a strict Rawlsian approach for a starting position. On the one hand, these flaws concern unsupported or contested empirical assumptions, on the other hand they suggest that working out a conception of global distributive justice from state-based premises is unjustified. *Nota bene* that these objections cannot be carried-over to the pluralist case unqualifiedly. On the contrary, I shall argue, they allow us to reject the argument from GBS and leave the pluralist thesis unharmed. For further support of this hypothesis, let us consider the case of proponents favouring the alternate conclusion C4 in the next section.

3.3.2 The Argument from Disaggregated Contexts of Justice

So far, we have dismissed any justification of the global basic structure as the only site of global distributive justice because of its misconstrued approach towards global politics. However, the focus on a global basic structure might be justified on different grounds. The argument from GBS fails because it presupposes an existing global institutional setting that allows for the interpretation of a global basic structure. Taken that into consideration, what if the global basic structure is not contingently justified because of its existence, but itself becomes a requirement for global distributive justice? In other words, what if we ought to establish a global basic structure in order to bring global distributive justice about? Those advocating for the conclusion C4 of the argument from GBS might very well acknowledge our objections against the global basic structure in the former section but still hold that the notion of a global basic structure is important for global politics. Furthermore, on closer inspection, their case for the global basic structure reveals, I argue, another argument against our pluralist position and is thus worth a separate examination.

Abizadeh (2007) argues that approaches relying on the basic structure argument defending statist positions, such as Rawls (1993), Blake (2001) and Nagel (2005), regarding distributive justice confuse or at least obscure site and scope of global distributive justice. According to him, neither ground of distributive justice that is cited – social cooperation, pervasive impact (Rawls) and coercion (Nagel, Blake) – allows for an anti-cosmopolitan conclusion about global distributive justice. Adopting our pluralistic terminology here, Abizadeh holds that the grounds of distributive justice in these approaches imply a global scope. Proponents of these theories defend a statist scope because they assume defending a global scope would presuppose an existing global site of distributive justice, which arguably does not exist. Where these approaches go wrong is the fact that they misconceive of existence as a necessary condition for a global basic structure as the site of global distributive justice. However, these grounds do not presuppose an existing global basic structure. Yet, taking them seriously might call for the establishment of a global basic structure as an instrumental requirement of global distributive justice: social cooperation presupposes only a certain degree of coordination, coercion is not limited to inner state coercion but includes coercion through an international border regime as well. Both grounds trigger a global scope of global distributive justice, *pace* Rawls, Nagel, Blake. Thus, establishing a global basic structure is not prohibited by these accounts due to lack of existence, but becomes a requirement of global distributive justice as a means to live up to the global scope implied by these theories (see Abizadeh, 2007, pp. 323, 329, 357).

Abizadeh's proposal differs from the arguments of the previous section insofar as he offers us a different, instrumental reason to embrace the notion of a global basic structure. Even if one does not accept the strict Rawlsian approach of the former section, one might find it attractive to defend the establishment of a global basic structure as a requirement of global distributive justice. Yet, Abizadeh only points to the possibility of valuing a global basic structure instrumentally instead of defending it as an intrinsic good. To be convincing altogether, a further argument would be needed to show what the good actually is, for which the global basic structure is the best instrumental means to possibly bring it about. The relevant issue at this point is that lacking convincing alternatives we could have, all things considered, good reasons to focus on a global basic structure requirement for global distributive justice.

Some authors have recently argued for this conclusion, explicitly from an anti-pluralistic point of view. According to them, the pluralist thesis lacks internal stability and/or coherence and that provides sufficient reason for rejecting the pluralist thesis over a global basic structure argument: requirements of various contexts of justice might contradict each other; single

requirements of justice might not prove to be sufficient to deal with the complexity of global politics; and in general, successfully distinguishing the relevant contexts of justice might turn out not probable. In short, the major set-back of the pluralist thesis from this perspective, is its disaggregated character, the very core element of the pluralist thesis.

An argument motivated by these concerns might most likely draw inspiration from various sources, but the following account provides us again with a rough picture of the general issues at hand:

The Argument from Disaggregated Contexts of Justice (henceforth, DCJ):

DCJ-P1: *DJP* is concerned with particular, individual contexts of justice in isolation.

DCJ-P2: Requirements of justice are worked out in absence of globally valid principles of regulation or balance.

DCJ-P3: Requirements of justice of one context may come into conflict with requirements of another.

DCJ-P4: *DJP* lacks conceptual tools to negotiate between different layers of distributive justice.

DCJ-P5: Separating individual contexts of justice is problematic.

DCJ-C1: Conflicting requirements of justice generate system-level injustice (from P1, P2, P3).

DCJ-C2: The focus on individual contexts of justice is insufficient (from P1, P4, P5).

In particular Culp (2014, 2017) raises concerns along these lines of argument. Although his approach to global justice is considerably related to the pluralist approach, Culp is not convinced that a genuine disaggregated approach is sufficient to deal with contemporary global political issues. In his view, both premises P1 and P2, and their implications are problematic.

Regarding the first premise, Culp argues that disentangling the various contexts of justice – a step necessarily to be done before assessing their moral relevance – is conceptually as well as empirically difficult, if not impossible to achieve. After all it seems to be an obvious feature of global political issues and today's level of globalisation, that its various aspects are highly

intertwined. In their overview on global politics, Mansbach & Taylor (2018) list issues as diverse as environmental deterioration, finance and economic relations, warfare and human rights abuses, resource depletion and public health among the concerns in global politics (see Mansbach & Taylor, 2018). Lamy et al. (2017) further add trade, poverty, development and its various interconnections to this list of global issues (see Lamy et al., 2017, pp. 12-14). These non-exhaustive lists also resemble the UN's official overview on global issues the organisation is working on (see UN Global Issues Overview). Disentangling these issues is an enormous empirical task in itself (P5). Providing useful conceptualisations of these issues seems to be an even greater task. Especially ones, that are suited to account for the interconnectedness of most global issues (P4). Hence, it seems right to say, as Culp does, that separating the various contexts of justice is neither probable nor even necessary (due to being insufficient) for dealing with the complexity that global politics is. This supports the premise P5 and yields the conclusions C2 of our above account.

This becomes even more apparent in his critique of premise P2 and what it implies: the pluralist's focus on disaggregated contexts of justice may not only be insufficient to deal with the complexity of global politics, but it may also run the risk of establishing a number of altogether incoherent accounts of different global political issues. In Culp's view, accepting P2 in addition to P1 allows for the plausibility of premise P3. Here is where the real danger for a committed pluralist account of global distributive justice according to Culp lies. Because even if we might accomplish the tasks of carving out individual disaggregated contexts of justice, of which we work out conceptions of distributive justice, a further problem emerges. To see why, he asks us to engage in a thought experiment. Let us imagine we are working on account of economic justice regarding international trade. After due consideration and argument, we conclude that a just distribution of the socio-economic goods provided by international trade demands to bring about requirement φ_1 of global distributive justice. We might even be aware of how to best realise this requirement φ_1 given the certain context of distributive justice we are concerned with, let us say regarding a free-trade agreement between two sovereign nation-states. Now, imagine we are also concerned with a just distribution of duties regarding human-induced climate change. Furthermore, again after due consideration, we arrive at an account of climate change justice that demands the establishment of a requirement of distributive justice φ_2 . Proceeding like this, constitutes for Culp the paradigmatic way a pluralistic account approaches its subject. However, nothing prohibits *eo ipso* that either requirement φ_1 or φ_2 contradicts each other: we can easily construct a case in which let us say requirement φ_1 calls for implementing compensating measures directed at the losers of an expanded international

trade volume. Measures, which would lead to an overall increase in CO₂-emissions produced by the involved parties and which would thus be prohibited by requirement ϕ_2 of climate change justice. This is what Culp terms “spill-over effects” (Culp, 2017, p. 169). If requirements of a certain context of justice undermine their counterparts from other contexts of justice, system-level injustice emerges. The possibility of such system-level injustice renders a pluralistic, disaggregated account of global distributive justice *as a whole* incoherent. For how could those spill-over effects adequately be mended or even conceptualised by an approach that focusses on individual contexts of justice alone. This establishes the conclusion C1. (see Culp, 2017, pp. 170, 177-178)?

For these reasons, Culp eventually rejects the pluralist approach towards global distributive justice and argues instead for an account that puts emphasis on an integrating, global point of view, from which requirements of distributive justice for each individual context are determined. Instead of seeking to disaggregate contexts of justice, we are, according to Culp, better off doing the exact opposite – looking for an aggregated, unified approach that merely resembles our original pluralistic endeavour.

At this point, we are of course only a few steps away from our prior issue of a global basic structure requirement. If we accept Culp's analysis of a disaggregated approach towards global distributive justice, then we have also gotten at a convincing explanation for why to favour instrumentally a global basic structure requirement of global distributive justice over our initial pluralistic case.

Culp's concerns regarding the pluralist approach are mirrored by Ronzoni's (2009) argument of background injustice. While Culp's main point is the coherence of the pluralist's disaggregated approach, Ronzoni argues instead that certain socio-economic interactions between global actors might lead to problematic disagreements, hence generating issues of background injustice only a global basic structure is suited to deal with.

In her article, she provides us with a taxonomy of such issues and corresponding topics: interactions between states may call for considerations of background justice, when global dynamics complicate states attempts to realise social justice within *and* between states. Tax competition and escalating trade tariffs are candidates for these concerns. Furthermore, interactions between individuals and/or non-state actors concerning *transnational* socio-economic aspects could trigger demands of background justice. Weakened state institutions and the loss of problem-solving capacities of states are themes of this second group of concerns (see Ronzoni, 2009, pp. 246-49, 254). As in the remarks made by Culp, Ronzoni holds that targeting

only separated contexts of justice, might be insufficient to deal with the transnational, interrelated aspect of global political challenges. Because of the advanced globalisation of socio-economic relations in the last couple of decades, more and more formerly state-bound affairs have been transformed into transnational political matters, that are beyond the regulating capacities of single states.

If these global challenges are sufficiently dense – and it is correct to argue that they increasingly elude traditional analysis (see Falk, 2002) – then any disaggregated approach faces similar problems. Thus, Ronzoni concludes that, to remedy these shortcomings, *under certain empirical* circumstances a global basic structure requirement of global justice arises.

Another argument objecting to the pluralist cause has been brought forward by Walton (2014). The author acknowledges the motivation of recent pluralist approaches towards global justice, but argues that these fail to account convincingly both for the generation of distinct moral obligations and the nature of global political relations. Conveniently for our later purpose, Walton discusses these issues in the context of global trade.

Following a Hartian¹² distinction between general and special moral duties, roughly corresponding to the concepts of negative and positive duties, Walton argues that the pluralist approach cannot systematically account for either of them in the context of global trade: the universal nature of negative duties, such as not to harm, suggest that these are not contingent on the existence of social relationships but are owed to anyone in any case. Some special duties on the other hand, such as to provide basic goods, might originate from specific social relationships. This is a point that a committed pluralist has to endorse. She has two ways to pursue here, according to Walton. She can either explain the *primary relevance* of the salient normative feature of these relationships in question, which give rise to corresponding duties, or she demonstrates why conceptualising certain social relationships is pivotal for grounding *specific* moral obligations. The crux of the matter is that neither route seems attractive at this point. Since, why should any social relationship have prior importance over others and why should we think that some normative features are distinct from other kinds of social relations? The pluralist is at pains, for Walton, to explain how we can construct specific duties from/for specific social relationships. A more plausible candidate to account for the generation of these special duties, is to think of them as generated by a broader, global network of relations. While these duties may still take on a particular form in certain contexts, it is more coherent to think of them as derived from somewhere else. Hence, we have good reason to think of these duties

¹² See Hart (1955).

to stem from a broader global relation, akin to participation in a global basic structure, instead (see Walton, 2014, pp. 257, 262-265).

Even though Walton's strategy is considerably different, he infers from it the familiar verdict "not to divorce theorising about trade from theorising about a wider picture" and concludes that "that theorising about the distribution of the benefits and burdens of trade cannot and should not be done in isolation" (Walton, 2014, p. 266).

As in the scenarios of Culp and Ronzoni before, Walton aims to show that the pluralist approach, which sets individual social/political relations as targets for moral evaluation, is bound to fail. Likewise, he doubts that the social fabric of the world can be cut and torn into the single pieces required by a pluralist approach. And just as the authors before, he argues that even if such endeavour is successful, we would not be able to work out the coherent account of distributional duties and obligations we were looking for. Such an account would inevitably be based on a broader picture of global justice, most convincingly on a global basic structure requirement.

While all three authors differ in their argumentative strategies, their shared intention is clear: the pluralist attempt to overcome the stalemate between statist and globalist accounts of global distributive justice falls prey to its own ambitions. This is due to two regards: firstly, its core tenets are too demanding on methodology. Not only does the pluralist approach strain the conceptually possible, it offers us a way of analysis that may turn out not to be feasible. Secondly, picking out smaller contexts of justice additionally complicates and not facilitates the already complex issue of global politics. It is unclear whether the pluralist approach can be worked out into a coherent account of global distributive justice that factors all the different contexts of moral evaluation (and their interconnections) in. For that reason, these authors conclude that the pluralist approach eventually turns out inferior compared to former approaches and, that we are better off with a theory of global distributive justice that is built on a global basic structure requirement. Accepting this conclusion finally provides us with an explanation of the instrumental value of a global basic structure requirement, hence why the argument from DCJ supports the conclusion C4 of the argument from GBS. Therefore, the pluralistic aspiration to account for justice seems severely curtailed to say the least.

Yet, *pace* Culp, Ronzoni and Walton, I believe that the situation for the pluralist is not as dire as these authors would have it. On the contrary, I argue that this lengthy discussion reveals the underlying issues on which these counter-arguments as well as the pluralist approach hinge.

Moreover, I claim that these issues do not dismantle the latter but are crucial points to be taken into account. To see why, let us return to each objection individually.

Culp's main point concerns that requirements of one context of justice might induce spill-over effects onto others, hence the need for an integrating (democratically regulated at best) global perspective. Although this seems quite plausible at first glance, his argument hinges on the assumption that our capacities to conceptualise single contexts of justice and to construct distributional requirements of justice are fairly limited. Furthermore, Culp seems to take it as a given that contexts of justice will always generate spill-over effects. This objection, however, is contingent on empirical premises and therefore less persuasive.

Still, his first point is particularly relevant. Requirements of justice might come into conflict because of the pluralist framework. But this is a point of methodology, in particular regarding the question of how to arrive at certain requirements of justice. I have been using the terminology of 'constructing' requirements of justice throughout the last section, because it already indicates my thesis that the proper method of justifying requirements of justice is constructive in nature. This is the topic which the next chapter will be about. At this point it suffices to say, that, to circumvent Culp's objection, the question of methodology needs to be clarified in order for a pluralist approach to work.

Turning to Ronzoni and her argument helps to illustrate this point. On her view, the pluralist approach is problematic because it fails to account for the increasing interconnectedness of social and political issues on a global scale. Clear-cut divisions and interpretations do not track this feature of our highly globalised world. Yet, Ronzoni is careful in forging her argument of a global basic structure requirement, when she holds that the validity of her claim depends on the existence of certain circumstances of system-level injustice – an issue “to a great extent of an empirical nature”, for which, “however, theoretical work is needed in order to establish which facts we ought to be looking for in the first place” (Ronzoni, 2009, p. 255). In other words, the question whether system-level injustice triggers a global basic structure requirement depends on empirical research led by a theoretical framework. As in the case of Culp before, this is a point about methodology, on how to interpret and construct requirements of justice. The committed pluralist can happily agree with this approach, and additionally with Ronzoni's argument that *under certain circumstances* something alike a global basic structure is the best means to implement requirements of justice. For while the pluralist focusses first and foremost on individual contexts of justice, she might nevertheless approve of certain globally valid

requirements of justice – *if* things call for it and in accordance with correct analysis and empirical data of course.

Walton's analysis of the questions that arise from a pluralist approach point in a similar direction. A coherent pluralistic account must be able to explain convincingly how and why certain moral duties and/or obligations may be attributed to actors and agents of various contexts of justice. And these answers not only need to make reference to specific actors and agents alone, but must contain an account of the nature and genesis of the moral issues carved out by its analysis. Again, Walton's objections only carry through if these challenges cannot be met by the pluralist approach. The success of his rejection of the pluralist approach is thus dependent on our inability of establishing a workable methodology.

All three authors utilise their arguments to justify in one version or another the argument from DCJ. On closer inspection however, neither version of the argument from DCJ appears as decisive as it initially did. Yet, these arguments are highly valuable insofar as they reveal that a well-justified pluralistic account does not only require substantial empirical grounding, but also requires adequate methodology of normative justification. Only if the latter proves to be insufficient for the pluralist task of grounding moral duties and/or obligations for individual contexts of justice, then the argument from DCJ – in any version cited here – goes through. Having said that, it is far from clear this is indeed the case.

To amplify my point, consider also the implications of this discussion: the argument from DCJ's effectiveness depends on our inability to advance a well-suited methodology for our pluralist approach. This means that the case for a global basic structure requirement is only in one scenario preferable. But what does that mean for all other scenarios? Should we assume that the argument from GBS is *on par* with the pluralist approach in all other aspects? I argue that *other things equal* we do not have to believe so. For the following reasons: a global basic structure argument/requirement for global distributive justice fares particularly bad in many other regards. Firstly, setting the global basic structure as the subject or site for global distributive justice may turn out not to be practical. It might fail to be instructive in what is morally required and how to realise it. Secondly, it is equally disputed how to properly conceive of a global basic structure as a target; which institutions would count as those in demand, which agents are suited to realise which moral demands, and so on. Furthermore, a global basic structure approach does not *eo ipso* facilitate the individuation of moral duties and/or obligations. It is far from clear that a global basic structure position could solve the issues identified on the pluralist approach. On the contrary, if this position yields demands that are not

feasible, it would severely limit any action-guiding role political philosophy may aspire to. This is only to name a few issues; this list could probably be expanded (see also De Bres, 2013, p. 447). The crucial point is that we might have independent reason to formulate an argument against the validity of a global basic structure position. Hence, I argue that the case for the global basic structure position is in general far less convincing than it is usually assumed by its proponents.

Therefore, I conclude that we do not have sufficient reason to accept a global basic structure argument or requirement, whether it is grounded in an intrinsic or an instrumental value, over our pluralist approach to global distributive justice (unqualifiedly). Neither the argument from GBS nor a similar strategy with the support of the argument from DCJ achieves its goal of refuting pluralism about global distributive justice. In the following section, I shall discuss one last argument against pluralism, that is established in the global justice debate and was brought up again mainly by advocates of a globalist position.

3.3.3 The Argument from Conservative Bias

Up until now, the discussion of the pluralist approach revolved around the viability of its core methodological commitments: are we able to meaningfully describe single contexts of justice? Can we work out coherent accounts of distributive justice of these contexts? And so forth. The argument I shall discuss in this section is considerably different from those examined in the sections before. It puts aside issues concerned with whether pluralism represents a genuine and superior approach to global distributive justice. Instead, it accepts the pluralistic point of departure, but challenges its capabilities of yielding a complete set of moral demands. Thus, the question at hand is now whether the pluralist approach is able to provide us with a justified substantial theory of global distributive justice.

Up to this point we tacitly assumed that pluralism about global distributive justice captures our notion of the idea of global distributive justice viz., that the pluralist thesis is a convincing interpretation of the broader concept of distributive justice, fitting into our general idea of justice. To mobilise an argument against this hypothesis, it is helpful to step back a little and reflect on the broader picture. And as it is often the case in contemporary political philosophy, returning to Rawls' work serves as a good starting point.

For Rawls, the very idea and purpose of political philosophy is to help us navigate through and orient ourselves in the normative territory which we are inhabiting. Political philosophy lights the way and illuminates the moral ends we ought to achieve, given the circumstances we face.

Therefore, we should, in Rawls words, “view political philosophy as realistically Utopian: that is, as probing the limits of practicable political possibility” (Rawls, 2001, p. 4). It is utopian to the degree that it expands the horizon of what we might hold achievable and it is realistic insofar as it offers us guidance for our actual world. The success of political philosophy is thus judged by its capability to satisfy these *desiderata*. Likewise, the day-to-day business of political philosophy – advancing theories of justice, liberty, equality and the like – is judged by the same standards. Any theory or approach to distributive justice then, should also be clear about these matters: what we want from theory, is an explanation of the end/ideal state of distributive justice and an account of how we can reach it. This also corresponds roughly to the Rawlsian distinction between ideal and non-ideal theory, wherein the former specifies the ideal state of affairs and from which the latter is derived and designed to be instructive in how to achieve it.

To raise the anticipated objection at this point: one could surely dispute this Rawlsian approach to political philosophy. We are not obliged to accept Rawls’ specific arguments of the end/ideal state of distributive justice, of which course of action would be justified, or whether the whole endeavour is meaningful at all. Indeed, a large portion of the debates in political philosophy in the last few decades focussed explicitly on these issues: some, like Cohen (2008) have challenged Rawls’ remarks on the nature of justice and its principles as too contingently justified on empirical premises, others like Sen (2009) argued that Rawls’ understanding of both the ideal and its role for justice is in general misplaced¹³. Yet, wherever one’s theoretical allegiances lie, it should nevertheless be clear that these questions cannot simply be dismissed altogether. Any normative theory, including one concerning distributive justice, must have something to say about the ideal state of affairs, whether it is deemed important or not. For if it is does not, we cannot know whether this theory suffices for the idea or concept we want to employ.

Now, the argument from Conservative Bias (henceforth, CB) I am concerned with in this section is motivated by considerations closely related to these questions. It asks us to consider how well the pluralist approach does, compared to the standards above, of equipping us with an ideal of a just state of distribution and prescriptions on how to realise it. In particular, it targets the pluralist’s conviction that the nature of social relations, practices or arrangements in general determines the requirements of distributive justice. The following account provides us once again with a rough picture:

¹³ Citing only two substantively different positions of a wider debate, for an overview see Schaub (2010).

The Argument from Conservative Bias (CB):

CB-P1: *DJP* is a plausible interpretation of distributive justice if and only if it accounts for all requirements of distributive justice.

CB-P2: For *DJP*, social arrangements are necessary and sufficient to trigger requirements of distributive justice.

CB-P2_a: The *existence* of social arrangements is necessary and sufficient to trigger requirements of distributive justice.

CB-P3: We can imagine at least one (plausible) case of distributive injustice that is not triggered by the existence of social arrangements, because:

CB-P3_a: Distributive justice requires establishing new social arrangements.

CB-P3_b: Distributive justice requires abolishing certain social arrangements.

CB-C1: Social arrangements are not necessary for requirements of distributive justice to arise (from P3)

CB-C2: Distributive justice is not exhausted by *DJP*, the concept is implausible (from P1, P2, C1).

CB-C3: *DJP* suffers from a conservative bias (from P2, C2).

As we can see, this argument accepts the pluralistic point of departure in basing requirements of distributive justice on certain social arrangements. It challenges neither the appropriateness nor the prospects of success of this endeavour. However, it does call into question whether the pluralist approach succeeds in covering all instances of distributive injustice viz., whether the pluralist approach is sufficient for our broader concept of distributive justice. Even if we can solve the issues of the prior sections and grant that we can somehow construct workable interpretations of social arrangements supported by empirical data, we still have to show that this approach allows for a convincing account of distributive justice in general. To see how this connects to the before-mentioned issue of the ideal state of affairs and derived prescriptions, let us have a closer look at the argument.

For the pluralist approach to work, the idea of social arrangements as the bases for moral evaluation clearly has to pull some substantial weight. After all, it is precisely this idea, of justice-generative relations, that helps to make sense of the pluralist's conviction that there are many potential contexts of distributive justice of sub-global but international scale. All of which having specific features of various grounds, sites, scope and targets, and of which the pluralist approach is the most promising candidate to account for. Yet, even if we grant that this idea is meaningful – as most of this chapter has tried to argue for – we must now show that the pluralist thesis truly is a normative account of global distributive justice.

The argument from CB is designed to tackle exactly this issue: if the pluralist is right, so the argument, then she has to defend P1 of the argument, namely the idea that social arrangements are both necessary and sufficient to trigger any requirement of distributive justice. This follows from the substantial weight the theory puts on the idea of social arrangements for identifying certain contexts of justice. Critics may have, as De Bres (2013) anticipates the critique, particularly the existence condition of P1_a in mind, when employing this argument. This should further illustrate that the pluralist can only discern cases of distributive injustices if social arrangements are already in place. However, does that track our intuition about all cases of distributive justice? While certainly not all social arrangements trigger requirements of distributive justice, we could accept that the *relevant* social arrangements are sufficient to ground requirements of distributive justice. At least on the condition that the elaborations in the previous section are correct that a plausible constructive method can single out the relevant social arrangements on empirical grounds. Yet, one could still object that social arrangements are the sole trigger for requirements of distributive justice. P2 follows the assumption that this is where the pluralist approach goes wrong (see De Bres, 2013, pp. 444-446.).

P3_a and P3_b both advance the claim that social arrangements are not necessary for requirements of distributive justice. A rationale for the former might be the following: if social arrangements are necessary for any requirement of distributive justice, then we must only see to having all social arrangements altered, in order to gain a perfect state of distributive justice. Yet, can we not easily at least conjecture a clear case of distributive injustice that is not triggered by the existence of any social arrangements? We might for example believe that certain aspects of the global political order are unjust in terms of distribution, not because of the existence of a particular social arrangement but because of the lack thereof. We might hold that some context of distributive justice, such as the international and global regime of finance, is unjust simply because there is no social arrangement in the first place which could be reformed into a more

just state of affairs. Thus, distributive justice seems at least in some cases to call for the establishment of new, even radically new social arrangements rather than the alteration of existing ones.

Likewise, in the case of P2_b, we might believe that in some context of distributive justice, some social arrangements ought to be abandoned instead of reformed. For example, we might have sufficient reason to believe that the practice of national control over trade gains ought to be abolished. However, then it might seem more appealing to think that these requirements of distributive justice arise from something else than this particular social arrangement. While it may logically be possible to argue for a requirement of distributive justice calling for the abolishment of the very same social arrangement it arises from, that does seem like a stretch. Thus, it is more convincing to believe that in some cases requirement of distributive justice are triggered by something else than social arrangements.

What both premises show is that there may be legitimate cases of distributive injustice and/or requirements of distributive justice that do not stem from social arrangements. Since *DJP* relies exclusively on the precondition of social arrangements for requirements of distributive justice, it is insufficient to cover all potential cases of distributive justice. Hence, it is not a convincing conception of the broader idea of distributive justice.

One could still try to rescue our account of *DJP* here by loosening its reliance on social arrangements and by trying to allow for some additional conditions to trigger requirements of distributive justice. But the argument from CB points to a deeper issue the pluralist faces once she accepts it. Issues that are related to the prior remarks on the ideal of distributive justice and its ability to offer prescriptions on how to achieve it: namely, the relation between the ideal and the actual, or put bluntly, the question whether it suffices to focus on (and eliminate) actual injustices for achieving the ideal state of a global just distribution of socio-economic goods. I take this to be the major reason motivating the argument from CB and subsequently for the conclusion that *DJP* suffers from a conservative bias.

Two related rationales supporting this conclusion can be given, each having been discussed in the literature on global and distributive justice (see Arvan, 2019, pp. 5-8). On the one hand, the pluralist approach is criticised of accepting too much of the actual world as a given. To be content with merely reforming social arrangements in the name of distributive justice downplays the fact that the existence of these social arrangements is entirely contingent. Justice, so proponents of this version of critique, demands (or at least possibly might demand) going further beyond the current institutional set-up of global politics. Merely fixing existing

imperfect social arrangements might turn out to be too conservative. Invoking Rawlsian terminology, the pluralist approach is too realistic and not sufficiently utopian¹⁴.

This does not mean that we have to fully agree with a Cohenian line of critique, which holds that principles of justice can never be justified by use of empirical premises. It surely is consistent to argue for the importance of some empirical premises for the justification of principles of justice while simultaneously accusing the pluralist of relying exclusively on them. The relevant point is, that the pluralist approach seems to be defective because its methodological commitments do not allow for justifying principles of justice any different than employing contingent facts. However, if justice does indeed demand a radical reorganisation of the actual world, then the pluralist approach of formulating internal principles of distributive justice for existing social arrangements succumbs to a mere formulation of rules of regulation, thereby losing the sense of impact and effectiveness considerations of justice should have (see Cohen, 2008, pp. 230, 232).

This ties into the second point of critique. Taking empirical circumstances as the starting point for its approach, the pluralist obscures rather than illuminates the relevance of an account of the ideal state of affairs. The whole point of the Rawlsian methodology was to design a device that allows to formulate principles of justice in an ideal world, consciously bracketing and abstracting from certain features of the actual world. Bridging the gap between the world of ideal theory and the actual world was after all the task of non-ideal theory (see Rawls, 2001, p. 13). Again, while we surely do not have to subscribe to the Rawlsian picture here, it is still difficult to see how the pluralist approach can satisfy the general *desiderata* of having a goal of distributive justice and certain instructions on how to proceed in our imperfect actual world. This seems to leave the prospects for a convincing pluralist approach towards global distributive justice severely limited. However, I again believe that things are not as dire for the pluralist approach as this argument from CB has it.

In order to rescue the pluralist approach from the argument from CB, I believe that several options are open to us. Since we do not want to accept the general argument, we could bite the bullet and unqualifiedly reject premise P3 (of both versions) and subsequently C1. This would mean that we have to vindicate the thesis that the existence of social arrangements is necessary to trigger requirements of distributive justice. However, that of course would leave the pluralist approach open to the above-listed objections. For these reasons, I propose to take the middle

¹⁴ Hence iterating the point of critique that Rawls himself had to face, regarding his own account of global justice (see Pogge 1994).

ground. I argue that we should accept that social arrangements are necessary to trigger requirements of distributive justice, but reject the thesis that only existing social arrangements do so.

Refusing to have only existing social arrangements trigger questions of distributive justice, allows us to reject the objection of conservativeness. Analyses of various contexts of justice may legitimately demand both the establishment or abolishment of social arrangements. Thereby, the pluralist approach only takes as many elements of the current global political order for granted as is needed for an adequate analysis. There is always the theoretical option for a radical reorganisation of social arrangements if justice demands that. If the empirically sound, constructive method of the previous section is possible, then we can expect the pluralist approach to deliver a sensible account of just social arrangements that neither downplays nor overplays the contingent current institutional set-up. Therefore, I argue that the pluralist approach is better off eventually accepting that social arrangements are necessary and sufficient to trigger requirements of distributive justice, albeit in a somewhat qualified manner.

To further support this thesis, consider the impact that the argument from CB has on alternative statist or globalist approaches. The main point of the argument certainly applies to the statist case. Taking some social arrangement as the sole context of distributive justice is open to the conservativeness objection. But compared to the case of the pluralist, this argument is even stronger in the case of the statist. For the statist does not even consider taking anything beyond the current state of affairs into account. It justifies its case entirely on contingent, empirical premises and barely allows for any alteration of the status quo. The globalist on the other side, is not immune against the charges of conservativeness either. While most globalist positions do indeed argue for major revisions of global political affairs, it is not clear that these accounts avoid the charges. It is precisely because these accounts do not pay sufficient attention to particular social arrangements, so that the question which elements should be taken for granted, is obscured. Only the pluralist approach, that explicitly tracks social arrangements, is equipped to deal with the conservativeness challenge by taking the middle ground.

This understanding of a social-arrangement-based pluralist approach also points, I believe, to an answer toward the second point of critique. Having defended the thesis that the pluralist outlook really is both sufficiently realistic and utopian (because it tracks features of our actual world), considerations of ideal and non-ideal theory need to be answered *within* this framework. Since the pluralist should embrace a strong thesis about social arrangements as necessary for requirements of distributive justice, as I have shown, it is part of the constructive framework to

specify conditions for idealisation and abstraction that are justified to interpret and reform individual social arrangements. The argument from CB shows that a fully fleshed-out pluralist approach needs to take a systematic stance on this question. However, it should have been equally clear that this is not an impossible task. Therefore, I conclude that the argument from CB does not refute a pluralistic position. It does indicate though, which further steps need to be taken in order to arrive at a coherent approach of global distributive justice. The following chapter is dedicated to this task.

Let me sum up the major points we have encountered in this section: the argument from CB was motivated by the concern that the pluralist approach places too much weight on conceptualising social arrangements as the base for moral evaluation. Taking social arrangements as necessary and sufficient to ground requirements of distributive justice could eventually lead to a conservative or status quo bias. As we have seen, this points to a deeper issue of how to approach both the question of the ideal state of affairs of a just distribution of socio-economic goods and the question of which way we ought to pursue to reach this ideal. Having said that, I defended the pluralist thesis about global distributive justice against the charge of being overly conservative. However, I argued that this argument uncovers important issues the pluralist approach has to account for.

3.4 Conclusion

In this chapter I addressed the main criticisms and objections against the pluralist approach about global distributive justice that are well established in the literature on this subject. In particular, I gathered the most relevant points of criticism and put them into four separate arguments, all of which trying to refute a central aspect or tenet of the pluralist thesis. This chapter thereby served two purposes of equal importance: on the one hand, it was necessary to show how to rebut these arguments, if only to save the primary plausibility of the pluralist approach. While an increasing number of authors engages with this third wave of theorising about global justice, many on the statist and globalist side still remain unconvinced by its general prospects. Refuting some of the major concerns which these theorists have, may help to convince them otherwise. On the other hand, I argued that the four arguments presented in this chapter not only leave the pluralist thesis unharmed, but reveal on closer inspection deeper issues that have not been addressed adequately by global justice theorising. I discussed these arguments at great length in order to unearth those questions that need to be taken into account for a substantial defence of the pluralist approach towards global distributive justice. Let me briefly cite the findings of this chapter.

The Argument from Hobbesian Scepticism takes Hobbes' political philosophy in the *Leviathan* as a starting point. It follows the Hobbesian characterisation of justice, the state of nature and the state of civil society, and seeks to establish the meaninglessness of any idea of global justice. Backed by (neo-)realist scholarship in IR, the Hobbesian Sceptic rejects any moral evaluation in terms of justice of global political and economic affairs. Against the dominant game theoretic interpretation of the Hobbesian state of nature as a prisoner's dilemma, I argued that it is better captured by a coordination game of assurance. This interpretation of the state of nature allowed us to reject the Hobbesian notion of centralised sovereignty as a necessary condition for justice. Furthermore, it enabled us to justify assurance and trust issues as inherent features of global politics. This in return provided reason to reject globalist approaches towards global justice as well. Taking the derived practical and epistemic constraints on approaches to global distributive justice seriously, I argued for the *prima facie* plausibility of the pluralist approach: a convincing account of global distributive justice must satisfy the requirement of context-sensitivity and needs to justify normative principles in accordance with the 'Hobbesian basic insight'. While I argued that the pluralist approach is conceptually well-equipped to meet these requirements, an explanation of how this is to be carried out, must yet be delivered.

The Argument from Global Basic Structure is the attempt to refute the pluralist thesis by familiar Rawlsian means. To be precise, it is Rawlsian in a twofold sense. It is driven by concerns of the basic structure of society, but also advances on the original Rawlsian account of global justice by arguing for the necessity of a global basic structure approach – the latter being the rationale for the objection to the pluralist approach. Accepting the correctness of the Rawlsian account of domestic distributive justice, leaves no room for a disaggregated, pluralistic account of global distributive justice. Yet, as I have shown, the argument is ultimately not effective. The reasons for this are that this argument makes certain assumptions about global politics that are empirically contingent and unjustified. Globalists wanting to employ this argument face the charge of relying on speculations. They rely on assumptions that could only be validated by extensive empirical support, which these theories are not sufficiently sensitive to. Thus, proponents of this kind of argument find themselves in a similar inconvenient position as advocates of the former argument. Only the pluralist is able to make conceptual sense of these issues. However, I argued that in order to do so, the question of how exactly to incorporate empirical research into our pluralist conception of global distributive justice needs to be answered.

The Argument from Disaggregated Contexts of Justice is motivated by concerns regarding the plausibility and coherence of a pluralist approach. It criticises the central tenet of the pluralist approach – of targeting individual sub-global or scale context of justice – for not offering a feasible way of analysing global political affairs. It accuses the pluralist position for underestimating the complexity and interrelatedness of the many forms of global injustices. This should give us an instrumental reason for accepting a global basic structure requirement of global justice contrary to the pluralist's assumption. I argued against this conclusion by showing that this argument fails to take independent arguments against the global basic structure requirement into account. I concluded that it does not offer us sufficient reason to reject the pluralist thesis. That said, I acknowledged the point of calling the question of methodology to the forefront of issues a pluralist approach has to account for. While I am ultimately not convinced that the pluralist approach stresses the capacities of methodology too much, it is certainly true that the (merely implicitly suggested) constructive methodological approach needs to be fully developed.

Finally, the Argument from Conservative Bias calls into question whether the pluralist thesis is an adequate conception of distributive justice in general. It tries to show that the pluralist's dependence on already existing social arrangements (or justice-generative relations) is problematic for the determination of the overall goal of a just distribution of socio-economic goods. Merely stressing the need for reforming existing forms of societal, political arrangements eventually ends in a status quo bias. In other words, if too many aspects of the existing order are taken as a given, concerns of justice succumb to mere rules of regulation and lose the ability to articulate sufficiently ideal (utopian) visions. This question of the ideal state of affairs is of great importance for any political approach towards global distributive justice, that wishes to preserve the critical sharpness of the concept. While this certainly applies to the pluralistic endeavour, I argued that neither statist nor globalist positions are safe from this charge as well. Indeed, I concluded that the pluralist may even be more suited to deal with this question than rival approaches, since the pluralist is able to explain the ideal state within its conceptual framework. However, I admitted that this topic needs to be dealt with in a more systematic way.

Therefore, in this chapter I defended the pluralist thesis against major concerns and objections from both statist and globalist positions. Neither argument against the pluralist approach was ultimately successful, yet they revealed deeper flaws in those positions themselves as well as pluralist issues that have not received sufficient attention. The relevance of empirical research

and its role for moral evaluation; the question of adequate and coherent methodology; and the topic of the ideal state of global distributive justice remain issues to be approached. In the following chapter I shall address these questions and thereby provide a substantive defence of the pluralist approach.

4 Refining the Pluralist Framework: A Substantive Defence

4.1 Introduction

Having refuted four major arguments against pluralism about global distributive justice, I turn to the three philosophical issues that emerged from the discussions of the previous chapter. As we shall see, these three issues are tightly connected with each other and a substantive defence of the pluralist approach would require to answer all of them properly. In particular, this entails for the pluralist to take a stance on the following three issues: (4.2) they need to explicate the meaning of knowledge about empirical facts for moral arguments about global distributive justice; (4.3) they need to defend their methodological choice for the justification of normative principles; and (4.4) they need to provide a full-fledged theory of distributive justice, including an account of its normative ideal state. I shall argue that the pluralist approach can make sense of the challenges posed by the first and the second point and delivers on the task of providing us with the sought-after account. Eventually, I shall draw concluding remarks on the complete, final version of the pluralist approach about global distributive justice (4.5). I will turn now to each of these points individually.

4.2 Why Political Philosophy Needs Social Science

We have seen in chapter 3.2 and 3.3.1 that statist as well as globalist positions fail to deliver a convincing account of global distributive justice, because their arguments are built on hypothetical assumptions that do not track the real world of global political affairs. Context-sensitivity emerged as a standard for which any successful conception of distributive justice must be measured against. The pluralist approach is fit to deal with this challenge from empirical adequacy, but the question of how empirical information can be operationalised for a pluralistic account of global distributive justice remains. In the course of this section, I shall develop and defend a thesis on how this may be established.

Confronting this question, it is useful to clarify first the aim to achieve at this point and maybe more importantly what is not the goal of this account. The title of the chapter is borrowed – and slightly adapted – from Blake’s (2012) remarks on this important topic. In his article, Blake argues for two conclusions: firstly, in the spirit of what I have shown in the previous chapter, that “political philosophy done without knowledge of the capability and culpability of international institutional sets is likely to be bad political philosophy” (Blake, 2012, p. 134). Secondly, the warning that neither can political philosophy be reduced to political science and

moral argument be replaced by factual knowledge, nor will armchair social science done by philosophers suffice for addressing the stated problem. Thus, political philosophy done right demands an actual, serious engagement between descriptive and normative theorists. I endorse Blakes' conclusions and believe that his urge for caution serves as a reasonable constraint for the following undertaking.

Recall from chapter 2 the provisional definition of the pluralist approach, *DJP*:

Provisional DJP: A requirement ϕ of distributive justice 1) is generated by the interaction of the constitutive elements of ground, site and content of justice-generating social relations, with the proviso that these constituents come in various shapes and degrees; 2) receives its scope and target due to this interaction.

Since one of the main features of the pluralist approach is its recognition of a plurality of relevant elements – ground, site, content, scope and target – for a requirement of distributive justice, examining these elements is an obvious starting point. Indeed, it seems convincing to conjecture that empirical support is relevant for the content of at least one of these elements. After all, if the pluralist approach stresses the thesis of the existence of many, different contexts of justice, then empirical support may be essential to determine the nature of the contexts in question. Yet, we still have to justify for which elements, if any, empirical research is of importance.

In a recent article, Caney (2018) offers a taxonomical list of hypotheses concerning the question of how empirical research can be utilised in models of normative theory. This list is well-suited for our purposes. According to the author, we can ask this question in seven meaningful ways: empirical research may be relevant for determining the scope of global distributive justice, that is, determining who is to be included within a scheme of distributive justice. Taking this proposal seriously, it is through empirical data that we can clarify who qualifies for particular claim rights. On another proposition, empirical research is relevant for the content of principles of distributive justice. Since social arrangements may be crucial for the content of these principles, as practice-dependent¹⁵ theorists in general have argued, “identifying principles of justice requires an empirical and interpretive enquiry into the nature of the social practices that

¹⁵ See e.g. Sangiovanni (2008).

exist at the transnational and global level” (Caney, 2018, p. 110). Besides these two proposals, Caney presents five additional closely related hypotheses: firstly, facts about global politics and the global economy bear on our understanding of the implications of principles of distributive justice. Secondly, these facts might tell us about the extent to which these principles are possible to achieve. Thirdly, facts inform us about the desirability of these principles, e.g. whether they come at any costs of side effects. Fourthly, empirical data may be instructive in the construction of our research questions. Facts help us to address unasked questions and to keep track of the changing nature of global politics and the global economy. At last, knowledge about empirical facts may also be instrumental for the conceptualisation of the subject matter of global distributive justice in general. Thus, here facts help to determine what is at stake in certain social and political global political affairs (see Caney, 2018, p. 104-114).

Caney thinks the latter five hypotheses are especially worth examining and he eventually defends all five, but rejects the first two proposals. Being one of the main advocates of a non-relational cosmopolitanism¹⁶, this is only coherent and hardly surprising. However, for the purpose of defending the pluralist approach, the case is different. I agree with the author that knowledge about empirical facts is highly relevant for the issues of his latter five hypotheses, but *pace* Caney I argue that this also applies to the first two proposals. Albeit I shall interpret them somewhat differently.

Let me begin with Caney’s latter five hypotheses. These exhibit rather uncontroversial claims, most theorists of global distributive justice could endorse. With the exception of strict statist accounts, which could not make much sense of any of these hypotheses, all accounts of global distributive justice have reason to acknowledge that empirical research offers valuable guidance for the implementation and evaluation of principles of distributive justice. Even downright convinced cosmopolitans will have interest in these issues, as Caney himself is prove for. The pluralist has even more reason to endorse these proposals. Since the pluralist acknowledges the possibility of many contexts of justice, empirical data even seems necessary to conceptualise particular accounts of distributive justice. Furthermore, tracking the complexity of global politics, the pluralist approach also relies on empirical facts in order to distribute rights and obligations of distributive justice to real world agents. In other words, the pluralist needs knowledge over empirical facts for the conceptualisation of individual contexts of justice and for setting the right target for requirements of distributive justice. The context-sensitivity and its conceptual flexibility do allow for a diverse range of agents as targets of distributive justice

¹⁶ See chapter 2.3.

are one of the reasons why the pluralist approach is better equipped to deal with the argument from GBS than rival approaches.

Yet, the pluralist approach utilises and depends on empirical data in another important way. Namely, in order to specify and set the initial conditions for the justification of principles of distributive justice. While empirical data cannot determine, at least directly, the content and scope of distributive justice on the pluralistic picture, knowledge about this data nevertheless does influence the specification of content and scope. This might seem obscure at first, but it follows from the pluralist conception of global distributive justice I have outlined in the beginning. The following example might help illuminate it. Consider a possible case of global distributive justice concerning the distribution of natural resources. It follows from our pluralist conception of global distributive justice that we consider it as a potentially distinct context of distributive justice. Moreover, following the remarks in this section, we ought to look at empirical data in order to conceptualise this particular context of justice – to make sure we are focussing on the relevant question and to gain an understanding of suitable targets of an account of distributive justice. We might find factual support for the thesis that a social practice regarding the extraction of natural resources exists, the distribution of which is highly unequal. We might also find evidence for the further thesis that this practice particularly involves certain non-state private agents. Finally, studies might suggest which institutions are likely to exercise effective influence in this practice. This is how the pluralist approaches a potential context of justice. Having done that, the task of justifying certain principles of distributive justice, which are tailor-made for this particular context of justice, remains. However, we certainly cannot proceed with this task just as before. Our knowledge about empirical facts does not suffice to justify any normative principles and it does not determine the ground or content of those principles. Otherwise, we would risk substituting moral argument for factual knowledge hence fail to take Blake's caution into account. Since the justification of normative principles requires genuine moral argument, for which empirical information is relevant but not exhaustive, we have reason to reject the hypotheses on scope and ground. Knowledge about empirical facts is important, but it can get us only so far.

This is consistent with Caney's view, who also rejects these hypotheses. However, I believe that there is a version of the second hypothesis, that does not run into the risks described above and should be endorsed by the pluralist. This is the hypothesis that knowledge about empirical facts is relevant for specifying the site of distributive justice – the site-hypothesis.

Recall from chapter 2, that the *site* of distributive justice is “the sphere of social, political or economic organization within which a principle of distributive justice applies” (De Bres, 2012, p. 317). What seems to be a rather vague definition of the subject of distributive justice, actually follows from the pluralist conviction that a potential site of distributive justice cannot be defined any narrower and independently from other contextual assumptions. It is pluralistic because it assumes that there is no single way to account for the site of distributive justice. The question of whether the site of distributive justice is exhausted by the major social and political institutions, or of whether it includes particular agents’ actions cannot be answered independently. The site of distributive justice is thus better to be understood as a function of other, exogenous features of contexts of distributive justice – features we can only determine by reference to empirical facts. On this picture, factual knowledge is necessary to get a grip on the elements that a site of distributive justice is composed of. Besides its role for conceptualising contexts of justice in the first place and its role for setting up the target of principles of distributive justice, I argue that knowledge about empirical facts also play a role in specifying the site of distributive justice.

Let me give two reasons as further justification for this thesis. Firstly, this thesis applies to all cases of distributive justice, domestic as well as global. While I am primarily concerned with consequences of this thesis for the pluralist approach to global distributive justice, the relevance of empirical facts for distributive justice in general is more uncontroversial than it seems at first glance. Theorists of domestic distributive justice also have to tackle the issue of the site. Admittedly, one can rarely find work of normative theorising that explicitly relies on factual underpinnings. However, the fact that most specify the site of distributive justice without direct reference to factual knowledge, I argue, does not impair this hypothesis. It is rather the case that the question of the domestic site of distributive justice can be approached easier than in the global case. There is an obvious knowledge asymmetry between the domestic and the global case of distributive justice that explains the difference in these approaches. Take the Rawlsian case for example. We are usually familiar to the degree that it is common knowledge which major social and political institutions compose the domestic site of distributive justice. But it is way more difficult to assert the same in the global case or make sense of similar institutions in global political and economic affairs. For these apparent reasons, we might be inclined to accept the site-hypothesis in the global case but feel reluctant to acknowledge its role for the domestic case. Yet, there is no difference between these cases in principle. Were things different, or would well-known political institutions extensively be transformed overnight, we would have to rely on factual information in the domestic case as well. The historical contingency of the

institutional set up of modern nation states, thus does not justify rejecting the site-hypothesis in the domestic case. The explanatory force of the hypothesis is preserved in the domestic case. I take this to be one reason supporting the validity of the site-hypothesis.

The other being its usefulness for addressing the argument from GBS. I argue that the site-hypothesis illuminates what is actually going wrong in the global basic structure argument. As I have shown in the course of chapter 3.3.1, the argument from GBS eventually fails to effectively criticise the pluralist approach and to convince on its own, because it relies on empirical speculations. I indicated that the pluralist approach is better suited for dealing with these uncovered issues. The site-hypothesis explains this: global basic structure proposals rely on conjectures about structural similarities between domestic and global sites of distributive justice. Conjectures which ultimately proved to be unjustified. The distinct nature of global politics does not match the framework of the domestic basic structure of society. The pluralist approach in contrast, allows for various sites of justice. It does not claim any similarities between the domestic and the global sites of distributive justice and its approach does not hinge on any related assumptions. Accepting the site-hypothesis further strengthens the pluralist approach and shields it from the argument from GBS. Therefore, I conclude that we have sufficient reason to accept the site-hypothesis of knowledge about empirical facts.

Thus, taken together with the prior remarks, I believe to have shown how knowledge about empirical should be utilised for the pluralist approach. Empirical data enters the pluralist framework once we begin to conceptualise a distinct context of distributive justice. This is rather uncontroversial, because it does not yet effect the content of normative theorising. But empirical data is used for these issues as well. The pluralist approach capitalises on empirical knowledge when specifying both the site and the target of which principles of distributive justice apply to. For these reasons, empirical data is a necessary element for any full-fledged pluralistic account of distributive justice.

Having established the importance of knowledge about empirical facts and clarified its role for the pluralist approach, another crucial issue emerges that needs to be discussed. Before such knowledge may be employed, we need to have an adequate understanding of its potentials and limits. In other words, we need to be aware of what social science actually can and cannot achieve. Adopting factual knowledge uncritically as input for normative models runs the risk of yielding wrong or problematic conclusions. Nili (2015, 2016) has forcefully argued for this primarily epistemological point. Although he agrees with the assertion “that conversation between normative political philosophy and empirical social science is far too rare” (Nili,

2016a, p. 136), Nili stresses the point that, at least current state, social science research faces clear limits in terms of its explanatory potential. The following example, taken from Nili (2015) serves to illustrate the two problematic epistemological points regarding the use of social science research.

Consider Pogge's (2002) well-known claim that existing global economic institutions harm the world's deprived, hence we, the affluent people of the Global North, are not failing to fulfil any positive duties of assistance but actively violate our negative duties not to harm (see Pogge, 2002, pp. 18-20). This provocative claim has been subject to a lively debate, with equally many trying to defend as well as to refute it (see Jaggard, 2010, pp. 1-3.). At the centre of the debate is the question whether Pogge's causal claim is correct. Pogge himself argues on grounds of this specific claim for a mass-scale reform of global economic and political institutions, thus endorsing a similar solution to the problem of global distributive justice as the argument from GBS tries to establish more generally. The often-overlooked point, according to Nili, is that it is far from clear whether this could be evaluated adequately. It is difficult to assess the relative weight of negative influence these institutions exercise on the global poor compared to other institutional factors. This needed assessment simply seems to exceed the limits of social science. Likewise, we face the same difficulties when we try to assess Pogge's proposed institutional reform. The effects of institutional reform are difficult to predict in any case, but in the global realm this problem is only likely to multiply. Social science based instructions for institutional change appear to come with a level of great uncertainty. Thus, social science not only has clear limitations for explaining real world global challenges, but its ability for prediction is also severely restricted (see Nili, 2016a, pp. 150-152.).

These are issues especially the pluralist cannot dismiss. A point that is explicitly emphasised by Nili as well (see Nili, 2016b, p. 212.). In the terms of *DJP* this means that the thesis about the relevance of knowledge about empirical facts for the site and target of distributive justice is heavily challenged. However, I argue that these challenges can be overcome. There seem to be two possible ways for the pluralist to deal with Nili's critique. On the one hand, it becomes clear that contexts of justice need to be sufficiently small-scale in order for us to be able to rely on social science underpinnings. We need to construct the site of distributive justice within the range of what is actually empirically supported. On the other hand, we must be careful in specifying the target of principles of distributive justice and be aware of the limitations of social science based predictions vis-à-vis this topic as well. The first point has implications for the further methodological concerns of the justification of principles of distributive justice, the

second point concerns the question of what is a desirable but also feasible goal. For a convincing pluralistic account of distributive justice, these points about the nature and epistemological (un-)certainty of social science research need to be taken into account. The following two sections dedicated to the defence of constructive methodology and a non-ideal ideal theory will pick up these threads.

Before I will turn to these two related questions, I want to address one final concern. After all I have argued for, one might ask whether this quite restricted pluralist approach still is sufficiently attractive. But consider this discussion in the context of relevant rival positions. Nili's argument clearly has devastating effects on any globalist employing the argument from GBS. The prospects for global basic structure proposals are even dimmer, examined under the light of social science uncertainty. Anyone accepting Nili's arguments has even more reason to favour a pluralist over a globalist approach. Therefore, I conclude that the pluralist approach, although more complex in character than other approaches is eventually superior.

4.3 Constructing Principles of Global Distributive Justice

Having shown how the pluralist's normative theorising should engage with empirical research, I turn now to the subsequent task regarding the method of justification for principles of distributive justice. This is essentially the normative part of theorising about global distributive justice. In our pluralistic terms, it concerns the specification of content and ground of distributive justice. Recall from 3.3.2 that the success of this task is challenged explicitly by the argument from DCJ. In order to refute this argument, we have to demonstrate that such a methodology is feasible. Additionally, at the end of the previous section, I argued that the site- and target-hypothesis has implications for this undertaking as well. Thus, the task at hand is to prescribe a methodology for the justification of principles of distributive justice that is capable of dealing with the argument from DCJ and consistent with the findings of section 4.2. In the course of this section, I shall propose and defend a constructive methodology well-suited for the purposes of our pluralist approach. I will begin with an explanation of the concept of constructivism in ethics and political theory, before I defend the concept for the pluralist approach and eventually lay out a coherent constructive pluralist framework for justifying principles of global distributive justice.

Firstly, let me clarify the meaning of the term constructivism. There are at least two different uses of the term in the relevant philosophical literature. On the one hand, constructivism designates a position in metaethics. Understood as such, it is a thesis about the nature of our

normative judgements, roughly claiming that “the correctness of our judgments about what we ought to do is determined by facts about what we believe, or desire, or choose” (Jezzi, IEP). Prominent proposals of constructivism about metaethics can be found in Korsgaard (1996) and Street (2010). On the other hand, constructivism designates a position in normative ethics and political theory. From this point of view, constructivism is an explanation of the correctness of our normative judgements and a method for justifying normative claims. Its main proponents are Rawls (1999), Scanlon (1998) and more recently James (2005, 2014, 2018). However, metaethicists interested in constructivism naturally do influence and also have contributed to debates on constructivism in normative ethics and political theory and *vice versa*. But it is important to grasp the general difference in the meaning of the terms. For our purpose of prescribing a method for the justification of principles of distributive justice, the latter, normative constructivism is the one we are interested in.

Having said that, we can approach the question what characterises constructivism as a method for justifying normative claims. It is instructive to consider constructivism in comparison with another major rival theory, intuitionism. On the intuitionist picture, ethical truth exists independently of us and can be known by “quasi-perceptual rational insight” (James, 2018, p. 372). Thus, intuitionism can also be described as part of the realist family of moral theory (see Korsgaard, 2008, pp. 306-309.). Political theory, according to intuitionism, seeks to discover the normative principles that describe to our normative, moral intuitions. Constructivism rejects this view. Constructivism holds that ethical truths do not exist *eo ipso* independently of us, but nevertheless claims that objectivity about normative claims is possible. However, this is only achievable by actually constructing normative principles. Thus, “political theory aims at constructing political principles that can account for our moral intuitions by bringing as many of those intuitions into a coherent whole with one another” (Buckley, IEP). How we ought to understand this process of construction and how objectivity is thereby generated, has been of course subject of lively debate, which brings us to constructivism’s prominent defenders.

Rawls, arguably the first constructivist theorist introduces his position on the subject early on in his works¹⁷. His constructivist position is based on both Kantian moral theory and social contract theory and is sometimes referred to as the proceduralist thesis about constructivism. While this thesis is revised in the course of Rawls works, the core idea remains the same: Ethical truth is derived by the right procedure respectively generated by an adequate device, whereas the notion of procedure or device is modelled on the subject in question. An example may

¹⁷ See Rawls (1980).

illustrate this idea: The original position in Rawls' theory of justice is the adequate device to derive principles of justice because it considers the question of justice in the light of the conception of persons as free and equal. Since this is a well-known example, I will not go into further detail, since the general idea should be clear¹⁸. By following the constructive method, we get the substantive content of principles of justice from relatively uncontroversial initial assumptions – we 'construct' the subject matter of justice from acceptable starting conditions. In his later works, Rawls attempted to specify these initial assumptions in a way so that any person of society could endorse them, regardless of their personal conception of the good. This late 'political constructivism' aims at formulating a freestanding political conception of the right that does not rely on any metaphysical assumptions of the good (see Rawls, 1993, pp. 10-12).

Constructivists subsequently advanced accounts motivated by the similar ideas. Scanlon's (1998) contractualist account provides us with a constructivist view of morality of what we owe to each other. Moral principles are justified insofar as no one could reasonably reject them (see Scanlon, 1998, pp. 151-153). While Scanlon further developed the proceduralist interpretation of constructivism, others have departed from this approach. Both Korsgaard's (1996) Kantian Constructivism and Street's (2010) Humean Constructivism claim that normative truth is derived by a formal, practical point of view. This point of view encompasses certain constitutive commitments that specify what it takes to engage in particular practical activities (see Jezi, IEP). Thus, there is "no normative truth independent of the practical point of view" (Street, 2010, p. 366).

Although these latter two theorists are primarily concerned with the metaethical implications of constructivism and have gone beyond its relevance in normative ethics and political theory, we can still see the constructivist core tenets: Substantive normative contents are derived on grounds of more uncontroversial, basic normative assumptions or interpretations. I believe that this methodological core idea fits well within the overall pluralist approach and I argue that it explains the normative account that underlies *DJP*. In the following, I shall propose a framework based on this constructive method for the justification of principles of global distributive justice.

Street's (2010) analysis of constructivism in normative ethics and political philosophy – in her terms, 'restricted constructivism' in contrast to metaethical constructivism – serves as a suitable point of departure for this task. Restricted constructivism wants to give a substantive

¹⁸ See Rawls (1971).

characterisation of certain ethical truths by demonstrating what is entailed by a practical point and the set of normative truths that is presupposed by this point of view (see Street, 2010, p. 367). This can be elucidated by illustrating the constituents of this view and explained by applying them to an example.

I begin with the constituents. Restricted constructivism requires a target, a procedure and some grounding material, in order to yields some results. The target refers to the subject matter we are interested in. The procedure sets up an adequate way of dealing with the subject matter in order to generate correct normative judgements. Grounding material is used as input for the procedure. It contains the relevant basic, normative claims that inform the practical point of view. If this process is successful, we gain results explaining the normative truth regarding the subject matter in question. Street analyses both Rawls and Scanlons' constructivist moral theories in these terms. Rawls' targets are judgements about social and political justice. The procedure to generate principles of justice is a social contract made in the original position. The grounding material contains the conceptions of the person as free and equal and of society as a fair scheme of cooperation over time. The results are Rawls' two principles of justice. Likewise, in Scanlon's case, the targets are judgements about the moral duties to each other. The procedure is one of collective bargaining. The grounding materials concerns judgements about reasonable reasons we have to live with each other. This results eventually in Scanlon's many moral principles specifying what cannot reasonably be rejected (Street, 2010, p. 368). In conclusion, restricted constructivism allows for the generation of normative principles in the light of another, basic set of normative judgements. The constructive method determines the content of these principles and objectively justifies their status.

This represents a promising basic model for constructive methodology, but how does it relate to the pluralist approach? As I have shown, *DJP* depends on factual, empirical knowledge for the specification of site and target of principles of distributive justice. Yet, ground and content, both inherently normative in nature, need separate moral argument. At this point the constructivist justification of principles of distributive justice enters the picture.

Central to pluralism is the assumption that various contexts of justice exist, each of which exhibits a context-specific ground of justice as well as context-specific principles of distributive justice. Considering that the pluralist thesis allows for this possibility of a magnitude of contexts of justice that are justified on divergent grounds, it also allows that the content of principles of distributive justice depends on the context as well. Hence, that contexts of justice differ

regarding their normatively relevant features and that this is crucial for the specification of corresponding normative principles.

The constructivist method in political philosophy can explain the pluralist thesis by showing what the various idiosyncrasies of local contexts of justice entail in terms of their normative principles. While the target remains the same for all contexts of justice, namely judgments about distributive justice, both grounding material and the procedure to arrive at conclusions about these judgments vary substantially. As the ‘input’ into our constructivist model changes from context to context of distributive justice, the substantive content of their objectively justified normative principles does so as well. However, since this is not a problem at all for the normative constructivist, the pluralist thesis is saved. Therefore, I conclude that the constructivist method meets relevant standards for the specification of normative principles and complements the pluralist approach well. It is thus the preferred methodological option for setting up a convincing pluralistic account about global distributive justice.

The adequacy of the constructivist method has been demonstrated. Now the subsequent task of demonstrating its coherence remains. Constructivism about the justification of normative principles picks up the threads of the previous remarks on the relevance of empirical data for some aspects of the pluralist approach. However, there seems to exist an obvious theoretical gap in the model describe above. Accepting the site-hypothesis helps determining the point of departure for the constructivist method. But as I have characterised this method above, certain basic normative judgements are taken for the input of a suitably designed procedure. Thus, there is still the need to show where we get these basic normative judgements from. Surely, these cannot be derived from factual knowledge (alone). To be more specific, it must be possible for our pluralistic endeavour to demonstrate how a specific social arrangement which we are interested in can correctly be interpreted in basic, normative terms. If this task of interpretation is successful, it will give us a substantial reason for accepting the constructivist method and it will complete the formal model sketched out before.

Approaching this issue of interpretation, some preliminary remarks on what we are searching for, are helpful. We are looking for a reliable way to gain normatively relevant insights about potential contexts of distributive justice, by an analysis of the essential features of the social practice characterising them. There are two *desiderata* for a convincing account of such interpretative activity: Firstly, this interpretation has to deliver objective, comprehensible results, acceptable for anyone in and outside of the social practice in question. An interpretation that fails to be accountable by reasonable standards of comprehension will not suffice.

Secondly, in doing so, this interpretation must make reference to ground and content of principles of distributive justice in order to be useful for the pluralist approach.

Conveniently for our purpose, we find some groundwork for this task in the works of general practice-dependent theorists of distributive justice¹⁹. Not all of these authors would endorse the constructivist methodology or its application to the topic of global distributive justice, but they share with the pluralist the conviction that normative principles need to track some features of the social practice they ought to govern. In these accounts, Dworkin's (1986) characterisation of constructive interpretation is often taken as the seminal account of this interpretative activity (Valentini, 2011, p. 403). According to Dworkin, this activity involves a "preinterpretive phase", an "interpretive phase" and a "postinterpretive" phase: At first, we are tasked with finding a common object of interpretation by identifying it in uncontroversial terms. We then give an interpretation of the aim or purpose of the object by reference to its structural features. Having established that, we are eventually able to propose reforms and requirements that need to be fulfilled in order for the object to achieve its purpose (see Dworkin, 1986, pp. 65-67). This scheme can easily be translated into the context of social arrangements. Here, James' (2005, 2012, 2014) long engagement with constructivism represents the most detailed account of this interpretative activity in the context of social practices.

James combines this interpretative approach with a distinct Rawlsian political constructivism. His approach interprets the three phases in terms of "individuation", "framing characterisation" and "substantive argument" and sheds some light on the technical details of a thereof derived model. Framing characterisation works by specifying the relevant (as opposed to morally arbitrary) considerations within a social practice and by drawing on the appropriate ideas of public political culture in order to establish a moralised interpretation of social practice in question. Subsequently an Original-Position-like procedure is derived deductively – by following the 'axioms' of the relevant social practice. Normative judgements are then formulated through substantive argument by reference to this procedure. Eventually, we arrive at principles of justice that stem from within a social practice; designed for this social practice; and justified in the light of this social practice (see James, 2014, pp. 252, 257-260).

Most importantly, this model of interpretation fulfils the *desideratum* of objectivity and comprehensibility. It is objective, because the social practice itself is the source for interpretation and sets the stage for moral argument. It provides the non-arbitrary input for a reasonable constructivist procedure. Furthermore, it is comprehensible because this interpretive

¹⁹ See chapter 2.3.2.

activity explicitly refers to structural features of a social practice. These features are descriptively reconstructed, but also critically examined. Normative judgments are built on public political ideas in combination with these examinations. Judgments about principles of justice then, must be made on grounds of public mutual justification. Insofar these issues are plausibly argued for, I agree with its account of social practice interpretation. James' approach shares the late Rawls' emphasis on the political method of normative justification and is a fitting point of departure for the pluralist approach. However, the model I shall propose also deviates from James' model in certain aspects, which will become visible once we turn to the second *desideratum*.

For this model to cohere with the pluralist approach, the interpretative activity we are trying to grasp needs to appeal at least in some way to the ground and content of distributive justice. It is clear that the content of principles of distributive justice is the result of the constructive process as a whole. Taking restricted constructivism seriously, it follows that the content contains what is already entailed by the normative interpretation of the initial condition. It is thus likely that the normative interpretation of a social practice establishes the ground of distributive justice for this practice. Recall from chapter 2 that the grounds of justice tackle the question which facts, if any, of the world are relevant for our reasoning about distributive justice. For the pluralist approach this means that the sought-after interpretative activity determines which facts of the social practice in question are relevant for our constructive method to distributive justice. Thus, we get an account of the grounds of distributive justice through normative interpretation of the structural features of a social practice.

This differs from James' approach. In his theory, the ground and content of this normative interpretation are fixated by ideas found in public political culture. What fulfils the requirement of mutual justification is eventually provisioned by this public political culture. At this point, James follows explicitly the Rawlsian idea that only an overlapping consensus fed by various ideas of public political culture suffices to ground the normative interpretation of a social practice (see James, 2014, p. 256). Contrary to this, I argue that in the case of the pluralist approach we should rather consider the ground of distributive justice to stem from contingent features of existing social practices.

Doing so has two advantages that support the pluralist thesis and ultimately complete the constructive model: firstly, it allows for substantial content variation of normative principles across contexts of distributive justice. Each context's ground of justice might call for a specific content or the realisation thereof. The ground-based specification of the procedure facilitates

the context-sensitivity of the content of normative principles. Secondly, it allows for more flexibility in terms of the scope of principles of distributive justice as well as the target-individuation. Following the pluralist lead to focus on small scale contexts of justice, data of which is provided by empirical research, we can allow for substantive principles of justice that are restricted in scope but effective. Hence, we get at last an explanation of the scope of principles of distributive justice – it depends on both the ground and the site of contexts of distributive justice. Additionally, these small-scale contexts allow for meaningful selection of responsible agents as targets of principles of distributive justice. Normative principles that are tailor-made to a specific set of subjects are more likely to provide effective actual real-world guidance.

This of course further ‘disaggregates’²⁰ the pluralist approach about global distributive justice and invites even more concerns along the side of the argument from DCJ. However, we finally see how these concerns may be dismissed. The pluralist approach works *outward* from particular small-scale contexts of justice. It works primarily via construction of principles of distributive justice that ought to govern specific site and agents of social practices and assumes only partial global integration of contexts of distributive justice. Having established these individual contexts of justice, we proceed by connecting these contexts. This can be achieved by looking at requirements of various contexts of distributive justice jointly and by figuring out how one could strengthen another in a different context. This represents a pragmatic approach towards this latter task, but it is far from clear that this would not work. On the contrary, it is more likely for contexts of justice to converge or to be compatible with each other. The picture of the threat of conflicting or overlapping contexts of justice by the argument from DCJ is thus gravely exaggerated (see De Bres, 2012, p. 336).

We are now in a position to spell out the complete constructivist method and model for the pluralist approach about global distributive justice: the constructivist method serves as model for substantive justification of principles of distributive justice. As in the case of Street’s restricted constructivism, these principles are justified in the light of more basic, normative judgments. The following steps are needed by this model in order to arrive at these principles: sufficient factual knowledge explains the structural features of a social practice. Subsequently, a normative interpretation of the aim and purpose of the social practice in question is given. This allows for specifying the ground of distributive justice in the context of this social practice. An adequate procedure tracking the features of the social practice is developed, through which

²⁰ See De Bres (2013).

the content of principles of justice is to be determined. This yields objective, substantive normative principles of distributive justice with a particular scope. Accepting this constructivist model enables us to reject the argument from DCJ. Furthermore, this model further supports and elucidates the main pluralist thesis for the relevance of focussing on various sub-global contexts of distributive justice. Therefore, I conclude that this represents the superior methodological approach for the pluralist approach.

The deviations from James' approach may be minor, but they allow the model proposed in this section to be more flexible regarding the demands of small-scale contexts of justice. Despite this benefit, this model reinforces doubts motivating the argument from CB. The disaggregated character of the pluralist approach – its focus on social practices in general and the constructivist justification of normative principles in particular – gives rise to concerns whether it could ever suffice for a full *ideal* theory of global distributive justice. In the following section I shall reject this last line of objection, and thereby complete the substantive defence of this conception of global distributive justice.

4.4 The (Non-)Ideal Theory of a Partially Integrated Globalised World

Since its beginning, western political theory is characterised by its engagement with the philosophical question of the ideal state of political affairs. From Plato to Hobbes to Rawls, theories of justice are thought to play an important role in this philosophical endeavour. Thus, it is only reasonable to evaluate any theory of global distributive justice in these terms as well. The argument from CB that I presented in section 3.2.3 was brought forward as an objection to the pluralist thesis about global distributive justice that follows this tradition of evaluation. Even though I argued that its line of critique ultimately fails to go through, I concluded that it revealed an important task for the pluralist: Any coherent pluralist approach to global distributive justice needs to systematically engage with the philosophical question of the ideal, explaining the kind of normative ideal that is involved in its theorising. During the course of the last two sections, this need for an account of ideal theorising became even more apparent. The context-based, empirically supported specification of normative principles of distributive justice that was defended before needs to be supplemented by an account of the role and nature of an ideal distribution for the global realm. Providing an explanation on how the pluralist approach can deliver on this issue, is the task of this section.

Approaching this task, it is useful to clarify the relevant terms and lay the necessary groundwork for it first. While he was certainly not the first to distinguish between these two kinds of theories,

it was once again Rawls who coined the contemporary use of the terms ‘ideal theory’ and ‘non-ideal theory’. Both kinds of theories attempt to identify principles of justice that ought to govern social and political institutions. Yet, the former concerns the question of what an ideally just society consist of, the latter concerns the question what we ought to do, given our actual circumstances. This distinction is nicely captured in the following, lengthy quote:

The intuitive idea is to split the theory of justice into two parts. The first or ideal part assumes strict compliance and works out the principles that characterize a well-ordered society under favorable circumstances [...] Nonideal theory, the second part, is worked out after an ideal conception of justice has been chosen; only then do the parties ask which principles to adopt under less happy conditions. (Rawls, 1971, pp. 245-246)

Equally important, this quote also tells us about how these theories differ. Ideal theories assume full compliance with requirements of justice viz., (nearly) everyone in society acts in accordance with principles of justice, as well as favourable real-world circumstances. Non-ideal theory loosens these assumptions, taking only partial compliance for granted and dropping the requirement of favourable circumstances. Thus, both theories abstract to different degrees, from our actual world, but only ideal theory makes use of idealising assumptions²¹. However, Rawls is quick to note that idealisations are only valid insofar they do not depart too far from the theory’s goal of being realistically utopian. Idealisations must still track the possible in our world.

Two points are noteworthy in this Rawlsian use of the terms: In any case, ideal and non-ideal theory deliver different models of justice, suited for different purposes. Additionally, ideal and non-ideal theories differ in regard to quality and quantity of abstractions and idealisations that are invoked in each theory. Now, one could question the necessity of ideal theory. Its use of – potentially – problematic, idealisations and its model of justice does not really seem to offer any help for our actual world. Yet, importantly, ideal and non-ideal theory do not stand in a symmetric relation to each other. Rawls holds that ideal theory is the necessary precursors to non-ideal theory. Only ideal theory provides 1) a basis to systematically grasp moral problems, is able to 2) assess their urgency and 3) to set a target to deal with these problems. (Stemplowska & Swift, 2012, p. 376). This thesis as well as the question of which abstractions and which idealisation characterise ideal or non-ideal theory, have set the stage for the philosophical

²¹ Recall the difference between abstraction and idealisation from chapter 2.3.2.

debate about this topic in the last few decades. It is within this dispute, that we have to situate the pluralist thesis about global distributive justice.

Many since then have questioned whether the Rawlsian distinction is convincing, or whether the divide between ideal and non-ideal theory is adequately captured by the Rawlsian focus on compliance and favourable circumstances. Likewise, many have also established their own accounts of this topic. According to Hamlin & Stemplowska (2012), one can find at least four different distinctions now between ideal and non-ideal theory in the philosophical literature. Against the Rawlsian criterion of compliance, some have argued that it is already the distinction between idealisation and abstraction that demarcates these two kinds of theory. Crucial on this account is then ideal theory's use of idealisation and, therefore, its explicit use of false assumptions (see O'Neill, 1996, p. 40). Still others have argued that ideal and non-ideal theory differ to the extent they establish fact-sensitive models. A theory is more fact-sensitive, hence non-ideal, the more it accepts certain facts as elements of constraints in its models. At last, theorists following Sen (2009) have held that the distinction concerns the question the theory of justice addresses. "Transcendental" theories of justice seek to answer the question of what a perfect state of political affairs would look like, while 'comparative' theories of justice focus on evaluating various possible social arrangements by comparison. Thus, ideal and non-ideal theory simply serve a different purpose (see Sen, 2009, pp. 8-10). Hence, depending on which approach we adopt, we gain not only a distinct account of both ideal and non-ideal theory but also of their relationship to one another.

Furthermore, this also suggests, according to Hamlin & Stemplowska (2012,) that we should consider the difference between these theories as a matter of degree rather than a categorical distinction. Ideal theory can be more or less ideal, depending on the amount and extent of compliance, idealisation or fact-sensitivity it includes in its model and whether it compares social arrangements. Both ideal and non-ideal theory then lie on the same continuum but resemble different theoretical approaches to theorising (Hamlin & Stemplowska, 2012, pp. 52, 60).

Regardless of one's preferences on these approaches, we might ask which place our pluralist approach occupies on such continuum. As it is clear from these explanations and the general account of the pluralist thesis, it must be somewhere on the non-ideal side of the divide. Indeed, we can take the pluralist thesis to represent a genuine non-ideal theory of global distributive justice if we evaluate it in the light of the above-listed criteria: it models requirements of distributive justice on empirically supported levels of compliance, rejects any idealising false

assumptions because of its fact-sensitive grounding and is, at least not explicitly, oriented towards the perfect state of affairs but seeks to remedy actual injustices. On all four criteria, the pluralist approach tends to occupy a rather non-ideal place on the ideal-non-ideal-continuum.

While we have seen that the pluralist has good reasons to embrace this non-ideal approach, it is easy to see why it nevertheless might turn out problematic. If one accepts the Rawlsian thesis that ideal theory is the necessary precursor for non-ideal theory, one is likely to reject the sufficiency of the non-ideal theory of global distributive justice that the pluralist offers. The argument from CB, while itself not sufficiently effective, is supported by this Rawlsian thesis as well. It is an argument designed to show that the pluralist approach fails to articulate a realistically utopian ideal state of affairs. Merely reforming existing social arrangements could fail in making a real move towards global distributive justice. The Rawlsian idea can explain this. Only (a sufficiently) ideal theory can light the way towards real justice in our actual, imperfect world. Thus, since pluralism contains only a non-ideal theory of distributive justice, it would be at least insufficient or even worse, wrong.

Having spelled out the problems concerning the non-ideal status, which the pluralist encounters, I proceed now by establishing an argument against this conclusion. In particular, I shall argue against the desirability of a Rawlsian understanding of ideal theory for global distributive justice and make a case for a more appropriate model of ideal theory that fits well into the pluralist approach.

Of the many theorists sceptical about the Rawlsian understanding of ideal theory, only a few have gone so far as to reject the usefulness of ideal theory in general²². Most rejected the strong necessity thesis Rawls argued for, but conceded that some sort of ideal theorising might be needed in certain circumstances. Since most of this work is done by theorists explicitly concerned with questions of global justice, it is instructive to examine some of these arguments more closely.

Robeyns (2008) for example followed Sen's (2009) assertion that ideal theory is not necessary to evaluate actual cases of injustices. To judge the desirability of one actual scenario of political or economic affairs over another, one does not need an account of the ideal state of justice. This conforms to Sen's overall argument. However, Robeyns offers another objection to ideal theory, as understood by Rawls-inspired thinkers: sometimes, the implementation of requirements of ideal theory can be counter-effective. This happens, when ideal theory

²² Notable exceptions are e.g. the above-mentioned Sen (2009), Farrell (2007) and Anderson (2010).

prescribes scenarios, the realisation of which would turn out to have disastrous consequences. Normally, this would provide us with a pragmatic reason to refrain from trying to do so, but “such attitudes and the design of policies and actions that would follow, are based on a kind of pragmatism that is at odds with ideal theory in general” (Robeyns, 2008, p. 359). Hence, there seems to be something wrong with prescriptions of ideal theory in scenarios where some of the consequences are difficult to estimate.

This objection might appear implausible to some. After all, one could believe that this is just part of the usual state of ideal theory – an idiosyncrasy that actually grounds the need of non-ideal theory in the first place. But this objection ties into further arguments that point to a deeper issue of ideal theory in the area of global justice. An issue we might call the problem from wrong idealisations and which concerns in particular the transition from ideal to non-ideal theory.

Herzog (2012) argued that ideal and non-ideal theories have neglected a problem of knowledge that arises in this transition. Ideal theories often make idealising assumptions about the availability of knowledge that would be needed on a non-ideal level. This concerns both the knowledge of possible institutional solutions as well as the knowledge that is used by these institutions. Ideal theory makes use of counter-factual scenarios that seem impossible to access from the standpoint of our actual world. Hence, the way how ideal theory specifies its idealising assumptions is problematic (Herzog, 2012, p. 273). Nili (2018) claimed that ideal theory faces a related dilemma, which he labels as the ‘moving global Everest’-problem: the limits of practical possibility, hence what is taken to constrain the ideal, might shift due to concrete policy choices. Thus, the ambition of ideal theory might change and so does the location of the global peak of perfect justice (see Nili, 2018, pp. 92-93). In this case, the idealisations deployed in ideal theory turn out to be too rigid. Fixating idealising assumptions beforehand then undermines ideal theory’s strength and plausibility of offering a goal of ideal state of justice.

Yet, in both cases it is not the use of idealising assumptions *per se* that appears to be problematic but rather the kind of idealisation that is involved as well as the way idealisations are derived. Of course, certain idealising assumptions are required in any ideal theory. We could not simply fix ideal theory by abolishing them altogether. Nevertheless, it also seems to be the case that certain restraints, on how to specify and how to use them, need to be attached. Therefore, Herzog as well as Nili propose that idealisations need to be grounded in closer proximity to our actual world.

Herzog stresses the point that idealisations need support from social science data in order to close the gap between ideal and non-ideal theory. In her view, ideal theory and non-ideal theory together ought to be an interdisciplinary endeavour. A procedure that makes use of many sources, weights various elements and reaches conclusions about appropriate idealisations in a ‘quasi’ reflective equilibrium (Herzog, 2012, p. 284). Hence the need for political theorists to engage more substantively with social scientists. *Nota bene* the similarity between this proposal and our concluding remarks in 4.2. Nili on the other hand urges us to view idealisations in a less determined way. We ought to be more flexible in the way we set idealisations and need to be open for revisions when future states of affairs call for them. Although he also endorses the idea that idealisations need to be established on grounds of empirical soundness, Nili also reminds us of the limits of certainty that social science can offer for this task (Nili, 2016b, p. 209). Thus, ideal theory’s use of idealisation ought to be scrutinized more closely.

This is also congenial to the conclusion that Robeyns eventually reaches in her work. She argues that we should not criticise ideal theory of its use of idealisations in general, but evaluate ideal theory in terms of wrong idealisation that are used within a framework. Ideal theory might still serve a purpose under some circumstances – for example circumstances, in which mere comparative judgement does not suffice for telling us how to improve the actual situation – but its role is greatly limited (Robeyns, 2008, p. 361). Its relevant, albeit minimised role, is to ensure that any proposed action, that is justified by appeals to our non-ideal approach, actually takes a step forward towards justice in the long-run.

Given these arguments, I argue that we have sufficient reason to reject the Rawlsian thesis that ideal theory is *always* necessary for non-ideal theory, particularly in the context of global justice. However, there remains the task of explaining how this limited role of ideal theory is to be understood in positive terms and how it can be accounted for in the pluralist non-ideal approach towards global distributive justice.

A framework aiming to accomplish exactly this task, has recently been defended by Volacu (2017). Its core element is inspired by the idea of incremental derivation. We can understand such procedure of incremental derivation as involving the following steps: firstly, we specify the normative assumptions of our model concerning the values sought to be instantiated. Secondly, we add a set of descriptive assumptions deemed relevant for our normative model. Thirdly, we gain a set of outputs modelled on a mix of idealised and non-idealised assumptions from the set of inputs. We then continue, fourthly, altering our model incrementally by changing single descriptive assumptions. This repeated procedure eventually yields “a comprehensive

landscape of normative models”, ranging from highly-idealised to non-idealised accounts, from which we are able to comparatively assess their value in terms of ideal-desirability and non-ideal-feasibility (see Volacu 2017, pp. 10-14). Furthermore, we also gain insight in the paths from more feasible to more desirable alternatives through incremental alteration. This framework bridges the gap between ideal and non-ideal theory and offers us an understanding of the transition from ideal to non-ideal theory and *vice versa*.

Transferred into the context of our pluralist approach, that entails the following procedure: We gain the values and rules of derivation that are needed for the normative assumption of this model from our constructive method of interpretation. Descriptive assumptions are accepted on basis of social science data, rather than being specified from counterfactual scenarios. Idealisations take place during the next step. We allow for a variety of idealising assumptions and generate various models based on different idealising inputs. The result is the sought-for “comprehensive landscape of normative models” (Volacu, 2017, p. 10), from which we can assess each model individually. Applying this framework of incremental derivation does not violate any of the pluralist’s core tenets. On the contrary, it offers us an account of the role of ideal theory for our non-ideal approach. Idealising assumptions may be involved in the pluralist approach, as long as we refrain from incorporating wrong (in the above described way) idealisations. The procedure of incremental derivations explains how we can accomplish that.

However, I argue that this framework is not justified by this compatibility alone, but because it also explains another feature of the pluralist approach. At the beginning of this thesis I argued that the pluralist approach aspires to accept a variety of grounds and scopes of requirements of distributive justice. Yet, the discussion of the argument from CB yielded the conclusion that the pluralist ought to model requirements of distributive justice on social practices or social arrangements. Additionally, the previous discussion of constructivism, evocated by the argument from DCJ, relied exclusively on the validity of a notion of social practice or social arrangement. This obviously limits the amount of grounds and thus the scopes of these requirement and suggests treating it as a practice-dependent relational approach only.

The analysis of the role of ideal theory within our pluralist approach in this section vindicates the earlier, original aspiration: since we take the idea of incremental derivation seriously, we also ought to accept that change in idealising assumptions might consequently alter the scope of requirements of distributive justice. Thus, while we still hold that the pluralist approach grounds requirements of distributive justice in social practices/ social arrangements, we are now in a position to recognise requirements of potentially wider scope. Principles of distributive

justice derive their scope and meaning from these chosen idealising assumptions. We can therefore, also agree with James' (2005) suggestion that the pluralist arguably understands her account of principles of justice more in terms of moral constraints, rather than ideal goals (James 2005, p. 286). If we judge a highly-idealised model to be more desirable, hence move upwards the ideal-non-ideal continuum of models, we can coherently hold as pluralists that certain requirements of distributive justice also gain a wider scope than what an initial analysis of the social practice/ social arrangement might suggest.

For these reasons, I conclude that the pluralist can withstand the challenges posed by the argument from CB. Supported by an appropriate analysis of ideal theory as provided by Volacu's model of incremental derivation, it is able to offer a genuine account of the role of ideal theory within its framework. Furthermore, since this discussion eventually has further explained the final constituent, the scope of requirements of *DJP* I take the substantive defence of the pluralist approach to be complete. Let me briefly summarise the relevant theses and important aspects of this defence in the following section.

4.5 Conclusion

This chapter was dedicated to a substantive defence of the pluralist approach. The need for this emerged first in the initial approximation of the pluralist thesis in chapter 2, which established only a vague notion of this conception, and from the discussions of its counterarguments in chapter 3, which left important questions open. The task was to clarify and defend central theses of the pluralist approach in order to establish it as a coherent, well-justified conception of global distributive justice.

In section 4.2 I defended the site- and target-hypothesis of factual knowledge for moral argument concerning global distributive justice. Given certain sub-global context of distributive justice, knowledge over empirical facts is necessary to determine the site of distributive justice viz., the subject of normative principles, and the target of those principles, since these do not necessarily overlap congruently. Only with sufficient empirical information can we specify these elements upon which further normative considerations draw on. Hence the need for moral argument concerning principles of distributive justice to have a sound empirical base.

Accepting this role of factual knowledge, I continued in section 4.3 with a defence of a correspondingly adequate method of justification for these normative principles. The most promising method, I argued, consists of a normative, political constructivist view that takes inspiration from Street's restricted constructivism as well as contemporary forms of Rawlsian,

political constructivism. In this framework, substantive normative principles are established through an adequate procedure and entailed by certain basic normative assumptions. Uncovering these basic normative assumptions itself is accomplished by a prior interpretation that analyses social practices in terms of the grounds of distributive justice that can be found within them. Together, this model of constructivist justification allows us to objectively determine the correct content and ground of principles of distributive justice.

At last, I defended the pluralist thesis against charges of being incomplete. I have shown that we do not have to accept the strong Rawlsian thesis about the role of ideal theory. The non-ideal starting point of the pluralist approach can make sense of a limited role of ideal theory. Certain idealising assumptions, being the essential feature of this kind of ideal theory, are useful for guiding our judgements in the transition from ideal to non-ideal models of distributive justice. Through adequate idealisations we come to recognise that the scope of principles of justice might be wider than initial analysis would suggest. Thus, while the first two sections were primarily concerned with the coherence of the pluralist approach, the last established its completeness.

Furthermore, we are finally in the position to reframe the preliminary definition of pluralism about global distributive justice, *DJP*. Based on the exploration of the pluralist thesis in chapter 3 and the in-depth discussion of its central features in chapter 4, I propose the following, final definition of *DJP*:

Definite DJP: The content of a requirement ϕ of distributive justice 1) depends on a social arrangement (site and target), for the specification of which empirical support is necessary, 2) is justified by a constructive process (content) based on a prior moral interpretation of this social arrangement (ground), 3) varies in scope, depending on its implementation in wider contexts of global justice.

I hope to have shown that the pluralist approach offers a valid alternative view on global distributive justice to statist and globalist approaches. Those remaining sceptical about the usefulness or practicability of such approach should at least have some reason now to consider it a coherent and complete position.

However, I admit that these concluding remarks on the nature of the pluralist approach to global distributive justice appear both very technical and abstract. One may still wonder what exactly this approach entails once fully applied to its objects, the contexts of justice. How it would actually differ from rival conceptions and requirements of distributive justice and whether it would succeed in establishing meaningful accounts of individual contexts of distributive justice. For these reasons and with the limited space left in this thesis, I will begin the task of sketching a pluralistic account of global distributive justice for global trade in the following chapter. In particular, I shall show how the pluralist approach can account for our moral intuitions concerning justice in megaregional trade agreements and the issues raised by them, which I introduced already briefly in chapter 1.

5 Pluralism about Global Distributive Justice: The Case of Global Trade

5.1 Introduction

At the end of chapter 1, I tentatively argued that the well-established approaches to global distributive justice – statism and globalism – are limited in their capacities to account for certain political and economic phenomena of our mere partially integrated yet globalised world. International or global trade, although widely discussed in the general public, is one example for such phenomena, that are difficult to assess by these approaches. By contrast, I conjectured that the pluralist approach can do better on these terms. In this chapter, I shall show that the previously defended pluralist approach is well-suited to account for the normative assessment of global trade. To do so, I firstly introduce the subject matter at hand: global trade and in particular trade agreements and the question of their moral evaluation (5.2). I will then discuss the approach to justice in trade as fairness, as brought up by third-wave theorist Aaron James and evaluate it in terms of the pluralist approach defended in this thesis (5.3). Having done that, I lay out an account of justice for megaregional trade agreements, as it follows from my pluralist approach about global distributive justice. This account is sympathetic to James' approach to trade justice but also goes beyond its analysis (5.4). I conclude by assessing the findings of this chapter in comparison with the overall approach to global distributive justice defended in this thesis (5.5).

5.2 (Fair) Trade, Trade Agreements and Moral Argument

Up until recently, trade has not been a widely-discussed subject in contemporary philosophical debates. As one of the main concepts of economic theory, trade has often been the centre of economic arguments between opposing approaches, yet contemporary philosophers have rarely discussed the moral status of trade for political philosophy. This seems even more odd, since the general public has taken increased interest not only in the empirical issues surrounding global trade, such as market expansion and trade liberalisation, but in normative ones as well. It is common today to hear of 'winners and losers' of globalisation due to global trade and of the urge for politicians to make conditions of trade 'fairer' (see Kappstein 2000). The growing interest of political philosophers in these issues probably is at least partly owed to this societal development. Yet, it is instructive to understand why global trade has long been absent from philosophical debates in the first place. This serves as a fitting point of departure for determining what is at stake in current debates about global trade.

Economic theory provides us with one rationale for this absence. Since its modern beginnings, economic theory stresses the beneficial role of global trade in terms of welfare. For instance, Adam Smith's theory of absolute advantage and the even more influential Ricardian theory of comparative advantage offer us an explanation of the profit for national economies from specialising in those industries, in which they have absolute/comparative advantage in production. The driving idea of both these theories is that specialised industries ought to focus on their most efficient industries for their greatest benefit. Arguably, international trade is the missing tool to ensure the validity of these theories. Only if countries trade with each other, when they sell those goods of which they have production advantages and buy goods of which they lack the very same, they maximise the gains from economy (see Sen, 2010, pp. 1011-1012.). International trade is instrumental in these theories for maximisation of welfare and thus offers us a *prima facie* reason for trade liberalisation as well.

While these classical theories may seem outdated to some, more recent developments of neoclassical economic theory and the Heckscher-Ohlin theory reinforce essential elements of the argument from the beneficence of global or international trade for economic welfare (see Black et al. 2009). Critics have usually assessed the acceptability of these theories on empirical grounds, claiming that global trade does not fulfil its role of increasing economic welfare, or have questioned its prospects for explaining economic development in large parts of the world (see Bannerman, 2015, pp. 50-56; Felbermayr, 2017, pp. 5-7).

Crucially however, proponents as well as opponents of global trade subscribe to the same 'picture' of trade. Both consider global trade as a voluntary activity. Disagreements arise whether a country really should engage in this activity and to which extent. Furthermore, economic theory considers global trade to be inherently positive. Countries would simply not trade if this activity will not have beneficial effects, since one could always refrain from participating in a voluntary activity. This framing of global trade has arguably made the situation difficult for philosophers to assess global trade in moral terms. Issues of distributive justice, which are of clear interests for political philosophers, do not seem to apply to global trade in this picture. For distributive justice is often seen as a concept solely applied to consequential institutions distributing goods and burdens within societies. This has presumably contributed to the marginal interest of philosophers in issues of global trade.

Yet, there seem to be clear normative problems surrounding global trade nowadays. Economic development often did not happen in the 20th century as theories of global trade would have predicted, welfare in certain countries seems to be declining even though global trade rates

increase and citizens continue to be socio-economically worse-off in many countries. These shortcomings of global trade have certainly caught the attention of the general public. Global Trade has long lost its initial attractiveness and this process was only reinforced through the economic crises of the last decade (see Gros 2017).

Interestingly enough, even economists themselves have called for a political philosophy of the global economy, especially one of global trade. Milanovic's extensive (2016) account of the changes in socioeconomic inequality over the last centuries has shown that globalisation and global trade has had positive as well as negative consequences for citizens of countries worldwide. While inequality has decreased but is still prevalent in the global South, the average citizen of the affluent west has suffered from income losses in the last few decades, leading to an increasing level of socio-economic inequality in many parts of the Global North. Milanovic concludes at several points in his work that political philosophy is needed to evaluate and propose normative solutions for these aspects of globalisation and trade (see Milanovic, 2016, pp. 130, 142-147). Thus, there appears to be not only a public but also a scholarly interest and need for an in-depth normative exploration of the area of global trade.

A main concern for the public and scholars of all disciplines alike is for sure the issue of fairness in trade. Whether conditions of trade are fair and whether agents are trading on fair terms is of great importance for the assessment of global trade in total. A social movement for fair-trade exists for almost fifty years now. Hence the existence of a large literature on fairness in trade, both in- and outside of academia²³. Fairness as a value is thereby used by various people of various intentions – people interested in changing the rules of trade in order to help the poor in developing countries, as well as those interested in fair competition and protection of established economies in developed countries invoke it. The growing philosophical literature on global trade seeks to account for the exact normative meaning of fairness and justice in trade and how these values could be realised (see Miller, 2014, pp. 171-173). Thus, our pluralist approach about global distributive justice should aim at delivering a convincing account of fairness in trade as well.

There are of course numerous individual trade issues worth examining from a normative standpoint. Most recently however, the public eye and scholarly attention focussed on a particular current phenomenon within global trade – the change in extent and relevance of certain trade agreements. Over the course of the last decades, the extent of multilateral trade agreements has been diminished in favour of (semi-)bilateral trade agreements between two or

²³ For an overview on the history and prospects of the fair-trade movement, see: Moore (2004).

several countries (or blocs). More and more, these agreements have been made particularly between major economic players and certain world regions, establishing terms of trade that circumvent the need of multilateral negotiations. Furthermore, these bilateral agreements aspire to take on the role as the leading tool of global trade in the near future. The prevalence of these agreements, which are now labelled as ‘megaregional’ trade agreements, has given further rise of public distrust in the fairness of global trade (see Ciuriak & Singh, 2016). I argue that the pluralist approach proves its worth particularly in dealing with this kind of global trade phenomena. Yet, before I shall demonstrate this in the next sections, let me describe the main features of these phenomena and explain their importance for global trade in greater detail.

The rise of megaregional trade agreements can be traced back to the failures of an organisation actually tasked with preventing such trends, the WTO. The World Trade Organisation, founded in 1995, replaced its predecessors the General Agreement on Tariffs and Trade (GATT), the General Agreement on Trade in Services (GATS) and the Trade Related Aspects of Intellectual Property Rights (TRIPS)²⁴. The WTO organises multilateral trade agreements and serves three purposes for the international trading system: it offers a forum for countries to discuss and negotiate market access, it engages as an impartial, third-party adjudicator after every country has made its case and it has established a forum for countries which are about to change trade-related policies. This report-standardisation improves transparency and information dissemination. While the WTO worked more or less reliably during the last decades since its establishment, a recent attempt to multilaterally change some of the decision rules has failed and resulted in a breakdown of the organisation’s legislative function in 2015. This damage, caused by the so-called Doha Round in 2001 has severely diminished the role of the WTO for the international trading system (Bown, 2017, p. 107).

In the shadow of the WTO’s demise, regional trade agreements emerged as tools to circumvent the complexities of multilateral trade negotiations. Although regional trade agreements already appeared in the 1990s, they only gained in importance in the 21st century. With the rise of China as a major economic and political player and against the background of the financial crisis during the late 2000s, a shift from regional to megaregional trade agreements took place (Bown, 2017, p. 108). Especially multinational corporations expressed interest in legal agreements that were not up to debate in the deadlock state of the WTO. In the shifting economies of the 21st century, especially multinational firms sought for investor protections in foreign countries. Megaregional agreements seemed to just do this job (see Kim, 2015, pp. 360-362)

²⁴ For more information on these agreements, see: Gowa (2015).

Some of the megaregional trade agreements are commonly known by now: the (signed) Trans-Pacific Partnership (TTP), between twelve neighbouring pacific-rim countries and the (provisionally refused) Transatlantic Trade and Investment Partnership (TTIP) between the US and the EU are only two more prominent among them. Major features of all megaregional trade agreements are market access provision, the deregulation of trade barriers and tariffs and foreign direct investment (henceforth, FDI) safety (see Stoll, 2017, pp. 6-9).

Yet, none of these empirical issues and features *eo ipso* qualifies as problematic. The potential benefits as well as potential negative consequences for trade are subject of lively discussion. However, more importantly for us, megaregional trade agreements were accused of being normatively problematic. Many distinct points of criticism have been brought forward against this ‘practice’ of megaregional trade agreements, here to cite only a few very briefly.

On the one side, voices have been raised that the process of secret negotiations cuts off transparency, undermines accountability and decreases chances of successful democratic contestation. Megaregional trade agreements also usually list Investor-State-Dispute-Settlements (henceforth, ISDS) among its conditions. ISDS allow multinational firms to effectively sue a foreign country if it changes trade-related policies to the negative for these firms or does not fulfil policy implementations as agreed at the time of contract. This drastically alters the bargaining power in favour of global economic non-state players against countries and their representative governments. On the other side, some claimed that megaregional trade agreements also generate worse socio-economic conditions, hence strengthen socio-economic inequality. Product standards as well as labour standards are feared to be lost in this process of extensive trade liberalisation and for benefits in welfare to be distributed unevenly (Beck, 2018, p. 175).

At last, it is argued that the practice of megaregional trade agreements further undermines the stability of the multilateral trading system in general and the viability of the WTO in particular. While the WTO has no official ‘justice’-mandate, many still hold that the WTO (or a similar institution) is the paradigmatic agent for trade justice. Some like Risse (2017) argue that from a standpoint of global justice, only a strong multilateral organisation such as the WTO could improve justice in trade relations (Risse, 2017, p. 20).

Given these charges, it is clear that appropriate evaluation and justification for megaregional trade agreements is a major concern for any theory of fairness or justice in trade. Only if megaregional trade agreements satisfy certain moral requirements, can we approve of this trade practice.

Therefore, our pluralist approach about global distributive justice has to account for two issues. It must first of all provide us with a general account of distributive justice in the context of global trade. However, since the pluralistic idea is to analyse individual contexts of justice and to allow for a variety of sites, grounds, contents, targets of distributive justice, the pluralist needs to be capable of capturing the genuine normative significance of megaregional trade agreements as well. Thus, it must be possible for us to justify an account of distributive justice in the context of global trade, that is tailored to the demands of the moral assessment of megaregional trade agreements. For an initial approximation to the issues of the first task, the much-discussed work to justice in trade by James (2012) is a good starting point. James' egalitarian theory of justice in trade has not only set the stage for the current philosophical debate on trade justice, but his approach also goes (as became clear in earlier chapters) beyond the statist and globalist theories in global distributive justice debates. For these reasons, I shall develop my own view on pluralism about global distributive justice in comparison with James' 'pluralist-in-spirit' approach to distributive justice in trade in the next section.

5.3 Distributive Justice in a Global Trade Practice

For an account of distributive justice in global trade to get off the ground, we have to tackle the question whether this concept has any meaning in this context in the first place. As I have shown in the section above, a particular view on trade answers this question negatively. On a fairly mainstream-economic picture, trade is characterised by two relevant aspects. Trade is 1) a voluntary activity and 2) an inherently beneficial activity. Both of these features entail that distributive justice is not a meaningful concept to be applied to global trade. As I have argued before, we can find empirical and weighty normative reasons to refuse the second point, which gives us at least one reason for the meaningfulness of distributive justice. Yet, what remains is the need for an account of trade in other terms than voluntarism.

Note that neither statist nor globalist approaches are of any help for this task. Statism is only concerned with just domestic socio-economic distribution, reserving merely humanitarian concerns for the international and global realm. However, if the global economy itself is organised in unjust terms, statism has little to offer. Globalism on the other hand, is concerned with the well-being of human beings on a global scope. Yet, in their justification of principles for global justice, globalists abstract away from the distinct 'sub-global' nature of international or global trade, hence obscure the distinct normative issue that is at hand in this context. Third-wave theorists aspire to fill exactly this gap between statist and globalists and offer approaches to capture the diversity of normative issues at play in global political and economic affairs.

James' recent (2012) approach lays the groundwork for such an account. His main idea of the characterisation of global trade is that it is part of a global economic practice:

[...] we will argue that the global economy is organized by a distinctive kind of international social practice, a social practice in which countries mutually rely on common markets. [...] The [...] gains of trade are the fruit of international social cooperation, the joint product of the social practice of mutual market reliance. (James, 2012, p. 17)

This is a completely different understanding of global trade. This approach holds that global trade is indeed part of an international or global social practice, namely one in which its agents commonly rely on markets to further economic gains. Against the voluntaristic interpretation, global trade as part of a social practice is understood as a rule-governed and rule-bound social arrangement, which comes with substantial expectations to last. Furthermore, trade is an activity that takes place within a consequential background structure – the general practice of market reliance of trading for cooperation between countries. As such, James argues, it qualifies as a subject of justice (see James, 2012, pp. 9, 19).

In order to determine the normative principles for this practice, James engages in a two-staged justificatory process: the author evaluates the aims of this social practice, which are the mutual benefits for the trading countries involved, and argues that the basic normative concern of this practice is fairness as structural equity. Via an appropriate original position, designed for the idiosyncrasies of the social practice of market reliance, James specifies three principles of justice that ought to govern market reliance (see James, 2012, pp. 134-136, 143).

The similarities between James' 'internationalist' approach to international political morality and the pluralist thesis about global distributive justice are obvious. Normative principles are justified internally for a social practice that is international or 'sub-global' in nature. Global trade is part of a 'justice-generative' social arrangement, that invites normative assessment. In our pluralistic terms, James specifies the site of distributive justice as the social practice of market reliance. He also explicitly notes that without extensive social science support, the political philosophers' efforts are held hostage to empirical fortunes (James, 2012, p. 18). The ground of justice, justice as structural equity, is determined through careful interpretative activity and the content of principles of distributive justice is constructed via the Rawlsian method of deploying an original position mechanism. So far, I agree with James' assessment of

global trade and argue that the pluralist thesis about global distributive justice is consistent with James' approach.

Let us proceed by looking at the content of James' principles of justice for the global economy. His three principles concern the harms of trade; the distribution of gains from global trade between countries; and the domestic distribution of gains from global trade: the Collective Due Care Principle requires that trading countries ought to protect people from the harms of trade, so that no one is worse off than they would have been without trade. The International Relative Gains Principle requires that gains from trade are distributed equally between trading countries (adjusted to their respective national endowments). Finally, the Domestic Relative Gains Principle requires that gains from global trade are distributed equally among its affected members allowing for inequalities if and only if they benefit the worst-off (see James, 2012, p. 203).

We can see that James' interpretation of the site and the ground of justice in global trade justifies an egalitarian content of principles of justice. Furthermore, James' principles of justice bear resemblance to the principles of fairness that Rawls attributes to a liberal, modern society. This is hardly surprising since Rawls' interpretation of society as ongoing social cooperation is similar to James' interpretation of the social practice of market reliance as a mutually beneficial, lasting regime of international cooperation. In both cases, egalitarian theories account for justice as fairness.

James' three principles for justice in the global economy certainly capture most of the concerns listed in the previous section. His Collective Due Care Principle assures that harms caused by global trade are compensated for. Studies from development economics have shown that trade liberalisations tend to cause at least short-term disadvantages for members of these countries (see Edwards & Wijnberg, 1986, pp. 141, 147; cf. Gnanon, 2018, p. 1262). Global trade may benefit in the long-term, as economists would stress. But without remedying institutions, people especially in developing countries which just commenced greater market access, would be worse off. The Domestic Relative Gains Principle on the other side, allows for fair burden sharing. If global trade threatens domestic industries or labour force prospects, then these burdens have to be shared among the members of a country. The gains from global trade must be distributed in ways that are reasonable acceptable for all members of a trading society (James, 2012, p. 219). This would also counteract current tendencies of global trade that enhance socio-economic inequality especially in industrialised countries of the Global North, which economists like Milanovic studied. At last, the International Relative Gains Principle

concerns structural equity in the standing of trading countries. Gains from global trade are to be distributed in a way that treats the interest of every trading member equally. Rather than full equality, it assures being treated as an equal – due to relevant endowments.²⁵

I fully agree at this point with James' specification of these three normative principles for the global economy. The pluralist, I argue, can endorse James' arguments and thus adopt these principles as principles of distributive justice in the context of global trade. Since James acknowledges the role of factual knowledge for his approach and justifies normative principles in a manner congenial to the pluralist approach, there is little to have disagreement about. However, I also argue that these principles are not sufficient to deal with all aspects of global trade, in particular they do not suffice to cover questions of distributive justice in megaregional trade agreements. A tentative hypothesis is, that fairness requires different (content of) principles of distributive justice in the context of trade agreements. In order to see what motivates this hypothesis, it is instructive to look at some of the critics of James' approach.

Risse & Wollner (2014) provide the most systematic examination and critique of James' treatment of global trade. While the authors agree with James' rejection of the voluntaristic picture of trade, they argue that his own fairness-based account of trade justice is also not sustainable. Two arguments stand out: firstly, Risse & Wollner claim that James overestimates the background structure of trading countries. Instead, they argue, several entities are involved in the trading practice – countries, the WTO, individual firms and companies and so forth. Each of them needs to be conceptualised properly. Global political and economic affairs are influenced and governed by many distinct agents. Secondly, these authors argue that the gains from global trade cannot be determined as easily as James would have and need it, for his account. James argues that gains of global trade can be evaluated by comparison with an 'autarky baseline'. These are the economic gains that would occur without trade. However, it is improbable according to Risse & Wollner to determine the gains of trade from this hypothetical baseline. The history and current state of globalisation suggest that the economic world has too long been intertwined as that one could set up an autarky baseline. For these reasons, they propose to build an account of trade justice that is grounded in the less-demanding value of (non-Marxian) non-exploitation (see Risse & Wollner, 2014, pp. 12-14, 23).

Here, I argue, that the pluralist should affirm the first point of critique of Risse & Wollner, but reject the latter. Since the pluralist thesis is especially concerned with the plurality of sites and agents of global distributive justice, she should readily acknowledge that James' approach to

²⁵ For the difference in meaning of these terms, see: Dworkin (1977).

trade justice suffers from being too state-based. If we take the reality of global political and economic affairs seriously, we need to pay attention to the variety of actors involved in these affairs. In the context of global trade, our normative assessment has to distribute claim-rights and obligations context-sensitively. As I have shown in the previous chapters, the pluralist approach is conceptually well-equipped to recognise a variety of scopes, targets and contents of principles of distributive justice. This becomes especially crucial once we move over to the second task of this chapter – specifying an account of distributive justice in the context of megaregional trade agreements. James’ sole reliance on the social practice of trading countries appears to be insufficient for grasping the normative significance of those contexts of distributive justice in which transnational governance is not exclusively carried on by sovereign countries. In a way, James’ constructs the social practice of market reliance as a background structure still too similar to the Rawlsian background structure. He assumes that for a background structure to do its conceptual work, it needs to exercise consequential impact on the life prospects of individuals. However, I argue that James underestimates the consequential impact that non-state actors have in global trade as well. Thereby he mistakenly conflates and equates consequential institutions or actors with states or countries. This is particularly relevant for the case of global trade agreements, which are motivated to a high degree by non-state actors such as multinational firms.

Thus, I argue that the pluralist is better off following her pluralistic intuition of considering various elements of global trade as part of a social practice of market reliance. A social practice that makes reference to all kinds of entities. In the pluralist terms, this involves primarily the site, target and scope of distributive justice. The account of distributive justice for megaregional trade agreements in the next section shall illustrate this crucial difference between our pluralist approach and James’ account of trade justice.

Yet, *pace* Risse & Wollner, I claim that James’ focus on fairness does indeed capture what is at stake in issues of global trade. Their objection that James’ fairness approach is not sustainable due to the impossibility of an autarky baseline is ultimately, I argue, not successful. A relevant baseline may be determined: once we acknowledge that the social practice of market reliance describes the global economy as a whole, we can allow for the context of distributive justice regarding global trade to be better captured in a related social practice of trade agreements. This narrows down the scope of the context of distributive justice and allows us to explicitly analyse the normative peculiarity that is involved in the reliance on trade agreements. And we can still recognise this as one part of the wider practice of market reliance in the overall context of justice

for the global economy. Nevertheless, I also concede that Risse & Wollner's emphasis on non-exploitation is indeed relevant for certain aspects of the justice of global trade and I will return to it in the next section.

Here I want to conclude with a short recapitulation of the findings of this section. Firstly, I presented James' (2012) approach as one way of applying the concept of distributive justice to global trade. Furthermore, I argued that James' approach is in many ways congenial to the pluralist thesis about global distributive justice. In particular, I argued claimed that James' interpretation of global trade as part of a social practice of market reliance is convincing and that his normative assessment of this practice is for the most part correct. However, I claimed that James' three principles, while appropriate, are not sufficient. Citing the critical points of Risse & Wollner (2014), I concluded that the pluralist should depart from James' approach when specifying the target, scope and (partly) content of distributive justice in sites of global trade. At last, I proposed considering trade justice from the perspective of trade agreements. This should enable us to justify a particular account of trade justice that is both close to James' account of trade justice as fairness and capitalises on the pluralist main thesis that contemporary global political and economic affairs come with their own varieties of governance.

To demonstrate the consequences of these finding and to give a positive answer to the question of what the pluralist should think about justice in global trade, I shall address the question of distributive justice in megaregional trade agreements in the following section.

5.4 Deeper Pluralism: Distributive Justice in Megaregional Trade Agreements

In this remaining section, I will outline a pluralistic account of global distributive justice in megaregional trade agreements that is based on the pluralist framework, as defended in chapter 4. Recall that this entails an account of the context, site, ground, content, scope and target of distributive justice for these trade agreements. I will now turn to each constituent element of the pluralist approach in detail.

As we have seen in the previous chapter, the pluralist framework depends on a precise characterisation of the contexts of distributive justice. Thus, approaching the question of a pluralistic account of distributive justice in global trade agreements, we need to begin with a clarification of the kind of social practice/ social arrangement we have in mind. This is, as argued before, an essentially empirical question. We need sufficient factual support for determining whether some social arrangements should count as a relevant context of distributive justice. In section 5.2 I argued for the normatively concerning and growing

relevance of megaregional trade agreements for global trade in general. Megaregional trade agreements have significantly altered the landscape of the global trade practice within shortest time. I take the recent history and data on this change to be sufficient for the thesis that megaregional trade agreements represent a separate, genuine context of global distributive justice that is worth examining.

We may then proceed by asking what the site of this context of distributive justice is likely to be. This amounts to the task of analysing the social arrangement that determines the context of distributive justice. I have argued above that the pluralist approach shows its strength when we focus on those global social arrangements that particularly involve non-state, private and public actors besides sovereign countries. These informal and formal *transnational* social arrangements are often neglected by contemporary philosophers of global distributive justice. However, those are also the contexts of justice for which the pluralist's analysis shines most. We can conjecture that the context of megaregional trade agreements is a likely example for such transnational sites of distributive justice.

De Bres (2015) offers a brief typology of five dimensions along which such social arrangements can be distinguished: agency, mode of governance, area focus, governance function and the form of governance. For any context of such transnational social arrangement we can ask: Who on the private-public spectrum does the governing (e.g.: sovereign states, international governmental organisations, international non-governmental organisations, business) and how inclusive is the governance site? How and by which means (e.g.: sanctions, informal appeals, defection costs) do the actors exercise governance? What is the focus subject (e.g.: economic issues, security, communication) of a transnational governance site? Which kind of governance is exercised (e.g.: executive, legislative or judicial), and what form (e.g.: unilateral action, bilateral diplomacy, regimes, networks, market-based private governance) does the governance take on (see De Bres, 2015, pp. 276-279)? This allows us to get a better grasp on the nature of the transnational social arrangements we are interested in and should set us up properly on our pluralistic endeavour. We can now make use of these initial questions to approach the site of distributive justice in megaregional trade agreements.

Since we accept James' account of global trade as a social practice of market reliance, we may recognise megaregional trade agreements as a similar practice of reliance on trade agreements. But what would be the pivotal features of such practice? Some of the relevant information was given already in section 5.2: on the one hand, megaregional trade agreements are concluded between sovereign states or between major regions and single potent trading partner states.

Contrary to the long-established multilateral practice, these contracts are not made under the auspices of the WTO. On the other hand, certain non-state actors (such as private multinational firms) clearly are a driving factor, whose interests (such as ISDS) are explicitly negotiated within the contracts of megaregional trade agreements. Additionally, these contracts come with limited membership and often also operate out of the public eye. Their form of governance consists of bilateral judicial contracts, involving legal sanctions for states and business concerning the economic realm. This gives us a fairly uncontroversial description of the site of megaregional trade agreements as the legal codifications of the distribution of economic gains from global trade between states and the legal regulations of rules of conduct between states and private economic agents. Furthermore, we can recognise a variety of targets of distributive justice in this context. Besides countries, private corporations as well as international organisations qualify as targets for requirements of distributive justice since they substantively influence modes of governance in this site.

At this point, we are also in a position to refuse Risse & Wollner's autarky-objection to James' account. We can determine the relevant autarky baseline for the evaluation of the gains of trade as the calculated economic level of wealth minus the surplus of gains stemming from global trade agreements. Similarly, Brandi (2014) suggests focussing not on the gains of trade *per se*, but on the gains of trade that arise from multilateral trade liberalisation agreements and compare them with the 'non-agreement' baseline. While Brandi makes a case for the WTO and a multilateral trade agreement approach, I argue that we can apply the same rationale in the context of megaregional trade agreements as well (Brandi, 2014, p. 230). Since megaregional trade agreements are largely consequential in the distribution of shares and burdens in the global trade practice, they qualify as a genuine site of justice. Therefore, we can establish that the *distribuendum* of this context of justice are the distributional effects that are caused by the practice of reliance on (all kinds of) trade agreements.

Having specified the site and targets of this context of distributive justice, we may move on to the questions of ground and content of justice in megaregional trade agreements. In order to approach these questions, we need an adequate interpretation of the social practice of trade agreement reliance first. Here, I believe that James' characterisation of the overall practice of market reliance captures what is at stake in trade agreements as well. James holds that the practice of market reliance aims to 1) coordinate the behaviour of agents over time and 2) to maintain and adjust expectations according to a shared organising purpose. In accordance with economic theory, this provides a model for a mutually beneficial trade relationship and it entails

that the ground of justice for such relationship is fairness (see James, 2012, pp. 37-41). I agree with that interpretation for the context of megaregional trade agreements. As in the case of global market reliance, megaregional trade agreements in general are concerned with the division of shares and burdens stemming from trade-agreement-alterations. In particular, as we have seen above, megaregional trade agreements aim at regulatory compatibility and rule-based frameworks for FDI. Hence the concerns for fair terms of trade and fair conditions for private economic agents in foreign countries. As I have shown in section 5.2, concerns regarding the fairness in megaregional trade agreements are indeed often the claims that are brought forward against these trade agreements.

Thus, I argue that the context of megaregional trade agreements does not differ in terms of the ground of distributive justice from James' overall account of the global economy. *Pace* Risse & Wollner (2014), I conclude that fairness is the issue that is at stake in trade agreements. While megaregional trade agreements are of course concerned with particular aspects of the global economy, fairness still holds as the internal value that ought to govern the practice of trade agreement reliance.

However, I want to stress that the same ground of distributive justice does not yield the same content of principles of distributive justice in the context of megaregional trade agreements. To justify this thesis of sameness in ground but difference in content, we need to proceed with the sort of constructive method that was defended in the previous chapter. Yet, with the limited space left in this thesis, I shall limit myself to a rough outline of the important aspects of this constructivist process.

Recall from chapter 4.3, that the constructivist justifies normative principles in the light of a more basic set of normative judgements and requires a target, a procedure and some grounding material for this justificatory process. Our targets are judgments about distributive justice in the context of megaregional trade agreements. Since we have already specified the ground of justice for this context, we can transfer the relevant structural features of this ground into this model as the grounding material. This includes among others: fair conditions of contract and equal standing of contractual partners, fair terms of contract and obligations to fulfilment of valid contracts (a *pacta sunt servanda* mentality). In a next step, I propose to adopt a Scanlonian contractarian approach as the most adequate form of procedure for this context. Scanlon's (1998) contractualism holds that an act is right if and only if it can be justified to others so that they could not reasonably reject it (Scanlon, 1998, p. 191). This represents a procedure of collective bargaining that is well-suited for the purpose of assessing the normative peculiarities

of trade agreements. We may use this procedure in combination with the grounding material to derive principles of fairness in order to the target distributive justice in the context of megaregional trade agreements.

We are then confronted with the task of specifying the content of those principles. At this point, the pluralist approach to distributive justice departs from James' account of the global trade. In the following, I argue for two distinct principles of distributive justice applying explicitly to the context of megaregional trade agreements. Bear in mind, however, that the pluralist still ought to accept James' three principles of justice for the overall global economy.

The first principle of distributive justice, I deem justified by the constructive process, concerns non-exploitation. For megaregional trade agreements to be fair, I argue, the relevant agents must conduct their economic activities in ways that do not exploit their trading partners. I pick up here Risse's (2017) idea that the distribution of gains from trade agreements are just if and only if they have been obtained without exploitation. While exploitation is a multifaceted concept with varied meaning, Risse argues that the basic notion of exploitation includes unfair advantage taking that violates certain norms of reciprocity, respect or beneficence (Risse, 2017, p. 8). I agree with Risse that exploitation is a relevant value for the reliance on global trade agreements. However, contrary to Risse, I claim that non-exploitation is the content of principles of *fairness* for trade agreements, not the global economy as a whole. Furthermore, I want to emphasise that on my reading, exploitation in the context of global trade agreements primarily involves unfair advantage taking of the relative bargaining power asymmetries between trading partners. These are precisely the issues that emerged from the discussion of the empirical data and normative concerns in section 5.2. Thus, I argue that the first principle amounts to the following requirement of distributive justice in this context:

Principle of Non-Exploitation in Megaregional Trade Agreements: economic agents are under a duty of non-exploitation when organising their economic activities in a foreign sovereign country. This duty entails 1) offering countries terms of contract and market access that could not reasonably be rejected and 2) reasonable limits on legal sanctions for rectification pursuable by private economic agents.

If effective, this principle would substantively alter the bargaining situation between countries and non-state agents in favour of fairer terms of contract. We could for example assume that

clause 1) of the principle entails aid for the establishment of relevant institutions to ensure effective use of the gains from market access. Additionally, we may understand clause 2) of the principle as the rejection of full ISDS mechanism in megaregional trade agreements, preserving a necessary level of democratic control and accountability of trading countries. An extensive account of distributive justice in the context of megaregional trade agreements is of course needed to spell out the details of this principle and its requirement of non-exploitation. But I believe that the general meaning of this principle is clear.

It targets specifically those agents of megaregional trade agreements that unilaterally benefit from trade agreements on unfair terms. Since the reliance on trade agreements is a non-voluntary activity that threatens to impose negative consequences on the economies of countries with less bargaining power, I take this principle of non-exploitation to be appropriate for assuring the basic of value of fairness that ought to govern the contracts made under these global trade agreements.

Consider the prospects of developing countries in a world, in which this principle is fulfilled. The standing of those countries of the Global South, which lack economic bargaining power but which are dependent on the inclusion in trade agreements for their economic growth, would be improved greatly. They would be substantively better off or at least sufficiently protected against the potential harms of opening markets through megaregional trade agreements.

Another thing may be noted: *pace* Risse & Wollner (2014), this principle of non-exploitation is not of mere procedural content. Risse & Wollner hold that the ground of justice for global trade is significantly different from the ground of distributive justice in domestic society. Thus, they argue that distributive justice in the global economy is easier satisfied by a procedural value of non-exploitation (Risse & Wollner 2014, p. 213). Here I argue instead that the constructive method justifies a substantive value of non-exploitation, hence the need for extensive reform of the practice of global trade agreement reliance in general and of megaregional trade agreements in particular. This is consistent with Brandi's (2014) view on exploitation in global trade. Brandi argues that although exploitation is usually attributed to voluntary, individual contractual actions, exploitation is also a normative concern of the structural aspects of global trade agreements. Thus, she concludes that, even if one believes that a focus on non-exploitation limits the meaning of fairness, substantive normative principles could be derived (see Brandi, 2014, pp. 244-246). I fully agree with Brandi's assessment and advocate for the here proposed requirement as one example of these substantive principles.

The second principle of distributive justice I propose, on the other hand, is a procedural principle of inclusion. For megaregional trade agreements to be fair, I argue, a voice to affected third-parties must also be given. The idea is that megaregional trade agreements are consequential for others than the trading parties as well. Since the breakdown of the multilateral trading practice in the Doha Round 2015, countries have begun concluding bilateral megaregional trade agreements that regularly resulted in negative externalities for third parties. In particular, megaregional trade agreements often worked out to the disadvantage of the less and least developed countries: on the one side, they inflict pressure for change in economic policies to market access, which these countries would not have considered before these trade agreements (see Mertenskötter & Streinz, 2016). On the other side, they lead to diversions of trade flows that previously favoured third parties (see Klabbers, 2016, pp. 2-3). Therefore, I propose a normative principle of inclusion that ensures participation of third parties in the conclusion of megaregional trade agreements. This principle is inspired by Häusermann's (2017) argument for equal participation in the multilateral trading regime, which is driven by similar concerns. Häusermann argues for a fourth principle complementing James' three principles for the practice of market reliance in global trade. His principle requires that each country participating in global trade needs to be made an equal participant in the multilateral trading practice by measures of differential treatment. The justification for this proposition is that equal participation for all countries could not simply mean joining megaregional trade agreements, since the demands of trade liberalisation would exceed the capacities of developing countries. Thus, Häusermann argues for asymmetric market access for those countries to assure fairness of participation (see Häusermann, 2017, pp. 10, 12-14). The second principle I am proposing for the pluralist approach follows Häusermann's claim:

Principle of Inclusion in Megaregional Trade Agreements: third parties that are affected by the conducts of megaregional trade agreements must be given effective ways for contestation or renegotiation of these trade agreements.

Similar to Häusermann's case, *effective* ways of contestation or renegotiation rule out mere formal equality of participation. Yet, this principle also rules out substantive equality in decision-making. Instead, it requires forms of deliberation that give each participant a weighty voice in the process. Again, a full-fledged theory of inclusion in trade agreements may spell out the details of such forms of deliberation and corresponding institutional options to fulfil this

principle. We can, however, easily imagine an obvious institutional candidate to satisfy this requirement – the WTO. A reinvigorated and reformed multilateral trading regime under the auspices of the WTO would enable effective forums of deliberation, ensuring the fairness of megaregional trade agreements for third parties. Thus, this principle will appeal to those who favour the multilateral trading regime and who advocate for a reformed WTO, charged with a clear justice-mandate, such as Risse/Wollner and Brandi.

Together with the substantive principle of non-exploitation, the procedural principle of inclusion establishes the value of fairness in the context of megaregional trade agreements. These are the principles then, that would be justified by the constructivist method employed earlier, and that ought to govern the site of distributive justice of megaregional trade agreements.

Those inclined to think that these principles do not suffice for the case of fairness in the practice of trade agreement reliance, I urge to consider these principles within the wider context of market reliance in the global economy. James' three principles for the fairness of the gains from trade still apply. Thus, there is a safeguard for other, structural concerns of fair distribution of the gains from megaregional trade agreements.

Both principles apply only in the case of megaregional trade agreements though. Their scope is, as became clear, limited to trading partners and additionally to affected third parties. There is one last thing to note regarding the scope of these principles. As I have discussed in chapter 4.4, for the pluralist these principles (and their contents) are not set in stone. So far, we have assumed at least some compliance with these principles and articulated a rather idealistic model of distributive justice for megaregional trade agreements. A full and extensively empirically supported account for distributive justice in this context might suggest a less (or more) ideal model. Employing the idea of incremental derivation, we might choose within a variety of more or less ideal models of distributive justice, based on different idealising assumptions. Yet, I take the overall idea of distributive justice for megaregional trade agreements to be sufficiently clearly articulated – fairness in this transnational context of global distributive justice amounts to a principle of non-exploitation and a principle of inclusion.

Having said that, we are finally in possession of a comprehensive account of global distributive justice for megaregional trade agreements as it follows from the systematic pluralist framework that has been defended in the previous chapter. We have specified the site and targets of this context of distributive justice as well as the ground, content and scope of its normative principles. Megaregional trade agreements represent a genuine context of global distributive

justice, having largely distributional effects on the present state of the global economy that is marked by the decline of the WTO as an effective trustee of the multilateral trading practice. Its form of transnational governance consists of legally binding instruments regulating and sanctioning (in particular, the new forms of) global economic activities of the 21st century. With no centralised organising institution left, a variety of agents, both state and non-state actors, qualify as targets for principles of distributive justice. Although the ground of justice still being fairness, the normative principles that ought to govern megaregional trade agreements concern non-exploitation and inclusion. Nevertheless, this ‘sub-global’ context of global distributive justice is still considered part of the wider context of market reliance in the global economy and is thus subject to its principles as well. Finally, the scope of the former principles is not settled once and for all, but depends on the integration of this context into a wider theory of global distributive justice.

With these remarks, I shall end my discussion of this case study of a pluralistic account of distributive justice for megaregional trade agreements. Let me briefly summarise the main themes and results of this chapter.

5.5 Conclusion

In this chapter, I have shown how the previously defended pluralist approach about global distributive justice can be applied to one relevant issue in global distributive justice – the case of global trade. This served the purpose of further clarifying central tenets of the pluralist approach as well as of demonstrating its value in generating a genuine account of distributive justice that is tailor-made to its particular subject.

I began in section 5.2 by introducing the subject matter at hand. The recent history and current state of the economy of global trade was presented and its neglected status as a context of distributive justice within the philosophical literature was explained. I argued that several empirical and normative concerns surrounding the contemporary conduct of global trade justify analysing global trade and megaregional trade agreements from the standpoint of distributive justice.

In section 5.3, I introduced Aaron James’ (2012) influential theory of justice as fairness for global trade as one way of how normative concerns may enter the assessment of global trade. Rejecting the voluntaristic view of global trade, James analyses global trade as a social practice of market reliance and argues for a practice-dependent account of principles of distributive justice. Although the pluralist can readily endorse James’ account of the global economy, I

claimed that his account also comes with limitations. In particular, I argued that James' approach cannot account for the normative peculiarity of megaregional trade agreements – currently the most influential tool of transnational trade governance. Contrary to this, I proposed the pluralist framework as a way to remedy these shortcomings.

At last, I developed in section 5.4 such an account for the context of megaregional trade agreements, based on the pluralist approach defended earlier. In the course of this task, I argued for a distinct site and a variety of targets of distributive justice, as well as genuine normative principles that ought to govern them, in this context. On my view, principles of non-exploitation and inclusion are the normative requirements of fairness that characterise this specific context of global distributive justice. This account should capture what is at stake in megaregional trade agreements and complement James' overall assessment of the global economy as the practice of market reliance.

Having said that, what are the conclusions we may draw from this application of the pluralist approach in this case study? I believe to have shown that the pluralist approach not only is capable of yielding genuine accounts of global distributive justice, but also comes with two advantages over alternative, statist and globalist, approaches – empirical adequacy and normative sensitivity.

In a world of steadily progressing globalisation, contexts of justice are in a constant flux and our theoretical tools need to adapt to this shifting nature of global political and economic affairs. Only then can we recognise those emerging contexts of global justice that have often been neglected by philosophers, because they eschew our traditional theoretical approaches and methods of analysis. The pluralist approach shows its strength exactly in these scenarios. For it offers sufficient flexibility to adapt its theoretical tools of assessment to the various idiosyncrasies that characterise contemporary transnational contexts of justice. The fruitful combination of empirical research with context-sensitive moral argument allows to capture precisely what is at stake in the many 'more-than-domestic-yet-not-global' contexts of justice. It reaches out the hand, so to say, to those empirical social scientists willing to collaboratively work with normative theorists on the urgent matters of injustices that blight our ever-globalising world.

6 Conclusion: Summary and Outlook

The purpose of this thesis is the defence of a coherent and complete, systematic pluralist framework towards the questions and demands of global distributive justice. Pluralist approaches are promising candidates for delivering convincing accounts of distributive justice in those contexts of global political and economic affairs that are increasingly characterised by non-traditional, non-state actors and rule-based legal regimes. Based on recent developments in the field, I provided a conceptual elaboration on the lacunae in the already established pluralistic accounts, which are still in their infancies. Drawing on the shortcomings of statist and globalist approaches, as well as on emerging crucial questions, I discussed several hypotheses in this thesis on how to justify the pluralist approach's central tenets. Let me conclude this thesis by first summarising the major topics of each chapter before highlighting this thesis' contributions to the philosophical debate on global distributive justice and eventually giving an outlook for further research programmes.

The idea of global distributive justice was the subject of chapter 1. A discussion of the various meanings of global and distributive justice served as a first approximation to the thesis topic. The subsequently given overview on the latest developments in philosophical reasoning about this topic familiarised the reader with prevalent statist and globalist theories. I explained their insufficiency in dealing with recent transnational cases of questions regarding global distributive justice, which motivated a new wave of theorising and which allowed for a pluralistic understanding of the demands of justice in our globalised world.

In chapter 2, I introduced this notion of pluralism in moral theory and its relevance for theories of global distributive justice. The subsequently given preliminary definition of pluralism about global distributive justice (DJP) formalised the main ideas, which were explained in terms of the grounds, sites, contents, scopes and agents of global distributive justice. As I have shown then, recent accounts on this subject exhibit several of these pluralistic elements and hint at the possibility of a radicalised, multi-pluralistic approach.

In order to make progress towards a such pluralist approach, I presented and discussed in chapter 3 four objections derived from the perspective of statist and globalist accounts. In examining these counterarguments to the pluralist thesis, I claimed the superiority of the pluralist approach over the charges of 1) neglecting a global basic structure requirement, 2) the instability of a disaggregated approach, and 3) a conservative bias. Acknowledging the

importance of the underlying issues of these challenges led to three questions any position on global justice has to account for.

To find convincing answers to these three questions, I discussed the practicability and feasibility of several relevant rationales in chapter 4. I eventually offered an account of 1) the role of factual, empirical knowledge for moral argument; 2) the most adequate methodology for the justification of normative principles; and 3) the sufficiency of its non-ideal leaning approach. In particular I argued for the need of sufficient social science data for the site and target of global distributive justice, for an interpretative and constructive process for the justification of the ground and content of principles of distributive justice and for a flexible approach to the scope of justice based on an account of restricted ideal theory. This concluded the search for a complete and coherent pluralist approach that began in chapter 2.

At last, chapter 5 was dedicated to a demonstration of the desirability of the pluralist approach. Employing the systematic pluralist framework of the former chapters to the context of global trade, allowed for the establishment of a genuine account of distributive justice in megaregional trade agreements. Against the voluntaristic picture of global trade, I argued in accordance with third-wave theorist Aaron James for an account of global trade as a social practice of market reliance (see James, 2012). Stressing the pluralistic character of the here defended framework, I confirmed the suitability of the pluralist approach for the application on transnational contexts of justice that are represented by a broad variety of actors and institutions.

While various philosophical topics and questions were approached in the course of the conceptual elaboration of the pluralist framework, the following claims represent the main contributions of this thesis to the subject of global distributive justice and are worth to be highlighted.

Firstly, the discussion of statist and globalist arguments has yielded better a understanding of the nature of current global political and economic affairs. I have shown that these affairs are characterised by genuine features that cannot be subsumed under a traditional scheme of analysis. Relying on such a scheme, as the Hobbesian Sceptic does, misses the point of what is at stake in our partially integrated yet globalised world. This does not reject the relevance of ordinary political theory *per se*, but calls for a normative approach that is sufficiently sensitive to transnational political and economic issues. As the analysis of Hobbes' view on the state of nature and IR has demonstrated, Hobbes' emphasis on trust and assurance remains insightful for theories of global justice. Yet for these insights to be applicable to the global realm, the ties between assurance and centralised sovereignty need to be severed. The inquiry into globalist

positions suggested likewise that a focus on a global basic structure fails to capture the idiosyncrasies of contemporary global politics and subsequently cannot provide us with an account of its prevalent normative issues. A global political philosophy needs to accept the independence of global political and economic affairs as a theoretical subject, in order to successfully deploy (established) criteria of normative analysis. Developing an adequate normative framework for this task requires in particular, as I have argued throughout this thesis, sufficient knowledge about empirical facts regarding the architecture of global political and economic affairs.

Secondly, accepting that global political and economic affairs represent a genuine field of normative inquiry brings questions of normative justification to the forefront. If transnational contexts of justice intensify and grow in number – as a great deal of empirical studies on that subject suggests (see Falk, 2002) – then the task of finding systematic ways to justify normative requirements tailored to these multitude of contexts becomes crucial. Contrary to statist or globalist approaches, which justify normative demands exclusively for either the state or the globe, this requires carving out a methodology for the interpretation, assessment and evaluation of transnational political and economic affairs. For this matter, I proposed in this thesis a context-sensitive constructivist approach for the justification of normative principles. The constructivist methodology is well-suited to generate normative requirements based on both factual and interpretative input from the analysis of transnational contexts of justice. With regard to the philosophical debate on this subject, this entails a preference for a relational, practice-dependent approach over non-relational approaches to global distributive justice.

Thirdly, the discussion of the normative issues of global political and economic affairs in this thesis has clear implications for the status of principles of global justice in general. Asserting the superiority of the pluralist framework over statist and globalist approaches means to disaggregate requirements of global justice (see De Bres, 2013). Requirements of global distributive justice differ across contexts and arise from various empirical circumstances. Principles of distributive justice on this view, are fact-sensitive and have an explicit action-guiding mandate. Against opposing views, which hold that normative principles must not make reference to empirical facts, the approach to global distributive justice defended in this thesis suggests that even ideal-theory-based principles of justice necessarily contain empirical assumptions. Transnational contexts of justice require principles that track their normative peculiarities, thus restrict the scope for idealising abstractions. As such, principles of global distributive justice will always be based on factual assumptions as well. Furthermore, these

principles are thought to apply to the actual world rather than to envision ideal states of justice in alternate or even impossible worlds. They are, so to speak, never hopeless to achieve, but are feasible normative constraints or goals and represent calls for political action in our actual world (cf. Estlund, 2014).

The elaborations on these three claims are the most relevant results of this thesis for the overall debate on global distributive justice. While I argued for the pluralist framework as the most promising candidate to meet the challenges posed by these claims, any theorist of global distributive justice should find the discussions of these topics fruitful for further theoretical developments in this field of philosophical research.

The conclusions of this thesis nevertheless come with restrictions. For the establishment of a full-fledged pluralistic theory of global distributive justice, certain elements remain to be addressed more thoroughly or have simply not been answered due to the limits of this thesis.

Firstly, the crucial thesis of “justice-generating relations” (Cohen & Sabel, 2006, p. 149) has not been given exhaustive interpretation in this thesis. An extensive account of the necessary and sufficient conditions for a social relation, practice or arrangement to amount to a justice-generating element is still needed. Otherwise the notion of justice-generating relations remains vague. Only if we know which relations qualify as triggers for concerns of justice, we can reliably define the contents and limits of contexts of global justice. I have tackled this question already in chapter 3.3.3, calling into question which social relations we ought to accept as fundamental for justice. Furthermore, in chapter 5.3, I followed James’ account of the social practice of the global economy as a consequential scheme of cooperation that is expected to last (James, 2012, p. 19). This of course suggests that the nature of such relation or practice will itself vary, depending on the context in question. Yet, if I am right with the assertion about the relevance of social science data for the essential groundings of requirements of global distributive justice, then I conjecture a similar importance of this data for an account of these underlying relations and practices as well. This, however, would reject any principled-account of social relations, independent of considerations from empirical research data. In any way, further research about the pluralist approach to global distributive justice will likely focus on these questions.

Secondly, and related to the first point, further research about the exact relation between social practices and normative principles is required for extending the pluralist approach to a full theory of global justice. This involves studies in the many grounds of justice that we associate with relevant social practices of global justice. Further knowledge about the extent and diversity

of these grounds facilitates the expansion of the pluralist approach to other areas of global justice. Moreover, there is also the need for answering the question of the meaning of non-relational grounds for the pluralist approach. Should a committed pluralist, as Risse (2012) suggests, accept the validity of substantive non-relational grounds of distributive and global justice? Or will relational accounts suffice for the matter of transnational contexts of justice in particular? After all, Risse himself acknowledges that a definite list or account of possible grounds of justice is yet to be given (Risse, 2012, p. 11). This will also become crucial once we begin connecting different accounts of global justice, hence consider cross-context requirements of global justice. Further research will thus involve studies in the exact relationship between individual social practices and normative principles.

At last, I wish to emphasise one last time one of the main claims of this thesis: normative theorists ought to engage more substantively with descriptive theorists and empirical scientists on matters of global political and economic affairs. As most current theorists and philosophers agree, this endeavour still is in its early stages (see James, 2012; Blake, 2012; De Bres 2013). We have yet to see whether future research projects will more frequently involve researchers of multiple disciplines to address these issues. In any case, tackling future global challenges will require more interdisciplinary efforts. Philosophy has a vital role to play for these efforts – if it is well-equipped to ‘understand’ the claims, arguments and data of descriptive theorists and scientists. Thus, I estimate an increased need for political philosophers of global justice to step outside professional boundaries and confront themselves with the complex empirical reality of our ongoing global social, political and economic affairs.

Having said that, I believe the outlook for further research in global distributive justice from the perspective of the pluralist framework is positive. The pluralist approach is conceptually sufficiently sensitive to account for these complexities, without losing the ability to critically analyse the normative issues that are at stake in the multitude of global contexts of justice. Furthermore, if current trends of globalisation – as diverse as production changes in labour markets, development of new technologies and climate change-induced urbanisation and migration – continue, then the importance of analyses of transnational contexts of justice is likely to increase. Normative accounts of those areas of global political and economic affairs that evade the traditional analyses of power and justice in the international system of states will be highly desirable in a ‘post-Westphalian’ world (see Buchanan, 2000, p. 721). Therefore, I conclude that the pluralist framework for global distributive justice will continue to be of use

for future applications and represents a well-justified approach for the normative analysis of our partially integrated, yet globalised world.

7 References

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Abstract

In a globalised and interdependent world, questions of how the benefits and burdens of our collective endeavours ought to be distributed arise inevitably. The thesis at hand follows recent developments in philosophical theorising about these questions of global distributive justice. It develops, defends and completes a pluralist framework for global distributive justice.

Following an introductory chapter on contemporary theories of global distributive justice in the philosophical literature, in chapter 2 the notion, concept and advocates of pluralism in moral and political theory are discussed and its central tenets developed. In chapter 3, four arguments against the pluralist outlook from rival approaches are considered but eventually refuted. The discussion of these objections results in three thematic issues that represent crucial questions any convincing approach towards global distributive justice has to answer. These questions concern: 1) the role of factual knowledge for moral assessment, 2) the justification of normative principles for global political and economic affairs, and 3) the understanding of ideal and non-ideal theory for an account of global justice. While the outcome of the discussion in chapter 3 suggests that the pluralist approach is better suited to deal with these challenges, in chapter 4 explicit accounts of all three topics are given. This thesis defends a substantive role of empirical data for pluralistic accounts, a constructivist method of normative justification and argues for a restricted purpose of ideal theory for a pluralist framework on global justice. Having established a complete, systematic pluralist approach, in chapter 5 this framework is subsequently applied to a case study of global trade. The derived, genuine account of distributive justice in megaregional trade agreements demonstrates the desirability of the pluralist approach for questions of global distributive justice. At last, concluding remarks on the main findings of this thesis are drawn and an outlook for further research in this area of philosophical scholarship is provided.

Zusammenfassung

In einer globalisierten und interdependenten Welt stellen sich unausweichlich Fragen darüber, wie die Nutzen und Lasten aus unseren gemeinschaftlichen Unterfangen verteilt werden sollen. Diese Arbeit beschäftigt sich mit neueren Entwicklungen in philosophischen Theorien zu Fragen globaler Verteilungsgerechtigkeit. Im Zentrum steht dabei die Herausarbeitung, Begründung und Vervollständigung eines pluralistischen Zugangs zum Thema globale Verteilungsgerechtigkeit.

Nach einem einführenden Kapitel zum gegenwärtigen Stand der Theoriebildung bezüglich dieses Themas werden in einem zweiten Kapitel die Idee, das Konzept und Vertreter der pluralistischen These in Moraltheorie und Politischer Theorie vorgestellt und deren zentralen Thesen herausgearbeitet. In Kapitel drei werden vier Gegenargumente von konkurrierenden Theorien gegen diese These konsultiert aber schlussendlich widerlegt. Die Diskussion dieser Einwände resultiert in drei thematischen Fragen, um deren Beantwortung jede Theorie globaler Verteilungsgerechtigkeit bemüht sein muss. Diese Fragen betreffen 1) die Rolle empirischer Forschung für die moralische Bewertung globaler politischer und ökonomischer Prozesse, 2) die Rechtfertigung normativer Prinzipien in diesen Prozessen und 3) die Relevanz sowohl idealer als auch nicht-idealer Theorie für die Begründung von globaler Gerechtigkeit. Während bereits in diesem Kapitel die These aufgestellt wird, dass pluralistische Ansätze diese Aufgaben geeigneter bewerkstelligen können als alternative Zugänge, wird in Kapitel vier eine detaillierte Begründung zu jeder dieser drei Fragen geliefert. Diese Arbeit argumentiert dabei für eine ausschlaggebende Rolle von empirischen Fakten für moralische Argumente in pluralistischen Theorien, für eine konstruktivistische Methode zur Begründung normativer Prinzipien und für eine limitierte Aufgabe idealer Theorie. Nach dieser systematischen Begründung des pluralistischen Ansatzes wird dieser schließlich in Kapitel fünf auf ein Fallbeispiel, den globalen Handel, angewandt. Die aus der pluralistischen Analyse folgende Begründung normativer Forderungen an megaregionale Freihandelsabkommen zeigt die Vorteile dieses Ansatzes zur globalen Verteilungsgerechtigkeit auf. Zuletzt fasst eine Conclusio die wesentlichen Ergebnisse dieser Arbeit zusammen und gibt einen Ausblick auf zukünftige Forschungsvorhaben zu diesem pluralistischen Ansatz.