

Summary

The Uncharted Territory of Justice. Reflections on Liberal Theories of Supranational Justice

In the book I focus on the analysis of the scope of justice in international relations. To this end, I examine argumentative structures of liberal conceptions regarding international justice by reconstructing rights and obligations which they postulate, and which should apply to the actors of international relations. These theories are based on different ontologies and axiologies (individual and group) and provide different answers as to distribution of rights and obligations in international relations.

Until the first half of the 20th century, the debate on international justice had concentrated on a state. However, as a result of globalization, when political and non-political international institutions became important actors of international relations, new issues arose within the framework of normative theories of international relations: who the principles of justice should apply to (ontology), which principles all the actors of international relations may agree to (the scope of justice), and what the content of the principles of justice ought to be (axiology). The main axis of a dispute became John Rawls's concept of *The Law of Peoples*, which the authors like Thomas Pogge or Charles Beitz tried to modify, and then apply to the supranational dimension. Thus, in thinking about supranational justice in liberal terms, two main tendencies can be distinguished: "communitarian" – minimalist and "cosmopolitan" – maximalist.

Referring to the debate, I present a new categorization (international anarchism, minimalism, conciliarism, maximalism), due to which specific problems with legitimizing the principles of justice on the basis of liberal theories can be indicated. These theories are burdened with aporeticity, which can be overcome to a small extent. In order to expose the problems mentioned above, I reconstruct argumentation of the studied theories to support the defined scope of principles of justice: minimum – narrowed down to states, or maximum – covering the whole world. Then, I analyze the relationships between these approaches in search of the possible common ground at the level of justifications (ontological and axiological dimensions), and at the level of the proposed solutions (legal and institutional dimensions). Such a method allows identifying discrepancies between these theories, their internal contradictions, and inconclusiveness of the solutions they propose. In this way, at least three interrelated levels of aporeticity can be distinguished: the level

of pluralistic assumptions which these theories adopt, the level of relations between justifications and conclusions within these theories, and the level of a theoretical discourse of their representatives.

To prove the claims mentioned above, I divide the book into four parts. In the first one, I analyze the international anarchism approach (Hobbes, Nagel). Stating that there are no principles of justice at the international level, anarchism narrows down the principles of justice only to the domestic relations. Its representatives regard international level, at best, as the state of anarchy and claim that the conflict between equality and freedom, human rights and democracy can be solved solely at the domestic level. Only there are liberal values properly secured, and it is possible to effectively enforce the principles of redistribution.

In the second part, I examine the minimalist approach (Rawls, Miller, Walzer). The domestic concern for distribution of egalitarian principles of justice among individuals is replaced here at the supranational level with a less demanding ideal of mutual respect and non-interference, and a moral duty to help countries in need. Due to the values adopted by the minimalists, such as the priority of domestic commitments, they legitimize these principles of justice which protect primarily the states in international relations. However, the minimalists do not reject the universal ideas, such as human rights, which means that they support a double-track approach to justice: different principles at the domestic level and different at the international level. In this way, they attempt to reconcile universal and particular obligations to citizens and non-citizens. At the same time, such an attitude rejects the perspective of anarchism and maximalism.

The third part of the book is devoted to the analysis of an approach called maximalism (Nozick, Beitz, Pogge, Held, Archibugi). This approach recognizes that the tension between obligations to own citizens and foreigners, between state sovereignty and international protection of human rights must be eliminated by abolishing the two-level justice system and applying the same set of standards at the domestic and international level. The representatives of this trend acknowledge that liberalism should be globalized and reject, out of necessity, such arbitrary facts like borders or citizenship to become an attractive and coherent school of thought. At the same time, this trend includes strong polarization of the opposing proposals: global egalitarianism and libertarianism. According to the former, the focus should be placed on the least advantaged members of the world community; moreover the international institutions should change, so that the distribution of goods through transfers would reduce global inequality and poverty. This type of thinking is mainly directed against Rawls's concept and rejects the idea of tolerance towards illiberal peoples he proposes. An extreme effect of this approach is the idea to create a state in the form of a world federation. On the other hand, there is an approach radically opposed to such a solution, although it derives from a similar set of axiological assumptions – global libertarianism. Libertarians refer to the concept of a personal autonomy (and the related concept of self-ownership), which through the global free market should be protected worldwide, and that takes the form of a global free market ideology (Nozick, neoliberalism).

The fourth part of the book is an attempt to go beyond minimalism and maximalism, which I refer to as conciliarism. I analyze the following theories: Laura Valentini's international coercion, Mathias Risse's international pluralism, Martha Nussbaum's capabilities, and Andrew Linklater's theory of post-Westphalian order. These researchers, like the minimalists, recognize that the principles of distributive justice exist in domestic relations. However, contrary to them, they argue that even in a supranational perspective there are situations or areas where it is necessary to apply egalitarian principles of distributive justice. Nevertheless, this perspective does not support legal and institutional project of the maximalists expressed in the form of a world state, although it uses some of their ideas at the level of assumptions and solutions. These conciliar approaches trying to mediate between earlier models of minimalist and maximalist justice are problematic, because apart from the authors' declarations, they lack clear criteria distinguishing them from the proposals they argue with. This is one of the reasons why their theories can be easily reduced to minimalism or maximalism.

Seeking in the study the answer to the question whether and to what extent the theories of liberal international justice can go beyond the maximalism/minimalism division and analyze compromise solutions reconciling both sides to the dispute in the area of axiology and ontology, in the final part, I make an attempt to convince the reader that such an agreement is possible only to a small extent.

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