

BOOK REVIEW

Jon Mandle. *Global Justice*. Cambridge, UK and Malden, USA: Polity Press, 2006. 180 pp. ISBN 0-7456-3066-9

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It is not too often that questions of global justice are intensely presented with much philosophic resolve and acumen. One apparent reason perhaps is reflected in the range of issues that emerges from it aside from the variety of conflicting rejoinders that the questions themselves generate. Another obvious reason is the absence of a justifiable and substantive theory of global justice which may perhaps take into account the diversity of doctrines, beliefs and practices that people normally do and follow across state-borders. In the absence of such a theory, any attempt of deliberation is eventually fated to failure in view of the fact that no shared basis of evaluation or analysis fits any reasonable judgment on what may be appropriately referred to, if possible, as *global justice*. Onora O'Neil (2000) for example expresses certain qualms on how the term *global justice* is used. She notes that it "presupposes that the topic under discussion is a single regime of justice for the world" (O'Neil, 2000, p. 115). Instead, she prefers "transnational justice" to specify that the relation of justice involved crosses national boundaries. In much the same sense, Thomas Nagel (2005) argues that the apparent difficulty in the quest for global justice is the ambiguity of the concept itself. He remarks that "the concepts and theories of global justice are in the early stages of formation, and it is not clear what the main questions are, let alone the main possible answers" (Nagel, 2005, p. 113).

There are nevertheless significant efforts or turns that seek to address the said concern, although much of them gained currency only after the publication of John Rawls' *A Theory of Justice* (1972). Examples of such efforts include the flourishing of literatures that deal with transnational justice, just war, famine reliefs, humanitarian intervention and globalization among liberals, such as Rawls (1972, 1993, 1999, 2001), Dworkin (1977), Raz (1986) and Rorty (1999); communitarians, like Walzer (1983), MacIntyre (1985) and Sandel (1998); and welfare statist along with Nagel (2005), like Blake (2001) and Risse (2005). While the efforts themselves are essentially significant and fitting, perhaps in search of a potent normative basis for a shared conception of justice or possibly a framework for fairly responding to such issues in a highly globalized world order, they remain, I suppose,

at odds with one another. Part of the reasons, I am persuaded, surfaces out of the difficulties implicit in responding to the issues as to whether or not liberal principles of justice must *apply* globally and whether or not the duties of assistance must *extend* beyond national borders, notwithstanding the question as to what conception of justice is indeed appropriate and whether there *are*, in effect, duties of assistance. In either case, the problem rests, I suppose, on how justice is to be understood at the *global* level and what measures or normative bases *are* fitting for pertinent evaluations and analyses for such purposes. How justice is construed and for what reasons it is formulated may essentially give light to such oddities. I presume nonetheless that everyone shares the idea that it is only *from* the perspective of justice that issues on global justice may be properly responded to, whether or not they agree as to how it *ought* to be formulated. The fact that they do share the idea implicitly suggests why it *is* necessary, so to speak, to arrive at a substantive theory of global justice.

Professor Jon Mandle's work on *Global Justice*, I am convinced, is a progress in that direction. Premised on a Rawlsian account of justice, the work carefully advances a morally compelling account of human rights for a substantive and justifiable theory of global justice, an account which is neither detrimental to a nation's territorial integrity nor damaging to its external independence. Mandle's account nonetheless is constructed after the fundamental claims that a) there are universal human rights that citizens ought to enjoy, and b) everyone has the duty of assistance to respect these rights. He assumes without prejudice, I believe, that such account of human rights *generates* duties, the nature of which *makes* universally valid demands to different relevant populations in varying degrees across national borders through the mediations of *legitimate* socio-political institutions tasked primarily to protect and safeguard those rights if they *were* to matter to an account of global justice. Mandle's account, incidentally, argues that such fundamental claim about political institutions makes way for recognizing the different demands of justice on individuals who share the same political institutions and on those who do not (Preface, p. x). While his account carries certain cosmopolitan elements since it argues for the "universality of human rights" and the "duties that they generate," it nevertheless emphasizes as well *the* critical role that "coercive, positive law" plays trans-nationally as nations relate with one another in the context of globalization. He wisely remarks:

The account of global justice that I develop attempts to take proper account of the crucial relationship between states and legitimate law, while at the same time recognizing the importance of basic human rights and the cosmopolitan duties that they generate (Preface, pp x-xi).

Interestingly, while the account is *prima facie* compelling and perhaps enabling to the effect that it generates compelling support for a substantive theory of global justice, one may still argue, contrary to the supposed fundamental claims, whether in fact they *are* the sort of claims that *can* generate moral significance or difference to a nation's *actual* practice towards its relations with the relevant population it serves and its relations with other states, without precluding, in effect, the possibility of arriving at varying priorities on both.

The book *Global Justice* is generally a collection of eight essays (p. 8) arranged in an order that reflects the author's proposal for *possibly* accomplishing a substantive account of global justice. Unlike other books on social and political theories and philosophies which are built upon ostentatious themes and topics, the themes in this collection are essentially modest. However, they fundamentally exhibit profound scholastic insights that replicate the author's fervor as an academic. Each essay, I think, effectively articulates the most fundamental concepts crucial for an account of global justice. I am convinced further that the author himself has exercised the necessary wisdom in the determination of the contents themselves, not to mention the essentially germane explanations he himself mustered to come up with a volume as scholarly as this one.

The first essay, for example, a critical account of ethical theory sustained by the blending of historical facts and profound knowledge of ethics, lays down the foundational principle of the book. Perhaps the author is of the judgment that a successful account of global justice *ought* to be founded upon or formulated after an adequate understanding of what ethics is or the role that it plays trans-nationally. The inclusion of this account, I *must* say, sets the possible context within which issues of global justice *may* be appropriately approached along with the variety of questions that encloses it. The account thus is as essentially fitting as it is necessary. But there is more to it than simply the judgment of the author. Since the book is an attempt to establish morally compelling grounds for a possible substantive account of global justice, it *must* countenance as well a more established account of the ethical domain through which normative questions of morality may be fittingly evaluated and assessed within the context of state-society relations. I am convinced, nonetheless, that such concern is pertinently addressed through the blending of an account of ethics with the relevant historical facts. To my mind, such blending significantly avoids the snares of "disconnections from their conditions of applicability", on one hand (p. 5), and the drawbacks that arise from further abstractions in the pejorative sense, on the other hand. It is therefore a laudable account of ethical theory.

There is however something atypical in this account. While I recognize the necessity of the normative character of moral questions *qua* moral principles that guide decisions and actions (p. 5), I find it rather eccentric and bizarre to limit the said account solely within the context of relativism, unless the author regards other forms of ethical theories as variants of relativism itself. I am as much uncertain as to whether or not such choice is significantly based upon the assumption that indeed, “relativism represents a fundamental challenge to an account of global justice” (p. 8). In the same way, I do not think that there are “facts of the matter” to begin with, to be right or wrong about on the dangers posed by the said theory whether in the extreme or moderate form. There are, I think, certain concepts and moral principles which are in themselves universal.

Despite this oddity however, the first essay, I understand, emphasizes two central points. First, the essay looks at the necessity of the normative character of moral questions *qua* moral principles that guide decisions and actions (p. 5). It seeks to know whether or not our moral principles are the sort of principles that can be defended in the face of moral dilemmas. The NATO intervention in the Kosovo crisis, recounted in this essay as a relevant historical fact, vividly illustrates this point. Allen Buchanan (2001) for example, explains that within the context of international law, following the “preponderance of international legal opinion,” the NATO military intervention is *illegal*. Buchanan further notes that there are some sympathizers, however, like U.S. Secretary of State Madeleine Albright, who argued that “the NATO intervention was an important first step for establishing a new customary norm of international law, according to which humanitarian intervention can be permissible without Security Council authorization” (Buchanan, 2001, p. 674). While it may be possibly consented that the Kosovo intervention *was* the right thing to do in so far as it was done to prevent an even greater harm, how it *ought* to be assessed remains a multifaceted concern and necessitates a normative evaluation from a moral point of view. The author comments, nonetheless, that relevant to any moral evaluation or assessment is an appeal to normative principles that are, as it were, *action-guiding* and are founded upon *practical reasons* (p. 5). He says that appeal to such principles “opens up the possibility of criticism and of guiding conduct or designing institutions in new ways” (p. 5). Second, the account is also a critic of relativism and an investigation of how such form of ethical theorizing influences the courses of actions or decisions a given state chooses as morally relevant features of its moral practice (p. 7). The preponderance of judgments after the Kosovo crisis, for instance, is a case in point. It has evoked a number of moral questions and concerns which may be appropriately regarded as articulations of influences from a relativistic moralizing. Incidentally, the author recognizes the relevant features of relativism in so far as it allows for diversity and as it rejects

the practices of racism and imperialism (p. 14). He argues, on the contrary, that “relativism does not provide an adequate framework within which one can defend principled toleration of diversity” (p. 14). He then concludes that what it requires are normative moral principles of judgments that do not “succumb to crude moralizing” akin to what relativism does as an ethical theory (p. 14).

A more precise framework for a substantive justification of “principled toleration of diversity” is worked out conscientiously in the second essay. Following the trajectories of liberal conceptions of justice and Rawls’ political liberalism, Mandle provides an insightful narrative on the origins of liberalism as it developed substantive principles of toleration (pp. 15-20) as well as a critical apology of John Rawls’ treatment of the political conception of justice (p. 20). He argues that Rawls’ political liberalism and the liberal conceptions of justice attempt precisely to respond to the issue of diversity by working out principles of justice that may be shared by reasonable persons independent of their comprehensive doctrines or religious beliefs. He further argues that the said political conception of justice serves two important functions. On one hand, it lays down fundamental principles for evaluating institutions in so far as it is a conception of justice worked out solely for the basic structure of society (p. 20). As the primary subject of justice (Rawls, 1972, 2001), Mandle remarks that (a) “the basic structure has such a momentous impact on virtually all aspects of life” (p. 20) and that (b) it is coercively imposed upon individuals as a shared institution (p. 21). He however repudiates that such sharing does not amount to a sharing of the same religious orientation or belief about the nature of the good life. It is thus a *freestanding* conception of justice (Rawls, 1972, 1993, 2001). On the other hand, through an imposed design of the basic structure of society, the said conception offers a substantive justification for a principled defense of toleration of diversity. At one end, it countenances individuals to develop a political conception of justice independent of any comprehensive religious belief (p. 23) and at another end, it *tolerates* a “wide range of religions, ways of life, and comprehensive ethical doctrines” (p. 24). The said imposition, the author argues, prevents dominant religious orientations from influencing state decisions or actions pertinent to justice (p. 23). Indirectly, this affirms the idea that questions of justice or constitutional essentials *must* be decided upon through a conception of justice worked out solely for the basic structure and not by “some particular comprehensive ethical theory, view of the good life or religion” (p. 23). It is thus an essential component of justification as it is an important element of a political conception of justice “regardless of other continued disagreements” (p. 23). By arguing in this manner, the author nonetheless recognizes that a liberal political conception of justice provides *an ideal of justice* that (a) may be shared by individuals independently of any comprehensive doctrine or religious belief and

(b) serves as a basis for public justification among competing values, interests and views that people normally do and have. Consequently, as a shared basis of public justification on questions of fundamental justice and constitutional essentials, the author argues that what it requires is “some measure of resources or capabilities that can be utilized for a wide range of ends” as individuals pursue their diverse ends (p. 25). Implicitly, this presupposes, *a la* Rawls, that individuals are willing to responsively revise and adjust their ends (given the historical contingencies that they are in) in order for such ends to count as politically permissible ways of life from the perspective of a liberal conception of justice (p. 26). Interestingly, though, one may ask whether or not an appeal to a political conception of justice along with its conception of the person is a viable framework for global justice. One may as well argue whether, in fact, such conception *fits* as a substantive framework for evaluating a collective of substantially diverse institutions in a highly differentiated global order.

In contrast, while the arguments alluded to here are essentially relentless and insightful in so far as they are faithfully carved out of Rawls’ philosophical anatomy of a liberal conception of justice, they have not successfully demonstrated, following such a framework, how in fact the said measure of resources and capabilities *can* generate enabling conditions through which the collective social good may be properly achieved (Walzer, 1983; Mulhall & Swift, 1992; Lee, 1998). Given that the conceptions of the good are *substantially differentiated* across national borders, a liberal conception of justice *ought* to demonstrate, in effect, how such differentiation may be dealt with. Whether or not this *may* be done solely by an appeal to a liberal political conception of justice remains interestingly an important concern for defenders of liberalism. I am tempted to think that in view of the said concern, it *ought* to justify itself as the most reasonable conception of justice that *may* be shared by a substantially differentiated collective of reasonable citizens at the global level. Unless a liberal conception succeeds in doing so, any attempt to establish a substantive account of global justice remains, essentially, a wild goose chase within the endless infinity of philosophical possibilities. It *must*, so to speak, take a broader theoretic than a standard reading and interpretation of a liberal conception of justice directed against the communitarian critiques of liberalism. It may be remarked, however, that despite such concern, Mandle’s attempt to establish an account of global justice after a liberal framework is a bold challenge to remedy the inherent flaw evident in the liberals’ primacy of the individual over the collective. It is therefore a welcome enterprise for an uncompromising defender of liberalism.

In the third essay, Mandle attempts to respond to the question as to whether or not the principles of domestic justice apply to the relations of societies at the global

level (p. 28). It provides him with a venue for a substantive account of global justice. Drawing significantly upon what he has laid down in the previous essay, he offers an insightful account for the possibility of global justice as he contrasts gradually the principles of liberal conception of justice from the dominant ideological political theoretic of twentieth-century political theories of realism, nationalism and cosmopolitanism. For example, while he implicitly admits the variety of schools of thought articulated by the “innocuous-sounding label of realism”, he nevertheless summarizes realism as fundamentally “a struggle for power” (p. 31) akin to what Moseley (2007) notes “that the essential ingredient of political realism is the recognition that human relations are governed by power” (Moseley, 2007, p. 25). Yet, against the realists who are oftentimes characterized as amoralists in so far as they hold that “moral considerations simply do not apply when a country deals with other countries and foreigners” (p. 28), he argues that “while political association changes our duties of justice in important ways”, the fact that “there remains a core of morality that is independent of political associations”, it follows that “it applies globally even in the absence of a global state” (p. 34). Whether or not said presumption is true, it remains interestingly important to note that what is otherwise echoed by the realists as “fanatical moral pursuits” and “moral excesses” are but essential rejections of a particularistic morality that is emblematic and symbolic of crude relativistic moralizing (p. 35). Consequently, Mandle argues that “what is needed is an account of justice that does not force individuals or societies to become “prey” when others are unwilling to reciprocate and that recognizes that sometimes one must forego morally admirable ends when the only available means have an unacceptably high moral cost” (p. 35).

Incidentally, his expositions on the ideological value of both realism and nationalism, while straightforward and explicit, reflect a profound capacity for objectivity. I presume that he is guided by the mantra that judgments on any ideological belief or doctrine *must* be rendered only after they are presented in their best form. True indeed, this demand, I am persuaded, is well met in a sixteen-page elaborate and insightful exposition of the said theories. For an introduction to global justice, this is truly outstanding.

The fourth and fifth essays are generally essays on human rights. Here, Mandle develops his *a la* strong cosmopolitan account of global justice based on universal human rights. Guided by some key principles borrowed from Dworkin (1977), Shue (1983), Buchanan (2001, 2004) and Pogge (2002), among others, Mandle has successfully demonstrated why human rights are universal and how they generate duties of assistance among individuals across societies. It may be argued, however, whether or not such universality and generation of duties have sufficient moral

bearing to force legitimate institutions into protecting them when faced with intractable conflict of duties. This, I am persuaded, is easier said than done given the internal independence that each nation possesses.

Mandle nevertheless avoids the pitfalls of this basic difficulty in the next essay on "Political Legitimacy." Recognizing that not all institutions subscribe to the liberal principles of justice that he develops, he formulates his main argument after Rawls' account of "decent hierarchical societies" (p. 78). Since "decent hierarchical societies meet "certain minimal threshold" of *legitimacy* in the same sense that "just societies do" it follows essentially that "they are entitled to full toleration from other societies" (p. 81). The idea of "toleration" here, Mandle believes, accommodates the larger possibility of establishing just relations between political institutions no matter how different or diverse their political structures are. In so far as they are legitimate institutions, they ought to protect human rights through workable mechanisms within which individuals can publicly articulate their collective decisions concerning the common good.

The last two essays are largely discussions on basic issues and challenges that ensue from "poverty and development" to "globalization". The contents are critical and enlightening to any account of global justice although they do not entirely reflect any "Mandle-ian" principles at work. What one finds is an aggregate of different perspectives from various scholars who have made initial studies on them. While building upon them is essentially significant in that they provide prior facts and principles through which an account of global justice may be framed or applied, it is too naïve to think that they can make such account all the more valid and acceptable.

Regardless, however, there are striking features articulated in the last two chapters of the book. Mandle's human rights approach does better than the positions held by both realists and strong cosmopolitans. At one point, his approach accepts that there are duties of justice owed to foreigners, which the former denies. At another point, the approach also accepts that global inequality can be just, provided that basic human rights are met, which the latter abhors. Mandle is thus committed to securing both ends through his account of global justice via human rights.

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