

Global Justice State Duties The Extraterritorial Scope Of Economic Social And Cultural Rights In International Law Author Malcolm Langford Dec 2012

Contributors from several countries discuss the central moral issues arising in the emerging global order: the responsibilities of the strongest societies, moral priorities for the next decades, and the role of intellectuals in view of the huge gap between widely expressed moral ambitions and prevailing political and economic realities.

Presents innovative perspectives on the moral and legal obligations of individuals and institutions toward workers in the global era.

From Global Poverty to Global Equality provides a philosophical exploration of some of the central questions in the flourishing debate on global justice: Do we have a duty to help eradicate global poverty? Do we also have a duty to pursue global equality? What makes such demands morally justifiable?

The book is an argument about the moral foundations of foreign policy. It argues that the traditional idea of liberal equality can be interpreted so as to give moral guidance to policy leaders in understanding what they ought to seek internationally.

The rise of globalization and the persistence of global poverty are straining the territorial paradigm of human rights. This book asks if states possess extraterritorial obligations under existing international human rights law to respect and ensure economic, social and cultural rights and how far those duties extend. Taking a departure point in theory and practice, the book is the first of its kind to analyze the principal cross-cutting legal issues at stake: the legal status of obligations, jurisdiction, causation, division of responsibility, and remedies and accountability. The book focuses specifically on the role of states but also addresses their duties to regulate powerful nonstate actors. The authors demonstrate that many key issues have been resolved or clarified in international law while others remain controversial or await the development of further practice, particularly the scope of jurisdiction and the quantitative dimension of extraterritorial obligations to fulfil.

Cosmopolitan Justice

This book provides an innovative contribution to the study of the Responsibility to Protect and Kantian political theory. The Responsibility to Protect (R2P) doctrine has been heralded as the new international security norm to ensure the protection of peoples against genocide, ethnic cleansing, war crimes and crimes against humanity. Yet, for all of the discussion, endorsements and reaffirmations of this new norm, R2P continues to come under fire for its failures, particularly, and most recently, in the case of Syria. This book argues that a duty to protect is best considered a Kantian provisional duty of justice. The international system ought to be considered a state of nature, where legal institutions are either weak or absent, and so duties of justice in such a condition cannot be considered peremptory. This book suggests that by understanding the duty's provisional status, we understand the necessity of creating the requisite executive, legislative and judicial authorities. Furthermore, the book provides three innovative contributions to the literature, study and practice of R2P and Kantian political theory: it provides detailed theoretical analysis of R2P; it addresses the research gap that exists with Kant's account of justice in states of nature; and it presents a more comprehensive understanding of the metaphysics of justice as well as R2P. This book will be of much interest to students of the Responsibility to Protect, humanitarian intervention, global ethics, international law, security studies and international relations (IR) in general.

Offers original scholarship on economic and social human rights from cutting-edge scholars in the fields of economics, law, political science, sociology and anthropology.

This book shows how globalization shrinks distance, thereby expanding international obligations to aid the poor and make free trade fair.

Despite the massive scale of global inequalities, until recently few political philosophers or bioethicists addressed their ethical implications. Questions of justice were thought to be primarily internal to the nation state. Over the last decade or so, there has been an explosion of interest in the philosophical issues surrounding global justice. These issues are of direct relevance to bioethics. The links between poverty and health imply that we cannot separate questions of global health from questions about fair distribution of global resources and the institutions governing the world order. Similarly, as increasing numbers of medical trials are conducted in the developing world, researchers and their sponsors have to confront the special problems of doing research in an unjust world, with corresponding obligations to correct injustice and avoid exploitation. This book presents a collection of original essays by leading thinkers in political theory, philosophy, and bioethics. They address the key issues concerning global justice and bioethics from two perspectives. The first is ideal theory, which is concerned with the social institutions that would regulate a just world. What is the relationship between human rights and the provision of health care? How, if at all, should a global order distinguish between obligations to compatriots and others? The second perspective is from non-ideal theory, which governs how people should behave in the unjust world in which we actually find ourselves. What sort of medical care should actual researchers working in impoverished countries offer their subjects? What should NGOs do in the face of cultural practices with which they deem unethical? If coordinated international action will not happen, what ought individual states to do? These questions have more than theoretical interest; their answers are of direct practical import for policymakers, researchers, advocates, NGOs, scholars, and others. This book is the first collection to comprehensively address the intersection of global justice and bioethical dilemmas.

Are wealthy countries' duties towards developing countries grounded in justice or in weaker concerns of charity? Justice in a Globalized World offers both an in-depth critique of the most prominent philosophical answers to this question, and a distinctive approach for addressing it.

Global justice and international affairs is perhaps the hottest topic in political philosophy today. This book brings together some of the most important essays in this area. Topics include sovereignty and self-determination, cosmopolitanism and nationalism, global poverty and international distributive justice, and war and terrorism.

Steering a middle course between cosmopolitanism and a narrow nationalism, the book develops an original theory of global justice that also addresses controversial topics such as immigration and reparations for historic wrongdoing.

The cosmopolitan idea of justice is commonly accused of not taking seriously the special ties and commitments of nationality and patriotism. This is because the ideal of impartial egalitarianism, which is central to the cosmopolitan view, seems to be directly opposed to the moral partiality inherent to nationalism and patriotism. In this book, Kok-Chor Tan argues that cosmopolitan justice, properly understood,

can accommodate and appreciate nationalist and patriotic commitments, setting limits for these commitments without denying their moral significance. This book offers a defense of cosmopolitan justice against the charge that it denies the values that ordinarily matter to people, and a defense of nationalism and patriotism against the charge that these morally partial ideals are fundamentally inconsistent with the obligations of global justice. Accessible and persuasive, this book will have broad appeal to political theorists and moral philosophers.

Global Justice, State Duties The Extraterritorial Scope of Economic, Social, and Cultural Rights in International Law Cambridge University Press

This book offers a moral argument for world government, claiming that not only do we have strong obligations to people elsewhere, but that accountable integration among nation-states will help ensure all persons can lead a decent life.

Human rights have traditionally been framed in a vertical perspective with the duties of States confined to their own citizens or residents. Interpretations of international human rights treaties tend either to ignore or downplay obligations beyond this 'territorial space'. This edited volume challenges the territorial bias of mainstream human rights law. It argues that with increased globalisation and the impact of international corporations, organisations and non-State actors, human rights law will become less relevant if it fails to adapt to changing realities in which States are no longer the only leading actor. Bringing together leading scholars in the field, the book explores potential applications of international human rights law in a multi-duty bearer setting. The first part of the book examines the current state of the human rights obligations of foreign States, corporations and international financial institutions, looking in particular at the ways in which they address questions of attribution and distribution of obligations and responsibility. The second part is geared towards the identification of common principles that may underpin a human rights legal regime that incorporates obligations of foreign States as well as of non-State actors. As a marker of important progress in understanding what lies ahead for integrating foreign States and non-State actors in the human rights dutybearer regime, this book will be of great interest to scholars and practitioners of international human rights law, public international law and international relations.

Thomas Pogge tries to explain how most of the population of this planet can excuse world poverty. A mere one or two % of the wealth of the richer nations could help in eradicating much of the poverty but there's a slim chance of that happening.

Suggests that a cosmopolitan theory of political obligations involves extending these obligations beyond our own borders.

This book takes up the tension between globalization and community in order to articulate a new theory of global justice. Although the process of globalization is not new, its current manifestation and consequences are. At the same time, there is a growing recognition of the importance of community, identity and belonging. These two facts have generally been understood to be fundamentally in tension, both theoretically and descriptively. This book seeks to resolve this tension, and then draw out the implications for a theory of global justice and an understanding of the value and purpose of community. Importantly, the book argues, not only does an acceptance of the significance of the fact of globalization and the importance of community call for cosmopolitan duties and obligations, but it also calls into question the legitimacy and justification of the traditional nation-state. Aimed primarily at scholars working on issues related to political philosophy, globalization and global justice, the book will appeal to readers in law, politics, philosophy, and sociology.

This thesis is the first step in a research project which aims to develop an accurate and robust theory of global justice. The thesis concerns the content of our duties of global justice, under strict compliance theory. It begins by discussing the basic framework of my theory of global justice, which consists in two aspects: duties of minimal wellbeing, which are universal, and duties of fairness and equality, which are associative and not universal. With that in place, it briefly discusses the nature of duties of fairness and equality. I shall argue that they are associative, because they are derived from the form of cooperation at hand; and that there are three kinds of them in our contemporary world: states, local cooperation and trans-state cooperation. It is from their forms of cooperation that these duties are derived. After that, the thesis focuses exclusively on duties of minimal wellbeing. Against the usual account of these duties - the human-flourishing account - I argue for my human-life account. This account argues that the function of these duties is to secure a human life for individuals; and it begins with a Razian conception of wellbeing, which states that the wellbeing of an individual is fundamentally constituted by: (a) the satisfaction of his biological needs, and (b) his success in whole-heartedly pursuing socially defined and determined goals and activities which are in fact valuable. An account of what constitutes a human life is then derived from this conception of wellbeing? it is a life that consists in having a level of wellbeing that is higher than the satisfaction of biological needs, where this is constituted by the pursuit of goals and activities with a sense of what is worth doing; and this in turn consists in: (a) being able to form ideas of what is worth doing, (b) being able to revise them in light of further reasons, and (c) being able to coordinate one's actions according to them. I then determine the specific objects of duties of minimal wellbeing (means for the satisfaction of biological needs, education, physical security, freedom of belief, association and expression, freedom of non-harmful conduct, and minimal resources), by determining what is involved in securing such a human life for individuals.

Global justice is an exciting area of refreshing, innovative new ideas for a changing world facing significant challenges. Not only does work in this area often force us to rethink about ethics and political philosophy more generally, but its insights contain seeds of hope for addressing some of the greatest global problems facing humanity today. The Oxford Handbook of Global Justice has been selective in bringing together some of the most pressing topics and issues in global justice as understood by the leading voices from both established and rising stars across twenty-five new chapters. This Handbook explores severe poverty, climate change, egalitarianism, global citizenship, human rights, immigration, territorial rights, and much more.

Previously published as a special issue of the Critical Review of Social and Political Philosophy, this collection brings together some of the most influential political contemporary philosophers to present a critical review of David Miller's co-national priority thesis and give a state-of-the-art overview of the prevailing positions on nationalism and global justice within political philosophy today. The redistribution schemes of our democratic societies drastically prioritize the needs of co-nationals above those of other human beings. Is this common practice legitimate or is it a form of collective egoism? Answering this question brings us to the heart of two of the most significant debates in contemporary political philosophy: those on nationalism and global justice.

Within contemporary political philosophy, Miller is one of the few political theorists who occupies a prominent place in both debates. His central argument is that national boundaries cannot be upheld at the cost of the basic rights of others, but that they do have ethical significance and therefore entitle us to prioritize the preferences of our co-nationals. This volume will be of interest to students and scholars studying philosophy, politics, international relations and law.

Between Cosmopolitan Ideals and State Sovereignty explores how philosophers and political theorists have recast principles of justice and human rights in the light of challenges posed by globalization. It discusses ethical issues that arise at a global level and considers whether human rights and sovereignty can ever be reconciled.

Global Justice and Avant-Garde Political Agency offers a fresh, nuanced example of political theory in an activist mode. Setting the debate on global justice in the context of recent methodological disputes on the relationship between ideal and nonideal theorizing, Ypi's dialectical account shows how principles and agency really can interact

Gillian Brock develops a viable cosmopolitan model of global justice that takes seriously the equal moral worth of persons, yet leaves scope for defensible forms of nationalism and for other legitimate identifications and affiliations people have. Brock addresses two prominent kinds of skeptic about global justice: those who doubt its feasibility and those who believe that cosmopolitanism interferes illegitimately with the defensible scope of nationalism by undermining goods of national importance, such as authentic democracy or national self-determination. The model addresses concerns about implementation in the world, showing how we can move from theory to public policy that makes progress toward global justice. It also makes clear how legitimate forms of nationalism are compatible with commitments to global justice. Global Justice is divided into three central parts. In the first, Brock defends a cosmopolitan model of global justice. In the second, which is largely concerned with public policy issues, she argues that there is much we can and should do toward achieving global justice. She addresses several pressing problems, discussing both theoretical and public policy issues involved with each. These include tackling global poverty, taxation reform, protection of basic liberties, humanitarian intervention, immigration, and problems associated with global economic arrangements. In the third part, she shows how the discussion of public policy issues can usefully inform our theorizing; in particular, it assists our thinking about the place of nationalism and equality in an account of global justice.

Do states or individuals stand under duties of international justice to people who live elsewhere and to other states? How are we to assess the legitimacy of international institutions such as the International Monetary Fund and the United Nations Security Council? Should we support reforms of international institutions and how should we go about assessing alternative proposals of such reforms? The book brings together leading scholars of public international law, jurisprudence and international relations, political philosophers and political theorists to explore the central notions of international legitimacy and global justice. The essays examine how these notions are related and how understanding the relationships will help us comparatively assess the validity of proposals for the reform of international institutions and public international law.

Explores the moral dilemmas posed by disparities in health across nations

The scope of climate justice -- The grounds of climate justice -- The demands of climate justice -- Bridging theory and practice -- Assessing multilateral climate governance -- Assessing transnational climate governance.

What obligations do the world's wealthy people have to ensure that the world's poor achieve a quality of life that is recognizably human? Charles Jones outlines and evaluates the main competing moral perspectives framing these debates, assessing the relative merits of the utilitarian, human rights, and neo-Kantian perspectives before answering the nationalist, patriotic, relativist, and constitutivist challenges to moral universalism. Jones defends a form of cosmopolitanism involving a commitment to basic human rights, and provides both a guide to the state of the art in disputes about global justice, and a distinctive defense of the moral case for change in the international system.

Explores whether states possess extraterritorial obligations under international law to respect and ensure economic, social and cultural rights.

The question of what constitutes norms for global justice is of considerable concern for all those interested in world peace and cooperation. In order to define these global norms, Jean-Marc Coicaud, while working at the United Nations University, initiated a project centered around conversations with leading theorists and policy practitioners in global affairs. Conversations on Justice from National, International, and Global Perspectives features world-class authors and activists, from around the world, and from a variety of disciplines, to discuss the central questions of justice at the national, international, and global levels. Made up of a compilation of dialogues, this volume's unique format makes it highly accessible and even fun to read. The insights and observations of these leading intellectuals and scholars provide a rich contribution to theories on how global justice might become a reality.

This timely Handbook brings together leading international scholars from a range of disciplinary backgrounds and geopolitical perspectives to interrogate the intersections between migration and global justice. It explores how cross-border mobility and migration have been affected by rapid economic, cultural and technological globalisation, addressing the pressing questions of global justice that arise as governments respond to unprecedented levels of global migration.

Over the past years global justice has established itself as one of the new and most promising frontiers of political theory. Sovereign Justice collects valuable contributions from scholars of both continental and analytic tradition, and aims to investigate into the relationship between global justice and the nation state. It deals with the moral relevance of national boundaries and cosmopolitanism, and takes into account the most influential traditions that shape current approaches to the subject, especially those descending from Rawls and Kant.

The Global Justice Reader is a first-of-its kind collection that brings together key foundational and contemporary writings on this important topic in moral and political philosophy. Brings together key foundational and contemporary writings on this important topic in moral and political philosophy Offers a brief introduction followed by important readings on subjects ranging from sovereignty, human rights, and nationalism to global poverty, terrorism, and international environmental justice Presents the writings of key figures in the field, including Thomas Hobbes, Immanuel Kant, John Rawls, Thomas Pogge, Peter Singer, and many others

Calls for justice and reconciliation in response to political catastrophes are widespread in contemporary world politics. What implications do these normative strivings have in relation to colonial injustice? Examining cases of colonial war, genocide, forced sexual labor, forcible incorporation, and dispossession, Lu demonstrates that international practices of justice and reconciliation have historically suffered from, and continue to reflect, colonial, statist and other structural biases. The continued reproduction of structural injustice and alienation in modern domestic, international and transnational orders generates contemporary duties of redress. How should we think about the responsibility of contemporary agents to address colonial structural injustices and what implications follow for the transformation of international and transnational orders? Redressing the structural injustices implicated in or produced by colonial politics requires strategies of decolonization, decentering, and disalienation that go beyond interactional practices of justice and reconciliation, beyond victims and perpetrators, and beyond a statist world order.

With essays ranging from climate change and global poverty to just war and human rights and immigration, leading future figures present an ideal collection for anyone interested in the most important debates in global justice.

Debates about global justice have traditionally fallen into two camps. Statists believe that principles of justice can only be held among those who share a state. Those who fall outside this realm are merely owed charity. Cosmopolitans, on the other hand, believe that justice applies equally among all human beings. On Global Justice shifts the terms of this debate and shows how both views are unsatisfactory. Stressing humanity's collective ownership of the earth, Mathias Risse offers a new theory of global distributive justice--what he calls pluralist internationalism--where in different contexts, different principles of justice apply. Arguing that statists and cosmopolitans seek overarching answers to problems that vary too widely for one single justice relationship, Risse explores who should have how much of what we all need and care about, ranging from income and rights to spaces and resources of the earth. He acknowledges that especially demanding redistributive principles apply among those who share a country, but those who share a country also have obligations of justice to those who do not because of a universal humanity, common political and economic orders, and a linked global trading system. Risse's inquiries about ownership of the earth give insights into immigration, obligations to future generations, and obligations arising from climate change. He considers issues such as fairness in trade, responsibilities of the WTO, intellectual property rights, labor rights, whether there ought to be states at all, and global inequality, and he develops a new foundational theory of human rights.

Though the revised edition of A Theory of Justice, published in 1999, is the definitive statement of Rawls's view, so much of the extensive literature on Rawls's theory refers to the first edition. This reissue makes the first edition once again available for scholars and serious students of Rawls's work.

Who ought to do what, and for whom, if global justice is to progress? In this collection of essays on justice beyond borders, Onora O'Neill criticises theoretical approaches that concentrate on rights, yet ignore both the obligations that must be met to realise those rights, and the capacities needed by those who shoulder these obligations. She notes that states are profoundly anti-cosmopolitan institutions, and that even those committed to justice and universal rights often lack the competence and the will to secure them, let alone to secure them beyond their borders. She argues for a wider conception of global justice, in which obligations may be held either by states or by competent non-state actors, and in which borders themselves must meet standards of justice. This rich and wide-ranging collection will appeal to a broad array of academic researchers and advanced students of political philosophy, political theory, international relations and philosophy of law.

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