



Realising Global Political Justice

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Abstract

The notion of global political justice implies that the conditions of justice in one way or the other have been globalised. Yet, the world is inherently unjust. This paper first outlines indicators of dominance, viz., arbitrary rule, which the GLOBUS project takes as the basic criterion of injustice. In order to identify what global political justice requires, the paper undertakes a critical assessment of concepts of global political justice: *justice as non-domination*, as *impartiality* and as *mutual recognition*. The paper delineates indicators of the three conceptions of global political justice. It identifies the main shortcomings of the conceptions. Global justice requires the creation and reform of institutions and of background contexts in which decisions are made. In particular there is a need for giving the affected parties due hearing. Hence, the call for *collaborative arrangements*. A template for design of collaborative arrangements required by justice as mutual recognition is outlined. In order to address the problem of ensuring justice without rights' enforcement capacity, the paper discusses the design of *a multilevel world order*.

Keywords

Dominance – Globalisation – Impartiality – Institutional Design – Justice – Recognition

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Introduction

[L]aws and institutions no matter how efficient and well-arranged they are must be reformed or abolished if they are unjust.

(Rawls 1971: 3)

Justice is widely regarded as the most fundamental of all virtues for ordering interpersonal relations and establishing and maintaining a stable political order. Global justice first of all requires the creation and reform of institutions and the fairness of background contexts in which decisions are made. Justice is a question of the basic political structure, hence the quest for *global political justice*. *GLOBUS* focuses on the structure of authority relations, where injustice refers to relations of domination between actors – their unequal status and standing.¹ The *GLOBUS* project holds dominance, arbitrary rule, to constitute the basic criterion of injustice. Dominance violates the basic principle of justice, equal freedom for all. Establishing conditions of freedom is a precondition for being able to deal appropriately with associated distributional inequities. The primary concern of justice is thus not with how many goods a person is entitled to, but rather with *the kind of standing* the actors have – whether they are free or whether they subjected to the whims of others. Even if this much is agreed by the main scholars in the field, there are still disagreements about what rights and obligations the autonomous standing of parties entails in a world made up of states. There are different notions of what kind of standing the different parties deserve. In line with John Rawls, I distinguish between *the concept of justice* referring to principles for assigning rights and duties – a proper balance between competing claims – and *a conception justice* as a set of principles for identifying and interpreting the relevant considerations (Rawls 1971: 10).

The notion of global political justice implies that there are duties with a global reach and that the conditions of justice in one way or the other have been globalised. *GLOBUS* distinguishes between three conceptions of global political justice: justice as *non-domination*, as *impartiality* or as *mutual recognition*.

Justice as non-domination requires the social status being relatively proof against arbitrary interference by others, and of being able to enjoy a sense of security and standing among them. According to *justice as impartiality*, strong institutions are needed to prevent dominance. Justice as mutual recognition downplays the significance of borders but upgrades the significance of belonging and respect for diversity. *GLOBUS* asks what notion of justice characterises EU's external activities: justice as *non-domination*, as *impartiality* or as *mutual recognition*.

Learning from this three dimensional analytical scheme of global political justice, the purpose of this paper is to give some prescriptions for institutional design. Given that there is need for reform, what direction should the reform process take? A template for design of collaborative arrangements required by justice as mutual recognition is

¹ Reconsidering European Contributions to Global Justice (*GLOBUS*) is an international research project funded by the EU's Horizon 2020 programme: <http://www.globus.uio.no/>. This paper draws on Eriksen 2016 and Eriksen 2019a.

outlined as well as a template for the design of a democratic multilevel world order. In order to do so, I first discuss some operational criteria for distinguishing the three conceptions of global political justice. Their shortcomings are identified through a critical appraisal of their basic normative principles.

I start with some clarifications regarding the three conceptions of political justice and explain why dominance is the basic criterion of injustice. Thereafter, I establish some criteria and indicators of the three conceptions of global political justice. Then, I discuss prescriptions for the design of collaborative arrangements needed to ensure mutual recognition. Lastly, I discuss the concept of a multilevel world order needed to ensure the fair value of rights.

The morality of political justice

The world is unjust as the horrific disparities in living conditions, freedom and wellbeing, in poverty and wealth across the world attest to. Injustices are not only documented they are also articulated. Justice-claims increase the more inequality, misery, deprivation and exploitation become visible as well as when the numbers of refugees and environmental threats multiply. Whose fault is it, who are responsible? Guilt is the source of responsibility. Some injustices we have directly or indirectly participated in causing, some not. Some injustices benefit us, some harm us and some do both. Some injustices are *structural*: this is the case when some loose and some benefit as a systematic effect of an enduring social arrangement (Young 2006; see also Eriksen 2019b: 191ff). There is however a call for justice not only because someone can be blamed for the present misère but also because the situation, as such, is dire and in breach with humanitarian principles. Regardless of guilt, we are confronted with a problem. An unjust world may be insecure and unstable, but injustices in themselves represent moral problems. There are justice-questions that confront us as inhabitants of the world, as human companions, due to *non-associative obligations*. There are natural duties such as the positive one to provide help and mutual aid, when there is jeopardy or need. There are negative duties as well, such as the duty not to harm or injure, and not 'to inflict unnecessary suffering': '[...] we have a natural duty not to be cruel, and a duty to help another, whether or not we have committed ourselves to these actions' (Rawls 1971: 114-115). Natural duties 'hold between persons irrespective of their institutional relationships, they obtain between all as equal persons' (ibid: 115). Thus, there are both positive and negative non-associative obligations.

In order to establish that justice has global reach, the conception of justice as *mutual advantage* will not do. This concept stems from Hobbes, who linked justice to collective self-interest. Justice applies only in situations where 'it is mutually advantageous', hence the concept of *justice as mutual advantage* (Barry 1989: 156, 255). This conception of justice pertains to the benefits of mutual co-operation and stems from the constraints that self-interested parties may rationally impose upon themselves in order to realise their long-term interests (Gauthier 1986). However, reasons based on self-interest do not fulfil the requirement of justice. It would entail some versions of the credo that

might is right.² Rather justice requires that norms are complied with for the simple reason that they are right, and that violating them is wrong. Justice as mutual advantage will generate results that are not universally acceptable, hence need not be based on good reasons.

In contrast, the notion of global political justice implies that there are universal valid principles and that justice claims thus have global reach. There is a controversy over whether there is a *context of justice* beyond the nation state. *GLOBUS* sides with a series of scholars who contend that the conditions of justice in one way or the other have been globalised. The present level of interdependence, connectedness and affectedness testifies to structural injustice and dominance. Due to the fact of globalisation, conditions of justice have been globalised and principles of justice apply to the global level.

However, also justice as *non-domination*, as *impartiality* and as *mutual recognition* come with flaws. They may all be 'reasonable' conceptions of justice, which highlight important concerns and dilemmas, but they all come with serious limitations as to what justice requires at the global level. *Justice as non-domination* entails the social status of being relatively proof against arbitrary interference by others. Here, justice is about avoiding harm and establishing a fair system of governance within the constraints of international law. But how to ensure compliance and legal certainty beyond the state? According to *justice as impartiality*, preventing dominance through strong institutions is needed for the equal protection of human rights. Law-based orders are needed to banish dominance also in external relations. But who would be the arbitrator; the Supreme Court, the judge? *Justice as mutual recognition* calls for deliberation among affected parties to right wrongs. It upgrades the significance of belonging and respect for diversity in settling justice questions. Also, misrecognition or lack recognition affects ones political status and amount to dominance. Hence, no justice without democratic deliberation.

Deliberation, the give and take of reasons, tracks inequities as it gives each participant a due hearing. It gives additional weight to the credo that we cannot know what is just unless all affected are heard. Deliberation has epistemic value as it leads to improvements in information and judgement: it is a cognitive process for the assessment of reasons in order to reach just decisions and conceptions of the common good. By implication it also increases the likelihood that losers comply with majoritarian decisions. In addition, deliberation carries a moral weight as a political system which guarantees conditions for autonomous public deliberation, gives us better reason to believe that its decisions are morally correct. A kind of *political autonomy* is constituted when actors have to seek justification in relation to what others can approve of, that is, everyone who is subject to collective decision-making must be able to find an acceptable basis for such decisions. The obligation to justify the use of political power

² Recall that Plato, in *Gorgias* (Plato 1960), the sophist Callicles espouses the view that, whatever conventions might seem to dictate, natural justice dictates that superior people should rule over and derive greater benefits than inferior people, that society artificially levels people. Socrates criticizes this theory by analyzing what sort of superiority would be relevant and then arguing that Callicles is erroneously advocating *injustice*, a false value, rather than the genuine one of true justice.

to those affected by it is an expression of equal membership for everyone in the sovereign body that is responsible for authorising the use of power (Eriksen 2009: 31).

The main shortcoming of this conception of justice concerns the problem of ensuring *recognition parity* without a sanctioning authority. I return to this problem towards the end of the paper.

Dominance as basic criterion of injustice

There is disagreement about what justice means and what duties apply beyond the state. Today, there is both value-pluralism and justice-pluralism (See e.g. Waldron 1999 and MacIntyre 1988). There are different conceptions of justice, and what exactly is 'just' is in dispute. Still most theories agree on certain moral principles, relating to individual rights and freedoms, which make it possible to identify a set of minimal criteria from which to assess the EU's contribution to global justice can be established. These 'modern' theories of justice underscoring that all legal orders, all constitutions worthy of their name, are premised on individual rights. Justice then means equal freedom for all, hence the right not to be interfered with, not subjugated, suppressed, not dominated by others. A decision is arbitrary, and a source of dominance, whenever it is chosen or rejected without procedures appropriate for tracking the interests and opinions of those affected (Pettit 1997: 53).³ The dominated find themselves at the mercy of others (Kant 1991[1797]). However, also dominators are exercising normative power.

Dominators act under a claim to authority and hence exercise normative power. Dominance involve the purported capacity to modify rights and duties of others and is a richer concept than the capacity to interfere. Dominance is the professed normative power to modify the rights and duties of others.

(Richardson 2002: 34)

According to Kant's third formulation of the categorical imperative, *the principle of autonomy* entails that we, as autonomous rational agents, should act in such a way that we could be reasonably legislating for a (hypothetical) moral republic of all persons. The dignity of all persons, rendering them intrinsically valuable and worthy of respect, is a function of their capacity for moral autonomy. The universal rights and freedoms, which underscores *the right not to be dominated*, are laid down in international charters and conventions, in the UN-charter, in the European Convention on Human rights, in the EU charter of basic rights and made increasingly relevant because of increasing interconnectedness. In a world in which the boundaries of nation states are crisscrossed by vast movements of people, goods, capital and cultures, and are increasingly contested from within and without, the question about the reach of these principles is at the forefront. The EUs foreign policy is guided by the following set of fundamental principles:

³ I use the term 'dominance' for the more general notion of subjection and arbitrary rule in contrast to 'domination' which here refers specifically to Philip Pettit's theory of freedom as non-domination.

The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail.

(Official Journal of the European Union 2012: Article 2)

When we understand dominance primarily as a question of *political status*, we understand it in terms of barriers to citizens' public autonomy and their ability to politically determine their common action norms. Freedom entails relationships of mutuality and power bound by law. 'In a legal community, no one is free as long as the freedom of one person must be purchased with another's oppression' (Habermas 1996: 418). The legal standing of the individual requires 'a full adequate scheme of equal basic rights and liberties, which scheme is compatible with the same scheme for all; and in this scheme the equal political liberties [...] are to be guaranteed their fair value' (Rawls 1993: 5). Freedom necessitates the existence of authoritative institutions for collective opinion and will formation and not merely mechanisms of non-intrusion, contestation, and control. When powerful and democratically authorised institutions are lacking, dominance relations may not be addressed, as evidenced by the consequences of anarchic international relations and unfettered capitalist markets. Dominance may therefore occur in principally different institutional configurations that range from anarchy to hierarchy. It occurs in all forms of relationships: between states and within states; across borders and within them; between political and economic systems; between private power and public power; and between social groups. Dominance occurs when power is not bound by law. It occurs when:

1. power is wielded arbitrarily, viz., without proper authorization;
2. affected parties are excluded from participation in decision-making;
3. such parties experience the system as unjust without being able to control it;
4. such parties are subject to forms of rule that are non-transparent;
5. the bargaining power of affected parties is weak or non-existent; or
6. exit options cannot be exercised at a reasonable cost (Eriksen 2019b: 50).

People are more vulnerable to dominance in settings where their basic interests are seriously affected. Experiences of suppression, of humiliation, discrimination, exclusion and exploitation are indicators of dominance.

Justice as non-domination

The approach to global justice of the EU in line with the principles of justice as non-domination would be one focused on avoiding intrusion in spheres of sovereignty and establishing a fair system of governance.⁴ In this perspective the EU policy would be

⁴ For the full version of the three conceptions of global political justice, see Eriksen 2016.

not to harm others and to help states and individuals as a duty of beneficence (charity), not as entitlement; not as a duty of justice. Rawls, in his book *Law of the peoples* (1999), refuses to apply his principles of justice – the difference principle – beyond the state; they apply domestically not internationally. The Westphalian principles of co-existence and non-interference among sovereign states apply. To alleviate the situation, what this perspective can offer is humanitarian help. Rawls maintains that: ‘Peoples have a duty to assist other peoples living under unfavourable conditions that prevent their having a just or decent political and social regime’. Justice demands that we try to assist what he calls ‘burdened societies’ (Rawls 1999: 114-117). In addition, this conception of justice can offer moral condemnation – shaming and blaming – of breaches of civil and political liberties. The EU’s foreign policy in line with these principles would be restricted to upholding the institutions of the existing order and amend them when necessary for security reasons: critique of illicit interference in spheres of sovereignty and state autonomy and seeking fair terms for cooperation with states external to the EU within the framework of international law.

Basic criteria of justice as non-dominance includes a priority of:

- Avoiding intrusion in spheres of sovereignty and freedom.
- Managing negative externalities through international cooperation and a fair system of negotiation.

Indicators of a policy based on justice as non-dominance:

- Upholding the institutions of international law.
- Critical of humanitarian interventions.
- Forms of cooperation with states external to the EU within the framework of international law.
- Help for states and individuals, humanitarian help, as a duty of beneficence.

Justice as impartiality

An EU foreign policy in line with *justice as impartiality* would mean upholding human rights and promoting an international order in compliance with the cosmopolitan law of the people. A foreign policy in line with this perspective would mean securing a fair scheme of cooperation internationally and the promotion of stronger supranational institutions to meet the demands of justice in the advent of a cosmopolitan world order. Global duties can only become perfect provided they are institutionally entrenched, viz., provided that global institutions, which can apply and enforce them, which can specify them and delineate allocative competences, responsibilities and resources for implementing agencies, are available. Advocating such institutions would entail promoting a strong human rights regime; support for humanitarian interventions; and support for global rights to political, social and economic justice. Given the emphasis on human rights and their priority vis-à-vis state sovereignty, an EU policy guided by justice as impartiality would also imply pioneering and advocacy

for an international system that discriminates between states on the basis of their internal features. The EU could for instance advocate restricting representation in the UN to democratic states that respect human rights (Tesón 1997: 25). It could work for the establishment of a coalition of democratic states that under certain circumstances can trump the UN Security Council with regard to authorisation of preventive use of force (see Buchanan and Keohane 2005). Or it could work for acknowledging regime change and advancing justice in the basic structure of states as just causes for military intervention.

Basic criteria of justice as impartiality prioritise:

- Upholding human rights and promoting a global political order in compliance with the law of the people.
- Securing a fair scheme of cooperation and the promotion of institutional reforms to meet the demands of justice in the advent of a cosmopolitan world order.

Indicators of a policy based on justice as impartiality:

- Support for supranational institutions and legislation.
- Defending a strong human rights regime within and beyond states.
- Support for humanitarian interventions.
- Pursuing global rights to political, social and economic justice.

Justice as mutual recognition

When the EU would be pursuing justice as mutual recognition, it would seek to establish cooperative arrangements and seek an active dialogue with affected parties in order to sort out what is the right or best thing to do. It would be to ensure reciprocity, publicity and accountability to constituents and other citizens, to citizens of other political systems, and to long term interests. Reciprocity entails the act of making sense to those who do not share your framework. Some elements required by this approach are already in place in the institutions, networks and collaborative arrangements that exist on a global scale.⁵ Being respectful of belonging and difference, justice as mutual recognition would lead to an EU foreign policy responsive to the claims of culturally defined groups living within the territorial borders of sovereign states. It would entail the promotion collaborative arrangements in which affected parties are given an effective voice and the establishment of forums for transnational deliberation on what global justice mean. It would entail support for mechanisms to ensure the capacity to seek fair terms of social cooperation for their own sake.

⁵ See literature cited in Eriksen 2016 and see Brunkhorst 2014.

Basic criteria of justice as mutual recognition would prioritise:

- Reciprocal justification; deliberation among affected parties.
- The capacity to seek fair terms of social cooperation for their own sake.

Indicators of a policy based on justice as mutual recognition.

- Support for diverse sites for decision-making where affected parties are given an effective voice.
- Being responsive to the claims of minority groups (global rights to cultural autonomy, education, language).
- Promote fora for transnational deliberation, which ensure a due hearing.
- Secure publicity and accountability measures to constituents and other citizens.

Table 1: Three conceptions of global justice

| | Non-domination | Impartiality | Mutual recognition |
|---|-----------------------|-------------------------|-----------------------------|
| Reasons for action | Duties of beneficence | Moral duties | Political duties |
| Rightful claimants of justice | States | Individual human beings | Groups, individuals, states |
| Main concern | Non-interference | Autonomy | Endangered vulnerabilities |
| Core organisational principle of global politics | External sovereignty | Rights protection | Due hearing |
| Institutional form | Multilateral | Supranational | Collaborative |
| Legal structures | International law | Cosmopolitan law | Democratic cosmopolitan law |

Source: Adapted from Sjørnsen 2017.

Collaborative arrangements

Prescriptions for institutional design, the procedures and institutions through which common affairs are sorted out, are well known for the non-domination conception of global political justice. They refer to international law principles of co-existence and non-intervention, premised on fair bargaining procedures supported by network structures of governance. Justice as non-dominance is not able to prevent arbitrary power – to make interference non-arbitrary and control non-alien – because the institutions for co-managing transnational affairs, for handling negative externalities and international threats are lacking in this concept of global justice. People and states may not be protected against the will power of big states and multinational corporations.

Even though justice as impartiality is a reasonable standard of justification, it has limitation. It is one that analysts and reformers make use of in assessing arguments for laws, institutions, structures and policies, but it is a standard from the perspective of the 'solipsistic' observer, not from the performative stance of the participant, viz., the first person perspective of actors who try reaching an agreement on what to do. Basic laws may be biased or wrongly institutionalised and impartiality may be false.

Hence, the call for collaborative arrangements involving the affected parties or their representatives in deliberative processes of justification. The third conception of global political justice may be more in line with the normative principles of global political justice, but what it demands with regard to institutional design is not clear. GLOBUS point of departure for institutional design is four ideal-type claims on the institutions and the decision-making processes: freedom, rationality, equality and publicity derived from the discourse theory of law and democracy (Habermas 1996). Approximating these claims ensures that collaborative arrangements are not tyrannical and do not impose norms and conditions on the parties that they themselves do not approve of; that the parties justify their standpoints and their claims.

Justice demands that, in a cooperative context, the actors are respected as equals. 'Struggles for global justice today must proceed on the formal presupposition of equal standing of all individuals and peoples' (McCarty 2009: 189). At the face of it, one might think this 'must' calls for the decentralisation of decision-making power as much as possible. Decentralised systems maximise the possibilities of each person to influence and take control over his or her own fate. However, as people are affected by decisions made elsewhere, and as problems are translocal and transnational, the creation of diverse fora is needed to establish congruence between decision-makers and decision-takers. The question of cosmopolitan democracy is therefore a question both of de-centralising and centralising political power. Today, cosmopolitan democracy is a question of dispersing political authority over nested territorial units, and should therefore be thought of in a multilevel context.

To create congruence between decision-makers and decision-takers, to banish dominance in 'a world of overlapping communities of fate', collaborative arrangements and policies of the following type are required:

- A multilayered structure of decision-making and authority relations.
- Networks of public fora from the local to the global.
- Strengthening the Human Rights Conventions and creating regional and global Human Rights Courts.
- Enhancing the transparency, accountability and effectiveness of leading functional IGQs; and building new bodies of this type where there is a demonstrable need for greater public coordination and administrative capacity.
- Improving the transparency and accountability and voice of non-state-actors.
- Use of diverse forms of mechanisms to access public preferences, test their coherence and inform public will formation.

- Establishment of an effective, accountable, regional and global police/military force for the last-resort use of coercive power in defence of international humanitarian or cosmopolitan law (Held 2010: 305, 306).

While many of the demands of justice as mutual recognition point us in the direction of decentralisation and local democracy, the problem of how to ensure that the ultimate units of concern are persons and that this special status has global force, is not solved. How to ensure recognition parity without enforceable rights and how to ensure justice without sanctioning non-compliance, without supranational institutions? Does the idea of a legally disciplined and federalised version of cosmopolitan democracy help in this regard?

A multilevel world order

Individuals may be subjected to multiple instances of dominance beyond the state. When there is a plurality of different contexts of justice – different contexts for justification and locations of capabilities for right-making action – there is a need to settle what the actual basis for justice-claims beyond the state is. Responsibilities as well as capabilities for banishing dominance are assigned to both global and domestic bodies.⁶ Arbitration bodies and coercive means are in general needed to ensure compliance. Likewise, supranational institutions are needed to ensure the fair value of rights beyond the state. They are important, as ‘by design they are generally the ones best able to:

1. [R]eliably provide comprehensive rights coverage for individuals, and
2. routinely obtain compliance from individuals with duties to contribute to rights protections and to avoid violating rights’ (Cabrera, 2014: 235).

However, supranational institutions cannot be constructed at will. Cosmopolitanism, premised on individual autonomy, on equal worth and dignity, appeals to us as members of humanity, but faces the problem of moralisation and the overburdening of politics and risk bypassing ‘[...] the major problem of how to tame, channel and civilize political power in legal terms even beyond the empire or the modern nation-state’ (Habermas, 2014: 5). Hence, cosmopolitanism should be linked to the ongoing process of constitutionalising international law. From this vantage point, the political coercive framework of federations, which come with basic rights protection, is tailored to avoid the danger of both minority and majority tyranny. It is also a solution to the problem of political legitimation in cosmopolitanism.

The cosmopolitan condition cannot draw its legitimacy from the international law regime itself or from the putative validity of humanitarian norms. Human rights do not, in themselves, make up a meaningful social order. The number and content of rights must be ascertained, and they must be rooted in culture and practice. The rights-

⁶ ‘Justice is realised in multiple relations, in that responsibilities for promoting human capabilities are assigned to a wide range of distinct global and domestic structures’ (Nussbaum 2006: 323).

bearing world citizens do not have much in common except for their common humanity. Moreover, the idea that there already exists a constitution at the international level, for example, in the form of the UN Charter, is dangerous. It gives the false impression that the power of the state has already become a servant of international law, and hence it runs the risk of 'dress[ing] up strategic power-plays [...] in a universalistic garb' (Cohen 2004: 10).

There is, nonetheless, an ongoing constitutionalisation process of international law which underscores that law, in general, is founded upon human rights; it privileges individuals as the bearers of rights. All modern legal orders are individualistic, and, in pluralistic contexts, the liberal principle of *respect for persons* is 'what impels us to look for a common ground at all' (Larmore 1999: 608; see also Beitz 1989: 218). In line with this, the cosmopolitan principle states that all persons have a right to autonomy. However, the principle must be embedded in law and in the proper contexts of rights specification, sanction and legitimation to make it bankable. Cosmopolitanism must, then, be of a multilevel, federal kind (see Benhabib 2011: 131, 138ff; 2012).

Federal constitutions offer sub-unit constituencies a final say over consigned issues and special voting weights for smaller units. The federalist template would thus handle the danger of persistent and intense minorities that some see involved in supranational democracy based upon majority vote. 'The federal principle of self-rule and shared rule acknowledges the importance of non-imposition on fundamental matters by a simple electoral majority' (Cohen 2012: 99).

In federations, the power to govern is divided and shared between national and provincial/state governments within a unified order premised on one source of legitimation. Federalism is a system of rule and rights' protection in which the members are integrated by a covenant with *one governing head representing the citizens*. The individual foundation of federations, which reflects the modern constitutional basic norm of dignity-protecting rights, does not gloss over differences and particular identities. Instead, it reflects *the division of moral labour*, namely, that constitutions protect human rights through higher-ranking law, as well as regional and 'national' constituencies with a consigned right to self-determination. A super- or mega-state is not what is foreshadowed by the federal framework, but rather a legal and political structure that is de-limited in order to protect the integrity and equality of all the parties, while being equipped to attain collective goals.

One may conceive of *a multilevel world order* from the vantage point of the universalisation of individual rights. This is so because nation states, based upon shared sentiments and attachment, are also, thanks, in particular, to the incorporation of human rights clauses into their constitutions, linked to cognitive-universalist features, which are shared by international and supranational political organisations. The universalist core of the constitutional state corresponds to the normative infrastructure of the EU as a regional power (basic rights, rule of law, democracy), as well as to a world organisation limited to security issues, to upholding international peace and the protection of human rights. In this model, the individual constitutes the unit of ultimate moral concern; the individuals as national, EU and world citizens

alone are the subjects of legitimation. The chain of legitimacy would, with proper communication, representation and election systems in place, stretch from national states *via* regional regimes to a world organisation – with two assemblies comprising representatives of the citizens and of the states.

Conclusion

There is no blueprint for what the EU's approach to a just global order should be. Justice entails relations of mutuality and parity of power. It requires the existence of authoritative institutions for collective decision-making as well as possibilities for autonomous opinion and will formation, and not merely mechanisms of non-intrusion. Nor is justice a 'one-man show', it is a collaborative effort. The objects of study are thus the practices, the structures of interactions – the institutions, the procedures, the norms and principles, which apply in regulating boundary-crossing practical affairs.

In this paper, I have discussed how to identify justice as *non-domination*, as *impartiality* and as *mutual recognition*. The paper suggests dominance to be the essence of injustice. However, justice as non-dominance is not enough to prevent arbitrary power because in this conception the institutions for co-managing transnational affairs, for handling negative externalities and international threats, are lacking. Moreover, justice requires more than mechanisms of non-intrusion. However, justice as impartiality may also fail to banish dominance, as the question of justice is settled from the point of view of the neutral observer, 'the judge'. Hence, the concept of justice as mutual recognition, which involves affected parties in settling the question of justice. In order to address the problem of ensuring the fair value of rights – recognition parity – I introduced the idea of a multilevel world order.

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