Furthermore the golden rule manifests a valuable progress of civilisation, from the *ius talionis* to a principle of desirability. Neglecting the talionist principle of the Old Testament covers the knowledge and the experience that continuing with the wrong does not heal any wounds. Only with the moral implications drawn by the golden rule, one can overcome the vicious circle of hate and revenge, installing a new form of relationship by appealing to the desirable – a relationship in *tolerance* and *appreciation*. So just in the challenges, that fanaticism and extremism put on the open society, the golden rule proves to be a suitable principle, because the dialogue can only be succesfull when it strengthens the progressive concept of tolerance and appreciation, justice and benevolence.

In spite of all the good concerning the golden rule, the academic philosophical ethics indeed ignored it, and if it comes into the focus of consideration, it is mostly subject of critics. Four critical arguments towards the golden rule (Kant, Brügger, Singer and Hare) are drawn out.

With Hare’s “golden rule-test” an instrument of checking ethical arguments is described, that shows the limits of the application of the golden rule, because e.g. a suicide bomber satisfies the test-condition, for his act has the same consequences to him as to others, but, however, his attitude can not be regarded as a *sensible* moral principle. So Hare emphasised the importance of generalization and finally comes to his universal consequentialism. Only if the golden rule is understood and used that way it can be considered as a suitable ethical principle for the intercultural dialogue.

**2. Responsibility and the Face of the Other or the Dialogue and beyond: An approach to “Global Ethics” with modern Jewish philosophy**

Silvia Richter (Silvia.Richter@hfs.uni-heidelberg.de)

In this paper I would like to delineate the relationship between the work of some modern Jewish philosophers and the subject of Global Ethics. By demonstrating the parallels which can be found between these two fields I hope to find some new answers for a definition of Global Ethics and the question how to research it. For that purpose I will especially concentrate on the works of Emmanuel Levinas, Martin Buber and Hannah Arendt.

In the work of the Lithuanian-French philosopher Levinas (1906-1995) the thought of the other and the relationship to him has a central function. By trying to integrate the fact of the other into the ontology of the self, philosophy has lost his main task: to think the other in an adequate way. Therefore Levinas sees the whole history of philosophy has a sort of “Egologie” – a term he borrows from Husserls “Cartesian Meditations” – and tries to establish a new way of philosophy which takes the other into philosophical account. Therefore the ethic and not the ontology, as it was for his teacher Martin Heidegger, becomes the prima philosophia in his thought. The *dialogue* and the *face* of the other, which realizes the dialogue even before a word is spoken by the mute command “You will do no murder”, are the elementary categories by which Levinas tries to describe the difficult relationship of the self to the other. The other burdens me with the responsibility for him, because I have to respond to the silent cry of his face and I cannot look away from this responsibility. I will try to demonstrate this difficult relation and other main thoughts of Levinas work by quoting his philosophical work as well as his Talmudic interpretations, for which he became famous in France in the late sixties in some circles of young Jewish scholars (for example Bernard-Henri Levy and Alain Finkielkraut). I think that these categories of

**SEMINARS**

**Thursday Seminars**

**Seminar A**

**Foundations for Global Ethics**

Thursday 27th, 15.30 – 17.30, Infirmary

Chair: Prof. Dr. Ronald Commers

Presentations

1. **One world, one rule. The golden rule as a global ethos.**

   Jozef Bordat ([josef.bordat@hotmail.com](mailto:josef.bordat@hotmail.com))

   In my contribution I want to point out the golden rule as a basic principle of an intercultural dialogue, which is suitable to build bridges between different religious and cultural traditions, first of all due to its global distribution, for it can be found not only in Christian tradition, but in Buddhist’s, Taoist’s, Jainsist’s and other’s scriptures, further on it was articulated by Confuze and the Greek philosopher Thales of Milet. To quote the fact seems to be very important, that the golden rule has developed independently in different regions and in different cultural contexts. That makes it a principle of universal ethics.

   Beside its universality, it is an essential aspect of the golden rule, that the reciprocity and the moral responsibility make it possible to build up a relationship with empathy and respect.

   In addition to this important fact the golden rule covers two basic aspects of every theory in ethics: In the positive form („Treat others as you like them to treat you.„) contextual benevolence is addressed, in the negative form („Don’t treat others as you don’t like them to treat you.„) the contractually defined limits of intervention into the autonomic sphere of the individual are mentioned, led by the concept of justice. Justice and benevolence in the golden rule come together, meanwhile they where treated separately in the traditional philosophical debate about deontological or teleological ethics.
the philosophy of Levinas, i.e. dialogue, face, responsibility, can offer an interesting philosophical approach to the aim of a definition of Global Ethics as well as deliver a tool to research it.

Although some substantial differences Levinas thought is nevertheless influenced by the work of Martin Buber (1878-1965), which I will examine as well in my paper. In my opinion Buber’s “I and Thou” (1923) can be seen as a fundamental book to research some main topics of Global Ethics, because the relation of the I and the Thou, which is fundamental for Buber, is the basic form of every communication. Although the modern world provides us a lot of facilities to avoid a direct face-to-face communication (for example via Email or telephone) the elementary idea of the dialogue is an essential fact of human life. This fact can be seen for example in the field of politics and especially in international relations, where the dialogue as such plays an important part. Sometimes even a simple friendship or just sympathy between two statesmen can create considerable political effects (see for example Briand-Stresemann or Kohl-Gorbatschow). This reminds us of the fact that the supposed anonymous decisions of politics are made after all by human beings, who have the power to change there minds and with it their views of the world and the world itself.

In this essential human characteristic of spontaneity Hannah Arendt (1906-1975) sees an important feature of human life as such, as she points out in her work “The Origins of Totalitarianism”(1951). In this work Arendt analysis the various historical developments which generated the totalitarian regimes of the 20th century – not of necessity, as she points out, but while these developments ended up in a certain constellation which generated the new political phenomenon of totalitarianism. I will consider Arendts work in my paper because it deals with the problem of politics for the life of the individual and the difficulties, which emerge from this fact (see for example her biography of Rachel Varnhagen). But her work is only of secondary importance for my paper, which will focus, as pointed out above, on the thoughts of Levinas and Martin Buber. In the work of these two Jewish thinkers one can find a philosophical framework to answer the difficult question “What is Global Ethics and how to research it?”, because their philosophical conceptions are essentially dealing with the relationship to the other, which forms the basis of every conception of ethic and justice. In particular of the special kind of Global Ethics Levinas and Buber’s thoughts are especially qualified to delineate this philosophical framework because they are dealing not just with a certain topic of ethic, but with the possibilities and conditions of ethic as such, i.e. of a global form of ethic, which crystallizes in the universal and unimility relation of the I and Thou, that takes place every day around the world. This is in my opinion a basic problem with which Global Ethics has fundamentally to deal with.

All summed up I wish to work out a philosophical approach to Global Ethics and the question how to research it by the help of modern Jewish philosophy.

3. Positive Rights and the Cosmopolitan Community: A Rights-Centered Foundation for Global Ethics Edword Spence (espence@csu.edu.au)

The recent transnational wave of destruction that was caused by the earthquake-induced tsunamis in South East Asia has raised the issue of global justice in terms of the rights of victims to expect aid relief and the moral responsibility of the rest of the world to provide it. In this paper I will discuss the issue of global ethics in terms of positive rights that people have to assistance from others when they cannot provide such assistance themselves. The main object of the paper is to demonstrate that positive rights are universal and global in scope and cannot therefore be restricted by any national, religious, cultural or other social boundaries. Such rights provide a rational and ethical foundation for global justice that is cosmopolitan. The argument for the position offered in the paper will be broadly based on the moral philosophy of Alan Gewirth1

I will examine briefly Alan Gewirth’s derivation of positive rights from his argument to the Principle of Generic Consistency (PGC). I will then offer an extensive case for an objection to Gewirth’s argument in terms of positive rights. In a parallel fashion I will discuss at length the close connection that Gewirth draws between positive rights and community. For as Gewirth himself states, the “…positivity of human rights is of first importance for establishing the connection between rights and community”2 a connection that is both crucial and central to Gewirth’s project of generating an extensive array of social and institutional rights in his book The Community of Rights (CR).

Due to constraints of space, I will not, however, attempt to provide a justification for his argument for the Principle of Generic Consistency (PGC) on which his derivation of positive rights is based, as this will be well beyond the scope of this paper. I offer such defense in my Ethics Within Reason: A Defense of Rationalist Ethics Based on a Reconstruction of Alan Gewirth’s Argument for the Principle of Generic Consistency Around the Concept of Self-Respect, Lexington Books, forthcoming.

Methodologically, I will assume the justification of Gewirth’s argument for the PGC and argue that if Gewirth’s argument for the PGC is justified, his derivation of both negative and positive rights based on that argument provide a reasonable foundation for global ethics.

According to Gewirth, “The positivity of human rights is of first importance for establishing the connection between rights and community. When rights are viewed solely as negative, in that their correlative duties require only noninterference with persons’ having the objects of their rights, the adversarial conception of the relation kind of Global Ethics, only that of Levinas is given recognition. Even persons can fulfill their duties by simply not interfering with or intervening in one another’s actions or projects. Although such interference is itself valuable as an essential part of freedom and of noninflation of suffering, then it is the sole conception of rights it may lead to a view of society as consisting of atomized, mutually disregarding, alienated individuals with no positive consideration for cooperation in helping to fulfill one another’s needs or interests or for rectifying the extreme inequalities of wealth and power that characterize most societies. As a result, a human society based on positive human rights requires not only that persons

1 The sources referred to in this paper with regard to Gewirth’s moral philosophy will, in the main, be: Alan Gewirth, Reason and Morality (Chicago: University of Chicago Press, 1978) and Alan Gewirth, The Community of Rights (Chicago: University of Chicago Press, 1996). For ease of reference, Reason and Morality will be referred to in the body of the paper as RM and Community of Rights as CR.

2 Alan Gewirth, The Community of Rights, (Chicago: University of Chicago Press, 1996); The Community of Rights will henceforth be referred to in the text and notes as CR, followed by page number.
refrain from coercing or harming one another but also that they help one another…. Thus positive rights serve to relate persons to one another through mutual awareness of important needs and, as a consequence, affirmative ties of equality and mutual aid. Hence, if there are indeed positive human rights that must be acknowledged as such by every rational agent, then it provides a rational and mandatory basis for the conciliation of rights and community and thus for the mutuality and solidarity of the community of rights (CR31–32).

The above quotation provides Gewirth’s rationale and argument for both the need and the justification for the conciliation of positive rights and community. Gewirth of course is right to emphasize the crucial importance of positive rights for community. For although hell can often be other peoples’ interference with one’s freedom and well-being, people’s indifference and lack of care and assistance when one most needs it at no or little comparable cost to others, can be a worse hell. For most people will, at some point in their lives, need positive assistance from others; for even islands can be adversely affected by famines, floods, earthquakes and tidal waves, as the recent cataclysmic catastrophe in South East Asia, illustrates. Thus both interference and indifference can be inimical to the maintenance of an ethically healthy community. Although necessary, negative rights alone are not sufficient for establishing a mutually supportive and caring community. Positive rights are thus essential for community, not merely locally but globally as well. Gewirth recognizes that the feminist and communitarian concerns regarding the alleged inability of rationalist and universalist ethical theories to adequately account for community, can readily be accommodated by his community of rights thesis which comprises of both negative and positive rights. For Gewirth, the accommodation of those concerns is one of the main theses of The Community of Rights (CR33).

rather adopt a variety of power politics. Since I assume that an international theory of justice inspired by a more “comprehensive” liberalism is unfeasible and perhaps undesirable, I focus on a “political” alternative (in Rawlsian terms) that revolve around the notions of human rights and toleration.

I start by clarifying who are the moral actors that confront on the global stage and what is the relation between them. Here I contend that, although individuals should be assigned a “lexical priority” over states, it would be preposterous to sustain an absolute primacy of this kind for individuals. It would be not only unrealistically, since states provide some basic goods that insulated individuals or groups of individuals cannot achieve for themselves, but also undesirable, since the community has a significant, although not ultimate bearing on the individual’s moral personality. Therefore, prima facie, communities, “peoples” and states are a warranted object of toleration.

Next I provide a critical inquiry into the Rawlsian project of a Law of Peoples, which I identify as a paradigm case of constructing a principled way of addressing international relations based on a liberal understanding of toleration. After sketching the essentials of the Rawlsian enterprise, I explain why the extension of a liberal conception of justice to a global stage requires loosening the limits of toleration: the global plurality of political arrangements has a valid claim to recognition, if certain conditions are met.

Then I identify two variants of toleration that Rawls supports by two corresponding arguments. While he tries to ground positive toleration (or toleration as recognition) on the “primacy of peoples”, he vindicates a negative variant of it by pointing to a thin list of human rights. I claim that positive toleration of nonliberal states cannot be successfully supported by an argument from the primacy of peoples, because one would have to hold at the same time two different and conflicting notions of moral personhood. That is why it seems that only toleration as non-intervention is available on the global stage.

Next I contend that, given the fact of “global pluralism”, the list of human rights, which draw the limits of negative toleration, has to be a thin one, so that a wide consensus be achieved. The obvious objection comes from minds of a more liberal stance that claim that “human rights proper” constitute too basic a list to be a satisfactory standard for toleration. I think that this objection is indicative of a deeper difficulty: “How can human rights themselves be justified as a vindicating tool?” Since pointing to the liberal ideal of moral personhood would be metaphysically loaded, Rawls, for example, does not provide any justification for human rights at all. Here I try to offer an argument to the effect that human rights proper justify toleration in the same way the non-harm principle does. However, the harm-principle can ground mere non-interference and not, for example, social cooperation. Similarly, human rights proper can warrant non-intervention, but cannot establish toleration as recognition. However, the picture supported by this argument turns out to be more or less identical with the status quo. In turn, both the dissatisfaction with the status quo and the aspiration for a more substantive and, in this sense more principled Law of Peoples is due, in part, to the ambiguous reading of the non-harm principle and of human rights, which occasions their infringement.

I conclude by contending that extending liberal toleration to a global scope fails, since the grounding notion (of human rights) has little to do with liberalism and has a weak normative force. Then, if the essentials of a global ethics cannot be worked out from a “global” political culture, serious doubts are cast on the theoretical enterprise of devising a principled approach to international relations.

Seminar B
Global Justice I
Thursday 27th, 15:30 – 17:30, Dormitory

Chair: Ronald Timnevett
Presentations

1. Tolerating nonliberal states: human rights as a grounding principle?
Cristian Lupu (flphil031@ceu.hu, cristianlupu@yahoo.com)

My paper tries to assess the political significance of two key concepts that usually are conceived as pertaining to the normative core of global ethics: toleration and human rights. More to the point, I will try to examine to what extent can a more or less uncontroversial list of human rights ground a liberal notion of toleration that would have as its object nonliberal states. Although it is sometimes taken for granted that respect for human rights should draw the limits of toleration, I contend that this approach is plagued by some serious perplexities that arise when one tries to convey the notion of toleration a normative role, and no just a (transient) pragmatic function to international relations.

The motive that drives the present endeavor is to be found in the recent history of “international relations”, which raises two queries of utmost significance: whether liberalism’s normative claim to universality is both warranted and feasible, and whether a normative approach to international relations is still possible, or one should
2. Principles or Imagination: Two Approaches to Global Justice
Mark Coeckelbergh (m.coeckelbergh@philosophy.unimaas.nl)

In this paper I distinguish and discuss two approaches to global justice. One approach is Rawlsian and Kantian in inspiration. Discussions within this tradition typically focus on the question whether Rawls’s theory of justice (1971), designed for the national level, can or should be applied to the global level. For example, an important question is whether Rawls’s Difference Principle can be globalised. I will discuss the cosmopolitan position in this debate, arguing with Rawls (1991) against Rawls’s own proposal in The Law of Peoples (1999). Another approach to global justice has been developed by Martha Nussbaum in Cultivating Humanity (1997), Poetic Justice (1996), and other work. I will construct her view and critically examine it by looking at her arguments about the relation between empathy, literature, and global justice.

At first sight, these two approaches seem to be opposed. The former puts an emphasis on principles, universal reason, and the moral aspects of institutions and their policies, whereas the latter is rather concerned with the relation between imagination and justice, with the particular, and with individual moral development. But is this necessarily so? I will show not only that both approaches could benefit from each other’s insights to strengthen their own position, but also that some integration between them is feasible and desirable if our aim is to provide a more comprehensive account of global justice. Moreover, the tension between these approaches is one that can be found within ethical theory in general. For example, pragmatists like Johnson (1993) and Fesmire (2003) have argued for imagination and against principles. On the basis of my analysis, I will conclude that the opposition between principles and imagination is weaker than is commonly assumed.

Seminar C
Global Poverty: Challenges and Solutions
Thursday 27th, 15.30 – 17.30, Press Room

Chair: Prof. Dr. Asunción St. Clair
Presentations

1. Are we harming the poor?
Bruno Verbeek (b.verbeek@let.leidenuniv.nl)

In a series of publications, Thomas Pogge has argued that the citizens of the rich Western nations have a negative duty to alleviate the suffering of the inhabitants of the developing world. By our actions and inaction, we are responsible for the harm that international institutional arrangements are causing for the poor. The main culprit of the continuation of poverty, in Pogge’s work, is the international institutional order.

In my paper, I reconstruct Pogge’s argument in terms of perfect versus imperfect obligations. Next, I consider the concept of harm. I argue that harm implies, first, that the afflicted party is worse off. That is, harm is a comparative notion. Secondly, harm implies that rights are violated. That is, not all case of being made worse off, are ipso facto cases of objectionable harming.

I then question Pogge’s claims in light of these two conditions. First, I try to answer the question as to what is the relevant baseline of comparison. I argue that there is no uniquely acceptable baseline of comparison. Thus, it is underdetermined whether we are in fact harming the poor. Secondly, I try to answer what system of pre-existing rights should be assumed in order to claim that we are harming the poor. Here I will argue that the type of rights that should be assumed is the usual imperfect obligation that advocates for international justice propose. Therefore, Pogge’s claim will not convince either conservatives or libertarians who only recognize perfect obligations of justice.

Towards the end of the paper, I briefly consider two other ways in which the West is hurting (but not harming) the poor which should be considered by those, who like Pogge are concerned about poverty and international justice. These other ways are: first, the benefiting of the West from the continuing poverty in developing nations, as is exemplified by the decision of manufacturing companies to outsource their production to countries with low wages and high rates of poverty. The second is the way in which we close our borders, both physically and economically, to migrants from the developing world.

2. Global ethics and microcredit
Emanuela Morelli (emorelli@luis.it)

Besides being a political and economical issue, global poverty is also an ethical problem. World’s poor population amounts to over a billion people and we, as being part of a minority able to command enough resources to enjoy a life of ease, comfort and privilege, should employ them properly in order to help the worse-off.

The intensification and globalization of communications leads us to a more widespread awareness and gives us access to a less indirect experience of the situations of economical vulnerability and uncertainty which are no longer seen only as the characterization of the exotic developing world. As a consequence of historic phenomena such as a pressing immigration and an increasing difficulty in settling in a country’s economic situation, poverty and economic precariousness have become again part of our domestic society.

Within that scenario, as part of the above-quoted minority, the foregone question we ask is about what we ought to be doing to fight poverty.

Rejecting beneficence, charity and international aid as valuable solutions for the eradication of poverty both in the short and in the long run, I consider them to be instruments which deprive the poor of their own dignity. Not only giving alms contributes to make the poor inactive, hunger-on and victim; but it also deprives them of the motivation to better themselves and of the spur to provide for their own needs through a job.

Alike, international aid, being a form of charity on a country level, is a way of ignoring the problem. Such individual and national forms of beneficence serve to silence conscience by giving both to individual and country donor the impression of having done something.

Nevertheless, my intention is not to deny the moral duty of helping. Indeed, I intend to propose a new way of helping the poor by pointing out the concept of empowerment of the poor. That mechanism has to be able to drive poor people’s will and motivation to better their life and promoting their spirit of enterprise.

The general idea of the paper is trying to show, using Amartya Sen’s capabilities approach, that Microcredit is an effective instrument of development which serves all these purposes, while its specific challenge is to arrive at claiming the idea of credit as a human right. Reasons for that are the contribution of microcredit to the achievement and enlargement of poor people’s freedom and the development of their potentialities.
Within this framework there is also room to hope for the recovery of economy’s social function and its reconciliation with the social problem of poverty. If poverty has often been defined in terms of disempowerment, then microcredit seems to be a proper instrument to fight poverty. Thanks to it, needy people can have a real chance to get out of poverty dignifiedly; they can improve their quality of life, exercise their volitions, interact with the society where they live and affect it through the creation of further development. Therefore, microcredit can be seen as an instrument of general development for the poor and our society.

Friday Seminars

Seminar D
The concept of Global Ethics

Chair: Dr. Christien van den Anker
Presentations

1. Global Ethics as the Quest for Moral Understanding, Reflections on some Pragmatist Viewpoints.
   Tom Viaene (Tom.viaene@ugent.be)

The paper focuses on the various ways in which global ethics (as an academic exercise) could be conducted (‘the process of global ethics itself’, cf. Nigel Dower, 2005). Even if the process of globalization justifies a new set of ethics (cf. Peter Singer, 2004), the question remains what kind of theoretical framework, if any, is apt to deal with global threats/problems, global ethical judgements, global ethical values and proposals of global ethics itself. It is one thing to state that we need a common ground or global standards to enable ‘intercultural’ dialogues and evaluations. It is another thing to have a framework with a coherent system of facts in order to better decide which rules, values and norms should have their place in an ever dynamic valuational base. I argue that the most important obstacle to any exercise of global ethics is not the diversity and/or disagreement concerning ‘values’, but the divergent interpretations of ‘facts’ – which has important consequences for what are to be regarded as injustices and for the way we want to deal with them (cf. Partha Dasgupta, 2004). As a consequence, the possibility of global ethics should not be pondered in the realm of abstract or deductive reason alone, but through a socially oriented engagement with practical, political affairs (Lisa Sowle Cahill, 2002) and through the intention (at least that) to deal with problems in an interdisciplinary way (cf. Dower). Instead of inventing and constructing first principles, Global ethics should focus on the ever-new problem-situations and give knowledge its due place in moral diagnosis and decision. To better argue this I will revert to some pragmatist viewpoints which have – from a contextualist and anti-foundationalist approach to rationality and moral inquiry (cf. Fesmire) – given priority to practical conflicts and moral dilemmas and to theories as tools to better formulate those conflicts and dilemmas. The perspectival pluralism of the pragmatist framework is especially useful in global ethics’ search for a common ground: in stressing the need of a constant feedback between descriptive and evaluative standpoints (cf. Edel, 1963, Putnam, 1994), between community-shared values and pluralistic freedom (cf. Sandra Rosenthal, 2004), and between different backgrounds and perspectives (cf. Bohman, 2002), pragmatism strives less for moral consensus or a unity of beliefs and aims, than for a better moral understanding of the contemporary needs, problems and value-patterns in a global perspective. In some versions of pragmatism the relation between moral practice or moral norms and ethical theory or cognitive norms is assumed to be continuous. The pragmatist viewpoints give us a clue as to why we should relate interdependence and diversity as moral norms to interdependence and diversity as cognitive norms. I argue that pragmatism sees this as a precondition for the conception of (global) ethics as the quest for moral understanding: only then can we evaluate and analyse a whole morality or a whole culture in terms of how well it is doing its many human jobs. In this way successful
moral understanding leads to (the possibility of) a sensibility of what goes wrong and by this stimulates conceptual and normative reconstruction. Key authors: John Dewey, Abraham Edel, Hilary Putnam, Cheryl Misak, Steven Fesmire and Vincent Colapietro.

2. Why and What Global Ethics?
Heather Widdows (h.widdows@bham.ac.uk)

This paper addresses two connected but separable questions central to the debate about the nature of global ethics: namely, ‘Why global ethics?’ and ‘What global ethics?’: the first question will be explored as part of the wider revival of ethics – in academia and beyond; and the second question will be approached though the most frequent criticism of global ethics – that global ethics is not global, but Western, and that attempting to establish a global ethics is a Western imposition and a form of moral neo-colonialism.

Thus, the first question, of ‘Why global ethics?’, will be addressed in the context of the recent revival of ethics both within academia and in the public sphere. For, in academia, ethics is expanding beyond its traditional home in moral philosophy and theology, and is found in the younger disciplines of medical ethics, bioethics, environmental ethics and business ethics. Ethics is also increasingly evident in public discourse; most obviously in political rhetoric and corporate images, both of which illustrate the importance of being (or at least appearing to be) ethical in order to succeed in the public arena.

Reasons for this revival, of which global ethics is part, will then be considered. First the paper will address the claim that the emergence of new forms of ethics (including global ethics) is a response to new ethical dilemmas. For example, that scientific and technological advances, in the case of bioethics, raise new dilemmas which require new responses and likewise global ethics is a response to the new dilemmas that arise in the context of increased global awareness and as a result of processes of globalisation. A second argument will then be explored, namely, that the revival of ethics is in response to the moral ‘void’ which has been created by the erosion of (supposedly) shared moral frameworks. The paper will assess the claim that, in the liberal West, there is a moral crisis, and that ‘ethics’ is a response to this – a means of making moral decisions in the public sphere when traditional forms of moral decision making, such as those which relied on shared religious belief systems, are no longer possible.

The second section of the paper will turn to the second question, of ‘What is Global Ethics?’: In particular and connected to the previous discussion of whether ethics in the West is a response to the decline of traditional sources of moral authority, the paper will consider whether a global ethics is possible and desirable. In order to do this the claims that ‘global ethics’, in any form, is not global, but simply the imposition of one form of local ethics – Western ethics – and, as such, a form of moral neo-colonialism will be introduced and evaluated.

It will be argued that global ethics is theoretically possible, although such a conclusion does not mean that it is necessarily desirable, as questions remain about whether global ethics would be an imposition of Western values. Thus the paper will discuss the supposed division between Western and non-Western ethics and conclude that the depiction of ‘the West and the rest’ is a false picture of a false dichotomy. It will be suggested that although it is possible that global ethics could be a form of moral neo-colonialism there is no necessity for this to be so and indeed we should work to ensure that this is not the case. The paper will finish by suggesting that global conceptions of ethics (if not necessarily global ethics) are already emerging – evident in the increasing proliferation of laws, codes and guidelines that cross national boundaries – and thus the question we should be asking is not ‘why’ or ‘if global ethics?’, but both theoretically and practically, ‘what global ethics?’.

3. Community and Society on a Transnational Scale: On the Possibility of a Global Ethics
Peter Caws (pcaws@gwu.edu)

Are local moral commitments compatible with global ethical responsibilities?
The concept of moral community helps to delineate the domain within which mutual obligation and respect (between individuals and groups) are to hold. A pressing question is whether any such community can be realized on a global scale. There are good reasons, cultural and geopolitical, to suggest a negative answer to this question. However some available conceptual distinctions make it possible to envisage a global ethics that might apply to local moral communities - a set of second-order principles covering first-order acts and consequences. The distinctions I have in mind are in the first place that between community and society, and in the second place that between the moral and the ethical. The first I take from Ferdinand Tönnies in his classic but largely neglected work Gemeinschaft und Gesellschaft, the second more controversially from some aspects of contemporary usage.

To begin with the latter: while the English terms "morals" and "ethics" both have roots meaning (in Latin and Greek respectively) "customary behavior," there has come to be a de facto division of labor between them according to which "morals" tends to apply more to personal, and "ethics" more to institutional, principles and decisions. The separating out of special sub-disciplines like "medical ethics" or "business ethics" suggests the possibility of codifying rules, for application in special circumstances, the following of which may have little to do with the moral principles subscribed to by those who apply the rules under those circumstances. There is nothing inconsistent in the idea that a thoroughly immoral person might behave ethically. By the same token, two or more persons whose moral intuitions were at variance with one another might agree on a set of ethical standards.

This somewhat stipulative distinction maps roughly on to the two categories proposed by Tönnies. Gemeinschaft, or community, and Gesellschaft, or society, oppose and complement one another, as nature and family on the one hand, reason and contract on the other. Community was originally rooted in the land, and in the affective relations between those who inhabited and worked it; society detaches itself from these roots, and its relations become more formal and economic. To a first approximation the two categories tend respectively towards the local and the global. But the concept of locality can no longer be limited to contiguous areas of land; in an age of global communication individuals can discover neighbors at great distances, and be practically and affectively closer to them than to others living in greater proximity. There may thus be overlapping virtual localities on a global scale, conflicts between the inhabitants of which may reproduce themselves at disparate real localities around the world.

While moral bonds may hold preferentially between inhabitants of the same locality, ethical constraints might, given a degree of mutual understanding, govern the relations between the inhabitants of different localities. The question to be addressed in the paper is whether, and how, people with passionate "local" attachments (to religions,
for example) can be brought to see themselves as having global responsibilities - how they can be members at the same time of local communities and of a global society.

To the land as a ground of community: Tonnies opposed money as a medium of societal interaction. Globalizing the land is in the first instance an incoherent notion (though the phenomenon of diaspora extends the concept metaphorically). But the globalization of money is proceeding rapidly. Can this fact be taken advantage of in bringing individuals heretofore enclosed in restrictive communities to see that subscription to a global ethics need not compromise their moral allegiances?

Chair: Mark Coeckelbergh
Presentations
1. The global ethics of environmental sustainability – people, poverty and green political economy
Kerry Woods (k.woods.1@research.qla.ac.uk)

This is paper assesses the concept of environmental sustainability and asserts the need to integrate questions of intergenerational justice (justice within the present generation) within the remit of research on sustainability. The question of how to reconcile the demands of environmental sustainability and intergenerational justice (justice to future generations) is widely discussed in green political economy and environmental ethics. Similarly, much attention has been paid to the injustice of the different 'ecological footprints' left by different economies, with those of western economies being typically much greater than those of many developing countries. However, these two questions, of intergenerational justice and intragenerational justice, rarely receive sustained treatment together in green political theory or green political economy, nor in academic writing explicitly focused on globalisation.

Intragenerational justice can be looked at as a question for global ethics theorists, and so the motivation for studying intragenerational justice can be purely ethical. But I suggest that it is also a practical question, not only because of the fact that poorer communities tend to bear the burden of the 'externalities' of the global economy far more than wealthier communities do, but also because impoverished communities may also place a greater strain on ecosystems because they lack the resources to live sustainably. Thus, the fact of substantial inequality is itself an obstacle to realising any strategy of environmental sustainability. For this reason, the global ethics of theories of sustainability must be part of the research agenda of those looking to theorise environmental sustainability, precisely because the integration of inter- and intragenerational justice is a precondition for sustainability.

I develop these arguments in the paper by comparing four different theories of environmental sustainability – free market environmentalism, the constant capital approach, ecological economics and ecological modernisation. These four approaches have been frequently contrasted in the literature and have been studied in terms of their compatibility with liberal democracy (Labaras 2001) and in terms of the relationship they envisage between market and state (Eckersley 1995). However, the question of intragenerational justice has been largely absent from these studies. I assess the extent to which advocates of these approaches engage with the following three questions: (1) how to integrate the economy and the environment; (2) how to accommodate the demands of intergenerational justice; and (3) how to accommodate the demands of intragenerational justice. This three-question framework is developed from analysis of the challenge of environmental sustainability and the economic causes of environmentally unsustainable behaviour in the context of a globalised/globalising economy. I conclude that ecological economics shows the most promise for addressing questions of intragenerational justice, but that there are unresolved issues in all four approaches.

2. Emergency Relief and Global Justice
John Pearson (johnspual@gmail.com)

It is a sad fact that several recent devastating natural disasters have forced us to examine the way we provide for emergency relief. This raises a huge number of practical issues about our capacity to deal with such situations. However, I also believe it raises some important philosophical, ethical and political issues, and that these issues have a bearing on our capacity to respond appropriately to large scale disasters and other national emergencies. The priority of this paper is not to focus directly on practical issues. Rather, I will look at the way that the issue of emergency relief raises distinctive problems relating to some of the central questions in the philosophy of international relations; questions such as sovereignty, stability, legitimacy and the duties of participants in an international community.

We have a clear moral duty to intervene where disasters and emergencies threaten the lives and the well being of other people. What is not so clear is the precise form that such a response should take. The claim that we should just restore the situation that obtained before the disaster is an intuitive answer, but it’s obviously unsatisfactory: it is possible that that situation made the disaster worse because citizens were not properly equipped to protect themselves. Furthermore, if the government of that country is corrupt, unjust or incompetent, it seems unsatisfactory to suggest that we ought to restore that situation: on the one hand, it conflicts with our ethical intuitions to suggest that we should support such governments; on the other, if they are corrupt, unjust or incompetent, it seems less likely that they will be able to help their citizens in the aftermath of a disaster.

Another possibility is a more robust response, in which we insist that states make moves towards more reasonable and well-organised forms of government: this has the short term aim of ensuring that emergency relief is effective, but it also has the possible longer term effect of establishing better political institutions in the country in question. This response seems closest to the position Rawls adopts with regard to burdened societies in The Law of Peoples. The main objection to this position is that some states may be unwilling to accept emergency relief that undermines the political power of the ruling government by forcing it to change. This robust approach is counterproductive if it discourages states from accepting organised relief efforts.

Another possible approach can be derived from Nagel’s essay “The Problem of Global Justice”. Nagel proposes that international institutions should be tolerable to the interests of powerful nation states but not necessarily legitimate or just. In terms of disaster relief, relief agencies and NGO’s could be said to take this form: it is perhaps more important that they serve their function than that they have fair or legitimate internal structures and procedures. Here again, though, there is a problem: if these agencies are not legitimately organised, there is a danger that their intervention in relief efforts may be erratic or incompetent.
The solution that I offer is this: relief efforts need to be carried out by a well-coordinated international body that is legitimately and democratically organised. More informal types of relief effort – charities, NGO’s and so on – have a function to play, but they must be subject to the co-ordination of the international organisation. Direct intervention in disasters should be discouraged – if not expressly forbidden – on the hypothesis that disorganised relief is inefficient and potentially counterproductive. The international relief agency should be legitimate and internally well structured, but there should be no motivation to try and impose changes on the structure of the government of any given country: where these changes come about, they should only be the result of interaction between the governments in question and the international agency. To put it in rather naive terms, we should rely on the agency’s ability to lead by example. The underlying political motive of the agency should be to ensure the stability of existing political powers, based on the assumption that the best way to ensure that governments improve is through gradual changes to existing political regimes, even if their current form and behaviour is distasteful. The priority of the international relief agency should be to compensate for the destabilising effects of natural disasters.

As a final point, I will look at some possible effects of organising a relief agency of this sort. Insisting on a well-organised, legitimate agency might allow for greater preventative intervention. By coordinating a range of NGO’s and charities, a well-organised agency may allow for greater sharing of knowledge and resources. Furthermore, if states contribute funds to the agency, this might give it greater leverage to intervene in a preventative way, based on the argument that preventative intervention will allow a reduction of the potential costs of disaster relief.

extraordinary resistance of Jews shared feeling of belonging to the same people offers a unique historical instance of a locally-engaged, transnational attitude.

Cosmopolitan theory has often been accused of supporting or even worst producing a loosening of local attachment and political loyalty. Appealed as flaneurs, cosmopolitan citizens are described as cold agents serving the interests of denationalised globalisation, thus as enemy of a national projects. The Jewish interpretation of transnational identity clearly offers a robust response to such accusations, drawing a political system in which a concern for global equality is coupled with a sincere local civil involvement. From this, a new model of multilayered citizenship can be envisaged able to both re-new the cosmopolitan debate and suggests concrete policy guidelines. The paper is composed of five section. First, a number of instances of displacement are analysed with the intention of identifying the dynamic between identity and alterity. Second, the Jewish concept of identity and openness to the other is investigated, with particular regards to transnational identity. Third, the debate within cosmopolitan theory is surveyed with reference to the dichotomy humanity versus community. Four, the cosmopolitan theory of transnational citizenship is re-interpreted according to a Jewish perspective and applied to the specific circumstances of global transformations. Five, conclusions are drawn outlining policy prescriptions for the specific cases of displacement.

2. Cultural and Economic Justice – Beyond Antinomic Theorising
Caroline Walsh (Cwalsh01@qub.ac.uk)

This paper examines global ethics from the vantage point of the tension between cultural justice and economic justice as played out in the debate between cosmopolitanism and its critics. Does justice beyond borders, in the modern context, necessitate radical material redistribution? In recent decades, Rawlsian egalitarian-liberals (‘strong’ cosmopolitans) have endeavoured to keep alive an interest in this substantive question by articulating concern over the effects of globalisation upon the socio-economic well-being of individuals everywhere. Yet, contemporary political theory has also experienced an increased interest in questions of identity, difference and cultural pluralism from ‘defenders of difference’ across different fields which has tended to overshadow distributive questions. This points to the tension between cultural justice and economic justice or, put differently, between recognition and redistribution. Now, consider that the modern context is marked not just by deep interdependence but also by profound pluralism. Each property creates distinct demands of justice – the former creates demands of the redistributive kind whilst the latter creates those of the recognitional kind. Clarifying the demands of justice beyond borders in this dyadic modern context, then, requires that we must endeavour to take adequate account of both dimensions of justice. This invites a second question: can we really support a thick programme of economic justice, à la strong cosmopolitanism, while still taking seriously cultural justice?

Within this context, I shall evaluate two different types of responses to these questions. One, from these strong cosmopolitans; the other, from anti-cosmopolitans (John Rawls and Michael Walzer). Strong cosmopolitanism, in prioritising global distributive justice, allows cultural justice to certainly drop down – arguably, off – its normative shopping list. Conversely, in the case of Rawls and Walzer, neither explicitly responds to globalisation but rather, both privilege the accommodation of cultural pluralism in the international arena. Accordingly, the notion of radical global
material redistribution is absent. This difference between these pro- and anti-cosmopolitan arguments reflects an antinomic understanding of the relationship between recognition and redistribution. The crucial point is that neither strong cosmopolitanism nor the Rawls-Walzer axis appears to construe the relationship between these important dimensions of justice as best it might and that incapacity impairs the answers each gives to these two substantive questions. This prompts me to examine a third position with a view to establishing what possible insights it might hold for the other two, and how it might help correct their answers. That third approach is represented by the post-Habermasian treatment of recognition and redistribution by Nancy Fraser and Axel Honneth. Both – albeit in different ways - understand the relationship between recognition and redistribution to be integrative. This counters the antinomic understanding of that relationship implied by the debate between strong cosmopolitanism and the Rawls-Walzer axis. It shall be argued that, although not directly focussing on global justice, the exchange between Fraser and Honneth nevertheless offers important conceptual tools which can be used to rethink the arguments for and against radical material redistribution. This invites the possibility of a new way of thinking about these questions which resists any dichotomous theorising about the recognition and redistributional demands of justice beyond borders.

2. Jewish Dialogism as a way towards global justice
An Verlinden (An.Verlinden@UGent.be)

Our temporary world is undergoing unprecedented changes, enhanced by the process of globalization. On the one hand, globalization brought people closer together than ever before (cf. the development of worldwide communication networks, international cooperation mechanisms and fast and cheaper worldwide transport facilities). On the other hand, a range of pressing concerns raise public attention, such as the widening gap between rich and poor, the exploitation of labour, the lack of transparency and democratic accountability, the erosion of traditional values, environmental degradation, rising civil strife and violence, etc. Looked at globalization in this way, it is clear that it rather created than dissolved borders, that is to say borders between ‘we’ and ‘the others’, the settled and the intruders, the have’s and the have not’s. Notwithstanding the disagreement amongst scholars on the question whether globalization increased or reduced global inequalities, it is clear that the positive impact of globalization has not been universal, that poverty remains a major problem and that new forms of exclusion, e.g. one-sided nationalism, ethnocentrism, feeling of racism and xenophobia, have been instigated by the current wave of globalization. Whether we like it or not, our contemporary world is dominated by the issue of Global Justice, challenging liberal democratic regimes in their core values of respect for human rights and individual freedom, equality, democratic government, respect for the rule of law, a free market economy, cultural pluralism and tolerance. Global Ethics, as a new field within contemporary ethics, tries to capture these different pressing challenges by revealing the underlying assumptions and values of policies and practices. Yet, the term ‘Global Ethics’ is used in many different contexts, without being clearly defined. Therefore, this paper will try to propose a more profound definition of Global Ethics, delineating it as both Ethics of Globalization and Ethics under Globalization. As an ‘Ethics Under Globalization’, it is to be understood as a critical study of ethics and morality under the conditions of globalization (What kind of ethics in a complex world of interdependencies, uncertainties and moral disarray?).

Having argued that the most pressing moral concern in today’s world comes down to the problem of global justice, I will try to develop an operational interpretation of Global Ethics as an ‘Ethics Under Globalization’. I therefore turn to the thoughts of contemporary Jewish philosophers such as H. Cohen, E. Lévi纳斯, M. Bakhit and M. Buber and will argue that the Jewish conception of Dialogism, to which the concepts of encountering dialogue, receptive mutual and non-symmetrical responsibility are central, offers a very inspiring perspective. Dialogism starts from the recognition that human interactions are increasingly (and essentially) interrelated, mutually interactive and spanning worldwide networks and therefore contributes to a re-thinking of the undeniable multicultural and multi-layered reality of current-day societies towards a real intercultural world, characterized by a dynamic inter-action between different
countries, regions and (groups of) people. Global Ethics as a dialogical, intercultural normative approach, emphasizing the meso-level of local and regional self-government and community-based actions, can offer a pro-active and empowering answer to the current challenge of global justice.

Seminar H  
Friday 28th, 16.30 – 18.30, Dormitory  
Human relationships, labor and non-state actors I

Chair: Dr. Wim Vandekerckhove
Presentations

1. Global Tourism Ethics: Ways to overcome the Paradox
Harald Friedl (Harald.friedl@lrj-ulmuni.at)

The “Global Code of Tourism Ethics”
In reaction to the increasing impacts of the fast growing tourism industry, in 1999 the World Tourism Organisation issued the Global Code of Tourism Ethics, consisting of a comprehensive set of principles to guide stakeholders in tourism development. But this goal has apparently not been met, as most of the tourism customers in countries like Austria or Niger (Africa) have never even heard of the Code. Give the limited nature of “global” communication in reality, the usefulness of such a “Global Code” as an applied answer to the search for “Global Ethics” has to be questioned. Nevertheless such a document, which is not legally binding, makes a lot of sense in order to initiate a discussion process to evaluate and reflect traditionally practiced rules and habits. Are they still “good” enough to continue with tourism in a changing, “touristicated” world?

The Growing Tourism Industry
Despite the fact that the impressive number of 850 million international travellers per year is continuing to grow, the tourism industry, confronted with realities like terrorism, SARS, bird flu or climatic extremes, is suffering from shrinking profits. The most common approach to tourism management and marketing continues to emphasize the well-known strategies of enforced growth, which misses the mark of sustainable development quite widely.

The need for global tourism ethics is evident, as tourism is already the biggest legal business worldwide, second only to traffic in sex, drugs and arms. The sheer dimensions of tourism causes unwanted effects like climate change through emissions, several other environmental threats like untreated sewage, traffic jams, waste, reduction of natural habitat for wild animals; economic threats like trends toward:

- establishment of monopolies by powerful trans-national affiliated groups, crowding out smaller local enterprises, reducing regional employment and income;
- social threats like excluding powerless social groups and minorities, social destabilization, criminalisation — social threats which support the conditions for terrorism;
- institutional threats like the growing importance of trans-national affiliated groups in investment and employment, and in consequence, their growing influence over national and regional politics in order to attract those investors, leading to a decline of environmental and social protection by law.

The paradox in this system is its self-referential structure: it is the system owning and trading stock, in which we are all involved to one degree or another, where forces companies to maximize their profits by minimizing costs using all possible strategies, tactics which in turn are “rewarded” by rising stock prices.

Global Ethics: The Need for a New Cybernetic Approach
As we can see, it’s the specific dynamic of tourism, which produces outputs which several experts label as “bad”. On the other hand, there are customers, who are part of the problem, looking for temporary happiness in the form of sea, sand and sex and so are rather oblivious to the concerns of ecologists. From the tourists’ perspective everything is fine. So, what is wrong, then?

- Contextual Participation instead of a “Tyranny of Experts”
We have to give up the search for universal criteria of “right and wrong,” as such criteria can never be adapted to the complexity and dynamics of social processes and individual experiences and needs. The risk is even higher to undermine democratic communicational processes by acting on the recommendations of “experts”, who can never understand a context as well as the concerned population does. That’s why participation is one of the basic principles of sustainable development — to integrate information and acknowledged values of the specific context concerned.

- Transdisciplinary Approach
We need to integrate into ethical concepts knowledge of other disciplines, such as modern theories of anthropology, biology, brain-research, communication, cognitive science, and social science (Piaget, von Foerster, Watzlawick, Roth…) to avoid esoteric discussions. By accepting this knowledge (finally about ourselves), the concept of a contextual, communicative, cybernetic paradigm would help to solve old problems paradigmatic of ethics.

- “Moral Acting” of Others as a Reconstruction
The moral actions of others always has to be understood as observed actions, reconstructed by us on the basis of our own personal experience, comprehension and evaluation. In consequence, the interpersonal evaluation of action has to be represented between the people involved in a context (e.g. me, the observer) instead of measuring it by so called “universal” values, powerfully implemented by the observer.

- My “Moral Acting” as a Process of Balance-Manangement
By observing our selves, we could reconstruct moral action as the expression of a complex, holistic process of coping with the individually experienced, “constructed” personal reality: a cybernetic, self-referential process of balancing one’s own construction of reality by maintaining both the determining communicational process and the reality-construction process (e.g. by changing an opinion). The balance-management process includes:

1. The system of one’s own, perceivable „self“ within its psycho-physical, contextual, social, economical and other experienced limits („horizon of the experienced scope of action“)
2. The meta-system of the balance between this „self“ and the „self“-systems of emotionally close persons (intimate friends, partners, family…),
3. Economy-related systems and groups (job, colleagues, customers, markets…)
4. Other social groups perceived as relevant (neighbourhood, village, nation, humanity…)
5. The perceived material environment (home, „nature“, constructed village, region, world…)
Differing temporal dimensions (presence, near and distant future, past…) in relation to the perceived context.
- A “Moral Problem” is a New Situation
From the perspective of an individual, a “moral” problem arises whenever he or she perceives a situation within its perceived context, in which former experiences and successful strategies to maintain the balance are no longer sufficient: a personal “crisis”.

1. Therefore, moral action is always the expression of a communication-based learning, cognition and “reality-reconstructing” process, resulting from the change of the contextual related perspective and the related horizon of comprehension by transforming a formerly “strange” context into a “familiar” reality, again compatible with the perceived personal range of management strategies: The individual can act again in a way he perceived to be “right”.

2. That’s why individuals (as we all are), who find themselves within an emotional conflict, evaluate that option as “right”, which fits best both their personal, emotionally-based experience and the perceived context, and therefore “promises” the lowest level of potential disturbance of the different involved systems perceived to be involved, as mentioned above.

3. Therefore, “good” or “bad” is a communicational construction expressing a strategy which seems to produce “better” or “worse” results, measured on the basis of personal, emotionally grounded values at a specific time and related to a specific perception of a context; this can be changed by different succeeding experiences which lead to a change in perspective.

Talking about Morals as a Learning Process

1. Therefore, talking about ethics with somebody means, in a first step, always the process of finding a common horizon of language, comprehension, experience and meaning. Without that, no constructive process of mutual learning can begin. This problem is very familiar to us: talking in highly abstract terms, hardly knowing through personal immediate experience what they really mean and therefore often misconstruing them as “universal” (e.g. the terms “sustainable tourism development”, “globalisation” or “ethics”, which are widely used in a very contradictory manner).

2. Therefore moral understanding and learning requires self-awareness first and foremost, namely to feel, to reflect and finally to accept one’s own experiences, desires, environmental conditioning, fears and other limits, such as the personal, perceived conditions of one’s own life. By practicing this honesty, we suddenly start to understand better and re-evaluate the apparently “immoral” behaviour of others as possibly necessary reactions to contextually determined constraints.

3. Therefore, finally, the best ethicists can do to “make the world better” is to enlarge the „horizon of the experienced scope of action „ of people faced with their specific context of life to support them in finding “better” solutions for their problem, which means solutions, which are also “better” for a wider range of the concerned systems. This seems to me a much better effort than implementing and enforcing specific ideas of what should be “good”.

Global Tourism Ethics means...
Finally, to develop a system of global tourism ethics, we have to
1. to recognize the autonomy of the concerned population to determine their lives for themselves,
2. to understand the culture, desires and motives of customers as a determining communicative condition for any reasonable intervention to support maximal autonomy on the part of the concerned population
3. and finally to understand economical, political and institutional forces…
4. as conditions to support the development of constructive strategies for minimizing negative impacts and maximizing positive impacts of tourism,
5. strategies such as
   - supporting the orientation-finding process of tourists in a foreign country,
   - stimulating personal interest for and solidarity with the travelled region,
   - motivating tourists to encounter the country and its people in a respectful, emotionally satisfying way
   - motivating tourists to consume regional products and services, which waste fewer resources and create local income. This can be done by presenting these activities as a way to maximize personal experience and to support the aims mentioned above.

…saving your own world first!
Keep your „own“ world in balance first, as it is already the only one you know. At the same time support others in maintaining the balance of their “own” world instead of enforcing your view of the “right” way on them. After all, you can’t know what constitutes their “own” world with certainty anyway…

2. Hegemonic power in globalization – the case of whistleblower protection
Wim Vandekerckhove (Wim.vandekerckhove@uven.be)

This paper uses the Gramscian concept of hegemony to interpret shifts in formulating ‘good reasons’ to protect whistleblowers in the period 1970-2004. Schematically speaking, whilst whistleblowing originated in an organizational context in the early 1970-ies as an activist concept aimed at protecting the individual from organizational discipline, today there is a huge risks that whistleblowing protection has become a management tool aimed at enclosing the individual in organizational discipline. That risk is an ethical risk as it entails a derailment of an ethical aspiration, more precisely, an aspiration towards the good life. In the early 1970-ies, this aspiration could be articulated through the concept of whistleblowing, by affirming the employee as first and foremost a member of society. This early conceptualization semantically drove on other concepts used to affirm the subject as a societal actor rather than an organizational member: the quest for flexibility, for responsibility, the demand for recognition of human creativity in the workplace.

It is striking that these same concepts have become so central in today’s organizational discourse, a discourse that celebrates the organization in the context of globalization. It
is equally striking that quite a few decisions that would trigger the current globalization were taken in the early 1970-ies. This paper describes the different rationales used for arguing in favour of whistleblower protection and illustrates the shifts and current tendencies in whistleblowing policies by looking at whistleblowing legislation and bills in the US, Australia, New Zealand, the UK, South Africa, the Netherlands, Japan and Belgium. Given today's global spread of whistleblowing legislation, the paper looks at where hegemonic power with regard to the issue is situated.

Seminar 1
Globalization and the nation-state
Friday 28th, 16.30 – 18.30, Press Room

Chair: Prof. Dr. Carol Gould
Presentations

1. The Erosion of the Nation-State as Founding Premise
Annelies Degryse
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Political philosophers such as Jürgen Habermas, David Held and Thomas Pogge develop very distinct and sometimes even conflicting proposals for a theory of global justice and democracy. But they all seem to start from the premise that globalization has eroded the nation-state. Political communities have lost their strength for democratic self-steering within a national society. Habermas talks about the ‘disempowerment of the nation-state’ (2001:69) For him, it is clear that we have to go beyond the nation-state to answer the political challenges that this new world order brings along. Political philosophy should rethink politics on different levels and leave the level of the nation-state behind.

But not all political philosophers agree with Habermas. The political philosophers David Miller and Will Kymlicka say that the effect of globalization is often exaggerated. Of course they agree that globalization has a strong influence on the nation-states, but they don’t accept, however, that the national decreasing independence forces us to accept some kind of cosmopolitan citizenship. According to Kymlicka, we cherish our ability to deliberate and act as a national collectivity. (Kymlicka 2001:320) It is simply a mistake to talk about the obsolescence of the nation-state.

Claims made within the field of global justice, therefore, strongly depend upon a specific interpretation of the extent to which globalization has constrained national legislatures. It is necessary to get a clear view on how philosophers such as Habermas and Hauke Brunkhorst interpretate the effect of globalization on the nation-state.

My presentation aims to clarify the premise of the erosion of the nation-state and to show to what extent it influences the actual debate among political philosophers. The presentation will be based on the readings of Jürgen Habermas (2004, 1998), Hauke Brunkhorst (2002), Held (2001) and Miller (2000).

2. Global ethics, nationality, and individual self-determination
Matthias Katzer
(Matthias.katzer@web.de)

Broadly speaking, the term “global ethics” can be understood to mean the reflection on the moral demands made on the behaviour of individuals and institutions towards all people world-wide, i.e. also towards people that do not belong to one’s nation. These moral demands, “global moral demands”, can be opposed to “national moral demands”, which are moral demands made on the behaviour towards members of one’s nation. It is disputed whether these two kinds of moral demands, and their foundation, differ fundamentally from each other, or whether they have to be reduced to the same source at the fundamental level of ethics. The outcome of this dispute has strong consequences for global ethics and determines whether global ethics should aim at a unified theory of moral demands or not.

Whether “global moral demands” differ fundamentally from “national moral demands” depends, among others, on the moral significance of nationality. Those authors who maintain that this fundamental difference exists claim that nationality gives rise to certain norms that have no application on a global scale. This paper asks whether the concept of nationality as it is often understood is coherent with an influential idea in modern political philosophy, namely with the idea of individual self-determination. By examining the two ideas of nationality and of individual self-determination, or rather one version of each of these ideas which has been influential in modern philosophy, it will be shown that they are incompatible. If we want to maintain the coherence of our ideas, we have to modify at least one of them. This result has consequences for our conception of global ethics. It also provides an argument against any pure contractarian theory of the justification of political power.

In a first part, the idea of nationality is examined. Nationality, as conceived by many authors in political philosophy and as embodied in contemporary social practices, has at least the following characteristics: Nationality is a socially constructed property of persons. It consists in the membership of persons in a certain nation. It is typically acquired by birth (either from other members in that nation or on the territory of the nation). Thus, nationality is typically not chosen by the person. It is sometimes chosen by immigrants, but whether a nation grants to outsiders the possibility to choose membership in this nation is always at the discretion of this nation. In this sense, the nationality is a property of persons which is not at their disposition.

At the same time, nationality justifies that nations use coercion against persons with a foreign nationality to prevent them from staying on their territory. Nationality thus is a property of a person which assigns her to a certain territory and leaves her entry into foreign territories at the discretion of foreign nations.

Nationality, conceived as such, constitutes the basis for national moral demands that are fundamentally different from global moral demands. It is thus defended, implicitly or explicitly, by such authors as John Rawls, David Miller, and Thomas Nagel. The second part of the paper examines one version of the idea of individual self-determination which has been influential in modern political philosophy. It has notably been employed by Kant in his Doctrine of Right. As conceived here, this idea means that individual self-determination is the sole source of the moral justification of coercive political power. Thus, it demands that the use of coercion against individuals (either by persons or by institutions) has to be justified. Moral demands forbid the infringement on the individual self-determination of any person unless such infringement can be shown to be justified. Such a justification has to be provided with reference to individual self-determination. Coercive political power can only be justified if the individual has freely agreed to the coercive force, if the individual has freely undertaken an act whose foreseeable consequence is the legitimate use of coercion on him, or if coercion can be shown to be necessary for a general system of equal individual self-determination.

In a third part, the paper shows that the two ideas of nationality and individual self-
determination, in the form described above, are incompatible. Since nationality or the lack of a certain nationality is typically not chosen, it cannot be said to be freely agreed to or to arise from free acts of the individual. Nationality also cannot be said to be necessary for a general system of equal individual self-determination, because individuals are not considered equally with respect to access to nationality. The paper concludes that nationality and individual self-determination, in their presented version, are incompatible. If we want to maintain the coherence of our ideas, we have to modify at least one of them. We are thus faced with a choice: either modify the conception of nationality that we think to be morally justified, or modify the idea that individual self-determination is the sole source of morally justified coercive political power.

If we choose the first option, we have to modify the idea of nationality. This will have consequences for global ethics: The thought that national moral demands differ fundamentally from global moral demands is dependent on the idea of nationality and cannot be maintained without it. Hence, global ethics will not be able to claim that national moral demands and their justification are fundamentally different from global moral demands, as is done by such authors as Thomas Nagel.

On the other hand, we might choose the second option if we think that national moral demands differ fundamentally from global moral demands. Then, we consequently have to admit that the idea of individual self-determination cannot be the sole source of the moral justification of coercive political power. There has to be another source, like the idea of collective self-determination. This idea will have to be understood to be pre-political and irreducible to individual self-determination. This thought provides a strong argument against any pure contractualist theory, which tries to justify coercive political power of a particular state on the sole grounds of individual self-determination.

3. International morality: rights and duties in a globalised world

Koos van der Bruggen (k.vanderbruggen@rathenau.nl)

Recent developments in international relations are often characterised as globalisation: growing interdependence across several fields (such as economics, politics and communication) and between peoples and countries. One of the consequences of globalisation is that more actors are present on the international playing field: not only states and international organisations, but also non-state actors such as multinationals and global interest groups. This is also influencing the role and positions of individuals.

Against this background the central question of this paper is: from the moral point of view – what should be the most desirable relationship between the different actors on the global scene?

Actors on the global scene

Since the Treaty of Westphalia (1648) national states have been the most important actors on the global field. They have sovereignty and a virtual monopoly of violence. And in spite of all ongoing globalisation processes this still is the prevailing situation. Although on a regional scale (European Union) the power and influence of international and supranational organisations is growing, most of these, including the United Nations, only have derivative power, granted them by sovereign states.

Over recent decades non-state organisations, especially so-called non-governmental organisations, have gained in influence. They have become more and more a counterpart to the already influential multinationals. But in essential questions (e.g. wars) they are still not accepted as equal partners of states. A disquieting development is the rise of violent non-state actors such as Al Qaeda.

Individual people were always a part of international relations, be it generally as instrument or victim of powerful states. After 1945 declarations such as the Universal Declaration of Human Rights gave them formal status, but that still was no guarantee for their safety and rights. With the growing role of non-state actors, individual persons are not only represented as citizens, but also for instance as consumers or producers.

Normative theories

Thinking on international relations is heavily influenced by classical theorists such as Hobbes (Leviathan), Machiavelli (The Prince), De Groot (De iure belli et pacis) and Immanuel Kant (Perpetual Peace). Hobbes and Machiavelli can be seen as the defenders of the prominent role for the national state. De Groot and Kant pay attention to the limitations and obligations of states in international relations.

The visions of these classical theorists can be recognized in five present day theorists. Charles Beitz argues for a cosmopolitan theory of international relations. He rejects the analogy between states and persons which has led to the morality (or lack of it) of states. He argues for international distributive justice.

In Law of Peoples, John Rawls presents an ‘international’ translation of his Theory of Justice. He formulates eight principles which should govern international relations. He differentiates his theory from Beitz’ cosmopolitan theory by saying that the ultimate concern of a cosmopolitan view is the well-being of individuals and not the justice of societies, which is his starting point.

Michael Walzer states that what he calls ‘world pluralism of the third degree’ gives the best results in the creation and maintenance of peace, shared exercise of justice, cultural pluralism and individual freedom. In such a system states would still exist, but there would be a strong international organisation (comparable to the United Nations) with military power, strong regional systems (as the European Union) and NGOs with great influence.

From his utilitarian ethical view Peter Singer develops a vision in which the position of sovereign states is seen as a relative and not an absolute concept. He is looking for a model that best suits the need to solve many of the great problems in a globalised world: ecological threats, peace and security, economic relations and world poverty. His conclusion comes close to that of Walzer, although he gives a less elaborate picture of the desired world order.

The political scientist John Keane pleads for a “global civil society”. His study has as much an empirical as a normative character. He sees the making of a global civil society as an unfinished project that will lead to a “cosmocracy” that will surpass all prior government systems (from Aristotel to the Westphalian system). The global civil society is his ethical ideal.

Moral issues from an actor perspective

- Individual persons: starting point or “quantité négligeable”?
  In spite of numerous declarations and international covenants the position of individual persons still is not clear. There are still many differences, mostly depending of the nationality of people. But nationality is not longer the only ‘property’ of an individual. Membership of an NGO or their role of consumer can also be relevant.

- Non-state actors: status and legitimacy
  The status of non-state actors is still question for debate. Who decides who or what the different actors are: NGOs, MNOs and e.g. churches. Their status, and their
legitimation, their membership, their goals. Whom do or should they represent? In this respect further examination of the desirability of a (global) civil society should be accomplished.

- International organisations: lost glory or hope for the future?

There has been much criticism of organisations such as the United Nations. Still for many people and ethicists the idea of a supranational organisation that carries responsibility for peace and security is an attractive option as is shown by the visions of both Walzer and Singer. Under the theories of Hobbes and Machiavelli these visions were never popular. The renewed attention for alternative visions makes a new weighing of the arguments for and against possible.

- States and the monopoly of violence

In an agenda for the future, careful attention of the role of the sovereign state cannot be avoided. In spite of all recent developments the state is still the central actor on the global scene. This is primarily because of states’ existing monopoly of violence.

Terrorist organisations are increasingly seeking to test this monopoly. The way states (and perhaps supranational organisations) are reacting and should react needs further attention.

Saturday Seminars

Seminar J
Challenges for Global Ethics

Saturday 29th, 10.30 – 12.30, Infirmary

Chair: An Verlinden
Presentations

1. Global Ethics and Moral Tolerance
Elly Pirotacas (epiro@acgmail.nl)

The most striking and indeed alarming aspect of global ethics is its implicit universality. When using the term one invariably means of or pertaining to ethics around the globe. Globalization, in turn, implies that a network of global interdependency be established thus rendering basic culturally delineating concepts negligible. The fear invested in those vehemently opposed to the latter stems from a concern that all men in the name of her humanity be rendered “the same”. Yet, in the minds of most “sameness” necessarily implies “lacking uniqueness”, “counter-individuality”, “boring”, and most importantly “moral (and otherwise) intolerance”. Still, these inferences do not follow validly. An understanding of why they do not may indeed help us better understand what global ethics actually is.

When at least two things are the same, they are not (in any way) different. If there aren’t differences, then there is nothing outstanding, unique or special about them. This is actually not true. I may buy a toy bear for my daughter from a toy store where there were another 50 identical such bears; and yet, for my daughter this particular bear is “Puffy” because it is with this one bear that she has confided her secrets, slept with every night, and come to “be” “Puffy”. None of the other identical bears are “Puffy”. So we have a special psychological or personal bond as a result of the manner that the relationship has unfolded and consequently made an impact on us. Let’s call this the Mode of Cultural/Personal Expression.

More importantly still, an itinerary of differences is not (metaphysically) quite enough to account for uniqueness. Whilst difference merely states that there are descriptive properties that can and do distinguish this item/person/culture from another one; uniqueness says considerably more. Something is unique when no other item/person/culture could ever be it even if the causal chain of events had turned out otherwise. If the so-called uniqueness of a person or a culture is really just a matter of how things just happened to turn out, then there seems nothing special about turning out one way or another. Ultimately, one would lavish the same amount of value on the way things turned out for a serial killer and martyr, as one would on a Sparta and an Athens. The point being that no judgments would be forthcoming precisely because the antecedent events that explain how and why they came about provides them with a protective shield. So just because I happened to be born to ignorant and alcoholic parents and turned out to be an embittered prostitute is reason enough to want to protect this difference of mine in the name of uniqueness? That the historical events turned out such that in Culture X female circumcision is practiced is good reason to want to protect its practise? Not only do the events that precede by themselves not establish uniqueness, but this account also empowers the contingent events of the world so much that it stands to jeopardize the project of ever finding anything unique.

For it says that who or what a person or culture is is wrapped up in contingent events
that came before. So people and cultures are just the product of their past? Let us call this the Seat of Judgment. Insofar as the aforementioned threads of argumentation are accepted, it follows that mere difference is unable to by itself account for “that which ultimately makes something worthy and/or special, such that moral tolerance would invariably follow. The Mode of Cultural Expression argues that the significance of a given cultural belief is not tied to its truth-value, but rather to the mode in which it finds expression and thereby comes to be meaningful. For instance, just like in the case of a child learning that “cheating is wrong”, the meaningfulness of its expression is not tied to the truth-value of the claim, the same can be said of a culture learning that “arbitrary discrimination of any kind is wrong”, whereby its meaningfulness is not necessarily tied to its truth-value. What makes anything meaningful is the realization of the contextual situation that brings it about and comes to have its particular expression such that it touches the lives of persons, and things in the given manner. There will somehow always be a Greek way of doing the same things for which there is a non-Greek way of doing the same things. The Seat of Judgment argues that “blind moral tolerance” in the name of difference is unable to make sense of what is unique and special because it factors out the very value giving capacity we have, judgment or evaluation. Without judgment all things would be valued just because they came about, when surely we want to say quite the reverse. Something is valued because of what it is and not merely that it is.

2. Diversity, Convergence, and Global Ethics
Graham Long (G.M.Long@newcastle.ac.uk)

In this paper, I explore a relatively novel and promising approach to discovering a global ethic amid global diversity. I term this approach ‘convergence universalism’. This approach looks to establish the convergence of diverse ethical worldviews on common norms, and then makes this convergence the basis of an argument for a shared global ethic composed of universal moral principles. The initial attraction of the convergence thesis lies in the existence of common human needs, and common human goods (such as disease and hunger) that we can think of as these needs going unfulfilled. Thus, underneath the apparent diversity of moral systems across the globe, convergence universalism argues that there is persistent unity: moralities overlap on some core values that address what we might call the ‘human condition’. On this account, it is possible to survey diverse moralities and arrive at a common moral core of universal principles. This empirical method lends the approach considerable intuitive appeal, and versions of it have been employed by Michael Walzer, Simon Caney, Martha Nussbaum, Stuart Hampshire and Alison Renteln, amongst others. This paper aims to explore some problems for, and ambiguities within, such a strategy.

Theorizing an analysis of potential criticisms, I distinguish between variants of the strategy in two regards: first, the stringency of standards for something to count as a truly common moral norm, and second, the ways in which commonality could be connected to universality. With regard to the first, I argue that the methodology needs to exclude certain unsound moral reasoning in order to yield meaningful convergence. Otherwise, the resulting common moral norms will be vitiated by restrictions on ‘outsiders’ or skewed by egosism. However, the discounting of ‘unsound’ moral reasoning, when employed heavily, runs the risk of compromising the independence of the method. Furthermore, the common core will still face disagreement over the content and relative priority of the moral norms discovered. With regard to the second, I outline four ways that convergence might be linked to universality and argue that none of these are wholly satisfactory. They either invoke a larger and more contentious background theory, or else fail to show how commonality - de facto agreement - and universality - the status of moral values as justified always and everywhere - need be equivalent. Thus, I argue that despite its initial attraction, a convergence universalist strategy possesses serious limitations and ambiguities. It cannot straightforwardly identify or justify the common, and hence universal, norms of a global ethic. I end the paper by discussing less ambitious roles that convergence can play. Notably, such an approach can still play a role in legitimating human rights demands, despite its limitations as a justification for something like those rights.

3. On the Diversity of Moral Conceptions and the Possibility of Global Ethics
Manuel Vargas (mvargas@ufca.edu)

In this paper I focus on a family of difficulties for any attempt to formulate and implement a global ethic. I begin with some remarks on at least one conception of global ethics. I then raise two kinds of problems for this conception of global ethics, both rooted in the fact of the diversity of moral conceptions. Global ethics admits of many possible conceptions. On the conception presumed by this paper, global ethics (roughly) concerns moral issues whose scope or appropriate solution is broader than the class of traditional moral problems whose scope or solutions depend on individuals or the operations of single societies. Global ethics thus concerns issues where the problems, solutions, and the actors are larger than individuals or single societies: responsibility for repairing environmental pollution; addressing income, health, and resource inequity; the effects of foreign market forces on local norms, and so on. The first challenge to global ethics I discuss is the cognition problem. Both psychologists and philosophers have recently argued that experimental work reveals some surprising cultural differences in epistemic norms rooted in (presumably) culturally-influenced processes of cognition. These differences in epistemic norms yield very different assessments about what constitutes knowledge. I argue that one implication of these results is this: the significant variation in culturally-dependent cognitive processes by which knowledge (including moral knowledge) is constructed makes the prospects for formulating a systematic global ethic unlikely, as it raises problems for most of the major foundational approaches to ethics with currency among contemporary ethicists and metaethicists. Thus, although this problem has consequences for a wide variety of accounts of the justification of a global ethics, it is rooted in some of the forces that lead to the diversity of moral conceptions. Even if we can adequately answer the cognition problem, the fact of the diversity of moral conceptions raises a second kind of problem for any account of global ethics, something we can call the basis problem of global ethics. The basis problem concerns the significance of the diversity of moral conceptions for the implementation of a global ethics. Irrespective of one’s account of the justification of a global ethic, any non-coercive implementation of a global ethic will have to proceed via some process of agreement. (One might reject the constraint of non-coerciveness on the implementation of a global ethic, but such a constraint can be justified on a variety of consequentialist and non-consequentialist grounds.) The basis problem concerns the basis on which such an agreement might be formulated. One influential response to the basis problem is to argue for something like the possibility of a Rawlsian overlapping consensus. The final task of this paper is to raise concerns about whether the basis problem can be
easily resolved along these lines. In conjunction with the cognition problem, however, these two concerns suggest that the fact of the diversity of moral conceptions raises some serious problems for at least one conception global ethics.

Work, the revised OECD Guidelines for Multinational Enterprises 2000, and very significantly, the UN 2003 Human Rights Norms for Transnational Corporations, make a clear break with the singularly appealing language of previous initiatives. In this sense, they address openly and to a certain extent promisingly the issue of human rights standards and their uncomfortable setting in a landscape dominated by corporate voluntarism.

Presenting the above two trends in context, this paper contends that potentially significant changes are taking place in the global ethics debate through initiatives which acknowledge and attempt dealing with the points of tension between the imperative normative nature of the international human rights discourse (as integral part of the global ethics discourse) and the corporate voluntarism. A striving for tighter definitions and authoritative specificity, for comprehensiveness and effectiveness, reveal - at least in some quarters - an aspiration for structures and processes of corporate human rights responsibility and transnational business ethics where TNCs’ voluntarism is carefully managed through externally imposed international human rights standards and substance; in other words, where self-regulation is gradually converted into interactive normativity.

2. Global Governance and NGO Legitimacy
Louis Logister (logister@uowmail)

The numbers and competencies of international non-governmental organisations (INGOs) have increased dramatically in the past few decades. This change, which accelerated since the end of the Cold War, has led some to speak of a global associational revolution. The sector’s expansion has been characterised by a move beyond traditional advocacy and humanitarian roles towards participation in intergovernmental institutions, policy implementation and service provision.

Intergovernmental institutions and government agencies, which previously attempted to exclude international NGO’s from their activities, now invite them to participate in consultation exercises and employ them as contractors. INGOs have become part of the system of global governance.

This expansion in influence has prompted debate about the legitimacy of INGOs’ activities. Academics are producing a growing literature, linked to the wider debate in politics and the media, that is somewhat critical of aspects of INGOs’ engagement in global governance and the provision of global public goods. There is a long tradition in western political thought concerning the legitimisation of state power. This tradition sits uneasily with the contemporary exercise of non-state power at the international level, however. INGOs are not subject to the constitutional limits that (ideally) constrain modern democratic governments. Partly as a result of this discrepancy, a number of arguments have been put forward questioning the extent to which INGOs’ power is matched by sufficient legitimacy, and suggesting ways in which INGOs might increase their legitimacy in future.

Claims of INGOs’ ‘illegitimacy’ generally fall into three categories. First, INGOs have been criticised on the grounds that unlike democratic governments, they are not subject to sufficient procedural constraints and lack accountability to their members and beneficiaries. An accountability deficit is often identified, for example, by which INGOs supposedly spend more energy and resources attracting funding from (mainly northern) donors than researching the genuine needs of (mainly southern)
beneficiaries. Second, INGOs have been criticised on the grounds that their mission statements embrace the values of rich northern supporter constituencies, which leads to conflicts of values and interests with those communities they seek to help. Third, INGOs have been criticised for lacking effectiveness, and the fact that they pay insufficient attention to matters such as self-assessment and learning.

The problem with such arguments, however, is that although they make a valuable contribution to the overall debate on legitimacy and global governance, they do not necessarily reflect the experience of individual INGOs. Indeed, it is more likely to be the case that some INGOs have successfully tackled the issues outlined above and others have not, than that we can make solid claims about the general legitimacy of the sector as a whole. Accepting this point, the interesting question then becomes, how did a ‘successful’ INGOs tackle an issue such as representation or accountability, and could this approach be adopted by other organisations? And perhaps more importantly, the fact that INGOs are not subject to some of the constraints that should ideally bind governments, such as democratic accountability to voters, does not necessarily mean that there are not other forms of legitimacy that are specific to INGOs and are very different from traditional sources of state legitimacy. Such forms of legitimacy might provide us with concepts on which a sound idea of global governance can be based. Thus, rather than starting with an idealised conception of ‘legitimate power’ and identifying the qualities which INGOs lack, an approach which has characterised much of the literature on NGOs’ legitimacy to date, I start from the perceptions of the key actors themselves:

namely, INGOs and core stakeholders, including donor governments, funding institutions, multinational corporations, intergovernmental and international organisations. Therefore I present initial findings from a series of interviews held with representatives from environmental and human rights INGOs and their stakeholders. The aim of conducting these interviews was to examine the issue of legitimacy from the perspective of the actors involved, rather than by making assumptions about how INGOs operate and interact with their stakeholders. The intention is to gauge how these actors perceive the issue of NGO legitimacy and not to measure INGOs’ behaviour according to pre-existing standards. This, I hope, will provide an important step in re-conceptualising theories of legitimacy at the global level so as to include non-state actors, as well as present an opportunity to learn more about how INGOs and their stakeholders are tackling some of the supposed ‘problem areas’ (procedures, values and effectiveness) identified above.

In this paper I seek to contribute to the ongoing debate on INGOs’ legitimacy by a
empirical as well as a theoretical approach. First, from the empirical research
described above I deduce a number of types of legitimacy, such as procedural legitimacy, international normative legitimacy, effective legitimacy, etc. Then, I show how these concepts of legitimacy relate to and might be used as instruments to extend
eexisting concepts of legitimacy, both within the state and at the global level. As a
result, the research offers a fresh perspective on INGOs’ legitimacy that is rooted in
practice and in theory.

Chair: Prof. Dr. Thomas Mertens
Presentations
1. Transnational governance or world state? The institutional implications of
moral cosmopolitanism
Ronald Timnevelt (Ronald.timnevelt@soc.kuleuven.be)

Most political philosophers working in the field of global justice make a strong
distinction between the moral and institutional cosmopolitanism, between
moral cosmopolitanism as a moral and a political claim. Taking seriously the idea of
the equal moral status of individuals (the idea of human rights) – so they argue – does not
necessarily compel moral cosmopolitans to be committed to the notion of a world state
or global citizenship. (Tan 2004: 10) Charles Beitz, for example, explicitly claims that
‘the doctrine of universal rights is cosmopolitan in its foundations without being
cosmopolitian in its institutional requirements’. The idea of human rights ‘does not
prescribe any particular institution (or set of institutions) for the world as a whole’.
(Beitz 1994: 12?) Thomas Pogge makes the same claim. According to him, moral
cosmopolitans might support legal cosmopolitanism for empirical reasons, but their
moral ideal is not necessarily tied to the political ideal of a global institutional order.
Moral cosmopolitians might support ‘a system of autonomous states or even a
multitude of self-contained communities.’ (Pogge 2002: 169) Similar arguments are
given by Simon Caney (‘cosmopolitians are fundamentally committed to the moral
claims but are not thereby necessarily committed to the institutional ones’) and Kok-
Chor Tan.

Insofar as moral cosmopolitans only claim that critiques of institutional cosmopolitan
proposals for a global political authority ‘do not impugn the moral convictions that all
persons are of equal moral worth and that everyone has duties to other human beings’
(Caney 2005:5), they are certainly right. But in fact, they make a stronger claim than
that. Sometimes moral cosmopolitans seem to argue that if we want to take seriously
the idea of human rights and their global protection, we can remain agnostic about the‘proper political constitution of international relations’ (Beitz 1999:519). While at other
times, they argue that if we do – primarily for empirical reasons – have to make some
institutional proposals, we have to acknowledge that ‘neither cosmopolitan political
justice nor economic justice necessitate a world state or government’ (Tan 2004:4)
Both claims, however, must be clearly distinguished. In our paper we want to address
and refute both claims on the basis of a close analysis of Habermas’ discourse theory
of law and democracy, and his proposal for a world domestic politics without a world
state. First of all, we would like to argue that those moral cosmopolitans who believe
that human rights should be binding on all states and strictly enforced, cannot remain
silent about the institutional implications of their moral ideals. Subjective rights have
strong objective legal implications; both on the national and on the international level.
Secondly, we argue the to and might be objective legal implication neither imply a system of
autonomous states nor one of transnational governance. Moral cosmopolitans who
support the doctrine of human rights should embrace a minimal world state that is
based on federalism and subsidiarity. It is a necessary requirement of justice.

2. Habermas and Kant on Cosmopolitan Right
Ryan Wines (Ryan.wines@student.kuleuven.be)

Seminar L
Rethinking Cosmopolitanism
Saturday 29th, 10.30 – 12.30, Press Room
This paper addresses the problems of the sovereignty of the nation-state, human rights, and public discourse in a globalized world from a Kantian cosmopolitan perspective. The first part of the paper introduces these problems from a contemporary Kantian point of view, namely that of Jürgen Habermas in his Inclusion of the Other. The second part of the paper is an exposition of the cosmopolitan view of Immanuel Kant, which he develops in his Toward Perpetual Peace and other publications. It is useful to bring these two philosophers into conversation with each other because Kant is the locus classicus for the cosmopolitan debate, and Habermas makes us aware of some of the main debates in global ethics today while criticizing Kant’s position as being unable to account for the legitimacy and the stability of the institutions he proposes. My aim is to provide a Kantian response to Habermas, which will show 1) that Kant is capable of solving the problems that Habermas claims doom Kant’s project, and 2) that Kant anticipated fatal problems in Habermas’ own position, and is capable of dealing with these as well. Since the difficulties that Habermas’ position faces also apply to many other contemporary views, I hope to show that Kant has a unique and powerful position on global justice that makes a significant contribution to the contemporary debate.

As mentioned above, the first part of my paper will be a critical analysis of Jürgen Habermas’ conception of national sovereignty, human rights and cosmopolitanism as explained in The Inclusion of the Other. In Chapter Four, Habermas gives historical arguments to show how the concept of the nation served the function of a socially integrating force in early modern states. In this and the following chapter, Habermas argues that national identity is no longer sufficient to perform the function of social integration in diverse multicultural societies in a globalized world. He claims that deliberative politics is better suited from the points of view of both legitimacy and stability to provide the third term that will link the rule of law on the one hand with democratic self-determination on the other. He also makes arguments for the legitimacy and necessity of revising the conception of the sovereignty of nation-states to allow for international intervention in the case of human rights violations. He goes on in Chapter Seven to criticize Kant’s conception of international law and propose some modifications of his view in order to account for historical developments since Kant’s time. His main claim is that there need to be international authorities with coercive powers like those of a state that can trump claims of national sovereignty in order to give human rights backing sanctions. My aim is to show how Habermas’ view runs into problems and how Kant’s view is better suited for solving these problems.

In the essay Toward Perpetual Peace, Kant lays out his theory of right which includes, in addition to the traditional categories of civil right and international right, the concept of cosmopolitan right. He claims that the rightful condition, as opposed to the state of nature, requires the existence of all three of these aspects of the rightful condition for both their legitimacy and their stability.

For Kant, any account of practical normativity must eventually find its legitimating ground in the individual moral autonomy. The formal description of the end toward which moral action aims is the kingdom of ends, which is a systematic community of autonomous rational beings relating to each other not only as means but also as ends. A condition of possibility for moral autonomy is the freedom of choice, so legal norms are justified only if the limit individual external freedom to its compatibility with others according to a universal law. The legitimacy of public laws is based in the removing of obstacles that would make moral activity in the world impossible.

Kant’s main contribution to the debate on global justice is to see that this moral end of humanity requires for its possibility forms of legality that differ from the form of legality we know in the nation state: international and cosmopolitan right. Cosmopolitan right contains the idea of the legal analogue of the kingdom of ends: a community of fully autonomous, sovereign individuals in a completely literal sense: there ought to be a one-to-one correspondence between states and rational agents. Paternalistic coercive power of a sovereign over a subject can be justified just in case it is exercised toward this end of actual autonomy. This idea provides normative content and formal clarity to the frustratingly vague concept of human rights and shows why a one-world-government with sovereignty and coercive power in the style of Habermas could never be justified. Kant’s cosmopolitan right to universal hospitality provides a way for those whose human right to autonomy is threatened in one state to seek asylum in another one. This ideal also provides the formal structure and normative content to both domestic and international public realms, which is based on the different forms of legitimation and coercion connected to the different kinds of right. Domestic debate among citizens and representatives is focused on coercive laws enforced by a sovereign that ensure security and property against external and internal enemies. However, on this Kantian model, coercion is legitimate just in case it is oriented toward the end of the sovereignty of its individual citizens according to the cosmopolitan ideal. International debate is focused on forming peaceful federations and alliances governing interstate commerce according to international law, all aimed at the cosmopolitan ideal. While international law is still a form of legality, it has a form of legitimacy and coercion that is distinct from that of law at the state level—a possibility that Habermas misses. Participants in international debate are sovereigns, and they remain sovereign under international law. Kant’s contribution of the idea of cosmopolitan right places formal restrictions on the public debate at the international level: it is legitimate to use instruments of commercial coercion (not the coercion of a sovereign with police powers) in order to force other states to grant sovereignty and autonomy to communities within the state that are capable of ensuring their own security against internal and external enemies in perpetuity. This is only possible if states are capable of maintaining complete sovereignty over their citizens, as long as they remain citizens, contra Habermas. After raising these objections to Habermas’ view at the normative level, I shall conclude with remarks on how Kant could answer Habermas’ concerns with the institutional stability of Kant’s position, while raising questions about the stability of a world government with coercive power.