

Justice and Human Rights in the New Global Economy: Evolving Norms and Priorities

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The new global economy with its triumphant neoliberalism and institutional infrastructure and networks has brought the issue of global justice back into a new round of debate. But, more importantly perhaps, this time around the local and global moral orders and conceptions of justice have become inextricably intertwined, spurring further debate over the issues of transparency and accountability. In a sense, we have come full circle to the basic and perennial question of all times: whether the principles of justice are contextual with certain social meanings attached to them or global with universal foundations upholding them. Although, we can only present a cursory version of our position here, we hope to be able to incorporate insights from

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both these perspectives in a way that demonstrates their mutual interconnections and reveals the traditional analysis to be a false dichotomy. Although global economic and power relations continue to be the key to understanding the structural features of the contemporary international economic system, it is equally important to recognize the increasing relevance of justice to the new global economy. These two operative and normative themes inform the discussions in this paper, pointing the way for our examination of the merits of an egalitarian approach to justice within a global context.

Defining and measuring global justice in a globalized world is no mean task. For one thing, it requires a close scrutiny of how capabilities, need-satisfaction mechanisms, and social goods are distributed, and by what method a fair distribution of such values is guaranteed. For another, it demands an analysis of how such a distribution affects human development and social protection around the world. To the degree that the new global economy is characterized by increasing inequalities in income and living standards, as well as uneven playing field, there is room for the discussion of global justice and its far-reaching implications. To many in the developing world, insecurity and fear, both economically and culturally, are formed by the workings of modern global capitalism. Neoliberal globalization, which has dominated the global economy since the early 1980s and which has in recent years become synonymous with the Washington

Consensus, has come under heavy criticism. Today, even within the International Financial Institutions (IFIs), the Washington Consensus has broken up. Many reasons account for this collapse, including the sluggish economic growth, crippling instability in global financial markets, escalating income inequality, and degrading working conditions in the developing world.¹

The cracking Washington Consensus has also touched off the familiar debate over the emerging priorities. In some parts of the world (especially sub-Sahara Africa) where the security of the individual and property is uncertain or not yet assured, defending or preserving order is a human right. Those who live under the conditions of substandard nutrition, education, health care, and housing see economic rights as the most basic of all human rights, since a minimum standard of living is a necessary condition for human dignity.² Conversely, neoliberal globalization and its underlying norms, institutions, and practices is regarded as the ideal model of organizing society by those who consider individual liberties and autonomy essential to generating economic freedom and prosperity.³ Increasingly, however, international egalitarians tend to underscore the importance of the normative principle of capabilities equality that is the substantive freedom to achieve various lifestyles or to achieve alternative functioning combinations.⁴ According to this perspective, gender-biased employment policies and practices, as well as poor

health and working standards should not qualify as legitimate global trade policies or regimes.⁵

The discourse over justice in the new global economy has set in perspective issues such as inequality, the race to the bottom, the debt predicament, labor laws, and environmental standards. Resistance to globalization, which was spurred by the failure of the World Trade Organization (WTO) talks in Seattle (November 1999), has gained further momentum by the grassroots resistance to the transnational and corporate power as demonstrated by the anti-globalization protesters at the World Economic Forum in Davos, Switzerland, on several occasions.⁶ These issues have rekindled greater interest in exploring the notion of global justice, both theoretically and from the policy perspective. This mounting attention has brought back the debate over market efficiency, the decentralization of economic decision, and ways to protect the subsistence rights, namely, fundamental right of everyone to be free from hunger and to have access to minimal preventive health care. Our position is that global justice may very well provide a stronger framework than human rights alone to deal with the structural causes of poverty. We contend that there are evolving norms of justice and human rights in the globalizing economy that have thrust a fundamental re-thinking upon all human societies, compelling us to refocus our attention on evolving norms and priorities. More specifically, this paper addresses four questions:

(1) what is global justice and how is it related to human rights? (2) what rights have become the subject of further scrutiny? (3) what rules should govern the new global economy? (4) can we trust the wisdom of open markets, technologies, and societies to enhance social justice and human dignity?

The Discourse of Justice

Our point of departure for this paper is to define the term “global justice.” We will next turn to explicate how we envision the relationship between a global justice framework and the notion of human rights. To this end, we will begin by challenging the current mode of discourse about justice, which takes place as a battle between communitarians and liberals—and often times broken down even further within the liberal camp, for example, between pluralists and cosmopolitans. We believe it is more plausible to recast it as a debate between distributive vs. procedural views of justice.

Part of the challenge in such a project is that it is next to impossible to present a non-vacuous definition of justice at any sort of general level. Any substantive definition, even a relatively open ended version, almost invariably winds up prioritizing a particular vision of what justice means. This difficulty is exacerbated by the problem that, as Aristotle pointed out, these competing models, though they may be distinct in important ways, are usually closely

connected. In the *Nicomachean Ethics*, Aristotle begins by accepting the general Platonic understanding of justice: that justice entails the idea of merit or desert; justice is the securing of what is proper to an individual or state with regard to goods, political offices, honors, etc. He then moves on to a discussion of “particular” justice (as opposed to “universal justice” which for Aristotle is simply to obey the law) whereupon he points to the ambiguity of the term. He articulates at least three different meanings that are all closely related. We shall focus only on the first sense of the term that he labels, *dianomai*.⁷

Within the analysis that follows, there is a suggestion of a further distinction within *dianomai*, which, although it may not be articulated by Aristotle himself, is implicit in the work. There is a) the idea that justice should be thought of as the proper distribution of goods, and political offices, and b) there is the idea of justice as the appropriate set of rules for determining how one achieves these goods and political offices. Here we find the beginnings of both the procedural and the distributive understandings of justice that are at the core of contemporary debates about global justice. The proponents of procedural justice emphasize that questions of justice are settled by determining a fair set of procedures or rules for governing the interactions of all those involved. We best serve justice by looking for those rules of conduct that most fully respect the autonomy and/or sovereignty of those involved. For those concerned with distributive

justice, the question turns on whether there is a proper distribution of goods and services for each member of the community. We best serve justice by looking to see what people need or require and whether there is a proper allocation of these to each person.

Unfortunately, when we turn to the contemporary debate we find that this debate is still taking place although as it has resurfaced within the context of a globalizing world, it is in the all too familiar language of communitarianism and liberalism. Some view this debate as simply another version of the debate between procedural vs. distributive justice, but we argue that while they are related, there are different sets of issues within communitarian/liberal distinction. The idea is, roughly, that communitarians emphasize such issues as boundary, solidarity, loyalty, and community, while liberals tend to stress individual liberties and autonomy. For communitarians, justice is embedded in the social meanings internal to particular communities, and thus it will require different actions in different contexts. Ideals and standards of justice are rooted in culturally specific groups and collectivities with a community of their own within which their unique discourse of justice makes sense.⁸ To both staunch and mild advocates of communitarianism, there are no universally valid principles of justice.⁹ This privileged position of local understandings of justice has come under attack by those who advocate universal moral foundations. Universal freedoms and responsibilities are grounded

in transnational human solidarity and obligation that extend beyond national borders.¹⁰ The end of the Cold War has generated unparalleled opportunities for and risks to human security and human freedom. Globalization has revived an emphasis on cultural identity and respect for difference on the one hand, and has bolstered support for a core of universal human rights that are mostly immune to cultural relativism on the other.¹¹ While policies aimed at tackling inequality and poverty-eradication measures have resurfaced, policies supporting the expansion of civil and political rights, minority rights, women's rights, labor rights, and environmental protections have also gained enormous currency.

For the poor countries, the eradication of poverty and the realization of human rights have become inseparable from the issue of global justice. The question arises as to what global justice is about. Like any other theoretical and normative concept that embraces claims to universal value, justice is a highly contested term. It means different things according to different perspectives. Attempts to define justice precisely are contentious exercises. [A]ll operative theories of justice, Tom Campbell reminds us, are ideological in the weak sense that they are embedded in a particular worldview.¹² Hence the abundance of ideological disagreements over what meaning justice assumes. Libertarians have narrowly defined justice as entitlement (Robert Nozick) and as rights (Ronald Dworkin). Those who fit in the

welfare liberal tradition, such as John Rawls, have defined it in terms of fairness. The advocates of utilitarianism have emphasized social utility (Richard Posner) and personal worthiness and merit (Wojciech Sadurski). Marxian notion of justice have intended to reflect injustice associated with the social, economic, and political domination and power relations, and feminist theories of justice have underscored the importance of masculine and informal norms of discrimination and social disempowerment (Iris Marion Young). Others have drawn attention to justice as democracy, with the latter presupposing communicative interaction between law and the discourse (Jürgen Habermas).¹³

Although there is a great deal of value in looking at the question of justice within this traditional communitarian/liberal debate, there are also drawbacks. One unfortunate tendency in much of these discussions alluded to above is the acceptance of the idea of the separateness of the various communities, cultures, nations, and so on. Implicit in much of the discussion is a tacit acceptance that the debate is between those who advocate the pursuit of a particular vision for their country, society (i.e., communitarians), and those who seek to construct a way for a multiplicity of visions of society to flourish within a country/society (i.e., liberalism). This kind of debate makes most sense when it is held within a particular country or society with well articulated boundaries and history.

Such an approach is either inadequate or unrealistic when we move to the global sphere. The communitarian viewpoint becomes inadequate because it will be hard pressed to articulate what it means to construct the good life, in any robust sense, on a global scale. Hence, they may wind up, paradoxically, that we ought not to interfere or involve ourselves with another country or culture's vision of the good life. This is a natural result of the fact that the strongest arguments for the communitarian positions rely on playing up the idea that any rational social structure must arise from the realities and embeddedness of people within a particular way of life. The liberal emphasis on autonomy and individuality is equally unrealistic because any notion of autonomy breaks down with the very nature of globalization. The effect, if not the very purpose of globalization, is to break through the protections erected by individual nations, eliminate all barriers, and cross deep into prior existing national and cultural boundaries.

Moreover, retaining the language of communitarianism and liberalism obfuscates what we take to be the central issues involved in global justice. We contend that the most critical area of debate on the global stage lies between those who see the goals of global justice as a more proper distribution of the goods and resources of the world, and those who see the goals of global justice as a more proper set of rules and procedures for governing the interactions among all the players on the global stage. Conflict arises from these fundamentally differing

interpretations of what constitutes the goal of global justice. Having re-characterized the debate along these lines, we can see that much of the debate as it presently exists arises between developed nations who are pursuing the procedural vision of global justice and the developing nations who seek a distributive justice model. We believe this will become even clearer when we incorporate both a measure for what constitutes progress in global justice and an articulation of the relationship between a global justice approach and the more conventional human rights model.

Linking Human Rights to Global Justice: A Theoretical Framework

Much of what we say in these pages will be to demonstrate the powerful ways in which globalization has successfully altered the lives of individuals all across the planet. The ways in which this process has altered our conceptual framework has only just begun to be explored. In these early stages, it is useful to turn to older models of understanding these issues and consider whether they still hold up. One way of measuring the moral status of activities by nations, companies, cultures, and the like was by considering the ways in which they did (or did not) promote fundamental human rights. Indeed, some will contend that the Amartya Sen/Martha Nussbaum model of capabilities is really nothing but a version of the more well established human rights model of international relations.¹⁴ Pointing to



the shortcomings of the utilitarian and the resource-based approaches, which emphasize economic growth, Sen and Nussbaum suggest that we must “focus not on satisfaction or the mere presence of resources, but on what individuals are actually able to do and to be.”¹⁵ Nussbaum argues that economic growth by itself fails to improve the literacy and health care situations of the vast majority of the poor in the developing world and that only when citizens are able to live with a full menu of opportunities and liberties can they have lives that are worthy of the dignity of human being.¹⁶

While we believe the Sen/Nussbaum discussion of capabilities is relevant to our position, it is one aspect of our ongoing project of prioritizing global justice as the model for understanding international relations. Although there is much that is useful in the human rights model, there are two related problems with the human rights model in the era of globalization, and in both cases, we contend that solutions to these problems will depend upon resolving what we mean by global justice. Therefore, securing global justice becomes a necessary condition for the securing of human rights, and in this sense, the human rights model becomes part and parcel of the larger question of global justice, and that in such an account priority ought to be given to distributive justice over procedural justice.

The key idea here is to explore the link between justice and human rights. But what moral grounds are there to constitute support

for such a relation? The advocates of this claim usually point to certain rights and how they relate to social justice. To understand the rationale behind such a claim, it may be necessary to clarify varying interpretations of the notion of “fundamental human rights.”

One argument emphasizes the multidimensional nature of human rights, underscoring the importance of all three generations of human rights: “it would be fallacious to infer that civil and political rights are the most basic of all human rights.”¹⁷ Social, economic, and environmental rights are additional dimensions of human rights that must equally be weighed. A broad consensus has already emerged on freedom from torture, hunger, discrimination, and extra-judicial killings.¹⁸ To some experts, freedom from torture is the most essential right for the welfare of individuals.¹⁹ Others emphasize the primacy of subsistence rights over procedural rights.²⁰ Arguing that poverty renders all human rights inoperative, some experts point out that “the violation of the right to a reasonable standard of living entails the violation of all the other human rights, since their observance is quite simply made materially and structurally impossible.”²¹ Still others argue that basic rights result from the “politically autonomous elaboration of the right to the greatest possible measure of equal individual liberties” (emphasis in the original text).²² Accordingly, the idea of just society is closely associated with the promise of emancipation and human dignity and that the just distribution of

compensations results from an equal distribution of rights, which in turn results from the mutual recognition of all as free and equal members. In such circumstances, injustice means first and foremost the constraint of freedom and the violation of human dignity. In sum, "The normative key is autonomy, not well-being."²³ And yet those scholars who closely adhere to a Kantian perspective argue that all human rights are "basic rights" in the fundamental sense that systematic violations of any human rights preclude realizing a life of full human dignity.²⁴

One underlying motivation of the human rights model is that it is an effective response to the varieties of cultural relativism that threaten to permit highly immoral actions on the part of nations, societies, and cultures toward their own people. The assertion of some set of rights or entitlements that each person deserves regardless of where they live allows others (either individuals or other nations/societies) to hold those in power morally accountable. Although, as we have said, there are strong motivations for accepting such a model, it was also frequently challenged on the grounds that there was no agreement about what constitutes the rights to be secured. As we have seen, there are formidable differences among the various advocates. Should it be economic rights, political rights, religious rights, or even intellectual rights? The human rights advocate of the old school resolved this problem by saying that such questions could be settled

within the context of the countries, cultures, and societies themselves. They could point out that the heterogeneity of the histories of various cultures and societies and the varied ways of life arising out of these histories, make it implausible that there is any single response to the question. What constitutes an appropriate answer for one country might be of only secondary importance to another. This pluralism of conditions and the acceptability of alternative responses made more sense within the prior-globalization era since the answers could be a natural outgrowth of those most affected by the issues.

All this, of course, changes when global forces intrude into and begin to alter the basic structures of the societies and cultures. As natural resources are shifted from one region to another, as MNCs move whole economic infrastructures in and out of countries, as the environmental and cultural landscape is altered and restructured to meet the needs of those outside of the area, the traditional methods of identifying, prioritizing, and securing rights becomes less and less a part of the national culture and society. Under such rapidly changing circumstances, it becomes next to impossible for nations to engage in the kind of self-reflective process required to decide what rights (or if one accepts the Sen/Nussbaum model, what set of capabilities), given their particular context, ought to be pursued. It therefore becomes imperative to ascertain what constitutes a globally just distribution of resources that will allow societies, nations, and cultures the time



and stability to know what rights are important to themselves to be pursued at this particular place and time.

Closely related to the first problem is the issue of the existence or lack thereof support system. It is true that there are a variety of conceptions of human rights. However, while this is an important topic, it misses a critical point that whatever model of human rights is articulated, there is required a support system to make sure the rights are more than mere words. The right to vote is meaningless without the appropriate systems in place (e.g., polling places, officials, tabulation procedures); the right to economic security is meaningless without adequate resources, capital, means of delivery; the right to freedom from harassment is meaningless without honest officials and a committed, independent judiciary.

As we pointed out above, the nature of globalization alters, and rearranges the ways in which societies, nations, and cultures are able to construct and maintain these support systems. This again points to the need to articulate the proper understanding of distributive global justice that will insure that globalization will not force countries to sacrifice the support systems for the genuine enactment of human rights. We believe that the emphasis on distributive justice as such accords with equal human worth and dignity, noting that inequalities and unfairnesses of neoliberal global capitalism have actually reaffirmed the relevance of justice to the operation of economic globalization.²⁵

Routinely placed into two categories of legal (or formal justice) and social (or distributive justice), the notion of justice has found its way in the international political economy, where economic rationalism and efficiency have tended to override the issue of equality and fairness.

Claiming Rights against Transnational Harm

As the world politics undergoes rapid transition, from a geostrategic focus to a geoeconomic one, new concepts and descriptions are needed to explain the effect of these changes on the prevailing social norms and values both within and between nations. This transition has precipitated not the end of the state but the reconfiguration of state power, framing the new global political landscape as the overlapping communities that rely on multi-layered global governance to manage human affairs. In this so-called "global neighborhood," the pursuit of power and justice is increasingly becoming inseparable. Contrary to the old saying "all politics is local," all politics, it seems, is ultimately global politics.²⁶ Serious concerns are raised about the notion of transnational harm or lack of control and accountability. Consider, for example, the issue of protecting or preserving environment not just for the present generation but also for humanity to come. There is a new understanding of human rights involved here. There are goods, such as environment, health, or education, which involve the future generation and thus require state regulations at some level. The

laws of the market alone cannot justify a proper access to these goods. Clearly, not all types of goods must be dependent upon the market.²⁷

The level of cross-border (or transnational) harm, in the words of Andrew Linklater, has reached a new height in today's global economy: "The defense of state sovereignty, and the claim that the state is entitled to decide how far it should be concerned with the welfare of outsiders, may have seemed plausible. Whether it is defensible now in an epoch when the possibility and incidence of transnational harm is growing is a crucial ethical question facing theories of state sovereignty."²⁸ The consequences of globalization for human security merit serious consideration, "as the life-chances and well-being of individuals and communities in distant regions of the globe become intimately connected through highly organized transnational networks over which they, or even their governments, may have little or no direct control."²⁹ Since globalization entails a multitude of harmful consequences for human security that are often obscured from public view, this has raised fundamental ethical questions about responsibilities of those who had effected such global changes.

The global financial contagion and transnational harm have come under critical scrutiny in recent years. The austerity measures required by the IMF, including the imposition of high interest rates, helped spread the Asian crisis to the rest of the world, including well-managed economies. The fact that many countries with reasonable

economic policies have also been adversely affected, whether or not they have undertaken undue risks, illustrates how critical it is to confront this reality.³⁰

Safeguarding individuals and societies from this transnational harm inevitably invokes global justice. It is our position that justice (it is right thing to do) provides a stronger framework than claiming moral rights (entitlement) alone to address the issues of the new global economy. We argue that justice has inherent value and that efforts to promote justice are not only indispensable to sustain human development and social protection but are also morally germane to any efforts deemed necessary to uphold fundamental human rights. A quick glance at the Universal Declaration of Human Rights (UDHR) shows the idea of justice is entailed in some of the provisions. Article 22 reads: "Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international cooperation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality."³¹

The consequences of acceptance of this article are several: (1) "this is to occur progressively through cooperation, rather than immediately through enforcement like civil and political rights"³² and (2) "there should be international cooperation in the provision of economic,

social, and cultural rights, which depends on the organization and resources of states”³³ and (3) “taken to its logical conclusion, this involves the redistribution of wealth from rich countries to poor ones, to enable those poor countries to provide basic economic, social, and cultural rights when they cannot do so on their own.”³⁴

This last implication has invited controversy as well as apprehension from some quarters. The attitude toward poverty eradication is mixed within developed countries. While some observers, such as Richard Rorty, argue that the eradication of world hunger and income redistribution would impoverish and destroy culture and lifestyle of developed countries, others, such as Thomas W. Pogge, using the World Bank data, contend that “The aggregate income of the poorest quartile is less than 0.7 percent of the global social product, less than \$210 billion out of nearly \$30 trillion.”³⁵ Any shift in global income distribution, Pogge notes, that would double or triple developing countries’ incomes at the expense of developed countries would still be considerably negligible: “It would reduce the top tenth of incomes by a mere 1 or 2 percent hardly a serious threat to our culture and lifestyle.”³⁶

As globalization has intensified, poverty has become more visible across the globe. Hence further attention is paid to the economic, social, and cultural rights of the underclass, heralding the evolutionary character of justice and human rights in the new

global economy. At both national and international levels, the implementation of economic, social, and cultural rights has become inevitably linked to the observance of social justice. Furthermore, the emphasis on market efficiency and transnational economic interactions has renewed interest not only in the issues of values undermined by the international markets and trade but also in the matters relating to global responsibility. To be sure, justice calls for more than the goals of efficiency and the decentralization of economic power.³⁷ To the extent that markets facilitate human interactions without weakening the diversity of the ends that individuals and groups may pursue, they can be seen as a positive force in the process of globalization.³⁸ To link institutional infrastructure to the requirement of global justice, some scholars have attended to the problems of international markets, advocating the so-called "global resource dividend" (a term borrowed from Pogge referring to paying a 1 percent dividend on the value of extracted natural resources) and Tobin Tax (a small tax on currency transactions). Both the Tobin Tax and the "global resource dividend," it is argued, would work through markets and aim not to arrest globalization but to ensure that it is more just.³⁹

Globalization's Moral Crucible

As noted earlier, in the new global economy, the assumptions underlying justice and human rights are evolving in ways that



reflect the requirement of the emerging international community. To be sure, the time-honored noble “natural and universal” justice has reasserted itself in the global politics and economy, resurrecting competing arguments about justice. In fact, justice has become the globalized world’s emerging moral challenge and crucible. There is increasing realization that the inherent worth and dignity of each individual is almost entirely bound up with that individual’s capacity to enjoy minimum education, health care, shelter, income, and other basic support system necessary to live his/her life fully. Inequality, then, is certain to interfere with the ability of the underprivileged to participate in the re-creation of community, that is, to contribute to the social processes of experimentation so basic to social progress.⁴⁰ Egalitarian distribution, in contrast, “is intrinsically right because it provides each individual fair opportunity to develop her capacities, to live a fully human life. It is also instrumentally right because it best serves the interests and needs of the broader community”⁴¹

A central difficulty in defining global justice is how to arrive at principles that are universally acceptable. As noted above, the concept of justice surrounds the idea of virtue, proper conduct, and equality of access to basic liberties on the one hand, and the idea of determining the outcome of an interaction or transaction based on the fair or equal distribution of the burdens and the rewards on the other. The latter description, in some real sense, comes closer to what has at times

been viewed as distributive justice: "the distribution of rewards and punishments based on personal merit."⁴² Arguably, the justification for distributive justice lies in the baseline of equality. Any possible extension of this justification to international cases implies that it is essential to assess principles of international justice with reference to a baseline of equality.⁴³ Charles A. Beitz maintains that this world is one of the growing global economic interdependence and regulative structure and that it "contains norms, institutions and practices at various levels of political organization, national, transnational, regional, and global, which apply to people largely without their consent and influence the material circumstances in which they live their lives."⁴⁴ Furthermore, he adds, "the global structure is evolving and the direction of its future development is to some extent open to political choice. This means that there is a practical as well as theoretical reason to take an interest in principles of international distributive justice."⁴⁵

Using a cosmopolitan and contractarian conception of international political theory, Charles R. Beitz argues that "persons of diverse citizenship have distributive obligations to one another analogous to those of citizens of the same time."⁴⁶ These obligations, Beitz notes, are based on justice and not merely on mutual aid. As a critique and reinterpretation of Rawls' theory of justice, Beitz insists, it is wrong to confine the application of contractarian principles of social justice to the territorial nation-state: "the international realm is coming

more and more to resemble domestic society in several respects relevant to the justification of (domestic) political principles.”⁴⁷ The most eminent contemporary exponent of justice is John Rawls, the American philosopher who advances a deontological moral theory, contending that certain principles of justice have absolute priority: (1) full equality of rights to the most extensive basic liberty as citizens and (2) fair, if not necessarily perfectly equal, treatment in the distribution of social and economic values. These two principles are a special case of a broader, general conception of justice: “All social values, liberty and opportunity, income and wealth, and the bases of self-respect, are to be distributed equally unless an unequal distribution of any or all of these goods is to the advantage of the least favored.”⁴⁸

Taking a different slant, some critics of John Rawls’ *A Theory of Justice* (1971) point out that there are bound to be trade-offs among conflicting values given that the universe of values is pluralistic. These critics argue, among other things, that “it is unreasonable to give absolute priority to principles of justice over all utilitarian considerations”⁴⁹ and that “to give absolute priority to political rights over social and economic rights is not necessarily a reasonable trade-off, except perhaps in wealthy countries.”⁵⁰ Criticizing Rawls’ approach to distributive justice and his reliance on “veil of ignorance,” George F. DeMartino maintains that disputes over distribution of social goods/wealth on both local and global levels do not occur behind such a veil:

“Those debating distribution, including when and how the difference principle is to apply, are always already embedded in their social milieu. They are already members of particular social groups, having already been assigned a particular race, gender, ancestry, degree of economic privilege, and so forth.”⁵¹ Moreover, DeMartino argues that “in the world in which disputes over justice actually occur, the motivation to devise self-serving defenses of inequality will be ever present.”⁵² In the last analysis, DeMartino reminds us, judgments about the ultimate effects of inequality are necessarily theory-dependent (emphasis in the original text).⁵³

The rising global concern about poverty, inequality, environmental protection, and socioeconomic and cultural rights has given new meanings to the notion of justice in the new global economy. In developing countries, support for economic rights requires active state intervention, without which the individuals' ability to provide subsistence, education, basic health services, and shelter is severely hampered. The trend toward the social disempowerment of the state caused by neoliberal economic policies, brings about questions of justice toward the underclass. “Because the state possesses the most powerful mobilizing capabilities,” Richard Falk writes, “it will be difficult to envision addressing the justice claims of the poor and of economically disadvantaged societies without a political process that results in the social re-empowerment of the state.”⁵⁴ Increasingly,

developing countries view justice in terms of distributive justice, raising concerns about how free trade would put them at an unfair disadvantage.

Free vs. Fair Trade

Since the nineteenth century, the dominant view in the economic theory has held that integration into the world economy is essential to any policy that the state pursues to generate economic growth and prosperity. This view has been based on the neoclassical vision of free trade that is grounded in the concept of comparative advantage in liberal economics.⁵⁵ Comparative advantage takes cross-national differences in preferences, endowments, technology, and even standards as legitimate sources of policy regimes, while viewing harmonization of labor, human rights, and environmental standards as distortions. It rejects such harmonization not only as hegemonic interference in other countries equally valid ways of life, but more importantly perhaps as impediments to global economic efficiency.⁵⁶

In the last quarter of the twentieth century, however, there has been a move toward forging a normative commitment on a basis of legitimate determinants of comparative advantage. Grounded in a fair trade approach, this move has been largely precipitated by the resistance to the ill effects of the capital mobility and what has become a cliché in an age of globalization: "prosper or perish."⁵⁷ The advocates of fair

trade have argued for the need to enhance capabilities equality that is, the equal ability to achieve reasonable and secure incomes or to be politically efficacious.

Seen from this perspective, though differences in preferences, endowments, and technology are the legitimate sources of differentiation among nation-states, differences in standards amount to distortions. That is to say, differences in labor or environmental standards are likely to distort the trade and financial flows that would otherwise obtain by granting many firms in those countries with lower social standards a competitive advantage in global markets.⁵⁸ Harmonization of capabilities and standards at a level that is universally attainable and sustainable is justified. From the capabilities-related perspective, gender discrimination in employment or weak worker health and safety standards fail to qualify as legitimate policies. Global policy regimes, it is argued, should thus prevent or counter the effect of such strategies in the formation of comparative advantage.⁵⁹

Significantly, trade and financial liberalization has failed to reduce high levels of poverty and extreme income inequality, leaving many people outside and far behind. Who is to be blamed for such contemporary injustices? And are these widening social hierarchies and gaps inherent to globalization? Globalization, some experts argue, should not be viewed as the original source of social inequality: "Stratification by class, country, gender, race and other social categories

predates the contemporary rise of supraterritoriality by several generations or even many centuries.”⁶⁰ Neoliberal policies have also widened resource gaps across and within nations, operating against women, people of color, and the elderly.⁶¹ Countries of the South have experienced some of the world’s greatest inequalities during the period of accelerated globalization. One way that globalization has broadened class gaps relates to access to global spaces. Global capitalism and globally mobile capital have undermined social policies previously aimed at reducing class hierarchies and inequalities. Fiscal austerity to improve global competitiveness has led to reductions not only in the amount but also in the quality of state-provided education, housing, nutrition, health care, pensions and unemployment insurance. In other words, “neoliberal globalization has tended to erode the protective shield of the redistributive state.”⁶² These injustices appear to be part of the prevailing neoliberal policies that has deepened inequalities.

On the global level, neoliberal globalization has widened North-South inequality. Uneven or distorted access to global governance in matters relating to economic decision-making processes continues to favor the North. The G-8 governments currently control more than 45 percent of votes on the IMF executive board, while 43 African governments combined control less than 5 percent.⁶³ The WTO, in contrast, works on the principle of one-state-one-vote. Many governments of the South, however, cannot afford to maintain

a permanent delegation in Geneva to monitor or intervene in the organization's normal and daily proceedings. Even worse, most of developing countries have had no representation whatsoever at the Bank for International Settlement (BIS) and the Organization for Economic Cooperation and Development (OECD).⁶⁴

The global trade regime centered on the GATT/WTO has, since its existence, proved quickest to liberalize in manufacturing and intellectual property where North-based interests are better pursued in the South. Progress has tended to be slower in areas such as agriculture and textiles where trade liberalization would promote South-based interests and opportunities in the North.⁶⁵ Additionally, the patterns of international migration have undergone noticeable changes, of which the most significant aspect is the increased feminization of these flows. The large bulk of these female migrants workers come from the poorer regions of the world, seeking better job opportunities in industrialized countries. Many of these workers cannot even apply for permanent residency and are not entitled to the legal rights of membership in civil society. This situation gives rise to many injustices, as the state in which these workers reside refuses to give equal rights to workers.⁶⁶

To be sure, globalization has had mixed consequences for gender justice. In a positive vein, gender gaps with respect of health, education, and paid employment have reduced considerably since 1970.⁶⁷ Global governance has introduced a number of legal and

institutional initiatives to enhance the women's status throughout the world. In the 1990s, however, almost 70 percent of the world's poor people were female, and many girls in the developing world still lacked access to formal education.⁶⁸ The contraction of state services in line with neoliberal policies has tended to be more detrimental to women than to men. Similarly, the costs of neoliberal restructuring have routinely fallen disproportionately on women.⁶⁹ Should there be any rules governing the new global economy?

Rules Governing Global Economy

The global economy has either resisted regulatory safeguards or has pushed labor or environmental standards toward the lowest-common denominator. The question of how best to regulate world economy has become inseparable from the question of whether inserting labor, human rights, and environmental standards into international trade rules is just. To guarantee workers' rights and help protect the environment, many human rights activists have argued that trade agreements must be based on certain ground rules. Government officials in many developing countries have opposed such interference, contending that such standards or interventions would place them at an unfair competitive disadvantage because they cannot afford to implement the kinds of worker's rights typical of the industrial world. Some experts even warn that the push to include

labor standards in trade agreements actually may deteriorate working conditions in developing countries.⁷⁰

The WTO has no specifications about protecting the environment. Member states can freely enforce whatever environmental laws they choose within their borders. In several disputes, WTO has ruled trade restrictions imposed to safeguard the environment constitute “unacceptable discrimination in international trade.”⁷¹ In 1996, for example, a WTO dispute panel upheld the charges that Venezuela and Brazil brought against a 1990 amendment to the Clean Air Act requiring oil refiners to make cleaner gasoline discriminated against their gasoline exports to the United States. To avert trade sanctions by Venezuela and Brazil, the Environmental Protection Agency (EPA) followed a less stringent standard for gasoline contaminants.⁷²

To determine which rules should govern global economy, it is essential to examine the role of trade liberalization and competitive market forces. The adoption of trade liberalization and the recognition of market competition have “for better or worse” become imperative not only for economic growth but also for the sustainability of economic development. Since the mid-1980s, developing countries have been instrumental in pushing for a new trade negotiations. The reality, Gilbert R. Winham notes, was that a changing world economy rendered developing countries significant to the international trade system. These countries in turn viewed reform of the system as

essential to their stake. By the mid-1980s, Winham writes, "China, Hong Kong, South Korea, and Saudi Arabia were included among the world's top 20 exporters and importers, while Brazil and Taiwan joined the list as exporters and Singapore joined as importer."⁷³ The increased debt repayment convinced many developing countries of their stake in expanded exports and in an open trade system more generally. Likewise, many developing countries felt the need for a new negotiation over the trade system, a concern that led to the lengthy new negotiation in the Uruguay Round (1986-1994).⁷⁴

Trade liberalization and market competition are likely to benefit all countries. But the question is whether all countries will benefit equally from a more integrated global economy? Joseph E. Stiglitz, former chief economist of the World Bank, argues that trade liberalization, though necessary, "is not sufficient for developing countries to reap the full benefits from integration with the world economy."⁷⁵ Two basic principles should govern trade negotiations: fairness and comprehensiveness. While the former suggests that showing sensitivity to the accessibility of developing countries to the markets of the developed world, allowing them to make good use of their existing areas of comparative advantage, the latter refers to displaying sensitivity to the special needs of developing countries—that is stressing the need to include issues of central importance to both developed and developing countries. Financial market liberalization

and information technology represent special needs of the developed world. Construction and maritime services, agriculture, and textiles typify a core concern of the developing world.⁷⁶

Neoliberal globalization has resulted in more polarized world, both between and within countries. The rising inequality, along with rapid growth of poverty, has raised serious ethical and political questions. One may argue, while pointing to the failure of neoliberal experiments, that policies that foster instability, both directly or indirectly and prevent poor people from eating in the name of efficiency, liberalism, or even freedom, are not fundamentally sound policies. James K. Galbraith, for example, maintains that "it is possible to distinguish policies that meet this minimum standard from policies that do not."⁷⁷ Historically, Galbraith points out, strong governments, mixed economic structures, and weakly developed capital markets have been associated with the successful global economic development. This was especially true of Europe and Japan following World War II, of Korea and Taiwan in the 1980s and 1990s, and of China after 1979. These cases, not the free market liberal examples such as Argentina, Mexico, Philippines, or Bolivia, are the success stories of global economic development in our time.⁷⁸

Many concerns are raised with regard to the issue of inequality. "Ironically," Nancy Birdsall writes, "inequality is growing at a time when the triumph of democracy and open markets was supposed to

usher in a new age of freedom and opportunity. Regularly invoked as the hand-maiden of open markets, democracy looks more and more like their accomplice in a vicious circle of inequality and injustice.”⁷⁹

Birdsall notes rather pessimistically that “inequality is nobody’s fault and cannot be fixed in our lifetime.”⁸⁰ During a long transition from agriculture to industry, Birdsall argues, changes in production and in the structure of employment resulted in wrenching inequality. Today, much inequality is inherent in moving toward the creation of a postindustrial future, that is, in transition from an industrial to an information age.⁸¹ Dealing rather philosophically with the issue of growing inequality, Birdsall argues that “more fundamentally, people may care less about their current ranking in a static picture of global income distribution than about just and fair access to a better future, especially for their children. In an equal world, good opportunities represent fair rules and matter at least as much as current status.”⁸²

In the last 15 years, James Gustav Speth, Administrator of the United Nations Development Program, writes, “per capita income has declined in more than 100 countries and individual consumption has dropped by about one percent annually in more than 60.”⁸³ The most obvious lesson of the past half-century, Speth continues, “is that economic growth, though essential, is by no means sufficient to eliminate severe poverty or bring about lasting development.”⁸⁴ In El Salvador and Guatemala, programs that assist the poor and needy

are important aspects of the peace accords.⁸⁵ The risk of a vast global underclass undermining global stability is now more than ever real. How can fair rules and enforcement mechanisms be established?

Codes of Corporate Conduct: Voluntary or Compulsory?

As a potent agent of neoliberal globalization, the Multinational Companies (MNCs) have conducted operations with deleterious impacts on the environment, labor laws, and human rights conditions. A considerable support has grown for legislative initiatives to regulate MNCs' activities in matters such as ethical behavior, disclosure of information, restrictive business practices, labor standards, and environment protection. Others have supported changes within the WTO framework.

MNCs have become the driving force behind globalization that generates a variety of outcomes, some contradictory and others predictably consistent. That is to say, sometimes, globalization causes the erosion of governance mechanisms. Yet sometimes it can also culminate in increased governance and international standards.⁸⁶ Debora Spar and David Yoffie argue that MNCs can be accountable for their own regulations: "To forestall racing to the bottom and enhance the prospects for corporate self-governance, states may want to facilitate a process in which multinationals forge their own common standards' Corporations are neither an impediment to justice nor an

irrelevant instrument in its pursuit. Under certain conditions and with the prodding of concerned voices in both the public and private arenas, multinational enterprises may be surprisingly forceful means for pushing global standard to a higher and more just plateau.”⁸⁷

An emerging consensus holds that if multinational enterprises are to secure the human rights of their workers, they should be subject to codes of conduct, such as protecting workers’ right to organize and associate freely, right to negotiate with management, rights to improved health and safety practices, and the prohibition of discrimination. The key question is whether codes of conduct are useful vehicles for improving working conditions and wages. To the extent that codes of conduct mean top-down corporate self-regulation, their utility is debatable.⁸⁸ Many experts warn against emphasizing corporate self-regulation, arguing that it is untenable to expect that workplace codes will be enforced voluntarily. It is vitally significant to press for multilateral and international codes rather than codes that each company designs. The most effective and enduring codes of conduct are the ones that are based on internationally recognized codes, such as ILO’s own standards. Surely, such codes are not part of the company’s agenda.⁸⁹

The UN Human Development Report 2000 questions voluntary corporate codes of conduct as a way of promoting human rights accountability of global corporations. It reports that such voluntary

codes tend to be weak on several grounds. First, they hardly ever refer to internationally recognized human rights standards. Most apparel industry codes, for example, refer to national rather international standards such as those mentioned by ILO. Second, they lack mechanisms for enforcement and external monitoring and audit.⁹⁰

Codes of conduct, as some analysts note, are not written by Chinese or Thai workers; rather, managers in Chicago or Los Angeles write them. These codes are not the result of consultation with workers or with their freely elected representatives. They are the result of media campaigns that publicize wages and working conditions and essentially are the product of consumer threats and boycotts. The key point is simply that they are designed not to transform Asian workplaces but to protect and promote brand names and markets.⁹¹

To deal with these and other related difficulties, new strategies must focus on worker empowerment as the most effective way to rectify working conditions. The right to form unions must be the primary code, providing minimum standards in the areas of job security, the right to organize, and the right to collective bargaining. These are three key areas in which violations of workers' human rights routinely occur.⁹² Some experts have even advocated corporate taxation—a MNC income tax of sorts—combined with a global code restricting public enticements to firms. These policies, it is said, would prevent competitions amongst local and national governments to draw



FDI from MNCs, while shifting the burden of taxation to capital.⁹³

Global Obligations and Accountability

Poverty alleviation is one of the most compelling moral issues of the new global economy. The forces of neoliberal globalization have jeopardized social solidarity of the human societies, necessitating the need for regulating competitive market forces. The notion of balancing efficiency with justice has led to the emphasis on the so-called compensatory mechanisms, such as foreign assistance, in order to cut losses suffered by those countries that embrace genuine economic liberalization. Ethan B. Kapstein endorses such argument: "The advancement of justice may also require that industrial countries reconsider the implicit principle of reciprocity as equivalent exchange, and seek ways of moving toward a more proportionate scheme in which the differences in bargaining strength between big and small, and rich and poor, countries are recognized and rectified."⁹⁴

The World Bank plays up to those developing countries that already have had complete access to global capital market. It is time to facilitate the poor countries' access to such market as well. Outright grants rather than loans provide a realistic vehicle for poverty alleviation, funded openly by direct subsidies appropriated by the industrialized nations.⁹⁵ Forgiving poor countries' debt has become the moral equivalency of human rights based on the assumption that

where poverty reigns, the hope for realization of socioeconomic rights is unrealistic. In 1996, the IMF and the World Bank designated 41 of the developing countries as "heavily indebted poor countries" (HIPCs). Of the 41, 32 are from sub-Saharan Africa. These countries constitute the international underclass, and they will need major international assistance to continue their climb out of the international class.⁹⁶

Closely related to poverty-reduction policies is the issue of child labor. There can be no doubt that public policy occupies an important role in alleviating poverty. Some experts hold that "raising child labor standards without providing transfers that permit children in the developing world to remain in school must be considered unjust: if we value better labor standards, we must be prepared to help pay for them."⁹⁷ Likewise, investment in human capital is the most effective strategy to alleviate poverty. Studies have shown the links between female adult literacy and positive health outcomes: "high education indicators preceded health breakthroughs."⁹⁸ In short, public spending on health and education are key to a successful social development project.⁹⁹

Those who underscore the importance of the right to development, look beyond public policy to examine the nature of the problem. William F. Felice, for example, argues that more progress has been made in the area of economic and social human rights by development organizations than by human rights organizations.



Throughout the postwar period, economic and social rights have been a low priority within both the UN human rights machinery and the networks linking many human rights NGOs. "Seen only as individual entitlements," Felice notes, "human rights are a difficult conceptual framework from which to tackle structural violence in the global economy."¹⁰⁰

As the growth of global social justice coalitions on such issues as aid, trade, and debt clearly demonstrates, international distribution does matter to large segments of population in rich and poor countries alike. Championing globalization while ignoring global equity considerations has become increasingly out of sync with the challenges facing the international community.¹⁰¹ The real question is: how can structural issues such as inequality be tackled? Those who see the solution in multilateral intergovernmental organizations, such as WTO, proposed a social clause to the rules of the WTO. The goal of the social clause is to utilize international law to require compliance with key ILO conventions by all members of the WTO. The membership and benefits would be contingent upon ratification and implementation of the social clause. Trade liberalization as such would be linked to a drive to root out violations of working and living standards in all countries of the world.¹⁰²

Governments of developing countries, in contrast, tend to see such a clause as merely another protectionist measure designed to

undercut these countries' comparative advantage. What is needed to improve workers' rights in these countries is investments and economic growth that create jobs, stronger national laws and the enforcement of those laws, and adoption of higher standards by the domestic private sector and the MNCs.¹⁰³ Sanctions and threats of a social clause may induce changes in government policies, but workers' rights ultimately depend on what standards private sector and the MNCs actually apply.¹⁰⁴ Compared to sanctions, programs aimed at raising corporate accountability and transparency, such as codes of conduct that respect core labor standards as well as independent monitoring and enforcement mechanisms, could better serve workers' rights.¹⁰⁵

Conclusion

Human rights cannot be observed internationally without a stronger commitment to global justice by the international community. To promote global justice, in turn, would require the commitment to human rights. The two are inextricably intertwined and we must stop emphasizing one at the exclusion of the other. It is untenable to conceive of justice in relation to a specific community, given the increasing levels of interconnectedness and interdependency that characterize the present-day global economy.

For many people in the developing world, neoliberal globalization poses serious impediments to the realization of economic

and social rights, undermining the capacity of the state to secure these rights. This explains why globalization has triggered a new debate about economic, social, and cultural rights in poor countries. Likewise, it is easy to understand why support for neoliberal economic freedoms and minimal government, visible in the trend toward the social disempowerment of the state, hold serious welfare consequences for the poor.¹⁰⁶

Further confounding the picture is that policy-making processes associated with neoliberal globalization occur among unequal economic and political powers, making it difficult to level the political playing field. Some observers note that participation in the international trade regime serves states' interests better than non-participation.¹⁰⁷ Others retort that this may be so, but that is not necessarily because participation brings huge benefits; it may just be due to the fact that power asymmetries make nonparticipation a really bad option. Only a few rich countries are able to pursue unilateral policies and present developing countries with ultimatums on terms fully advantageous to themselves.¹⁰⁸

Some observers even argue that global justice is a stronger framework for dealing with the issues of the new global economy than human rights-based analysis. The contradictory pressures of economic growth and social equity explain the nature of the difficulty of tackling injustice at the global level. Although economic growth has improved

the aggregate economic well-being of the people more generally, it has accentuated inequalities among and within the nations. A just trading regime should be based on the rules and codes of conduct that can be enforced and monitored. But as noted above, without a sense of moral responsibility for the global economic order the North has imposed on the South, there will not be the political commitment necessary to rectify this order, nor adequate urge or readiness by governments and individuals to mitigate its deleterious impacts.¹⁰⁹ It is imperative to construct a global morality to keep in check unbridled neoliberal globalization. When left unchecked, open markets, societies, and technologies only serve the policies of powerful states. □

Footnotes:

1. Mark Levinson, "The Cracking Washington Consensus," *Dissent*, Fall 2000, pp. 11-14.
2. David Louis Cingranelli, "Human Rights Policies, Practices, and Conditions," in David Louis Cingranelli, ed., *Human Rights and Developing Countries*, England, London: JAI Press Inc., 1992, pp. 3-14; see especially p. 11.
3. Jagdish Bhagwati, "The Case for Free Trade," *Scientific American*, No. 269, November 1993, pp. 42-49.
4. Amartya Sen, *Development as Freedom*, New York: Anchor Books, 1999, p. 75.
5. In a particularly stimulating discussion, George F. DeMartino borrows the concept of capabilities equality from Amartya Sen and applies it to the issues of global economy and global justice. See George F. DeMartino, *Global Economy, Global Justice: Theoretical Objections and Policy Alternatives to Neoliberalism*, New York: Routledge, 2000.
6. As a parallel annual meeting to the World Economic Forum, World Social Forum in Porto Alegre, Brazil (January 25-30, 2001), called for debt forgiveness for developing countries and the adoption of the Tobin Tax, a tariff on cross-border financial transactions. *Business World*, February 9, 2001. <http://web.lexis-nexis>.
7. *Nicomachean Ethics*, translation W.D. Ross, Oxford: Oxford University Press, June 1998. Book V, Section 1130, passage 30.
8. Tom Campbell, *Justice*, Second Ed., New York: St. Martin's Press, 2001, p. 43.
9. Michael Walzer, *Spheres of Justice: A Defense of Pluralism and Equality*, New York: Basic Books, 1983.
10. Charles R. Beitz, "Social and Cosmopolitan Liberalism," *International Affairs*, Vol. 75, No. 3, July 1999, pp. 515-529.
11. David P. Forsythe, *Internationalization of Human Rights*, Lexington: D.C. Heath, 1991; see also, Louis Henkin, *The Age of Rights*, New York: Columbia University Press, 1990.
12. Tom Campbell, *Justice*, Second Ed., New York: St. Martin's Press, 2001, p. 6.
13. For a comprehensive coverage of these diverse viewpoints, see Tom Campbell, *Justice*, *Ibid*.
14. Despite some disagreements between the two, Amartya Sen and Martha Nussbaum both argue that economic needs should not be met by denying liberty. Instead of inquiring about people's satisfaction, or how much resources they command, they ask about what people are actually able to do or to be. Sen and Nussbaum call this approach "capabilities equality: the principle of each person as end." See Amartya Sen,

Development as Freedom, New York: Anchor Books, 1999 and Martha Nussbaum, *Women and Human Development: The Capabilities Approach*, Cambridge: Cambridge University Press, 2000.

15. Martha Nussbaum, *Women and Human Development*, p. 69.

16. *Ibid.*, pp. 32-33.

17. Michael Hass, "Empirical Dimensions of Human Rights," in David Louis Cingranelli, ed., 1996, pp. 43-72; see p. 60.

18. David Gillies, *Between Principle and Practice: Human Rights in North-South Relations*, Montreal: McGill-Queen's University Press, 1996.

19. Mark Gibney and Matthew Dalton, "The Political Terror Scale," in David Louis Cingranelli, ed., 1996, pp. 73-84.

20. Henry Shue, *Basic Rights: Subsistence, Affluence, and U.S. Foreign Policy*, Princeton, NJ: Princeton University Press, 1980.

21. Louis-Edmond Pettiti and Patrice Meyer-Bisch, "Human Rights and Extreme Poverty," in Janusz Symonides, ed., *Human Rights: New Dimensions and Challenges*, Dartmouth, England: Ashgate, 1998, pp. 157-180; see p. 159.

22. Jurgen Habermas, *Between Facts and Norms: Contributions to a Discourse Theory of Law and Democracy*, translated by William Rehg, Cambridge, Massachusetts: MIT Press, 1999, p. 122.

23. *Ibid.*, pp. 418-419.

24. Jack Donnelly, *Universal Human Rights in Theory and Practice*, Ithaca, NY: Cornell University Press, 1989, p. 41.

25. Tom Campbell, *op. cit.*, pp.253-254.

26. Anthony McGrew, "Power Shift: From National Government to Global Governance?" in David Held, ed., *A Globalizing World? Culture, Economics, Politics*, New York: Routledge, 2000, pp. 127-167; see especially p. 149.

27. Michel Rocard and Paul Ricoeur, "Justice and the Market," *Dissent*, Fall 1991, pp. 505-519; see especially p. 507.

28. Andrew Linklater, "The Evolving Spheres of International Justice," *International Affairs*, Vol. 75, No. 3, July 1999, pp. 473-482; see p. 478.

29. Anthony McGrew, "Power Shift: From National Government to Global Governance?" in David Held, ed., *A Globalizing World? Culture, Economics, Politics*, New York: Routledge, 2000, pp. 127-167; see especially p. 130.

30. Quoted in Mary H. Cooper, "International Monetary Fund," in *Global Issues: Selections from The CQ Researcher*, Washington, DC: CQ Press, 2001, pp. 77-92; see p. 77

31. *Twenty-Four Human Rights Documents*, Center for the Study of Human Rights, Columbia University, 1992, p. 8.
32. Hilary Poole, *Human Rights: The Essential Reference*, Phoenix, Arizona: The Oryx Press, 1999, p. 104.
33. *Ibid.*
34. *Ibid.*
35. See Thomas W. Pogge, "The Moral Demands of Global Justice," *Dissent*, Fall 2000, pp. 37-43; see p. 38. Pogge uses World Bank: *World Development Report 1999/2000*, Oxford University Press, 1999.
36. *Ibid.*
37. Jon Mandle, "Globalization and Justice," *ANNALS, AAPSS*, Vol. 570, July 2000, pp. 126-139; see p. 130.
38. *Ibid.*
39. *Ibid.*, p. 134.
40. George F. Demartino, *Global Economy, Global Justice: Theoretical Objections and Policy Alternatives to Neoliberalism*, NY: Routledge, 2000, p. 98.
41. *Ibid.*, p. 102.
42. Robert L. Maddex, ed., *International Encyclopedia of Human Rights: Freedoms, Abuses, and Remedies*, Washington, D.C.: Congressional Quarterly Inc., 2000, pp. 211-212.
43. Charles R. Beitz, "Social and Cosmopolitan Liberalism," *International Affairs*, Vol. 75, No. 3, July 1999, pp. 515-529; see p. 523.
44. *Ibid.*, pp. 523-524.
45. *Ibid.*, p. 524.
46. Charles R. Beitz, *Political Theory and International Relations*, Princeton: Princeton University Press, 1979, p. 128.
47. *Ibid.*
48. John Rawls, "Justice as Rational Choice Behind a Veil of Ignorance," in James Sterba, ed., *Justice: Alternative Political Perspectives*, Belmont, CA: Wadsworth Publishing Company, 1980, pp. 49-67; see especially pp. 57-58 and 65.
49. Robert A. Dahl, *Modern Political Analysis*, Fifth Edition, Englewood Cliffs, NJ: Prentice Hall, 1991, p. 129.
50. *Ibid.*, p. 130.
51. George F. DeMartino, *Global Economy, Global Justice: Theoretical Objections an Policy Alternatives to Neoliberalism*, NY: Routledge, 2000, p. 110
52. *Ibid.*

53. Ibid.
54. Richard A. Falk, *Human Rights Horizons: The Pursuit of Justice in a Globalizing World*, New York: Routledge, p. 23.
55. The concept of comparative advantage, which was coined by David Ricardo, a nineteenth-century British political economist, is based on the idea that when all states specialize in the production of those goods in which they enjoy a comparative advantage and acquire through trade goods that they can only produce at a higher cost, a mutual net gain in welfare and enhancing living standards will ensue.
56. George F. DeMartino, *Global Economy, Global Justice: Theoretical Objections and Policy Alternatives to Neoliberalism*, New York: Routledge, 2000, chapter six: "The Trade Debate," pp. 190-215; see especially p. 215.
57. Blanca Heredia, "Prosper or Perish? Development in the Age of Global Capital," *Current History*, Vol. 96, No. 613, November 1997, pp. 383-388.
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59. Ibid., pp. 207-208.
60. Jan Aart Scholte, *Globalization: A Critical Introduction*, New York: St. Martin's Press, 2000, p. 235.
61. Ibid., p. 234.
62. Ibid., p. 240.
63. Ibid., p. 244.
64. Ibid., pp. 244-245.
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66. Daniel A. Bell, *Beyond Liberal Democracy: Political Thinking for an East Asian Context*, Princeton: Princeton University Press, 2006, pp. 282-283.
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69. Ibid., pp. 253-255.
70. Mary H. Cooper, "World Trade," *Global Issues: Selection from the CQ Researcher*, Washington, D.C.: CQ Press, 2001, pp. 95-111; see p. 99.
71. Ibid., p. 101.
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73. Gilbert R. Winham, "The Uruguay Round and the World Economy," in Richard Stabbs and Geoffrey R.D. Underhill, eds., *Political Economy and the Changing Global Order*, Oxford: Oxford University, 2000, pp. 163-173.
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History, Vol. 98, No. 631, November 1999, pp. 387-393. Stiglitz was a senior vice president and chief economist at the World Bank and wrote this essay prior to the November 30, 1999 Seattle debacle.

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77. James K. Galbraith, "The Crisis of Globalization," in Robert M. Jackson, ed., *Global Issues 00/01*, Sixth Edition, Guilford, CT: Dushkin/McGraw-Hill, 2000, pp. 97-100.

78. *Ibid.*, p. 98.

79. Nancy Birdsall, "Life is Unfair: Inequality in the World," in Charles W. Kegley, Jr. and Eugene R. Wittkopf, eds., *The Global Agenda: Issues and Perspectives*, Sixth Edition, Boston: McGraw Hill, 2001, pp. 359-372; see p. 360.

80. *Ibid.*, p. 363.

81. *Ibid.*, p. 371.

82. *Ibid.*, p. 372.

83. James G. Speth, "The Plight of the Poor: The United States Must Increase Development Aid," *Foreign Affairs*, Vol. 78, No. 3, May/June 1999, pp. 13-17; p. 13.

84. *Ibid.*, p. 16.

85. *Ibid.*, p. 17.

86. Debora Spar and David Yoffie, "Multinational Enterprises and the Prospects for Justice," *Journal of International Affairs*, Vol. 52, No. 2, Spring 1999, pp. 557-581; see p. 559.

87. *Ibid.*, pp. 580-581.

88. Some experts have referred to the Central American Code of Ethics, which resulted from a 1997 campaign called "Jobs, Yes, but Jobs with Dignity," launched by the Movement of Working and Unemployed Women (MEC) and women's groups in Guatemala, El Salvador, and Honduras, as a successful example of constructing codes of conduct from the ground up. The campaign consisted of lobbying and media effort in Nicaragua and the collecting of 30,000 signatures for a petition. Nicaraguan Minister of labor Wilfredo Navarro signed it on February 1, 1998, and the owners of Nicaragua's 23 maquiladoras endorsed it subsequently. See Linda Yanz, "Constructing Codes from the Ground Up," *Human Rights Dialogue*, Series 2, No. 4, Fall 2000, pp. 6 and 15.

89. "An Interview with Medea Benjamin," *Human Rights Dialogue*, Series 2, No. 4, Fall 2000, pp. 7-9.

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91. Stephen Frost, "Factory Rules versus Codes of Conduct: Which Option Makes

Sense for Business?" Human Rights Dialogue, Series 2, No. 4, Fall 2000, pp. 3-4 and 19.

92. Andy Banks, "A Labor Viewpoint on Workplace Codes of Conduct," Human Rights Dialogue, Series 2, No. 4, Fall 2000, pp. 12-14.

93. George DeMartino, *op. cit.*, p. 232.

94. Ethan B. Kapstein, "Distributing the Gains: Justice and International Trade," *Journal of International Affairs*, Vol. 52, No. 2, Spring 1999, pp. 533-555; see p. 547.

95. Adam Lerrick, "Save the Children," *The International Economy*, March/April 2000, pp. 4-9.

96. Thomas M. Callaghy, "Globalization and Marginalization: Debt and the International Underclass," *Current History*, Vol. 96, No. 613, November 1997, pp. 392-396.

97. Ethan B. Kapstein, *op. cit.*, p. 554.

98. William F. Felice, "The Viability of the United Nations Approach to Economic and Social Human Rights in a Globalized Economy," *International Affairs*, Vol. 75, No. 3, July 1999, pp. 563-598; see p. 591.

99. *Ibid.*, Felice, p. 592.

100. *Ibid.*, Felice, p. 585.

101. UNDP, Human Development Report 2005, *International Cooperation at a Crossroads: Aid, Trade and Security in an Unequal World*, NY: UNDP, 2005, p. 38.

102. William Felice, *op. cit.*, p. 593.

103. For more discussion on this issue, see Mahmood Monshipouri, Claude E. Welch, Jr., and Evan T. Kennedy, "Multinational Corporations and the Ethics of Global Responsibility," in Richard Pierre Claude and Burns H. Weston, eds., *Third Edition, Human Rights in the World Community: Issues and Action*, Philadelphia: University of Pennsylvania Press, 2006, pp. 434-445.

104. The UNDP, Human Development Report 2000, New York: Oxford University Press, 2000, p. 85.

105. *Ibid.*

106. The libertarian ideal of liberty and justice have frequently been criticized by those who have argued that "defenders of libertarian justice have failed to recognize the welfare implications of their own ideal of liberty" and that "in virtually every case in which persons in need are left alone to care for themselves, their liberty and/or the liberty of others is actually restricted." See James P. Sterba, ed., *Justice: Alternative Political Perspectives*, Belmont, CA: Wadsworth Publishing Co., 1980, p. 11. See also Richard A. Falk, *Human Rights Horizons: The Pursuit of Justice in a Globalizing*

World, New York: Routledge, 2000, p. 23.

107. Ethan B. Kapstein, *Economic Justice in an Unfair World: Toward a Level Playing Field*, Princeton: Princeton University Press, 2006.

108. Robert H. Wade, "Questions of Fairness: In Search of a Just International Economic Order," *Foreign Affairs*, Vol. 85, No. 5, September/October 2006, pp. 136-143; see p. 142.

109. Thomas W. Pogge, *op. cit.*, "The Moral Demands of Global Justice," p. 42.