

## Book Reviews

*Julian Culp, Global Justice and Development, Palgrave Macmillan, Basingstoke, UK, 2014, Pp. xi+215, ISBN: 978-1-137-38992-3*

In *Global Justice and Development*, Julian Culp's goal is to formulate a novel discourse-theoretic approach to problems of basic justice and development.<sup>1</sup> To achieve this goal, Culp divides the book in two parts. The first part is dedicated to global justice. Here, Culp analyzes the main conceptions in the current academic debate, and points out their merits and difficulties. He eventually rejects all of the existing conceptions in favor of his own, which he articulates in the last chapter of this first part. The second part is dedicated to global development, and applies his previously developed conception of global justice to issues such as how to understand development from a normative point of view and which forms of international development assistance are justifiable.

Following the Introduction, in Chapter 2 Culp analyzes the so-called "globalist" or "cosmopolitan" theories of global justice which defend the adoption of an egalitarian standard of distributive justice to each and every human being on the planet. Since such theories have special prominence in the current academic debate, they will be examined very closely here. Culp separates them in two groups: practice-independent theories, on the one hand, try to derive their normative injunctions from considerations about the moral nature of human beings, or from abstract moral considerations. Their argument is that the existence of some normatively relevant features of human beings would already be enough to vindicate the right of every inhabitant on earth to an equal amount of some justice-relevant resource. For the justification of such a right it is unnecessary to analyze current practices of global political or economic relations. Culp, however, rejects such approaches by criticizing practice-independent theorizing about justice, on the ground that it violates Rawls's method of reflective equilibrium. For Culp, one of the most attractive features of this method is the fact that it demands us to test the theoretically justified principles in light of their predictable practical consequences so that we can validate their justification. This, however, is something that practice-independent approaches refuse to do. Due to that, their adoption could predictably lead to catastrophic consequences, but that would not be relevant for the theory. In fact, theorizing about justice in this fashion seems to consider as irrelevant to the justification of principles of justice any considerations about the predictable consequences of such principles.

Although I consider Culp's rationale sound, I wonder whether the logical step at which he stops is a compelling one in order to reject the practice-independent position. After all, a practice-independent cosmopolitan or globalist could argue that abstract considerations about justice play such an important role in the justification of principles of justice that they by themselves would already be enough for such a justification. That is, they could maintain that the particular use of the method of reflective equilibrium that Culp suggests is unnecessary. Thus Culp would have to make an additional argumentative move in order to reply to such an objection. This move would have to

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involve asking, firstly, “But what if the adoption of the principles predictably leads to greater injustices than the ones it is meant to correct?” and, secondly, “How could that be regarded as totally irrelevant for their justification?”

The second group of globalist theories is related to practice-dependent theories. Such theories argue that if one holds that at the domestic level non-voluntarily imposed cooperative practices give rise to the validity of egalitarian principles of justice, then such principles must necessarily be extended to the global level. For the institutions and organizations that regulate international economic cooperation are framed in a way that, in practice, it is impossible for any country not to take part in them. Although Culp complements the theorists of this second group for employing a practice-dependent form of theorizing justice that is compatible with the method of reflective equilibrium, he ultimately also rejects them by using the following ingenious argument.

Culp argues – correctly, from my point of view – that the lexical priority of Rawls’s principles of justice renders implausible the adoption of the difference principle at a global scale. In fact, for Rawls, the difference principle can only be adopted after the complete adoption of the first principle and the first part of the second one, which grant to persons the fair exercise of their basic liberties and ensures the establishment of fair equality of opportunity. However, Culp argues, it is impossible to grant this fair value of basic liberties for every person in the world, since laws in each country differ radically. Some are more restrictive (although they are still reasonable), while others are more liberal. Due to that, so as to guarantee the adoption of the first principle the only logical possibilities would be to argue for a coercive form of global legislation when it comes to basic liberties (which would be fatal for states’ self-determination) or, more radically, for a world state. Yet in the pertinent literature the latter possibility has consensually been rejected as deeply problematic, because a world state would entail the danger of global despotism and would not be capable of preventing civil wars.

Notably, however, this argument seems to work only for those cosmopolitan theorists that employ Rawls’s theory. Yet despite the fact that Rawlsian theorists like Charles Beitz, Darrel Moellendorf and Thomas Pogge are the major players in current debates, the Rawlsian framework does not exhaust the conceptual possibilities for the vindication of cosmopolitan theories of justice.

Chapter 3 is dedicated to the so-called “statist” position, which argues that the only social relation coercive enough to give rise to justice claims is the one between citizens of a state. From this it follows either that no considerations of justice may be applied globally – which is the “strong statist” position defended by Thomas Nagel – or that only some minimal humanitarian obligations apply beyond the state – which is the “weak statist” position defended by Michael Blake. However, Culp rejects both of them.

Strong statism is rejected for being empirically false. In fact, in the past and present international and transnational structures such as the system of trade and colonialism have forced and continue to force states to globally interact with each other so that one cannot seriously claim that such cooperation is voluntary. And the fact that the rules of such cooperation are often established by and for superpowers and disfavor poor countries indeed validates certain global claims of distributive justice (even if not Rawlsian egalitarian principles of justice worldwide, since they already have been rejected in Chapter 2).

Besides being exposed to this objection, weak statism must also face two difficulties. Even though it acknowledges the existence of humanitarian obligations world-

wide, it cannot distinguish between situations in which the persons to be helped experience an intolerable standard of living due to forces that are beyond the capacities of the parties involved (natural disasters, for instance) from those situations in which the intolerable standard of living has been caused by human institutional design (like past colonial exploitation or an unfavorable WTO treaty). Moreover, such a position justifies only the right of certain persons to receive help, but it does not justify the duties of those who are supposed to help and leaves open who it is that is supposed to help. This renders the position useless in practice.

Chapter 4 deals with theories that Culp names “transnationalist” conceptions of global justice, and which include the theories of Richard Miller, Nancy Fraser and Rainer Forst. Those theories have in common that they try to deal with the problem of global justice by acknowledging a multitude of normative contexts. Due to lack of space and the importance that Forst’s theory assumes for Culp’s approach, I will deal only with Culp’s discussion of Forst’s conception of transnational justice.

Forst grounds his conception on the basis of an individual right to justification, which manifests itself within four different normative contexts: the *ethical* context in which the individual and the surrounding community answer to questions about the good for themselves; the *legal* context in which the individual is considered as a person who is subject to a law that protects her ethical identity from unjust interference, at the same time as it limits it so as to protect the ethical identity of the other; the *political* context, in which the individual is seen as a co-author of law within a self-ruling community of citizens; and, finally, the *moral* context in which the person is seen as a human being, understood here as a rational, justificatory being, that is, a being that is able to provide, to demand and to answer to justifications to and from other persons, but is also vulnerable to their actions. Such a right is understood as a qualified veto right against false or distorted justifications. It is regulated by two criteria: reciprocity and generality, which are redeemed in discursive practice by persons themselves.

Culp criticizes Forst’s and other transnationalist approaches, however, based on two arguments. The first one is that, by establishing a multitude of normative contexts, each one regulated by its own principles of justice, transnationalism becomes highly fragmented, and that prevents persons to verify whether other persons in their different contexts of interaction and the institutions that regulate these contexts satisfy such principles. That leads transnationalism to violate what Rawls called the *publicity condition*, since it renders it unable to vindicate a publicly agreed upon global conception of justice. Besides, the second argument states that by recognizing multiple contexts of justice, transnationalism cannot provide a holistic justice-based moral target, and cannot determine how such a moral target should be reached. That is an especially serious problem at the global level, as it is at this level that the fragmentation of normative contexts reaches its peak.

I was not fully convinced of the force of these two arguments. When it comes to the first one, it seems to me that if the publicity condition would demand that persons know that principles of justice that rule social cooperation at all levels (both domestic and global) are respected by most persons and institutions worldwide, then no conception of global justice could satisfy this condition except, perhaps, one that would defend, but implausibly so, the existence of a global state. If that is true, then claiming that the satisfaction of the publicity condition is necessary for a theory of global justice seems too demanding.

When it comes to the second argument, it seems that Forst's approach of the contexts of justice could deny that it is over-fragmented. Forst could argue that in spite of being applied to different contexts his theory is in fact based on a single moral principle (the individual right to justification), and that the fact that his theory is a procedural one renders it simple enough to avoid over-fragmentation.

In Chapter 5 Culp exposes his own approach, which he dubs "democratic" or "discourse-theoretic internationalism". At its core, it also contains a discourse-theoretic approach that is grounded in the right to justification and the two criteria of reciprocity and generality. Following Habermas, Culp distinguishes between ethical and moral contexts of justification. He uses this distinction to specify further the intuitive idea that every human being has an equal moral status that must be respected by everyone, in such a way that equal moral respect, which is a right of every person and a duty of every person vis-à-vis all other persons, is now understood as the individual right to justification, understood as described above.

That idea is the first of three basic ideas of Culp's discourse-theoretic conception of global justice. More specifically, this first idea states that all persons possess an equal moral status and an equal moral dignity as reason-exchanging beings, which automatically give rise to the duty for other persons to respect their moral status and dignity, expressing such respect by providing them adequate justifications.

The second one infers from the first one the demand for the establishment of social and political institutions grounded on principles of justice that publicly express the first idea. That is, social and political institutions must be justifiable according to the criteria of reciprocity and generality, allowing those under their rule to conceive of themselves as their authors. Even if not everyone has the same justificatory power to influence the selection of public decisions and their underlying principles, it is important that everyone can find the publicly agreed principles of justice acceptable (that is, that their justifications satisfy the two criteria), and that a door is kept open to everyone to contest distorted or false justifications.

The third idea builds on the second one and demands the establishment of certain deliberative democratic arrangements, conceived as basic structures of justification, as described by the first idea. Only in this way, Culp argues, is it possible to achieve socio-political orders that are fundamentally just, and which satisfy the minimal procedural demands that render the result of their deliberative processes just.

With these three basic ideas of his approach set in place, Culp goes on to lay out two practical consequences of its adoption. The first one is that given the undesirability of a global state, *at the international level*, representatives of all fundamentally just states (that is, the ones which satisfy the three basic ideas of Culp's approach) must be granted a sufficient amount of justificatory power in processes of opinion and will formation that affect the lives of their members. Although such an approach is a procedural account that abstains from arguing for substantive principles of justice, it has, according to Culp, some interesting substantive consequences. First, its realization needs particular kinds of present and future institutions that would satisfy its prescriptions. Moreover, when it comes to distributive justice, although it does not argue for a specific distributive standard, it prescribes that the level of inequality between countries must not reach a point where the justificatory power of the poorer ones is excessively compromised. This, in turn, provides an instrumental argument for the limitation of

inequality between states. Thus, since the current global distributive situation is not in line with the theory's prescriptions, it vindicates an obligation of rich countries to help the poorer ones in order to reduce international inequality.

The second consequence is that, at *the intranational level*, the theory argues for properly arranged domestic basic structures of justification that afford each citizen of all states sufficient justificatory power. This is necessary, Culp argues, in order to ensure that the principles agreed at the international level are indeed justifiable to the citizens of each state. More importantly, Culp claims that the legitimacy of intranational and international socio-political arrangements is mutually dependent on each other. On the one hand, internationally agreed principles of justice are not legitimate if the basic structure of each state (that ultimately chooses and informs their representatives at the international arena) is not justifiable to their citizens. On the other hand, no domestic structure may claim legitimacy until the resources with which it implements its policies are not defined as legitimately belonging to it by principles of distributive justice publicly agreed at the international level.

Although this is an interesting idea, it is difficult to understand how Culp can logically derive this internationalist position from the right to justification. If such a right is understood as an individual right, it seems that the direct subjects of a theory of global justice must be persons themselves, not their representatives at the international level. In fact, once Culp acknowledges the existence of more than one normative context, it seems that the logical conclusion of his considerations points to transnationalism and not to internationalism. Doing so, however, would expose him to the criticisms that he has formulated in the previous chapter, which is something that he wishes to avoid. In fact, the transnationalist position seems to be inescapable to every discourse-theoretic approach, or at least to every approach of this kind that – like Culp's – acknowledges the existence of different normative contexts of justification.

Besides, Culp's position that only fundamentally just states may agree to principles of justice to be adopted at the global level seems problematic in two respects. The first one is that citizens of countries that are not fundamentally just according to Culp's criteria have no voice at all in the formulation of such principles. But are not they (those, that is, who have their "equal moral status" violated every day) precisely the ones that the international community must hear most urgently? Culp may reply that his theory prescribes that the domestic structures of those countries must change so as to satisfy the conditions it demands. But in the meanwhile, how can the international community take into account the voices of those persons? Since Culp's theory focuses on person's representatives and not on persons themselves as parts of a global process of justification of principles of justice, it seems to be unable to provide a satisfactory answer to this problem.

The second problem is that it is not always easy to determine whether a country is fundamentally just or not. Consider Latin-American countries, for instance. Many of them are young democracies that have been able to gradually improve the quality of their democratic institutions and their socio-political structure. Many of them have open and fair elections, a free press and a declaration of inalienable individual rights in their democratically enacted constitutions. At the same time, however, in many of them illiteracy rates are both quantitatively and qualitatively so high that they compromise the capabilities of persons for citizenship, and income inequality is high to the point of excluding most of the population from participation in public life and from access to

the court system, among other severe problems. This situation seems to put Culp's approach into a dilemma. After all, is it possible to say that such countries are fundamentally just? If Culp answers "yes," his conception of justice seems unable to identify situations of severe disrespect of individuals' right to justification. If he answers "no," then his approach becomes highly exclusionary, since then only the so-called "developed countries" are fundamentally just, and thus only their representatives may take part in international processes of opinion and will formation so as to agree on principles of global distributive justice.

The book then enters its second part, in which the focus of the discussion is global development. Curiously enough, Culp argues, scholars of global justice and global development seldom interact, and an explicit goal of the book is to bridge this gap. As part of such an objective, Chapter 6 starts with a critical analysis of current conceptions of global development. The most influential development conception among economists is that which conceives development as economic growth. Following several other thinkers, Culp rejects this conception for failing to realize that such growth has only an instrumental value. It is not an end in itself, since the real goal of development is to develop persons, not an economy. That leads Culp to analyze the capabilities approach to human development pioneered by Amartya Sen and Martha Nussbaum.

The capabilities approach basically conceives human development as a function of the set of things persons can be or do (that is, the set of their capabilities). By this standard, their adherents argue, one has a more complete and better way of measuring human development. More specifically this standard says that development must be measured relative to the possibilities really available to persons' lives (capabilities) and the ones that are effectively carried out by them over the course of their lives (functionings).

Here, however, Sen and Nussbaum take separate ways. Sen conceives the capabilities approach as a way of comparatively measuring human development according to the possibilities available to persons' lives – which is why he endorses a conception of *development as freedom*. Sen hesitates to determine a basic set of capabilities as the target of a conception of development. Nussbaum, by contrast, elects explicitly ten basic capabilities as fundamental requirements of justice and development. Her goal is to create a minimal consensus on the conditions under which human life ceases to be "dignified" or "truly human", and which may be the object of an "overlapping consensus" as a "political" conception of justice (in Rawls' terminology).

Culp, however, rejects both conceptions. For him, Sen's hesitation to provide a list of central capabilities renders his conception too indeterminate to be used as a practical standard for development. Moreover, his focus on individual freedom is, for Culp, a sign that Sen grounds his conception in a comprehensive view (in Rawls' sense) about the good that values freedom and individual autonomy. Nussbaum's account, on the other hand, is rejected for underestimating the role democratic deliberation plays (and should play) in the development process. By formulating a substantive conception of justice to be applied to human societies, her purely outcome-oriented theory considers democratic societies as mere executors of previously formulated principles of justice (or, at most, as their interpreters), but not as their authors. In doing so, she disregards the importance of democratic processes for the formulation and justification of principles of justice.

Let me state briefly why I disagree with Culp's interpretation. From my point of view, Sen does not praise freedom because he relies on an underlying comprehensive

view of the good. He does so because he holds that persons are entitled to the opportunity to choose (to put it somewhat poetically) the paths of their lives (or, in the discourse-theoretic terminology, to exercise their ethical autonomy) by choosing which capabilities will be effectively exercised in their lives. That is precisely why Sen refuses to provide a list of basic capabilities: because he thinks it is up to persons (and not to him) to decide what is central in their lives. Nussbaum's account, by contrast, is the very opposite: by providing a conception of what is a "dignified" (good?) human life, she ends up articulating a substantive conception of the good. And that, in my view, is the real reason why her approach must be rejected according to Culp's argument.

After rejecting both conceptions of the capabilities approach, Culp employs his own conception of global justice as a guide to global development, conceiving it as "the gradual achievement and eventual maintenance of a fundamentally just social and political process" (151). That does not mean that capabilities cannot play a role in his theory since, in the name of persons' equal moral status, his conception would argue for the realization of those capabilities that allow democratic procedures to occur as a fundamental demand of socio-political justice.

The last chapter discusses acceptable forms of international development practice and replies to some objections. Culp argues that some forms of international development practice are morally valid and may be good instruments for development, and not mere forms of domination of poor countries by the rich ones. Such forms, however, must not be understood as help for humanitarian reasons (what implicitly admits that the current global distributive scheme is just, what it clearly false) but as duties of *justice*. According to this moral rationale, international development practice must contribute to the establishment of certain socio-political domestic structures that are demanded by global discursive justice. That is, international development practices should help satisfying the intranational conditions of a fundamentally just global basic structure.

After a brief reply to some potential objections to this argument by postcolonial theorists like Arturo Escobar and Vandana Shiva, the book comes to an end. As we have seen, Culp's work is not free from difficulties – be they conceptual or practical in nature. However, such difficulties do not nullify the fact that it is an original contribution to contemporary debates about global justice and global development, and that it is most likely to become a relevant position in the field during the following years.

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