



Semi-Compliant Labor Migrants in South Korea: *Koryo-saram* Diaspora and Their Lessons for Global Development

EVGENIA AN

*Department of Sociology, Goethe University Frankfurt,
60623 Frankfurt am Main, Germany
E-mail: yevgenia.an@gmail.com*

ALESSANDRO FRIGERIO

*Almaty Management University,
Almaty, 050060, Kazakhstan
E-mail: alessandro.frigerio17@gmail.com*

Abstract

The paper analyses the case of labor migration of CIS ethnic Koreans (*Koryo-saram*) to South Korea. Because of an ethnicity-based preferential policy, they are offered better conditions than other migrants, but in many cases they choose to switch to a condition of semi-compliance by voluntarily taking jobs in sectors that fall out of their visa requirements. This option is dictated by the absence of Korean language skills and better remuneration in the illegal market, but at the same time exposes them to worse working conditions and vulnerability caused by illegality. This situation, that is convenient for all parties – the state, employers, sub-contracting recruitment agencies and in the short term also migrants – can be explained by two factors – a neoliberal distortion of the local job market in the interests of companies and the resilience of *Koryo-saram* workers – that are marked by an underlying inequality of power structures. An approach focused on political feasibility suggests that trade unions could be the best answer at hand to address this condition with possible mid-term improvements deriving from forms of transnational social protection.

Key words: Labor migrants, South Korea, *Koryo-saram*, neoliberalism, resilience, trade unions, transnational social protection

INTRODUCTION

In search for better life-chances labor migrants leave behind their homes, jobs, and families. Yet, they often encounter unequal opportunities in access to employment, accommodation, healthcare and education in the host countries. While all are migrants, there are similarities and differences between skilled and unskilled workers. Even if both groups have reduced political rights deriving from their lack of citizenship in the host country, the former are either directly recipients of better social rights or are able to substitute them thanks to higher salaries. Second, while technically both should have their human rights protected by international norms and national laws and regulations (UN OHCHR, 2006), the bargaining power of the two groups is different: generally, highly skilled workers are able to get proper contracts simply because they have an exit option (find a better employment somewhere else), while non-specialized workers may suffer from the lack of solid alternatives. Finally, skilled workers are usually not under direct social discrimination related to the common thread “they took my job”, and discrimination based on ethnic origins seems to be attenuated because of their social circles. All of this when considering migrants with the legal residential status. Clearly, the situation of irregular migrants is much worse: their opportunities-continuum starts from an existential risk of their lives just to get to the place they are trying to reach.

Given its high numbers and the socio-political effects amplified by media, migration is currently one of the main issues on the international agenda. It touches tangentially on a number of goals defined in the UN 2030 Development Agenda (2015). It also has its own UN ‘New York’ Declaration for Refugees and Migrants (2016) that is still scheduled to become part of a UN Global Compact on Migrants in 2018 (although on December 4th 2017 the USA stated its intention to drop off the agreement leaving the creation of the Compact and its effective implementation in question).

This paper considers labor migration to South Korea, and it focuses in particular on ethnic-Korean migrants from post-soviet space. The specificity of the topic allows for an in-depth analysis of the situation. Furthermore, we contend that this case-study, exactly because of its peculiarities, provides an excellent counter-example to the idea of planning and directing migration issues. It is not our intention to deny the fundamental importance of international and state policies that aim to mitigate the hardships related to migration through normative and legal frameworks. However, we would like to argue that philosophically and politically the compression of different experiences and situations into a single box – as refined and complex as it might be – risks reducing the unpredictability of individual choices and missing the point. In other words, it is better to have a clear picture of how the commendable efforts of legislation to catch up with migrations in all their different aspects are inevitably going to lag behind and to understand how to deal with those situations that manage to escape it.

As a final remark, we need to clarify that this is not an ethics paper. While that component is relevant, even fundamental for challenging ‘political’ assumptions that actually need to be questioned like, for example, the right to exclude (Fine, 2013), if left to its own it risks reducing reality to a desideratum that does not exist. As Adrian Little and Terry MacDonald (2015) recognized, there is the necessity to incorporate a new realist view on debates on migration that is problem-centered:

[...] a theoretical strategy that formulates and justifies normative principles for political action and institutions through direct and systematic engagement with real political predicaments and dilemmas, as these are understood by the real political actors whom the theory aims to guide (Little and MacDonald, 2015, 386).

Therefore, to put it in the framework of political theory: we are neither enquiring the ethical desirability of the issue nor its normative feasibility, but its political feasibility (Pasquali, 2012) that is whether certain solutions are available now, given the current reality and, perhaps most importantly, interpretations thereof and further policy recommendation.

In the following pages we are going to briefly review the recent policies and legislative frameworks developed in South Korea for regulating migration. We will then focus our attention on the issue of migrants of Korean origins, particularly from former Soviet countries (*korjo-saram*), and consider whether being part of the same ethnic group of the host population results in clear advantages and how these migrants are using or circumventing existing legislation. Data for this case study is based on laws and regulations, literature review, and on semi-structured interviews and direct observations collected by the main author during field trips in July and

August 2015 in two industrial cities around Seoul – Ansan and Incheon (An, 2016). In the concluding reflections, we provide systemic explanations of the peculiar experience of *koryo-saram*: first, local labor market distortions deriving from neoliberal exploitation of workers; second, frameworks of resilience that attach responsibility but refrain from considering power relations. Finally, we propose to draw normative conclusions from this example that could be used also for a more general analysis of migration.

The case study employed two-step data collection method, revealing the demographic and economic profiles of the *koryo-saram* migrants based on survey, and the further analysis of the in-depth semi-structured interviews conducted among the case study participants. The data collection was conducted in three localities in Korea, with the high visibility of *koryo-saram* labor migrants: Seoul, Incheon, and Ansan during the time period from April to August 2015.

1. SOUTH KOREA AND MIGRATION

In neo-liberal economies like South Korea (hereafter Korea) the situation of migrants is dampened by the low level of welfare services provided by the state even for Korean nationals (OECD 2012) and an open ethno-nationalist immigration regime. Korea has turned into labor importing country in the late 1980's as a result of the dynamic economic development throughout the 1970-80's. The national administration, however, was cautious about whom to attract as labor force for keeping the pace of the ever-growing economy. Restrained by the so called ethnic citizenship (Choo, 2006) and hierarchical nationhood (Seol and Skrentny, 2009:148; Shin, 2006) the South Korean government called for overseas Koreans from China (*chosŏnjok*) and post-soviet Republics (*koryo-saram*) as labor migrants to their old and long-forgotten historical “motherland”.

In light of serious demographic challenges and reluctance of local laborers to be involved in the 3D jobs (dirty, dangerous, difficult) there was a need for a pool of temporary labor force, due to the evident labor shortages in certain sectors of Korean economy (Lim, 2008; Song, 2014, Chapter 1:24). Preceding the end of the Asian crisis (1997-98) Korea still maintained official closed-door policies towards immigrants, meaning that temporary non-regular workers, who participated in Industrial Trainee System (ITS), were populations to be returned or expelled after the end of the two-year “trainings”. As Chung (2010: 675) remarks, the Korean immigration regime was following the logic: “welcome to work, not welcome to stay” well represented by the E-9 visa.

In 2004, Korea launched a new labor migration program, the Employment Permit System (EPS) that gave employment and access to the same social protection rights as native Korean workers to 420,000 labor migrants and helped 44,000 small and medium enterprises (SMEs) to overcome labor shortages (Kyung, 2014) and, in addition to the E-9, in 2007 it introduced two new visas the H-2 and F-4 for co-ethnic migrants.

Table 1. Types of relevant employment visas

Visa name	In Korean	Explanation
E-9	전문취업	Non-professional Employment
H-2	방문취업	Visit and employment
F-4	재외동포	Overseas Koreans
F-5	영주	Permanent Residence

Source: Korea Immigration Service, Sep. 2015

2. LEGAL POSITION OF CO-ETHNIC LABOR MIGRANTS

Migrants can hold one of the several employment visas in South Korea. Whereas co-ethnic migrants from China and CIS are having more possibilities to choose from, many of them first acquire a general non-professional employment visa type (E-9), as it is the easiest and fastest visa to get. Labor migrants with E-9 visa are restricted to work in four industries: agriculture and livestock, fishery, manufacturing, construction. E-9 visa requires signing a labor contract with a Korean SME prior to arrival and through the official local ministries. The holders of E-9 are legally bound to work at the designated working place, which is stated in the labor contract and need prior permission from the Minister of Justice in case of change of workplace.

The employment visa for co-ethnic migrants is called H-2 visa and it can be acquired by ethnic Koreans with foreign citizenship who are twenty-five years or older. This visa grants a work permit for five years with multiple entries. Similarly to E-9, H-2 visa has employment permission only in specific industrial fields: agriculture, fisheries, manufacturing, construction, or the service industry (Immigration Control Act, 2002).

The advantage of the H-2 visa as compared to E-9 is that the visa issuance is not tied to a prior agreement with the employer and it does not require a permit from the Minister of Justice.

However, there are certain procedures that limit the labor mobility of H-2 visa holders due to dependence of legal status on employment agreement, mandatory registration to change the employers, attending employment training and further registration in job center in order to appear in the list of employees recommended to employers by an employment security office in Korea, and filing job-search application to head of a job center.

The F-4 visa is the most preferential status for co-ethnic migrants, as it gives residential and work permit in Korea for two years and it can be renewed an unlimited number of times. The requirements for getting F-4 visa are similar to the H-2: the applicant should comply with the definition of overseas Korean and prove it through birth certificates. Additionally, the applicant should provide a higher education diploma, which used to serve as a confirmation of not having an intention to work in non-regular work such as manufacturing. F-4 visa holders are not required to have a job contract and can work in almost any employment area, excluding unskilled manual labor and 'speculation' activities. However, there is no data available on their employment (Park, 2017). According to the author's qualitative data findings, many *koryo-saram* labor migrants with diplomas get F-4 visa status but work in manufacturing, agriculture, and service industries.

Overseas Koreans with H-2 and F-4 visas belong to a novel category of membership which is sometimes called ethnic-based citizenship (Lee, 2012). This category gives some privileges such as higher horizontal mobility in labor market and less restrictive duration of stay and employment. However, while there is no difference in access to formal types of social protection among different types of foreigners, there is a distinguishable line between *chosonjok* and *koryo-saram*: the latter are worse off in comparison to the former because most of the times they cannot speak Korean.

3. SEMI-COMPLIANT LABOR MIGRANTS

There are different ways in which *koryo-saram* labor migrants can organize their employment and be recruited, but their activity basically can be categorized as compliant, semi-compliant or non-compliant, if we follow Ruhs and Anderson's terminology used for studying the British job market (2006). Compliant employment is based on labor contract between the direct employer and the employee, where the employee has a legal residence status in the country of employment. However, in our case study *koryo-saram* labor migrants belong to a category of semi-compliant

migrants, who on one hand have legal residence status and work permit in South Korea, but involve in different types of irregular working schemes.

In fact, six out of ten *koryo-saram* interviewees ended up working irregularly with unfair employment agreement involving either one-time sub-contracting (dispatch) or long-term sub-contracting. In other words, although overseas Koreans hold special status in Korea, their decisions are similar to labor migrants without legal residential status or work permit. It is counterintuitive, but the interviews show that in the manufacturing sector, working illegally is better paid than working legally. Overwork, nightshifts and employment without labor contract - all these partly illegal practices are paid 1,5 times better than work based on fair labor contract terms.

One of the most widely spread options of such schemes is agreement-based sub-contracting transaction for labor migrants, that they call long-term or permanent *arbeit*. Outsourcing through sub-contracting agencies is a way of hiring employees and avoiding the associated employment costs and liabilities connected to employees' entitlements and employment protection. As a means of avoiding this prohibition, many manufacturing employers enter into indirect employment arrangements where workers are actually working for a sub-contracting broker but they have their employment contract with a broker otherwise known as 'in-house sub-contracting work'.

In 2012 the Korean Supreme Court held that the practice of 'in-house sub-contracting' is an unlawful mean of avoiding the workers' entitlements to employment protection under Korean law. Worker dispatch is a practice that is allowed in some industries and occupations where professional skills and competences are required, but is prohibited in the agriculture, manufacturing, and constructions industries (Act On The Protection, Etc., Of Dispatched Workers of 1998, Chapter 2, Article 5).

4. WHAT IS THE PROBLEM?

The Korean government established migrant supporting services as 'Global Centers', where any foreigner can get relevant information for any issue related to residency and employment. Apparently, there is awareness of the types of social protection provided by formal institutions among labor migrants. However, the majority of interviewees, irrespective of attitudes to conditions, do not approach formal institutional arrangements in case of information requests or

search for employment or accommodation. When the problems appeared, they addressed informal institutional arrangements, such as migrant networks.

Interviewee M25072015

You can call the operator in global centers for migrants and ask anything. They will explain everything in details. But sincerely, I have never used it. But it exists, as I have heard.

The system of dispatch of sub-contracting recruitment is advantageous for employers, who save money by reducing the number of legal workers and, accordingly, social spending on them, and thousands of sub-contracting agencies, that have a substantial interest rate for taking legal risks. However, labor migrants are in a dead-lock position: better earnings are conditioned by the illegality of employment and trading off welfare insurances.

Furthermore, labor migrants risk not being paid for their work (three out of ten interviewees had this experience). Finally, usually there is no standard working day, as it depends on the business of the factory or agricultural site. Night and day shifts are not to be chosen, but are prescribed by demand that employer assigns. The overworking exceeds the allowed limit of twelve additional hours a week; usually it is more than twenty hours weekly overwork.

Interviewee M21072015*

If you go outside of Seoul, more to the province, there are many job offers, which are better paid than in Seoul. Seoul is an expensive city, everyone wants to live there. The employers in the provinces raise salaries, arrange bonus systems, pay 1,5 times more for illegal working without signing a labor contract and giving employment entitlements. They attract workers on their manufacturing sites. There are many of them: those that produce steel, aluminum, copper, you know (...) all those factories, where people do not want to work. They work for a month or two, and then they leave, because the job is very dangerous and hard: you can be injured or killed easily (...).

There are partial or potential remedies. Trade unions are part of a tripartite negotiation system at the national level, being an intermediary between the state, employers and workers' interests. They protect the labor rights of all the workers in Korea including labor migrants. In case of violations of labor law, for example delay or non-payment of salary, a worker can address this issue to the local representative of trade union.

Interviewee M21072015*

Once I wasn't paid for 3 months of work. The sub-contractor did not want to pay it, so I turned to the trade union. I called to the Global Center, they explained me where I needed to go. I went there and requested to do something. It wasn't too hard, even with my low level of Korean knowledge at that time. They helped me. The employer paid me money directly. After this incident, the owner of the factory took me to the factory but without sub-contractor. When he found out that the sub-contractor didn't transfer my salary he ceased to work with him.

Trade unions are usually effective, as they have strong political power at the national level, but usually they solve the conflicts between employee and employer, or employee and intermediary sub-contracting agencies, without involving governmental agencies. So, although trade unions are a very important and powerful protection tool for labor migrants, they focus on mitigating the issues deriving from illegal practices that go against the formal social protection provided by government rather than addressing the issue at the source.

A major hardship is related to the working conditions that are physically challenging to overcome, especially the unstandardized working day. Working hours are much longer than it is prescribed by labor law, the type of work is monotonous and, as many interviewees told, degrading.

Interviewee M22072015*

In this type of work (manufacturing) one needs to work really long hours. You start at 8:00am and work till 8:00pm or from 8:30am till 8:00pm which amounts to 11-12 hours daily. Typically, the standard time of working day is eight hours, but we are working more than eight hours, it is considered to be extra time of overwork. Overwork is counted differently. I mean, they pay for additional hours at a different rate. You can find a job, where the standard working day lasts for eight hours, and you work five days a week, but then the salary is not big. When you work for 11.5 hours, additional hours are paid 1.5 times more than a standard hour. And if you work on Saturday and Sunday, they also paid almost two times more than on weekdays. Therefore, if you want a bigger salary, you need to work extra hours as well as on Saturdays and Sundays.

Beyond the big physical load on manufacturing sites, most of the interviewees told that the biggest hardship was connected to psychological difficulties of misunderstanding. The language barrier created a distinct inequality in the industrial relationships between labor migrants, who do not possess high proficiency in Korean language, and their managers. In addition, there are cultural differences between *koryo-saram*, who are not used to be exposed to differential treatment based on status, and the East Asian hierarchical social structure.

Interviewee M22072015*

(...) The worst place I ever worked at was a factory which made construction materials and formwork. We lived extremely isolated in the mountains, the director was very (...) well, a very-very bad man, he was very greedy. The working conditions were very bad. The dorm was very dirty, the food included just instant noodles, or water with pepper and rice (...). When I worked, he shouted at me to hurry up and verbally abused. It is morally challenging when you are constantly bullied. And when you do not know the language, you have no idea how you can respond to that (...) you cannot just start a fight silently [laughs]. In general, it was the most unpleasant working experience (...).

REFLECTIONS

This paper has focused on the relatively privileged population – compared to other migrants – of ethnic Koreans from post-soviet Republics migrating to South Korea. *Koryo-saram* come from countries that have serious economic issues (except Kazakhstan), political authoritarianism, corruption and relatively poor systems of social welfare (not in terms of structure but in terms of devoted resources). Nonetheless, these countries are not torn by war or famine. Besides, notwithstanding the persisting issue related to fears of cultural shifts perceived by local populations (Miller, 2016, Skidelshi, 2017) that apply also to Korea, *koryo-saram* are more acceptable to their host country because of ethnic homogeneity, for instance, in comparison with the migrants from South-East Asia. Also, according to many empirical findings, labor migrants are not the poorest and the most vulnerable part of the sending country's population, but rather educated people with more choices, as migration itself requires some investments (Ypi, 2016). The main source of unequal treatment is the lack of language skills and cultural differences, but this could be an entry issue, which can be mitigated through the already existing governmental policies that provide free language courses to the migrants. In other words, *koryo-saram* labor migrants are not dealing with a desperate situation, if compared with refugees or trafficked human beings.

Koryo-saram migrants have to deal with many hardships, and their labor rights need to be acknowledged and protected. At the same time, co-ethnic migrants have better positions in terms of legal status and, when facing a choice between full legality and remuneration, can trade off their rights for higher salaries.

Therefore, if we want to provide some normative guidance on migration starting from this case, we need to understand this situation asking two questions: why is this happening? Is there any feasible alternative?

To answer to the first question, we need to start from the stakeholders involved and their interests. First, the state is turning a blind eye to the brokering activities of the employment agencies. Overwhelmed by a series of other government activities and shaped into a neoliberal framework, the state has no pressing interest in solving a situation that seems to be acceptable to all parties involved, not least to itself. Second, employers take advantage of this possibility for economic gains and shift responsibility on brokers. Third, brokers (employment agencies) take the legal risks but also high commissions from employers. Fourth, *koryo-saram* migrants often times trade off employment entitlements for higher earnings. This can be explained by the fact that many of labor migrants do not consider permanent residence in Korea as their main goal, but rather focus on earning a specific amount of money to meet certain demands (sustaining families in their home country, paying for higher education, or making money for some sort of one-time big purchase). Their choice needs to be further analyzed, but for the moment we can note that many (although not all of them) prioritize short term earnings over long term career development. Fifth, trade unions protect the labor rights of all the workers in Korea including labor migrants. Their presence is fundamental in two ways: it checks emerging problems for individual migrants and it brings back into the picture local workers as a category whose rights might be at risk in this situation. At the same time, the role of trade unions in Korea is mostly devoted to the resolution of individual cases rather than to the provision of a comprehensive framework.

If we combine these interests, we get two apparently divergent, but in fact closely interrelated answers to our question of why a choice for illegal terms of working is happening: first, artificially generated imbalances in the market; second, individual autonomy.

First, this case resonates with the idea, developed by Ruhs and Anderson on the basis of the British case (2006) that semi-compliance derives from the combination of flexible markets and state regulations. The position of the Korean state is similar to what Lutz and Palenga (2010, 426-427) identified as *complicity* in reference to Germany's issues related to care work migration. State authorities implement restrictive policies and regulations on migration, but at the same time accept legal breaches from various companies. For example, as of September 2017, there are 239,595 undocumented foreigners (Korea Immigration Service, 2017); out of them 13,255 migrants were deported and 2,549 Korean companies were recognized as employing migrant workers illegally (Korean Broadcasting System, 2017). The employers have not been prosecuted

and were simply subjected to an administrative fine of 20,000 US dollars, whereas sub-contractors are rarely prosecuted for the violation of labor laws. Despite wide public resonance regarding illegal employment of migrant workers, public officials tend to ignore the activities of thousands of dispatch agencies openly operating on the streets of Incheon, Ansan, Busan and many other cities.

The rationale of this complicit attitude of the state to semi-compliant migrants stands in its ability to temporarily solve the so called labor-deficit problem, soothing at the same time the potential social conflicts that could be caused by a liberal migration policy. In other words, the labor-deficit problem is a self-created problem that relies on distortions of the domestic labor market through labor migrants:

So, when people speak of a persistent shortage of less skilled labor, what they really mean is that some employers would like to have less skilled work done at a price that is below the market price for that sort of labor in a particular state, given the characteristics of the work, so long as we accept social welfare provisions simply as background conditions affecting labor supply, rather than seeing them as intrusions into the working of the market. The whole point of a temporary workers program that restricts people to a given sector or occupation is to find workers who will do the job at below the market rate (that is, the price that would be required to attract people from the domestic workforce into this sort of activity), because the conditions under which these temporary workers are admitted leave them with no effective alternative within the receiving state to taking these jobs at the pay that is offered (Carens, 2013, 123-124).

While here we are not dealing with a directly reduced salary – actually we witness a monetary increase – the logic is the same: migrants are working at worse conditions (without fixed working hours and social benefits) than local workers. Migrants are employed with lower than minimum standards, in terms of social protection, and this move (self)excludes local workers from these jobs (Carens, 2013, 115-121). As Ypi (2016) remarks, it would be better to avoid speaking of exploitation of migrants or exploitation of local workers, and to consider them as one category – the working class. Taking that perspective, she continues, guestworker programs are exploitative inasmuch as they shift the labor market to generate a competition towards lower standards for workers at the sole benefit of companies' profits.

This takes us to the second answer to our question that deals with autonomy. In fact, in our case, the lowering of standards is partially caused by the migrants themselves. Even though their decisions are not purposefully made to lead to that situation, their immediate choices put the whole *koryo-saram* migrant community into a position of semi-compliance. As Khalid Koser,

executive director of the Global Community Engagement and Resilience Fund, remarks, we need to take seriously the responsibilities of migrants in adapting to local legislation rather than bypassing it (Alfred, 2017). Such choices could have a boomerang effect on the perceptions by local populations of migrants as individuals who operate outside the rule of law, but they still seem to be the best option for most for two possible reasons. First, self-help is a common trend among migrants, but it is particularly relevant in case of *koryo-saram* deriving from the situation in CIS countries after the demise of the Soviet Union: the first years in the transition to independence were marked by a serious scarcity of goods and services, so individuals had to take care of their necessities and social protection by themselves. Second, it shows the resilience of migrant population, that is, their ability to react and adjust to a changing environment. *Koryo-saram* migrants, in this sense, seem to act as neoliberal subjects: ready to adapt and to ‘take advantage’ of the environment. Facing the choice between higher earnings (despite high probability of unsecured industrial accidents) and social protection, also considering the low levels of social welfare in Korea, many select the most rewarding option. This means that labor migrants are not only subjected to exploitation, there is also a wide-spread and socially accepted practice of trading off legal entitlements. So, falling into illegal working conditions pays off financially to all stakeholders in a short-run, even if it becomes a tragedy for those laborers who then lose their ability to work, due to chronic health problems or industrial accidents, without any chance to get insurance payments. Nevertheless, the neoliberal line of responsibility dismisses the issue of “choice for illegality” too simplistically, as it shifts all the responsibility on the shoulders of the least powerful. While it is true that many *koryo-saram* opt for irregular jobs in exchange for a higher income, this is not a choice made with full information and from a good bargaining position. In other words, while it is not directly forced upon them, it is nonetheless far from being a free choice. This structure reflects a neoliberal framework: the human rights plus consent system that Carens criticizes (2013, 111-112). This is based on a contractual framework that assumes the importance of individual choices, but hides the existing power structures that characterize the parties. *Koryo-saram* labor migrants do not have the same contractual resources of the Korean state or its companies. The results of similar policies are evident in the treatment reserved to migrants to Hong Kong and Singapore, where nothing beyond basic human rights is granted.

Recapitulating, *koryo-saram* are engaged in partially illegal working practices and neglect social protections because such practices are tolerated (companies in breach are condemned to pay a minor administrative fee that makes the practice of dispatch economically convenient), the

market system is opened to a de facto condition that lowers minimum standards and a neoliberal framework of resilience is adopted by migrants themselves.

In order to move to our second question on whether there is a feasible alternative, we need first to clarify why this situation is problematic. If we want to keep ourselves into an analysis based on political feasibility, we need to clarify our normative standard and base it on ideas that could be acceptable to the parties involved. This could be found in the international covenants that have been adopted by the UN General Assembly. While these may be considered as idealistic guidelines or statements of purpose, they nonetheless have political (not only ethical) standing. The UN OHCHR (2006) document on the rights of noncitizens, for example, is a clear instrument that simply illustrates the specific international conventions from where each specific right related to migrants comes from. Particularly relevant for our case is Part III Section C ‘Non-citizen workers and their families’ and the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (UN OHCHR1990). There we can find recognition that local and foreign workers (particularly, but not only, when legal migrants) are to be treated as one category with the same entitlements concerning remuneration and other protections (article 25). At the same time, article 27 generates expectations towards an equal treatment on issues pertaining to social security or compensation in those cases when those guarantees are not applied to the migrants.

This could be the normative standard against which we can consider the situation in Korea a problem for all workers. At the same time, it cannot be a guide for finding solutions simply because almost all parties involved either ignore this information or are not taking it seriously. If we are looking for solutions that are politically feasible, it seems that this situation is so much off the agenda – considering that there are much worse cases concerning migrants and much more pressing issues for the Korean government – that the best way to address it is to let things continue as they are, with one caveat: empowering trade unions as the only effective actor for dealing with these issues. This could be done by directly introducing migrant workers to representatives of trade unions at the moment of entry into the country. These meetings should be conducted with an interpreter, given that most *koryo-saram* cannot speak Korean. Trade unions are going to be a proper referent simply because they can take into consideration the interests of all workers, local and migrant. They will be able to advise migrant workers about their rights and the risks associated with illegal labor, even going as far as to explain both the problems that can derive to local workers from illicit practices of the migrants and the social stigma that migrants are going to face if they choose to opt out of legality.

In addition, even if its immediate political feasibility is contestable, we can consider transnational social protection (Levitt and others, 2016 and Levitt, 2017). The idea proposed by Levitt and others (2016) is to map existing international agreements between sending and receiving states and communities that focus on sharing the delivery of individuals' social welfare. For our purposes, we would need to extend the reach of these practices from academic research to further policy planning and implementation. For this idea to work, it would require that migrants remain inside the legal boundaries determined by their status in the host state. Economically, the support derives in the host state from taxation and from the sending state from remittances that are sent home. While this idea is interesting and worth exploring it suffers a major downside. The sending state might not be able to allocate money, and in most cases related to former Soviet countries corruption might derail the money deriving from remittances.

Furthermore, this additional element requires to abandon a state-centric view and to embrace a more comprehensive perspective that appreciates links among communities and international actors. Two prudential remarks are needed to avoid falling into an idealistic picture that does not reflect reality. First, individual perceptions might be still strongly related to the imagined state-community that resists the suasion of an internationalist perspective. Second, this possibility needs to be balanced between another idealistic plan that tries to cover every aspect (and as such is destined to fall short somewhere) and the freedom of individuals to choose what is most important for them from a position of strength in bargaining. Therefore, we could propose that the ILO (International Labor Organization) and the IOM (International Organization for Migration) together with other UN affiliated organizations could be directly supporting migrant community structures. For example, they could support migrant communities' kindergartens and primary schools that would prepare kids for the educational system in the host country. While at the beginning any financial, legal and infrastructural support would be mainly provided through international organizations, the autonomy of migrants can be directed to their involvement in self-managing these community-based networks. The goal in the medium term, as experiences and competences are developed, would be to offer *koryo-saram* to take the responsibility for the whole system and leave international support to check that these structures are not isolating but integrating migrant communities in the socio-cultural environment of the host state. Whether they would opt to do so, it is something that is better left to their autonomous choice.

REFERENCES

1. Act On The Protection Etc Of Dispatched Workers, Act No. 5512, Feb. 20, 1998 (R.O. Korea). Retrieved from: http://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=51008 (05/06/2016)
2. Alfred, C. (2017). Why we need to talk about Migration and Human Security? *News Deeply*. Retrieved from: <https://www.newsdeeply.com/refugees/community/2017/11/15/why-we-need-to-talk-about-migration-and-human-security> (07/12/2017).
3. An, E. (2016). Long Term Labor Migrants in South Korea: Exploratory Case Study of Koryo-Saram. Master Thesis in Modern East Asian Studies, Main Supervisor Prof. Dr. Ahn, Examiner Prof. Dr. Storz, Goethe University, Frankfurt Am Main, Germany. Unpublished.
4. Carens, J. H. (2013). *The Ethics of Immigration*. Oxford and New York: Oxford University Press.
5. Choo, H. Y. (2006). Gendered Modernity and Ethnicized Citizenship North Korean Settlers in Contemporary South Korea. *Gender & Society*, 20(5), 576-604.
6. Chung, E. A. (2010). Workers or residents? Diverging patterns of immigrant incorporation in Korea and Japan. *Pacific Affairs*, 83(4), 675-696.
7. Fine, S. (2013). The Ethics of Immigration: Self-Determination and the Right to Exclude. *Philosophy Compass*, 8(3), 254-268.
8. Immigration Control Act, Act No. 6745, Dec. 5, 2002 (R.O. Korea) http://elaw.klri.re.kr/eng_mobile/viewer.do?hseq=18842&type=part&key=7 (03/05/2016)
9. Korea Immigration Service (2015). Immigration Foreign Policy monthly statistics, September, 2015. Retrieved from: <http://www.immigration.go.kr/> "immigration.go.kr" (03/05/2016).
10. Korea Immigration Service (2017) Status of foreign nationals by region (as of the end of September 2017). Ministry of Justice. (In Korean.) Retrieved from: http://www.immigration.go.kr/HP/COM/bbs_003/ListShowData.do?strNbodCd=

[noti0097&strWrtNo=238&strAnsNo=A&strOrgGbnCd=104000&strRtnURL=IM
M_6070&strAllOrgYn=N&strThisPage=1&strFilePath=imm/](http://www.kbs.co.kr/english/news/news_Dm_detail.htm?No=132147&id=DmM_6070&strAllOrgYn=N&strThisPage=1&strFilePath=imm/)

11. Korean Broadcasting System (04/12/2017). Clampdowns Uncover 13,000 Illegal Aliens This Year. Retrieved from:
http://world.kbs.co.kr/english/news/news_Dm_detail.htm?No=132147&id=Dm
12. Kyung, K. B. (2014). Update on the Employment Permit System: Paper presented at the “Effective implementation of the Employment Permit System”, ILO/Korea Multi-Country Dialogue, 3rd – 4th December 2013, Bangkok, Amari Watergate Hotel, Bangkok, Thailand.
13. Lee, C. (2012). How can you say you're Korean? Law, governmentality and national membership in South Korea. *Citizenship studies*, 16(1), 85-102.
14. Levitt, P., J. Viterna, A. Mueller, C. Lloyd (2016). Transnational Social Protection: setting the agenda. In *Oxford Development Studies*, 45(1), 2-19
15. Levitt, P. (2017). Why We Need Transnational Social Protection for Migrants. *Sapiens*. Retrieved from: <https://www.sapiens.org/culture/transnational-social-protection/> (05/12/2017).
16. Lim, T. C. (2008). Will South Korea follow the German experience? Democracy, the migratory process, and the prospects for permanent immigration in Korea. *Korean Studies*, 32(1), 28-55.
17. Little, A. & T. MacDonald (2015). Introduction to special issue: Real-world justice and international migration. *European Journal of Political Theory*, 14(4), 381-390.
18. Lutz, H. & E. Palenga-Möllenbeck (2010). Care Work Migration in Germany: Semi-Compliance and Complicity. *Social Policy and Society*, 9(3), 419-430.
19. Miller, D. (2016). Is there a Human Right to Immigrate? In S. Fine and L. Ypi eds., *Migration in Political Theory: The Ethics of Movement and Membership* (11-31). Oxford and New York: Oxford University Press.
20. OECD (2012). Economic Surveys: Korea 2012. Paris: OECD Publishing. Retrieved from: http://dx.doi.org/10.1787/eco_surveys-kor-2012-6-en (05/05/2016).
21. Park, Young-bum (01/03/2017). South Korea Carefully Tests the Waters on Immigration, With a Focus on Temporary Workers. *Migration Policy Institute*. Retrieved from: <https://www.migrationpolicy.org/article/south-korea-carefully-tests-waters-immigration-focus-temporary-workers>
22. Pasquali, F. (2012). Feasibility and Desirability. In A. Besussi ed., *A Companion to Political Philosophy: Methods, Tools, Topics* (41-52). London and New York: Routledge.

23. Anderson, B., & Ruhs, M. (2006). *Semi-compliance in the migrant labour market* (No. 30). Working Paper.
24. Seol, D. H. & J. D. Skrentny (2009). Ethnic return migration and hierarchical nationhood Korean Chinese foreign workers in South Korea. *Ethnicities*, 9(2), 147-174.
25. Shin, G. W. (2006). *Ethnic nationalism in Korea: Genealogy, politics, and legacy*. Stanford: Stanford University Press.
26. Skidelski, R. (2017). Inconvenient Truths about Migration. *Project Syndicate*. Retrieved from: <https://www.project-syndicate.org/commentary/immigration-inconvenient-truths-by-robert-skidelsky-2017-11> (01/12/2017).
27. UN (2015). 2030 Development Agenda. Retrieved from http://www.un.org/ga/search/view_doc.asp?symbol=A/RES/70/1&Lang=E (05.12.2017).
28. UN (2016), New York Declaration for Refugees and Migrants. Retrieved from https://www.iom.int/sites/default/files/our_work/ODG/GCM/NY_Declaration.pdf (05.12.2017).
29. UN OHCHR (1990) International Convention on the Protection of the Rights of All Migrant Workers and their Families. Retrieved from: www.ohchr.org/EN/ProfessionalInterest/Pages/CMW.aspx (01.12.2017)
30. UN OHCHR (2006). The Rights of Non-citizens. Retrieved from <http://www.ohchr.org/Documents/Publications/noncitizensen.pdf> (06.12.2017).
31. Ypi, L. (2016). Taking Workers as a Class: The Moral Dilemmas of Guestworker Programs. In S. Fine and L. Ypi eds., *Migration in Political Theory: The Ethics of Movement and Membership* (151-174). Oxford and New York: Oxford University Press.



A Synthetic Approach to the Grounds of Global Justice

FRANK ARAGBONFOH ABUMERE

*Department of Philosophy, University of Tromsø,
Hansine Hansens veg 18, 9019 Tromsø, Norway,
E-mail: abumere@erasmusmundus-gem.eu*

Abstract

This paper argues that neither the relational approach nor the non-relational approach to global justice is at once necessary and sufficient to deal with complex cases of global (in)justice. In this intervention in the dispute between relational and non-relational approaches, the aim of the paper is not to support one side and oppose the other, but to combine both approaches in order to arrive at a more robust approach. Using the strengths of the relational approach to compensate for the weaknesses of the non-relational approach and vice versa, the aim of the paper is to set out a mixed, combinatorial or synthetic approach that will be used to address complex cases of global (in)justice. Rather than discussing how the synthetic approach applies to a particular complex case of global (in)justice, the paper shows how a synthetic approach that intends to address complex cases of global (in)justice will look like. Perhaps, colloquially in Hegelian dialectics, the relational approach can be seen as a thesis, the non-relational approach as an antithesis and the combination of both approaches as a synthesis.

Key words: Cosmopolitanism, Distributive Justice, Global Justice, Non-relational Approach, Relational Approach, Statism

INTRODUCTION

In the vast majority of political philosophy literature on the subject of global justice, global justice is mainly discussed as global *distributive* justice. Global distributive justice is only one facet, although the prominent facet, of global justice. We can also talk about global justice in terms of armed conflicts, humanitarian intervention, human rights, etc. Some of these other areas are mostly approached *legally* within the remit of international justice (particularly) and international law (generally) and *politically* within the remit of international politics. However, such issues are actually sometimes looked at *morally* within the purview of global ethics (in general) and global justice (in particular). My concern is not only with global distributive justice in particular, but with global justice in general. Nevertheless, given the prominent status of global distributive justice as explained above, the discussion in this paper will revolve around global distributive justice. Hereafter, the short term ‘global justice’ will be used rather than the long term ‘global distributive justice.’

In this paper, I am aiming at arriving at a possible and plausible synthesis of the relational and non-relational approaches to global justice that will enable us to have a robust solution to complex cases of global (in)justice. The relational approach is an approach to global justice which stresses the common relationships that bind subjects and agents of justice together. It is a member-based approach, that is, it is associative. Any person that is not part of a particular relationship is deemed to have neither obligation to, nor right claim against, persons who are bounded together by the relationship. In contrast, the non-relational approach is an approach to global justice which does not see justice to be dependent on such relationship or any relationship other than common humanity and its variants. The non-relational approach claims that justice is not based on any special relationship and its variants such as citizenship, compatriotism, etc., but on common humanity and its variants such as basic human needs, natural prerogatives and sufferance, etc. (Maffettone, 2013, p. 127).

I contend that in view of the relational and non-relational approaches to global justice, there is no one approach that is at once necessary and sufficient to deal with complex cases of global (in)justice. My contention is based on the premise that while each approach is necessary,

none is sufficient. In the fifth and sixth parts of this paper, the necessity and insufficiency of the relational and non-relational approaches will be analyzed. But at this juncture, I shall explain what I mean by complex cases of global (in)justice. Some of these cases could be famine, AIDS pandemic, racial discrimination, genocide, resource wars, etc. But I am not interested in discussing any particular case; I am rather interested in the *generality* of these cases as complex cases of global (in)justice.

When I say a case is a complex case of global (in)justice, what I mean is that:

1. There are rights and duties involved in the case.
2. The rights and duties in (1) are not only relational, but are also non-relational.
3. Hence, there are relational and non-relational grounds on which the case is based.
4. There are advantages and disadvantages resulting from such grounds in (3).
5. The advantages and disadvantages in (3) are not only relationally divided, but are also non-relationally divided.
6. The divisions in (5) are not only relationally determined, but are also non-relationally determined.

In view of the stipulations from (1) to (6), to resolve such case, we must employ not only the relational approach or only the non-relational approach, but both approaches. My contention, as stated above, is not new in the global justice discuss. For instance, Mathias Risse has already contended in a similar fashion, and has gone on to propose an intermediary approach between the relational and the non-relational approaches (2017, p. 1). Usually, attempts to create an intermediary approach between the relational and the non-relational approaches tend to tilt toward either one side or the other. However, Risse's pluralist internationalism stands out in the sense that it is almost perfectly middle-of-the-road between either sides. Therefore, I will focus on Risse's approach. A detailed discussion of the approach will be done in the third part of this paper. At the end of the discussion, I will explain the similarities and differences between the approach and mine. For now, I shall turn to an explanation of the structure of the paper.

Following the tradition in the global justice literature and discourse, my methodological approach is theoretical and normative. The paper is divided into seven parts. The first part is this introductory part while the seventh part is the conclusion. The second part discusses the grounds of justice by differentiating the relational approach from the non-relational approach. The third part presents a prelude to my synthesis of the two approaches by discussing Risse's pluralist internationalism which is itself a synthesis of the relational and non-relational approaches (Ibid.). The fourth part discusses the strengths and weaknesses of the relational and non-relational approaches while the fifth and sixth parts discuss my synthesis of the relational and non-

relational approaches. The fifth part begins the synthesis by exploring the possibility of using the strengths of each approach to compensate for the weaknesses of the other approach, while the sixth part ends the synthesis by formalizing those strengths and weaknesses in terms of necessary and sufficient conditions.

1. THE GROUNDS OF JUSTICE: RELATIONAL AND NON-RELATIONAL APPROACHES

Distributive justice presupposes three things: (i) that there are goods; (ii) that there is a population; (iii) and that the goods need to be distributed among the population (Risse, 2012, p. 4). Then the role of principles of distributive justice is to stipulate how these goods can be justly and fairly distributed among the population. For this reason, distributive justice theories tell us why any particular persons in a population should be, relative to other persons or in absolute terms, entitled to a certain amount of the goods (Ibid.). Here, goods do not only mean material goods and services and other concrete phenomena, they also mean rights and other related abstracts. While population may consist of individuals in some space and time, or states, or generations, or even the entire humanity (Ibid.).

In view of the function of distributive justice as explained above, there are different distinction lines in the global justice discourse. One distinction line, which is almost latent, separates positive duties from negative duties; this distinction is based on the *category* of duty. Another distinction line, which is controversial rather than latent, separates duties of justice from humanitarian duties or duties of charity; this distinction is based on the *nature* of duty. More controversial than the above distinction line is the distinction line which separates egalitarianism from minimalism; this distinction is based on the *degree* or *intensity* of justice.

One of the major and most important distinction lines is that which separates cosmopolitanism from statism. This distinction is based on the *scope* or *extensity* of justice. Cosmopolitanism is an approach to global justice which says that “all persons stand in certain moral relations to one another; we are required to respect one another’s status as ultimate units of moral concern” (Pogge, 1992, p. 49). In contrast, statism is an approach to:

global justice which on the one hand says that in the nation state, justice is at once intellectually plausible, practically realisable and in fact a necessary element. But on the other hand and more crucially, conversely holds that: either justice is at once intellectually implausible, practically unrealisable and in fact not an element in the global system; or justice is only partially intellectually

plausible, partially realisable and in fact only partially an element in the global system. While some statist hold the first, strong or radical view, others hold the second, weak or moderate view (Abumere, 2015, p. 11).

The other major or most important distinction line is that which separates the relational approach from the non-relational approach. This distinction is about the desideratum or desiderata on which justice is based. The distinction is based on the *grounds* of justice. In the global justice discourse, the fundamental questions relationists and non-relationists seek to answer are: Is global justice justifiable? If yes, on what grounds is it justifiable? If no, on what grounds is it unjustifiable?

Arguing on the grounds of the ‘realities of our world,’ one variant of relationists (statists) argue that global justice is unjustifiable while another variant of relationists (cosmopolitans or globalists) argue that global justice is justifiable. In disagreement with statist but in agreement with relational cosmopolitans or globalists, non-relationists argue that global justice is justifiable. And in disagreement with both statist and relational cosmopolitans or globalists, non-relationists argue for the justifiability of global justice on the grounds of the ‘realities of human nature.’ Based on the ‘realities of our world’: on the one hand, global justice is unjustifiable because globally we do not share certain institutions in common; on the other hand, global justice is justifiable because globally we share certain institutions in common. But based on the ‘realities of human nature,’ global justice is justifiable because of our common humanity (Armstrong, 2012, p. 25; Sangiovanni, 2007).

From the above explanation, it is evident that the non-relational approach is cosmopolitan. But the relational approach can be divided based on the scope of relationship or on the character of relationship. When divided on the scope of relationship, the relational approach can be statist or cosmopolitan - globalist. But when divided on the character of relationship, the approach can be institutional or cultural. On these distinctions and divisions of the two approaches, what we have in terms of variants are: (1) **non-relationists - non-relational** cosmopolitans; (2.0) **relationists**; (2.a.i) **relational** cosmopolitans – globalists; (2.a.ii) statist; (2.b.i) institutionalists; and (2.b.ii) culturalists.

In view of the above distinctions, in spite of the importance attached to John Rawls’ *The Law of Peoples* (1999) and Charles Beitz’s *Political Theory and International Relations* (1979; 1999) in the global justice discourse, Rawls and Beitz will be elided in my discussion. Rawls’ Law of Peoples is an argument for statism in opposition to cosmopolitanism. Conversely, Beitz argues for cosmopolitanism in opposition to statism. Since statism and cosmopolitanism are subsets of the relational and non-relational approaches, Rawls’ and Beitz’s focus is narrow while my focus on the

relational and non-relational approaches is broad. For the above reason, although Rawls is seen as the greatest political philosopher of our time, and although Beitz is seen as the herald of the current global justice discourse since the past four decades, I will leave them aside.

2. RISSE'S PLURALIST INTERNATIONALISM

I started by contending that while the relational and non-relational approaches to global justice are individually necessary, they are also individually insufficient for dealing with complex cases of global (in)justice. This implies that although the two approaches have their respective strengths, they also have their respective weaknesses. Therefore, my aim is to work out a possible and plausible synthesis of the two approaches which will serve as an alternative to the exclusive reliance on the relational approach on the one hand and on the non-relational approach on the other hand. There is a similar attempt by Risse to provide an alternative approach to the relational and non-relational approaches by combining the strengths of the two approaches and using the combination to compensate for the weaknesses of the two approaches. I do not totally agree with Risse's attempt, but I think his attempt is insightful. Hence, I will discuss his attempt as a prelude to mine.

For Risse, since non-relationists argue that principles of global justice should be based on the grounds of relation, then the onus is on them to explain what, other than relation, members of the global community share in common that makes principles of global justice applicable to the global community (2012, p. 9). Non-relationists usually argue that principles of justice are applicable to the global community because of the common humanity which the members of the global community share (Ibid.). The non-relationists who argue for the applicability of justice to the global community solely on the grounds of common humanity see justice as a component of the distribution of advantage (Ibid.).

On their part, by arguing that absent special relationships the applicability of the principles of justice cannot be justified, the onus is on relationists to explain what is so important about relations that makes them the *sine qua non* for the applicability of the principles of justice (Ibid.). In this regard, on the one hand, the onus is on statist to explain what is so special about common citizenship in a state that it is the *sine qua non* for the requirements of justice. On the other hand, the onus is on relational cosmopolitans or globalists to explain what is so important about participating in the global order that makes it the *sine qua non* for the requirements of global justice (Risse, 2012, p. 8).

Contra statists, Risse opines that other than shared membership in a state, there are other possible grounds on which we can argue for the principles of justice. Contra relational cosmopolitans or globalists, he opines that other than participation in the global order, there are other possible grounds on which we can argue for the applicability of the principles of justice. Then contra non-relationists, he opines that other than common humanity, there are other possible grounds on which we can argue for the applicability of principles of justice (Risse, 2012, pp. 8 – 9). In essence, Risse's argument, as contained in pluralist internationalism is that all principles of justice are not necessarily based on one ground or the same grounds and they do not necessarily have one scope or the same scope. They can be based on several and different grounds and they can have several and different scopes (Risse, 2012, p. 10).

Risse calls his intermediary approach internationalism or pluralist internationalism. To create the approach, he largely relies on John Rawls on the relationist side and even more on Hugo Grotius on the non-relationist side. According to Risse, internationalism or pluralist internationalism:

shares with statism a commitment to the normative peculiarity of the state.... At the same time, internationalism accommodates multiple grounds, some of which are relational and some not. Therefore, I also talk about 'pluralist internationalism.' Internationalism agrees with globalism that the global order generates its own principles of justice and with nonrelationism that not all grounds are relational and that common humanity is a ground. But the principles thus generated are weaker than those that apply within states. Using the term 'internationalism' for my view is apt because it recognizes the applicability of principles of distributive justice *outside* and *among* ('inter') states. Internationalism's inherent pluralism transcends the distinction between relationism and nonrelationism, formulating a view 'between' the two common views that principles of justice either apply only within states (as statists think) or else apply to all human beings (as globalists and nonrelationists think) (2012, p. 10) (emphasis is original).

In other words, what distinguishes Risse's internationalism or pluralist internationalism from relational statism is that unlike the latter, the former argues that apart from the relationship that exists within the state, there are other grounds on which the applicability of the principles of justice can be based. And what distinguishes Risse's internationalism or pluralist internationalism from relational cosmopolitanism or globalism is that unlike the latter, the former argues that: the relationship within the state is indeed a special ground on which the applicability of the principles of justice can be based; and apart from participation in the global order, there are other grounds on which the applicability of the principles of justice can be based. While what distinguishes

Risse's internationalism or pluralist internationalism from the non-relational approach is that unlike the latter, the former argues that the relationship within the state is indeed a special ground on which the applicability of the principles of justice can be based (Risse, 2012, p. x).

My mixed, combinatorial or synthetic approach does not replicate Risse's pluralist internationalism. Nevertheless, my approach has some similarities, as well as some differences, with Risse's. Principally, what my approach shares in common with Risse's is their common aim. For Risse, pluralist internationalism is aimed at dealing with "a two-fold challenge: first, to show why statism, globalism and nonrelationism are insufficient and why a view combining relational and nonrelational grounds is promising; and second, to illustrate the fruitfulness of my view by assessing constructively what principles are associated with different grounds" (Risse, 2012, pp. 10 – 11).

However, my approach differs from Risse's in the following way. Risse's reliance on Rawls on the relationist side and Grotius on the non-relationist side constrains pluralist internationalism, at least to some extent. Consequently, pluralist internationalism is, at least to some extent, narrowed to fit into a mixed, combined or synthesized Rawlsian and Grotian worldview. The problem here is that Risse does not allow pluralist internationalism to benefit from the salient ideas of other notable thinkers on both the relationist side and the non-relationist side.

Although Rawls and Grotius are excellent thinkers, there is no overriding reason to exclusively focus on them and neglect others. While it might be far-fetched to say Risse's choice of Rawls and Grotius is arbitrary, the methodological decision to exclude other notable thinkers seems unhelpful. My approach does not rely on any particular thinker on the relationist side or the non-relationist side. Therefore, it is neither constrained by the views of any thinker nor are its stipulations narrowed to fit into the worldview of any particular thinker. The fifth and sixth parts of the paper contain a detailed discussion of my approach. Given that the approach is based on the strengths and weaknesses of the relational and the non-relational approaches, as a prelude to discussing my approach the next part of the paper contains a discussion of these strengths and weaknesses.

3. RELATIONAL AND NON-RELATIONAL APPROACHES: STRENGTHS AND WEAKNESSES

A mixed, combinatorial or synthetic approach is valuable because of both the strengths and weaknesses of the relational and non-relational approaches. Therefore, before explaining my

approach, I will briefly recapitulate the cores of the relational and non-relational approaches and explain where their strengths and weaknesses emanate from in order to identify how a mixed, combinatorial or synthetic approach is possible and plausible.

The relational approach is practice-dependent (Sangiovanni, 2008, p. 140). According to Rawls, “the correct regulative principle for anything depends on the nature of that thing” (1971, p. 29). The practice-dependence nature of the relational approach is a derivative of the above Rawlsian argument. Similarly, the practice-dependence nature of the relational approach entails that “the content, scope and justification of a conception of justice depends on the structure and form of the practices that the conception is intended to govern” (Sangiovanni, 2008, p. 138). For the relational approach, justice is practice-dependent, and principles of justice are only applicable when a stringent condition is met. It is not enough for persons to merely share common humanity, or merely co-habit the earth or merely co-exist within a certain geographical space or at a certain time; they must be bound together by a relationship which is mediated by practice.

Critics argue that the relational approach works with existing relations, practices or institutions as they *are* rather than specifying for us which relations, practices or institutions we *ought to have*. Consequently, it does not have any critical force to morally evaluate existing relations, practices or institutions and condemn the ones that morally ought not to exist (Armstrong 2009, pp. 158 – 159). In view of its weakness of lacking critical force, the relational approach does not critically assess the practices and relationships which we happen to have as the status quo. It accepts the status quo, no matter how arbitrary the status quo may be, not merely as a point of departure but as legitimate grounds of justice, and as such assumes that every relationship and practice or any kind of relationship and practice is morally valuable and acceptable (Kime, 2009, p. 40).

For instance, the case of racial or minority discrimination poses a tough challenge to the relational approach because most times racial identity is arbitrary. Most times persons do not choose their racial identity; persons do not choose their biological parents from whom they acquire the colour of their skin. Similarly, most times persons do not choose their ethnicity, and persons are often born into a nationality, or raised in a religion, etc. In spite of the fact that persons are arbitrarily born into or arbitrarily raised in the aforementioned identities, and in spite of the fact that they arbitrarily share those identities or arbitrarily belong to groups with those identities, the relational approach will accept such arbitrary status quo and its consequences as ‘morally relevant practices.’

According to Kok-Chor Tan, restricting the applicability of justice to any kind of social arrangements which we have at any point in time is tantamount to showing an arbitrary

preference for the status quo, and this is in clear opposition to the ends of justice (2004, p. 59). To start “theorizing about justice from currently accepted institutional arrangements and practices as if these are given or inevitable, and that our conception of justice has to accommodate this existing reality, is to misconstrue the role and point of justice” (Tan, 2004, p. 156). This is because the aim of justice is:

to guide and regulate our existing institutions, and can call on us to create new ones if necessary. That is, justice constrains and informs our institutional arrangements, not the other way around. To tie justice to existing institutional schemes would be to misconstrue and pervert the purpose of justice; it would be to treat justice as a mirror of society, when in fact we should want justice to be society's critic (Tan, 2004, p. 34).

However, some relationists (statists) may argue that absent practices or order, we cannot achieve the aims of justice. Without the framework of an order, no form of justice is realisable (Bull, 2002, p. 83). This argument is based on the premises that: the requirements of global justice are justice obligations; absent any order, justice obligations cannot be met; there is no global order; therefore global justice obligations cannot be met (Abumere, 2015,p. 209). Arguendo, it can be conceded to statists that absent any global framework of order the obligations of global justice such as positive duties cannot be met, yet argue that this does not negate any form of negative duties. For instance, we do not need any framework of order before we can perform our negative duties such as abiding by the principle that we ought not to violate the rights of other persons (Nagel, 2005, p. 131).

The relationist position will be weakened if the assertions made by Steven Shavell, Cass R. Sunstein and Richard H McAdams are deemed plausible. Although the assertions were made independent of each other and were not originally aimed at criticizing the relational approach, they can be considered as a joint argument against the approach. Taking the three assertions to form a syllogism, we can see Shavell's assertion as the major premise, Sunstein's assertion as the minor premise and McAdams' assertion as the conclusion. According to Shavell:

both law and morality serve to channel our behaviour. Law accomplishes this primarily through the threat of sanctions if we disobey legal rulesSo too does morality involve incentives (...). When we do the wrong thing, we may suffer guilt and disapprobation, and when we do the right thing, we may experience virtue and enjoy praise; the push and pull of the moral forces constitute an important influence on our conduct (2002, pp. 227- 228).

For Sunstein, “behavior is pervasively a function of norms” (1996, p. 4). Then McAdams argues that:

For some behaviour X in some population of individuals, norm may arise if (1) there is a consensus about the positive or negative esteem worthiness of engaging in X (...); (2) there is some risk that others will detect whether one engages in X; and (3) the existence of this consensus and risk of detection is well-known within the relevant population. When these conditions exist, the desire for esteem necessarily creates cost of or benefits from engaging in X. If the consensus is that X deserves esteem, a norm will arise if the esteem benefits exceed, for most people, the costs of engaging in X. Conversely, if the consensus condemns X, a norm will arise if, for most people, the esteem costs exceed the benefits of engaging in X” (1997, p. 358).

While McAdams based his theory of norm on the grounds of esteem, norms can be derived from other grounds such as egoistic fear of punishment, altruistic love of others, deontological sense of duty, etc. But discussing the origin of norms is not within the remit of this paper. Furthermore, as shown by Shavell in the ‘major premise,’ there is a relationship and correlation between law and morality. Nevertheless, the two are distinct entities. But McAdams seems to conflict the two by failing to specify whether his esteem theory of norm is about law, morality or both. In spite of this limitation, if it is true as McAdams asserts that “norms arise because people seek the esteem of others” (1997, p. 355), then even without the framework of a global order there can still be justice, at least to some extent.

However, David Miller argues that except we have a comprehensive understanding of the relationship between persons, we will not know what duties of justice we owe one another (2013, p. 5). I partially agree and disagree with Miller. Firstly, we do not have to stand in an ‘absolute’ or ‘strict’ relationship in order to have duties of justice and to understand them. For instance, we do not need a comprehensive understanding of our relationship with others in order to know that justice requires that we should not murder them. But if we stand in such relationship, then our duties are more stringent and more understandable. Secondly, there are layers of relationship; citizenship, humanity, etc. While citizenship-relationship is comprehensive in comparison to humanity-relationship, it is still possible to know that there are basic and negative requirements of justice we may morally owe other fellow humans even though they are not fellow citizens.

Unlike the relational approach, the non-relational approach is not practice-dependent. Unlike practice-dependent views, practice-independent views assert that when stipulating and justifying first principles of justice, we should strive to arrive at a normative stance which is unencumbered by the form or structure of institutions and practices which we happen to have as

the status quo (Sangiovanni 2008, p. 138). While the non-relational approach avoids the pitfalls of the relational approach, the former, just like the latter, has its own weaknesses. Because the non-relational approach is practice-independent and therefore lacks practical force, it is seen to be infeasible and its requirements are seen to be practically impossible to implement.

The point of the ‘infeasibility’ argument is that it is not enough for an approach to justice to be theoretically plausible and morally reasonable; it also has to be feasible and practically possible. Theories of justice are not mere theoretical exercises; they have practical ends which are the realization of the stipulations or requirements which are contained in their principles. These realizations are not possible in vacuum. They are possible when there are practices which mediate the relationships of persons socially, politically, and institutionally (Kime, 2009, p. 42).

It is possible, and even plausible, to accept the charge that the non-relational approach, due to its practice-independence, lacks practical force and therefore is infeasible, but yet argue that considerations of justice, and principles of justice, should not necessarily depend on practical possibility and feasibility. When an approach to justice is theoretically plausible and morally reasonable, the onus is on agents of justice to strive to ensure it is also practically possible. They should ensure that the practically possible and feasible practices of the status quo reflect and approximate the stipulations of the theoretically plausible and morally reasonable approach to the nearest maximum rather than to the barest minimum or remaining with the status quo.

Although the non-relational approach says that principles of justice are applicable “independently of persons’ membership of a common association, the substantive implications of those principles will be affected by the extent to which persons belong to a common association and the extent to which that association is coercive and characterized by high levels of interdependence” (Caney, 2011, p. 526). Moreover, the practical meaning of justice varies depending on the increase in the interdependence of persons (Caney, 2011, p. 527).

4. RELATIONAL AND NON-RELATIONAL APPROACHES: A MIXED, COMBINATORIAL OR SYNTHETIC APPROACH

Distributive justice in general, or global justice in particular, can be seen as the genus, the relational and non-relational approaches can be seen as its species, and the two approaches disagree on what grounds justice should be based (Risse, 2012, p. 8). Relationists, on the one hand:

may hold a range of views about the nature of the relevant relations, and they may think there is only one relational ground or several. Relationists are motivated by concerns about ‘relevance,’ the moral relevance of practices in which certain individuals stand. Such practices may include not only those that individuals chose to adopt but also some in which they have never chosen to participate (Ibid.).

Non-relationists, on the other hand, “deny that the truth about justice depends on relations. They think principles of justice depend on features that are shared by all members of the global population, independent of whatever relations they happen to be in. Rather than focusing on relevance, nonrelationists seek to avoid the ‘arbitrariness’ of restricting justice to regulating practices” (Risse, 2012, p. 9).

Consequently, on the one hand, a weighty argument against the relational approach is that because of the relational approach’s arbitrary preference for the status quo, that is, because it is practice-dependent, it is devoid of any critical force (Kime, 2009, pp. 39 – 40). On the other hand, a weighty argument against the non-relational approach is that because the non-relational approach has no consideration for the status quo, that is, because it is practice-independent, it is devoid of any practical force (Risse, 2012, p. 42).

The main strength of the relational approach is that it possesses practical force, but its main weakness is that it lacks critical force. While the main strength of the non-relational approach is that it possesses critical force, but its main weakness is that it lacks practical force. Nevertheless, the two approaches, although are opposites, are not mutually exclusive; they can be used complementarily. Combining the two approaches, the practical-force-strength of the relational approach will be used to compensate for the lack-of-practical-force-weakness of the non-relational approach and the critical-force-strength of the non-relational approach will be used to compensate for the lack-of-critical-force-weakness of the relational approach.

Creating a mixed, combinatorial or synthetic approach, we can have two levels: one level will be the non-relational level which will be broader and lower; the other level will be the relational level which will be narrower and higher. In other words, creating a mixed, combinatorial or synthetic approach, we can use the non-relational approach on a broader and lower level and then use the relational approach on a narrower and higher level. For this purpose, a mixed, combinatorial or synthetic approach can “use the non-relational side of the account in the first instance as a foundation” (Dietzel, n.d., p. 14) for non-relational global grounds of justice and then stipulate “a minimal moral threshold of immutable demands, and then, in the second instance, use the relational side of the account to explicate a more detailed content, or further specific demands of justice, based on (...) relationships” (Ibid.).

Consequently, firstly, a mixed, combinatorial or synthetic approach will be based on non-relational grounds, and this will: “entail certain basic immutable demands, such as not violating minimum human rights (...). This could be considered the non-relational baseline which can never be crossed under any circumstances” (Ibid.). Then, secondly, the mixed, combinatorial or synthetic approach will go further to “employ a relational account in order to explore existing relationships and provide guidance for demands of justice based on these relationships” (Ibid).

Unlike the relational approach alone and the non-relational approach alone, the mixed, combinatorial or synthetic approach possesses critical force and practical force. I think an appropriate approach to complex cases of global (in)justice must possess these two forces. On the one hand, an approach to complex cases of global (in)justice might possess practical force, but if it does not possess critical force it is unlikely to convincingly and successfully challenge some of the morally arbitrary grounds on which, for instance, racial discrimination is based. In this case, then it is likely not going to be accepted. Therefore, an approach to complex cases of global (in)justice, first and foremost, must possess critical force.

On the other hand, an approach to complex cases of global (in)justice may possess critical force, but if it does not possess practical force it will make no difference in the lives of those, and in societies, that suffer global injustice. Consequently, such an approach will be a project in futility. Hence, crucially, any approach to complex cases of global (in)justice must possess practical force. For instance, when an approach to complex cases of global (in)justice possesses both critical and practical forces, then it makes the problem of racial discrimination more tractable. Any approach that does not make the problem of racial discrimination more tractable might even aggravate the injustice and unjust inequality it is meant to remedy, alleviate or eradicate.

A possible criticism against the mixed, combinatorial or synthetic approach may be that the relational approach and the non-relational approach are mutually exclusive. This criticism is based on the premise that as “opposites” both approaches cannot be combined to work together because that will inevitably entail contradictions. A possible response to this criticism is to argue that although both approaches are opposites, combining them does not necessarily entail any contradictions for the following reason. Although both approaches have differences, they also share some similarities. For instance, on the one hand, relational cosmopolitanism or globalism is different from statism on the scope of justice just as relational cosmopolitanism or globalism is different from non-relationism on the grounds of justice. On the other hand, non-relational cosmopolitanism or globalism is similar to statism on the grounds of justice just as non-relational cosmopolitanism or globalism is similar to non-relationism on the scope of justice.

In view of the above differences and similarities, although the relational and the non-relational approaches are opposites, their opposition is not like that of A and non-A. Therefore, to say that the two approaches are not mutually exclusive is not a logical contradiction (Abumere, 2015, pp. 229 – 230). Arguendo, let us concede for a moment that the opposition between the two approaches is equivalent to the logical opposition between A and non-A. Even in this case, to say that the two approaches are not mutually exclusive does not necessarily entail any logical contradiction. “The first rule of logic says a thing must be identical to itself; a thing cannot be A and non-A at the same time – it is either A or non-A. The faulty reasoning is that since [...the relational approach] is the ‘opposite’ of [...the non-relational approach], to say they are not mutually exclusive is to break the first rule of logic” (Ibid.).

However, arguing that both approaches are not mutually exclusive does not break the first rule of logic or entail any logical contradiction of identity because to say the relational approach and the non-relational approach are not mutually exclusive is not to say that relational approach is non-relational approach and non-relational approach is relational approach. “Rather, it is to say that although both are opposites, they can still be moderately employed to work together. Moreover, opposites are not necessarily mutually exclusive. For instance, man is the opposite of woman, yet both of them cooperate in many ways including bringing into existence other men and women” (Ibid.). So also a mixed, combinatorial or synthetic approach is intended to make the relational and the non-relational approaches ‘cooperate’ in order to make complex cases of global (in)justice more tractable.

5. RELATIONAL AND NON-RELATIONAL APPROACHES: NECESSARY AND SUFFICIENT CONDITIONS

In the previous part of this paper, in order to have a robust approach to global justice that will make complex cases of global (in)justice more tractable, I opted for the mixed, combinatorial or synthetic approach. This synthetic approach is based on the premises that:

- (i) Neither the relational approach nor the non-relational approach is at once necessary and sufficient.
- (ii) Neither the relational approach nor the non-relational approach is at once unnecessary and insufficient.
- (iii) Neither the relational approach nor the non-relational approach is unnecessary but sufficient.

- (iv) The relational approach and the non-relational approach are each necessary but each insufficient.
- (v) The relational approach and the non-relational approach are jointly necessary and jointly sufficient (Abumere, 2015, p. 217).

The sum of the above premises is that while the relational approach alone and the non-relational approach alone are necessary but insufficient, a mixture, combination or synthesis of the two approaches is at once necessary and sufficient to resolve complex cases of global (in)justice (Ibid.).

When resolving complex cases of global justice, if the relational approach alone is at once *necessary and sufficient*, then we will not need the non-relational approach. This is because if the Relational approach (R) is at once necessary and sufficient, whenever we apply R to Complex cases of global (in)justice (Cc) we will have a *necessary and sufficient* resolution (NS) of Cc. In short, this Necessary and Sufficient resolution (NS) of Complex cases of global (in)justice (Cc) we shall hereafter call NSCc. Ceteris paribus, when R is applied to Cc we will have NSCc; failure to have NSCc will only occur if R is not well applied to Cc (Ibid.)¹. Caveat; this is at the level of theorization about global justice!

Assuming R is at once *necessary and sufficient* (NS) to resolve Cc, in short NSCc, therefore;

- (i) If R then NSCc.
- (ii) If not R then not NSCc.
- (iii) That we have NSCc necessarily implies that we have applied R.
- (iv) That there is not NSCc necessarily implies that we have not applied R.

So also when resolving Complex cases of global (in)justice (Cc), if the non-relational approach alone is at once *necessary and sufficient*, we will not need the relational approach. This is because if the Non-relational approach (Nr) is at once necessary and sufficient, whenever we apply Nr to Cc we will have a *necessary and sufficient* resolution (NS) of Cc, in short NSCc. Ceteris paribus, when Nr is applied to Cc we will have NSCc; failure to have NSCc will only occur if Nr is not well applied to Cc (Ibid.). Caveat; this is at the level of theorization about global justice!

Assuming Nr is at once *necessary and sufficient* (NS) to resolve Cc, in short NSCc, therefore;

- (i) If Nr then NSCc.
- (ii) If not Nr then not NSCc.
- (iii) That we have NSCc necessarily implies that we have applied Nr.
- (iv) That there is not NSCc necessarily implies that we have not applied Nr.

¹This formalization and the subsequent steps of the formalization were first used in the fusion of horizons between statism and cosmopolitanism in order to deal with the complex problem of resource curse. See Abumere, 2015, pp. 217 - 219.

When resolvingComplex cases of global (in)justice, if R is at once *unnecessary and insufficient*, therefore;

- (i) That we have applied R does not necessarily imply that we have NSCc.
- (ii) That we have NSCc does not necessarily imply that we have applied R.
- (iii) That we have not applied R does not necessarily imply that we do not have NSCc.
- (iv) That we do not have NSCc does not necessarily imply that we have not applied R.

So also in when resolvingComplex cases of global (in)justice, if Nr is at once *unnecessary and insufficient*, therefore;

- (i) That we have applied Nr does not necessarily imply that we have NSCc.
- (ii) That we have NSCc does not necessarily imply that we have applied Nr.
- (iii) That we have not applied Nr does not necessarily imply that we do not have NSCc.
- (iv) That we do not have NSCc does not necessarily imply that we have not applied Nr.

When resolvingComplex cases of global (in)justice, if R is *unnecessary but sufficient*, therefore;

- (i) If R then NSCc.
- (ii) That we have NSCc does not necessarily imply that we have applied R. For we can also have NSCc by applying Nr (assuming that R and Nr are the only applicable approaches).

So also when resolvingComplex cases of global (in)justice, if Nr is *unnecessary but sufficient*, therefore;

- (i) If Nr then NSCc.
- (ii) That we have NSCc does not necessarily imply that we have applied Nr. For we can also have NSCc by applying R (assuming that Nr and R are the only applicable approaches).

Since when resolvingComplex cases of global (in)justice, R is *necessary but insufficient*, therefore:

- (i) That we have NSCc necessarily implies that we have applied R.
- (ii) That we have applied R does not necessarily imply that we have NSCc. Apart from the application of R, we also need the application of Nr in order to have NSCc (assuming that R and Nr are the only applicable approaches).

So also when resolvingComplex cases of global (in)justice, if Nr is *necessary but insufficient*, therefore:

- (i) That we have NSCc necessarily implies that we have applied Nr.
- (ii) That we have applied Nr does not necessarily imply that we have NSCc. Apart from the application of Nr, we also need the application of R in order to have NSCc (assuming that Nr and R are the only applicable approaches).

I employed the above formalization in order to ascertain the truth-value of the assertions made in the preceding parts of the paper, especially the fifth part. Having already presented my assertions in ‘natural language’, re-presenting them in ‘formal language’ eliminates, or at least reduces, concerns of invalidity and unsoundness that one may have about the assertions. Moreover, classical logic tells us that:

a logic consists of a formal or informal language together with a deductive system and/or a model-theoretic semantics. The language has components that correspond to a part of a natural language like English or Greek. The deductive system is to capture, codify, or simply record arguments that are *valid* for the given language, and the semantics is to capture, codify, or record the meanings, or truth-conditions for at least part of the language (Shapiro, 2013).

CONCLUSION

I do not pretend to have created a new approach to global justice. Creating a new approach was not my aim. My aim was to improve the existing approaches. It is for this reason that I relied on the existing approaches and use the strengths of each approach to compensate for the weaknesses of the other. Since Risse has already attempted this sort of ‘compensation’ in his pluralist internationalism, I simultaneously showed how my attempt is different from Risse’s and then attempted to improve Risse’s. The key contribution I made to the discourse on global justice is the identification of complex cases of global (in)justice and showing the insufficiency of the existing approaches when used separately to resolve the complex cases.

The non-relational approach is necessary for the ‘lower’ and ‘broader’ level of the demands of global justice -the justice demands in complex cases of global (in)justice. While the relational approach is necessary for the ‘higher’ and ‘narrower’ level of the demands of global justice -the justice demands in complex cases of global (in)justice. Mixed, combined or synthesized, both approaches suffice for the ‘lower and broader’ and the ‘higher and narrower’ levels.

REFERENCES

1. Abumere, F. A. (2015). *Different Perspectives on Global Justice: A Fusion of Horizons*,
2. Bielefeld: Publication at Bielefeld University (PUB).
3. Beitz, Charles R. (1999). *Political Theory and International Relations, rev. ed.*, Princeton, NJ: Princeton University Press.
4. Armstrong, C. (2009). Global Egalitarianism. *Philosophy Compass*, 4, 155 - 171.
5. Armstrong, C. (2012). *Global Distributive Justice*, Cambridge: Cambridge University Press.
6. Bull, H. (2002). *The Anarchical Society: A Study of Order in World Politics, 3rd ed.*, London: Palgrave.
7. Caney, S. (2011). Humanity, Associations and Global Justice: In Defence of Humanity-Centred Cosmopolitan Egalitarianism. *The Monist*, 94, 4, 505 – 534.
8. Dietzel, A. (n.d.). Relational vs. Non-Relational Climate Justice – The Case for a Mixed Approach. Retrieved from: [https://www.academia.edu/7514329/Relational vs. Non Relational Climate Justice - The Case for a Mixed Approach](https://www.academia.edu/7514329/Relational_vs._Non_Relational_Climate_Justice_-_The_Case_for_a_Mixed_Approach) (12.07.2017).
9. Kime, M. (2009). Theories of Justice: Relational and Non-Relational Approaches. Retrieved from: <http://etheses.whiterose.ac.uk/14531/1/521864.pdf> (12.07.2017).
10. Maffettone, S. (2013). Normative Approaches to Global Justice. In: M. Telo (ed.), *Globalisation, Multilateralism, Europe: Towards a Better Global Governance?* (pp. 125 – 143). Surrey: Ashgate.
11. McAdams, R. H. (1997). The Origin, Development, and Regulation of Norms. *Michigan Law Review*, 96, 338– 433.
12. Miller, D. (2013). *Justice for Earthlings*, Cambridge: Cambridge University Press.
13. Nagel, T. (2005). The Problem of Global Justice. *Philosophy and Public Affairs*, 33, 2, 113 – 147.
14. Pogge, T. (1992). Cosmopolitanism and Sovereignty. *Ethics*, 103, 1, 48 - 75.
15. Rawls, J. (1971). *A Theory of Justice*, Cambridge, MA: Harvard University Press.

16. Rawls, J. (1999). *The Law of Peoples: With The Idea of Public Reason Revisited*, Cambridge, MA: Harvard University Press.
17. Risse, M. (2012). *On Global Justice*, Princeton, NJ: Princeton University Press.
18. Risse, M. (2017). Responsibility and Global Justice. *Ratio Juris: An International Journal of Jurisprudence and Philosophy of Law*, 30, 1, 41 – 58.
19. Sangiovanni, A. (2007). Global Justice, Reciprocity and the State. *Philosophy and Public Affairs*, 35, 1, 3 – 39.
20. Sangiovanni, A. (2008). Justice and the Priority of Politics to Morality. *The Journal of Political Philosophy*, 16, 2, 137 – 164.
21. Shapiro, S. (2013). Classical Logic. *Stanford Encyclopedia of Philosophy*. Retrieved from: <https://plato.stanford.edu/entries/logic-classical/> (22.04.2014).
22. Shavell, S. (2002). Law versus Morality as Regulators of Conduct. *American Law and Economics Review*, 4, 2, 227 – 257.
23. Sunstein, C. R. (1996). Social Norms and Social Roles. *Programme in Law and Economics Working Paper*, 36, 1 – 50.
24. Tan, K. (2004). *Justice without Borders*, Cambridge: Cambridge University Press.





Modern Stoicism and the Responsibility for the Global Polis

PIOTR STANKIEWICZ

*Institute of Philosophy, University of Warsaw,
Krakowskie Przedmieście 3, 00-927 Warsaw, Poland,
E-mail: mikolaj.piotr@gmail.com*

Abstract

This article outlines the premises and promises of a modern comeback of Stoicism, particularly the question of reinterpretation of the original doctrine, the contemporary intricacies of the principle of “following nature,” and the foundations that modern Stoicism establishes for global responsibility.

Key words: Stoicism, modern Stoicism, ethics, virtue ethics, political philosophy, cosmopolitanism, responsibility.

There is no doubt today that Stoicism is coming back. The ancient philosophical school established by Zeno and Chrysippus, and immortalized by Seneca, Epictetus and Marcus Aurelius’ is enjoying its second youth. As Massimo Pigliucci puts it:

The 21st century is seeing yet another revival of virtue ethics in general and of Stoicism in particular. [...] When it comes more specifically to Stoicism, new scholarly works and translations of classics, as well as biographies of prominent Stoics, keep appearing at a sustained rate. [...] In parallel with the above, Stoicism is, in some sense, returning to its roots as practical philosophy, as the ancient Stoics very clearly meant their system to be primarily of guidance for everyday life, not a theoretical exercise. (Pigliucci, *Stoicism*)

Just as Pigliucci underscores, what is remarkable about the present boom of interest in Stoicism is that it is not confined to the academia. The enthusiasm for Stoicism is surging among the general public. To this effect testifies the popularity of such books as mentioned Pigliucci's *How to be a Stoic* (Pigliucci, 2017), *A Guide to The Good Life* by William B. Irvine (Irvine, 2009), *Stoicism and the Art of Happiness* by Donald Robertson (Robertson, 2013), or *Sztuka życia według stoików* by yours truly (Stankiewicz, 2014). These books focus not on the theoretical framework of Stoicism, but on the “philosophy of life” aspect of it. They propound Stoicism as a “life project,” which anyone can set out to pursue in their own life. Such approach dovetails with the original intention of the creators of the school.

This wave of interest in Stoicism is also reflected in and organized by modern technologies and social media in particular. It is not an exaggeration at this point to state that there is a global movement of Stoicism and that the Internet and social media are widely used to advance it. There is the “Modern Stoicism” endeavor, which runs the “Stoicism Today” blog and the annual Stoicon convention, there is the “New Stoa” aka “Stoic Registry” which highlights that it was the first online Stoic community on the Internet (founded in 1996). And there are others. Individual blogs about Stoicism are too plenty to count. Stoicism also has a strong presence in the social media: as of this writing the group “Stoicism Group (Stoic Philosophy)” alone has 36 680 members.

What makes Stoicism so alluring today? On the theoretical level it proposes a neat “third way” between the two dominating ethical paradigms. According to Pigliucci, virtue ethics (and Stoicism as a part of it) constitutes “a viable alternative to the dominant Kantian-deontological and utilitarian-consequentialist approaches” (Pigliucci, *Stoicism*). On the practical level, the boom of interest in Stoicism draws from the perennial fame of Stoicism as a practical and useful tool to combat hardship and adversity. On this account it has been praised a lot, e.g. by Schopenhauer, who claimed that “the highest point to which man can attain by the mere use of his faculty of reason [...] is the ideal represented in the *Stoic sage*” (Schopenhauer, 1966, 86).

The demand for a philosophy of life, particularly for one which makes human prosperity independent from external circumstances and political conditions (just as Stoicism promises) has always been high. It is indeed, one may say, an intrinsic human need. That need is particularly acute in our own turbulent times. Global warming, ISIS, war in Syria, social inequality – the list drags on. Historically, Stoicism has always been seen as a remedy to the hardship of any given time – the same holds for the 21st century. While Stoicism's approach of clearly distinguishing things within and not within our power may not be the obvious vehicle of leaping progress in attaining the ‘impossible’ (although it can be argued to be a good starting strategy), it

offers a sense of ease of individual's choices at a time when threats seem to be increasingly beyond our control.

The key question about modern Stoicism is whether Stoicism pursued in the 21st century can be a word-for-word copy of ancient Stoicism or does it require reinterpretation? The aim of this paper is to offer a brief venture into this realm in order to consider whether such reinterpretations are needed and offer an open-ended illustration of some of the aspects of Stoicism which might merit – and have already merited – such new discussion.

It must be emphasized though that there is no agreement on this among the Stoic scholars, authors and activists. Some do not see the necessity for reinterpretation at all, those who see it do not agree on the extent to which it is necessary, and there is virtually no agreement as to which particular reinterpretation should prevail. This discrepancy is neither worrisome, nor anything new to the Stoic tradition. Stoicism, since its dawn, has always been an open school avoiding straight dogmas and encouraging various interpretations. As the famous passage goes, “Cleanthes and his pupil Chrysippus could not agree in defining the act of walking” (Seneca, 1917-1972, 113.23).

In this pluralistic Stoic world of conflicting interpretations though, the majority assents to a view that some reinterpretation, or at least a debate about the modern specificity of the Stoic principles is required. It needs to be pursued if (i) Stoicism is to prove a practical and useful philosophy of life in the 21st century; and if (ii) the Stoic theoretical framework is to be a meaningful input to the present-day ethical discussions.

What would such reinterpretation of Stoicism involve? Taken verbatim, existing ancient Stoic writings will certainly prove obsolete and inapplicable to contemporary experience. The persistence of the Stoic theme in the Western thought, and its resurgence now, prove its inspirational potential, but going beyond superficial references to Stoic stand in face of adversities requires addressing some serious questions at the ancient doctrine. Lawrence Becker laid foundations for this approach in the opening passages of his landmark book *A New Stoicism*, by suggesting Stoicism could face up to the challenges of the philosophy and science as they grew since its conception:

It is interesting to try to imagine what might have happened if stoicism had had a continuous twenty-three-hundred-year history; if stoics had had to confront Bacon and Descartes, Newton and Locke, Hobbes and Bentham, Hume and Kant, Darwin and Marx, and the vicissitudes of ethics in the twentieth century. It is reasonable to suppose that stoics would have found a way to reject teleological physics and biology when scientific consensus did; that they would have found ways to hold their own against the attacks on naturalism launched in the modern era. And it is

reasonable to suppose that the sheer variety of self-identified stoics over the centuries would have prevented, as it did in antiquity, the view that a stoic life is typically a bleak one (Becker, 1998, 6).

In this landscape of reinterpretation one particularly important problem is “nature.” “Nature,” the principle of “following nature,” and the idea that, in the words of Marcus Aurelius, “nothing harmful is in accordance with nature” (Marcus Aurelius, 2006, 2.17) were cornerstones of the Stoic system.

Yet, there are serious doubts as to whether “nature” can constitute a valid and reliable source for ethics in the 21st century. A number of reasons for that could be explored. Most evidently, due to the pressure from scientific discourses the teleological view of nature has come to be seen today as more irrational or even mystical than the original Stoics conceived it. The arrival and establishment of a Darwinian world view further diminished the possibilities for modern faith in teleology. Therefore, while the phrase (and concept) of “accordance with nature” must have seemed quite self-evident for Marcus (and other ancient Stoics), this self-evidence has faded out over the centuries, i.e. in the 21st century it is anything but clear what “nature” and “accordance with nature” mean. If anything, “nature” today is much more malleable than it was in the world of the ancient Stoics. This means not only that it has never been less clear what “accordance with nature” should mean as an ethical guideline, but also that the idea of “following nature” may be (and has already been) distorted for clearly unethical purposes.

In light of these reservations modern Stoics may be led to seek a fresh interpretation for “nature.” Various options are available here. “Following nature” might be interpreted as “following reason”, or as “following facts.” Lawrence Becker responds the latter:

Following nature means following the facts. It means getting the facts about the physical and social world we inhabit, and the facts about our situation in it - our own powers, relationships, limitations, possibilities, motives, intentions, and endeavors - before we deliberate about normative matters. It means facing those facts - accepting them for exactly what they are, no more and no less - before we draw normative conclusions from them. It means doing ethics from the facts - constructing normative propositions *a posteriori* (Becker, 1998, 43).

Becker’s positivist notion of nature as facts is very compelling. Carefully treading *a posteriori* of what to our best knowledge at a given time is facts is a fantastic reformulation of the classic Stoic doctrine. The only charge that can perhaps be laid against this approach is that it deprives the Stoic argument *ad naturam* of its grander impact as projecting a certain notion of essence. And there is an aspiration to adhere to a certain essence of the cosmos implied in the

ancient understanding of what it means to follow nature. Another line of reasoning on the subject then, one that is not necessarily contradictory to Becker's, but which produces a different type of rhetoric, is that "following nature" in general should be translated into following our very own human nature. In other words, the modern problems with faith in orderliness and predetermination of the cosmic nature should shift our attention from the universal scale to our own exclusively human domain. "Following nature" would thus mean commitment to actualizing our individual potential in conformity with human nature, as opposed to the particular natures of other non-human animals.

This line of reasoning in turn opens us to a major problem of course: what is human nature? What pattern of thought and way of conduct is consistent with it? The debate of what "human nature" entails is indeed a huge one – it has to deal with all the innumerable human capacities and liabilities, universalities and particulars alike. The matter is perennial: more than complex and unclear.

One such aspect of human nature that merits a contemporary discussion is human sociality. It may even seem tempting to hinge human nature as a Stoic directive on sociality. It can after all be argued that regardless of the specific features ascribed to human nature, one can still safely assert that human nature is *social*. Certainly, "homo est animal sociale" is not a novelty in philosophy and it is indeed not novel in Stoicism. The concept that human nature is social has always been a part of the Stoic doctrine. The Stoics asserted that multiple times and in multiple ways. In the words of Marcus Aurelius:

Rational beings are here to serve each other (Marcus Aurelius, 2006, 7.55).

We are born above all for the sake of each other (Marcus Aurelius, 2006, 8.56).

For a rational nature the right path is to [...] direct its impulses solely to social action (Marcus Aurelius, 2006, 8.7).

How does this play out in modern Stoicism? The reasoning I propose is as follows. The previously mentioned reasons to doubt the ethical validity of nature hold. Yet, the commonality of human nature, or, to put it in more psycho-evolutionary terms, the realization that *Homo sapiens* is a gregarious species can transcend these doubts. The focus on our shared social nature may serve both as a sound reinterpretation of what "nature" means in modern Stoicism and as a grounding for global responsibility. Moreover, it is a response to a view of Stoicism as inviting egotism, a focus on individual things within our power and not within it,

translating solely to individual do's and don'ts. Accepting sociality as an undeniable part of human nature, that cannot be removed from human experience without a deep interference into what it means to be human, is what opens up Stoicism to others and forces it to acknowledge the necessity to explore the communitarian aspect of life in one way or another. The line of reasoning I am laying out here takes up on Stoicism's contemporary appeal as a matrix for individual ethical decisions and opinions based on distinguishing what is and not what is not within our power, but it invites current Stoicism aficionados to explore the doctrine's further consequences within the contemporary ethical realm.

Stoicism, if read this way, may serve as a good reminder about the need for universal, human solidarity. Naturally, this is in line with the original premises of the ancient Stoics who were the proponents of cosmopolitanism (arguably for the first time in the course of history of Western thought), i.e. a view that the only existing (strong version), or the most interesting (weak version) identity of a human being is their citizenship in the global *polis* of humankind. The metaphysical grounding for this was that all humans share the same participation in the divine-Logos (which the ancient Stoics conceptualized as a cosmic principle of fire, including a cyclical full destruction and rebirth) and that this participation dwarfs all other possible and specific traits a human being can have. It matters that humans take part in the divine-Logos, thus it does not matter that humans differ in the contingences of birth, skin color, wealth, ethnicity and gender.

On the other hand, we need to keep in mind that Stoicism does not prescribe any particular job, trade or profession for their adherents. Quite the contrary: there is a wide diversity of particular ways of life that a Stoic can follow, as long as her actions remain conformable to the Stoic principles of conduct. As Becker puts it:

It is important here, however, to quash the thought that the good life [i.e. stoic life – P.S.] we have in mind is in some disappointing way uniform; that it is, for example, always going to turn out to be a contemplative life suspiciously like a philosopher's. Not so. The stoics of antiquity were as diverse as plebeians and aristocrats, rhetoricians and physicians, career soldiers and career poets, apolitical logicians and political advisers, slaves and emperors. And while modernity has narrowed that range (and postmodernity, for all its flash and fury, has done nothing to reverse the trend), such narrowing is a local phenomenon. In principle, the diversity of possible stoic lives - and the lives of stoic sages - is very great (Becker, 1998, 21).

This "diversity of possible stoic lives" may sound normatively void (Stoicism does not compel followers into any specific course of action), but it may also be read as an escape from

the escape from responsibility (every individual needs to make autonomous decision and take responsibility for their course of action).

This begs another question: is this latitude for choice indefinite? Where is the boundary? And here is the point. The limitations for this latitude, the boundary condition which narrows the Stoic paths to choose from is constituted by the commitment to the community, here understood not as any kind of locality, but as a social world. The boundary of *polis* is the boundary of the stoic world.

In other words, care and commitment for the interest of *polis* might be interpreted as the criterion for what is and what is not agreeable with Stoicism. Stoicism allows a plethora of specific ways, “rhetoricians and physicians, career soldiers and career poets, apolitical logicians and political advisers, slaves and emperors,” (Becker, 1998, 21) but it prohibits the ways which are not beneficial to the interest of *polis*. This produces a concrete criterion to discriminate stoic behavior from nonstoic, and it constitutes Stoicism as a ground for responsibility for the global *polis*.

The presented line of argument strengthens the position of Stoicism as not only an inspirational philosophy for strengthening the individual, not only as a system of preparation for inevitable hardships of life, not only as a coherent framework for establishing one’s particular values and goals, but also as an umbrella philosophy for human solidarity.

What is the possible weakness of this reasoning?

The main weak spot consists in that it rests on the assumption that the particular trait of being social is categorically different from all other traits characterizing human nature. Human beings possess all sorts of attributes: we are capable of language, we are not able to run faster than 30 mph, we are social, bipedal etc. In the reasoning presented above the attribute “social” stands out – it belongs to a different order of discourse than others. In a bit stronger version, the attribute “social” does not merely stand out but is different in essence. Our ability (or lack thereof) to run at a certain speed, the color of our skin, and the language we speak are basically contingencies, while the attribute “social” is posited as the hard, deep “ontological” reality of human nature.

This criticism might be further developed, possibly using the psycho-evolutionary approach in which *all* traits of human nature – all those mentioned skin colors, pedalisms and velocities – are on a par with each other, since they are all equally products of Darwinian evolution. On this take, the social aspect of human nature is just like any other and there is no reason for it to be treated differently.

On the other hand, there is solid ground to claim that the trait “social” holds a distinguished position among the available characteristics that can be attributed to human

nature. That distinguished position is in accord with many traditions of philosophical thought. To say the least, the very existence of certain branches of knowledge testifies to it: there is sociology, there is social philosophy, and there is political science, while there is no distinct discipline of philosophy to study human bipedalism, or the fact that no one runs faster than 30 mph.

A closer study of this problem merits another study. As usually happens in philosophy, the definite solution may be impossible to fetch. And yet, the very possibility of stating this problem as presented above allows Stoicism to constitute a meaningful footing for the responsibility for global polis.

REFERENCES

1. Becker, L.C (1998). *A New Stoicism*, Princeton: Princeton University Press.
2. Irvine, W.B. (2009). *A Guide to The Good Life. The Ancient Art of Stoic Joy*, New York: Oxford University Press.
3. Marcus Aurelius (2006). *Meditations*, translated by Martin Hammond. London: Penguin Books.
4. Pigliucci, M. *Stoicism*. In: Internet Encyclopedia of Philosophy. Retrieved from <http://www.iep.ut.edu/stoicism/>(8.02.2018)
5. Pigliucci, M (2017). *How to be a Stoic : Using Ancient Philosophy to Live a Modern Life*, New York: Basic Books.
6. Robertson, D. (2013). *Stoicism and the Art of Happiness*, London: Hodder & Stoughton.
7. Schopenhauer, A. (1966). *The World as Will and Representation*, translated by E.F.J. Payne, New York: Dover Publications.
8. Seneca (1917-1972). *Epistles*, translated by Richard M. Gummere. Cambridge – London: Harvard University Press – Heinemann.
9. Stankiewicz P. (2014). *Sztuka życia według stoików*. Warszawa: WAB.

