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RECON
Reconstituting Democracy in Europe

Integrated Project
Priority: 7 - Citizens and Governance in a Knowledge-Based Society

Deliverable No. 83
Workshop on transnational social justice in multilevel polities

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Lead contractor for this deliverable:
Partner 17 VUA
Vrije Universiteit Amsterdam, the Netherlands

Final Version

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Dissemination Level		
PU	Public	
PP	Restricted to other programme participants (including the Commission Services)	
RE	Restricted to a group specified by the consortium (including the Commission Services)	X
CO	Confidential, only for members of the consortium (including the Commission Services)	

1. Introduction

RECON Deliverable No. 83 – *Workshop on transnational social justice in multilevel politics* is part of work package 9 – Global Transnationalisation and Democratisation Compared. The overall objective of WP 9 is to examine how globalisation and transnationalisation processes shape the conditions for democracy within and beyond Europe, and to compare the European case with certain particularly relevant non-European instances of democracy and democratisation. As part of this research agenda, WP 9 also focuses on the theme of transnational social justice in multilevel politics. In the months 49-60, work on this theme will be intensified with the aim to improve our understanding of transnational constitutionalism and the viability of the three RECON models.

The EU can be considered as an advanced testing ground for political arrangements beyond the nation state. As such, it frequently figures as an important reference point in debates on the prospects of (cosmopolitan) *democracy* beyond the nation state. In contrast, the EU serves much more rarely as a reference point in the current theoretical debates on (global) *justice* beyond the nation state. In these debates, the main empirical touchstones are rather found in the duties of rich countries towards poor ones. Cosmopolitan approaches insist on such political duties, confronting more nationalist views that adopt a more skeptical position. WP 9 aims to explore the validity of various theoretical positions on transnational or global justice for the EU and whether experiences in the EU can be used to develop our theories of global justice.

2. Presentation of the workshop

On 10 and 11 June 2011 Ben Crum at the Vrije Universiteit Amsterdam (VUA) hosted the workshop ‘Transnational social justice in the European Union and its implications for global justice’ at the Filmmuseum in Amsterdam. The workshop was relatively small scale, discussing eight papers over two days, with paper givers both from within the RECON project as well as from outside of it. From RECON, the two WP 9 work package leaders John Erik Fossum (ARENA, University of Oslo) and Christian Joerges (ZERP, University of Bremen) both participated, in addition to Chris Lord (ARENA) and workshop convenor Crum. The workshop moreover gathered ten paper givers, discussants and other attendees external to the project.

The workshop aimed to explore the validity of various theoretical positions on transnational justice for the European Union and whether experiences in the EU can contribute to the development of theories of global justice. Thus, key questions that the workshop addressed were: Can an emerging EU conception of justice be identified, distinct from both national and global conceptions of justice? And do the transnational duties and principles of social justice that may emerge in the EU contain relevant insights for the prospects (and theory) of global justice?

The first day mixed more theoretical debates on transnational duties in Europe with some more empirical approaches to solidarity. After a welcome note of workshop organiser Ben Crum, John Erik Fossum gave a brief introduction of the RECON project to the participants. The first paper discussed the present Euro-zone crisis through questions of justice and solidarity. Glyn Morgan (Syracuse University) argued that while many economists have come to present the bailout of Greece as a matter of justice and solidarity, such a bailout lacks justificatory grounds. The main reason for this is that such a bailout would be unfair towards the citizens of the countries bailing Greece out. Discussant Chris Bickerton (Universiteit van

Amsterdam) kicked off the debate by arguing that much of the validity of Morgan's argument hinged on his underlying conception of the European Union as a form of international cooperation rather than an integrated polity. The debate that followed focused on the motives of those helping Greece, and whether those are eventually altruistic or self-interested in nature.

In the second presentation, Lynn Dobson (University of Edinburgh) argued against the term 'social justice'. In her view, which draws on the work of Alan Gewirth, universal political duties are well captured by a conception of 'justice' per se. Any specific duties that arise beyond that as a consequence of social cooperation, as well as the questions of the distribution of benefits that they raise, are best understood as issues of 'social fairness' rather than social justice. Following this argument, Dobson posited that there are no specific European principles of justice. Rather, Europeans hold particular duties towards each other based on principles of social fairness, which may vary for different types of goods. Discussant Ayelet Banai (Johann Wolfgang Goethe University) raised the question how this conception of fairness relates to Rawls' understanding of the concept. Philippe van Parijs (Université Catholique de Louvain) emphasized the importance of first identifying the basic structure before determining individual duties.



From left: Ayelet Banai, Ronald Tinnevelt, Ben Crum, Glyn Morgan and Philippe Van Parijs

Next, Keith Banting (Queen's University Kingston) discussed research on the relation between ethnic diversity and the support for redistribution. Research in Canada suggests that a unified sense of national identity is not as essential for supporting redistribution to the poor, as some liberal nationalists tend to suggest. Instead, Banting identified a range of conditions that mediate any trade-off between diversity and solidarity. Furthermore, he discussed whether and to what extent these findings have implications for transnational social justice. In the discussion started by John Erik Fossum, the question was raised what implication this research has for Europe, as Fossum argued that in many respects the Canadian case provides a much more fruitful counter-narrative to the EU than the often invoked case of the US.

In the final presentation of the first day, Philippe van Parijs (Université Catholique de Louvain) explored why some multi-lingual or multi-ethnic polities do better than others, highlighting some notable parallels and differences between the cases of the European Union, Belgium and Switzerland. Building on his own work on justice and democracy, Van Parijs asserted that a particular important condition for any multi-lingual/multi-ethnic political community to function in a proper and democratic way, is to have one lingua franca. Hence he argued for recognising English as the lingua franca of Europe. Discussant Ronald Tinnevelt (Radboud Universiteit Nijmegen) focused attention on the specific connections between the debates on global democracy and distributive justice.

The second day was chaired by John Erik Fossum. Ronald Tinnevelt (Radboud Universiteit Nijmegen), the first speaker of the day, addressed the question why the idea of a federal world

government is not taken seriously in the academic debate. He argued that this is due to two major omissions in the theory: (1) a proper definition what a minimal world state is; and (2) why it is needed and what its competences would be. Among the many issues raised by Tinnevelt, discussant Glyn Morgan opened the discussion by highlighting in particular those concerning the impracticality and desirability of global federalism.

Ben Crum presented a paper that sketched the contours of a distinctive European Union conception of social justice. Crum positioned social justice in the EU as complementary both to the national welfare states as well as to any cosmopolitan conception of universal social duties. Specifically, he proposed three social duties that can be discerned to emerge from EU practice: (1) Economic non-discrimination; (2) Institutional stabilization and (3) Social policy tolerance. Discussant Lynn Dobson (University of Edinburgh) questioned the inductive character of Crum's approach and the conception of equality used in the paper.

In the next presentation, Ayelet Banai addressed the paradox between the universality of the human right to political membership and the specificity and diversity of political communities that it requires. To this purpose, she drew on the Arendtian conception of political membership as the 'right to have rights' to argue that the right to political membership needs to be seen to correspond to a globally differentiated scope of duties and that, ultimately, political membership has a non-arbitrary role in determining individuals' rights and duties. Discussant Philippe van Parijs challenged Banai to start with a conception of global justice instead of with rights, and to derive corresponding rights from that conception.

In the final paper, Chris Lord addressed the question of political justice in the European Union. In particular, Lord took issue with arguments that draw on Coasian bargaining theory to maintain that intergovernmental bargaining will naturally ensure the legitimacy of the basic political structure of the EU. He pointed out how a number of well-established challenges to Coasian bargaining – like the presence of indivisibilities and multiple equilibria – are amplified in the context of the European Union. Ben Crum opened the discussion by suggesting that the extent to which the problems in bargaining theory that Lord identified become acute in the case of the EU may vary from case to case. Furthermore, he pressed Lord to develop some of the possible revisions of intergovernmental bargaining theory (most notably deliberation and constitutionalisation) that his paper suggests.

The Amsterdam workshop thus provided ample room for a diversity of perspectives on transnational social justice to be explored. It presented a host of relevant perspectives on the topic that can benefit from each other. At the same time, it also demonstrated that when it comes to addressing the question of social justice in the transnational European context, many basic questions – conceptual and methodological – still stand to be resolved. Finally, the workshop underlined that the question of justice is deeply related to that of democracy both in its structure and substance. In that respect, the far-ranging work that has been undertaken as part of the RECON project on democracy beyond the nation-state can provide some useful stepping stones for exploring the question of transnational justice as well.

For the workshop programme and further details, see the RECON website at:
<http://reconproject.eu/projectweb/portalproject/AmsterdamJun11.html>

3. List of participants

Peter Bal	<i>Radboud Universiteit Nijmegen</i>
Ayelet Banai	<i>Johann Wolfgang Goethe University Frankfurt</i>
Keith Banting	<i>Queen's University Kingston</i>
Chris Bickerton	<i>Universiteit van Amsterdam</i>
Ben Crum	<i>Vrije Universiteit Amsterdam</i>
Lynn Dobson	<i>University of Edinburgh</i>
John Erik Fossum	<i>ARENA, University of Oslo</i>
Anton Hemerijck	<i>Vrije Universiteit Amsterdam (Dean)</i>
Christian Joerges	<i>University of Bremen</i>
Christopher Lord	<i>ARENA, University of Oslo</i>
Glyn Morgan	<i>Syracuse University</i>
Ryan Phillips	<i>UC Berkeley</i>
Philippe van Parijs	<i>Université Catholique de Louvain</i>
Ronald Tinnevelt	<i>Radboud Universiteit Nijmegen</i>

4. Programme

See attachment.

Programme

Friday, 10 June 2011

- 10:30 **Welcome and introduction**
Ben Crum, *Vrije Universiteit Amsterdam* and John Erik Fossum, *ARENA, University of Oslo*
- 11:00 **Does Euroscepticism entail Globoscepticism?**
Glyn Morgan, *Syracuse University*
- 12:30 *Lunch*
- 13:30 **Social justice and political obligation in the EU**
Lynn Dobson, *University of Edinburgh*
- 15:00 *Coffee Break*
- 15:15 **Ethnic diversity and support redistribution: implications for transnational social justice?**
Keith Banting, *Queen's University Kingston*
- 16:45 *Coffee Break*
- 17:00 **Social justice beyond the nation-state: some lessons from a non-nation (België/ Belgique)**
Philippe van Parijs, *Université Catholique de Louvain*
- 20:00 *Conference Dinner*

Saturday, 11 June 2011

- 9:30 **Welcome second day**
- 9:45 **From Monism and Dualism to Pluralism: towards a multi-level ethical position of justice and democracy?**
Ronald Tinnevelt, *Radboud Universiteit Nijmegen*
- 11:15 *Coffee Break*
- 11:30 **Three emerging duties of transnational social justice in the EU**
Ben Crum, *Vrije Universiteit Amsterdam*
- 13:00 *Lunch*
- 14:00 **Transnational justice: political, not socio-economic**
Ayelet Banai, *Johann Wolfgang Goethe University*
- 15:30 *Coffee Break*
- 15:45 **Problems of political justice raised by bargaining models of European integration**
Chris Lord, *ARENA, University of Oslo*
- 17:15 *Conclusion*
- 17:45 *Drinks and buffet dinner (optional)*

