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The Necessary Reconciliation of Political Philosophy and Legal Practice in a Globalising World

Yossi Dahan, Hanna Lerner and Faina Milman-Sivan (eds.), *Global Justice and International Labour Rights* (Cambridge: Cambridge University Press, 2016)

In this book, the editors assemble nine papers largely originating from the proceedings of a conference held in Haifa, Israel in 2011. The papers are split into three sections: the first concerned with the philosophical foundations of global labour rights;¹ the second concerned with the normative implications of global justice theories on labour law;² and the third concerns itself with global governance and democracy in relation to international labour.³

Overall, the book's main aim is to reconcile the perspectives of normative philosophy involved in global justice with that of empirical legal practice focusing upon labour law.⁴ The introduction recounts that the lawyers have realised the 'imperativeness' of tackling globalisation due to the 'governance gap' that has emerged as historical labour law, designed to operate within the nation-state, has become impeded in the modern world.⁵ This is contrasted with the work of philosophical theorists that has tended to be 'obscure' and 'unrealistic' as they have largely refrained from engaging in detailed analysis.⁶

The book intends to answer the following specific questions:

Who should be responsible, both morally and legally, for remedying unjust labor conditions and protecting workers' labor rights? To what extent and in what capacity should transnational organisations, for example, be engaged in generating and enforcing international labor standards? What moral and legal obligations should individuals

1 Yossi Dahan, Hanna Lerner and Faina Milman-Sivan (eds.), *Global Justice and International Labour Rights* (Cambridge: Cambridge University Press, 2016), p. 14.

2 *Ibid.*, p. 15.

3 *Ibid.*, p. 18.

4 *Ibid.*, p. 3.

5 *Ibid.*, pp. 3-4.

6 *Ibid.*, p. 5.

and international institutions bear toward workers who reside and work in foreign countries? Is there any democratic way to generate, regulate and enforce labor standards in a global labor market?⁷

Within the chapters of the book, answers to all the questions posed may be found. But it should be noted that in a book in which the writers take differing perspectives, the questions are answered in various styles; befitting the differing backgrounds of the contributors. However, it seems to be a shortcoming that the answers are not compared and contrasted in a small, helpful, concluding chapter.

Aside from answering specific questions, after reading this book one may be inclined to seek a global solution to a global problem at hand. This is because the reader will have become acquainted with a scenario concerning the international relationship between capital and labour. In very brief terms, the book describes a situation in which the phenomenon of globalisation allows capital to move freely whereas labour generally remains within its nation of origin. Capital will be tempted to move to the most profitable locations and this may often be a nation that allows both poor labour conditions and exploitation to exist: resulting in both injury and poverty respectively. Even though the nations concerned are aware that this situation is immoral, they will often allow unscrupulous companies to operate in order to harbour their capital and accrue the benefits it *should* bring. Furthermore, the workforce will often support the *status quo* fearing the bleaker alternative of unemployment, poverty and starvation.

Currently, the working standards needed in a globalising world such as those overseen by the United Nations are largely voluntary and they have a limited effect.⁸ Hence, if the problem is to be solved, then worldwide standards need to be enforced. But how should we arrive at these standards? With this in mind, the editors' own chapter in the first section provides much food for thought. It provides a clarion call for developing 'a new legal framework: one that reallocates moral and legal responsibilities to actors in the global labor market and reflects just labor relations in the age of globalisation.'⁹ The result being that the ultimate employers at the pinnacle of any production process should be held accountable for the poor conditions that contribute to the finished product, no matter where such production occurs.

From the book's second section concerning the *normative implications of global justice theories*, Alan Hyde may be expected to agree with the editors'

7 *Ibid.*, p. 3.

8 *Ibid.*, p. 10.

9 *Ibid.*, p. 83.

sentiments as he favours using a legal approach. His work describes how legal practice already contains an arsenal of principles to remedy poor employment practice:¹⁰ such as extending liability for any labour violations to an ultimate employer who employs staff via an agent.¹¹

The third section concerning *global governance and democracy* provides a notable way in which international norms may be promoted. The persuasive message from the chapter written by Anke Hassel and Nicole Helmerich¹² underlines how labour standards may be accepted as part of government policy. To explain, when government agencies decide only to contract with companies who adhere to international standards, their collective spending power could facilitate the mainstream acceptance of agreed international norms.

Hence, the reader may conclude that in order to solve global labour issues, rigorous normative standards ideally held within a legal framework, enforced by governments who can audit and monitor them, stand the best chance of success in a world where capital is readily mobile. The three aforementioned chapters resonate greatly as they may be combined to provide a practical solution to the problem; additionally, they also provide a reconciliation between the philosophical and empirical aspects of this book.

As an academic book, this publication will have a limited readership and will be expected to primarily appeal to legal theorists and political philosophers. That said, it should also be noted that a major assumption of this book is that ‘the contemporary labor market will continue to be governed by the current capitalistic system’¹³; and as such, the book will attract those who both support conscientious, liberal politics and have faith that the current situation can be improved. Other observers of politics may find this book interesting as they will be provided with examples of case studies of poor working practises, and also remedying theory at a supranational level.

Now, no matter what political philosophy one favours, all should agree that more work needs to be done to improve the situation. However, the successful implementation of global rights for workers would need to gain the impetus and consensus akin to an issue such as climate change: it would need to gain both the agreement and commitment of the vast majority of nation-states. And with

¹⁰ *Ibid.*, pp. 214-224.

¹¹ *Ibid.*, pp. 215-218.

¹² *Ibid.*, pp. 259-261.

¹³ *Ibid.*, p. 13.

regards to the main aim of this book, those philosophers and lawyers seeking rigorous, legal norms to apply will have found some common ground; but the task of popularising and introducing their findings remains.

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