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An egalitarian fortress? Global distributive justice and the EU

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ABSTRACT

This article offers an original political theory perspective on debates about EU integration and EU justice by discussing possible tensions with the demands of global justice. In particular, it asks whether global egalitarians can consistently argue for further European integration and for an egalitarian EU while maintaining that the scope of egalitarian justice should be global. After highlighting several tensions between EU equality and EU integration on the one hand, and global justice, on the other hand, it explores strategies available to global egalitarians to defend the focus on the EU. It concludes that global egalitarians can only have instrumental reasons to value the EU, and not any EU, nor merely a just EU; only the most instrumental to the realization of global justice, which can lead to different conclusions on EU integration or EU justice from the standardly assumed ones.

KEYWORDS

EU justice; EU integration; global egalitarianism; distributive justice; global justice

1. Introduction

Should global egalitarians value EU integration and argue for an egalitarian union? The answer might seem evident. Global egalitarians believe that some egalitarian distributive principle (and some egalitarian social relations) should prevail at the global level. Hence, to the extent that they value equality across borders, they should value any progress towards equality; and to the extent that EU integration makes an egalitarian union more plausible, they should value this process as well. Indeed, European cosmopolitan thinkers such as Jürgen Habermas or Philippe Van Parijs sometimes seem to assume that whatever helps extend democracy or justice beyond the nation state is desirable, and that further EU integration – with more democracy and more justice – should be supported in that perspective.

It seems to us, however, that the answer is not that evident if one takes a genuinely global and non-ideal perspective on the issue. Ideally, we should promote equality at the state level, at the EU level and at the global level. In practice, however, the global level lacks the institutions making redistributive policies possible. Global egalitarians should certainly promote the creation of global redistributive institutions, but until such institutions come about, they need to figure out where and how to promote equality. The EU also largely lacks institutional capacity, but is certainly farther in the integration process,

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with existing solidarity mechanisms and frequent calls for more internal redistribution (Vandenbroucke, Barnard, and De Baere 2017; Viehoff 2017; Van Parijs 2019; Labareda 2021). For this reason, there are specific demands of justice that arise at the EU level. The EU is a power wielding entity, able to impose significant constraints on member states and to deeply affect European citizens' lives. It is therefore perfectly legitimate for scholars to focus the attention on EU justice as a specific domain, in which specific claims arise.¹

From a global and non-ideal perspective, however, it is less clear that EU equality and integration should always or necessarily be promoted by global egalitarians. The first reason is that it is unclear that the existence of the EU necessarily facilitates progress towards global equality. Second, judged from a global egalitarian perspective, promoting EU justice might not be a priority. Third, as we shall see, the process by which an egalitarian EU is pursued (by widening or deepening; by closing external borders; through Eurocentric identity-building) could hamper the realization of global justice or make it more difficult to achieve. Fourth, even if a more egalitarian EU is somehow instrumental to global justice, there might be reasons to pursue some kind of sufficiency, not equality at the EU level, at least within a transition period (while maintaining an egalitarian goal at the global level, however utopian it may sound). These are the main claims we want to make.

In [section 2](#), we explain what global egalitarianism is. In [section 3](#), we review a diversity of possible conflicts between the demands of global justice and EU justice or EU integration. And in [section 4](#), we explore the most promising way in which global egalitarians who are EU enthusiasts can respond to the challenge – the transitional account.

Far from rejecting any attempt to make the EU more egalitarian, this article aims at inviting scholars concerned with EU justice to look at it from a global perspective, to consider more carefully some trade-offs between EU and global justice, and to reconsider the aims of redistributive and integration policies within the EU. Our stance may at times sound excessively pessimistic about the EU and excessively optimistic about alternative paths towards global justice, but this is justified by our aim to question a widely held assumption. We do this to counter a tendency by political theorists to be excessively optimistic about the EU, and to eventually provide a firmer ground for cosmopolitan defences of the EU. A more integrated and egalitarian EU might be our safest bet in the fight against global inequality, but this has to be shown rather than assumed.

2. Global egalitarianism

By global egalitarianism we have in mind a family of views about justice that are egalitarian in content and global in scope. A conception of justice is egalitarian in content when it requires an egalitarian distribution of certain goods (goods that are relevant from the point of view of justice) and/or egalitarian social relations. A conception of justice is global in scope when it takes demands of justice to apply to relationships among all individuals and to the distribution among them of the benefits and burdens resulting from global institutional structures, where global institutions refer to the global practices, rules, and organizations including those governing state sovereignty and borders.

Global egalitarianism thus differs from conceptions of justice that reject distributive equality as a demand of justice (Frankfurt 1987; Parfit 1997) or deny that justice requires a patterned distribution altogether (Nozick 1974). It also differs from egalitarian approaches insisting that the scope of justice should be restricted to the level of the

state (Miller 2007; Nagel 2005; Rawls 2001). In this paper we do not *defend* global egalitarianism; rather, we ask what follows from being global egalitarians. That said, and before we address the implications that global egalitarianism has for thinking about the EU, let us very briefly outline why some egalitarians believe that the scope of justice is global.

There are different accounts of why inequality among individuals is bad. On some accounts (distributive egalitarianism) inequality is objectionable because it is a result of unfair distribution. On other accounts (relational egalitarianism) it is because it leads to or instantiates unequal relations. Plausibly, there are both distributive and relational reasons to object to inequality (Scanlon 2017). There are also different accounts of the ground in virtue of which we owe other individuals equality. Roughly speaking, we can distinguish two types of grounds: on the first, we owe equality to others in virtue of moral features of humans (non-relational grounds); on the second, we owe equality to others in virtue of a shared institutional relation such as cooperation or coercion (relational grounds). Plausibly too, there are multiple grounds of equality.

Defences of global egalitarianism generally follow a simple argumentative strategy. They show that whatever grounds our concern with equality when thinking about justice in the domestic sphere extends globally. On a non-relational account of grounds, the extension of egalitarianism to the global sphere is obvious: we owe equality to all humans in virtue of them being humans. On a relational account of grounds, global egalitarians have argued that the global institutional order is characterized by dense networks of cooperation (Beitz 1999), is coercive – especially via its institution of state borders (Abizadeh 2007; Cohen and Sabel 2006) – and, importantly, has pervasive impact on the lives of individuals subject to it (Beitz 1999; Van Parijs 2012) to justify extending the concern of egalitarian justice globally. Opponents object that the global institutional order is insufficiently thick – there is no global state, democracy, agent to whom principles of justice apply. In response, it is important to emphasize that demands of justice are demands about how we *design* institutions, including demands to *bring about* institutions that can legitimately implement just principles (Harb 2021; Ronzoni 2009).

We conclude this brief exposition of global egalitarianism with two interrelated notes. First, we take egalitarian justice to be a primary value in the design of our shared institutions, but this is not to say that it is the only value, or that it subsumes all other values. Another important value that we should assess institutions against is democracy. Second, one might consequently have the worry that absent global democracy, calls for global egalitarian justice might be insufficient at best, despotic at worst. But reflecting upon the demands of justice is meant to feed our democratic deliberations. Far from willing to impose a particular view of justice, our aim is to invite EU citizens to look at the EU from a more global an inequality-sensitive perspective.

3. Global egalitarians and the EU

With these preliminaries in mind, we can now return to our starting question: Should global egalitarians be EU enthusiasts, and for what kind of union? Should they promote further EU integration, and of what sort? The answer, at first glance, seems to be a clear yes: global egalitarians should want a stronger, more integrated, and more egalitarian European Union. Here are three possible reasons why.

First, global egalitarians see no moral significance in states and believe that building strong global institutions is necessary. Therefore, they have at least a *prima facie* reason to welcome any move beyond states and towards supranational institution-building. Although states could in theory play a valuable instrumental role in the pursuit of global justice absent global democratic institutions (see Ypi 2012), in the prevailing situation, they more often act as obstacles to global justice, be it by vetoing international solidarity proposals, blocking low-skilled immigration, or contributing to brain drain. From such a perspective, a more integrated EU can be seen as a promising step towards more international cooperation.

Second, global egalitarians believe that it is unjust if some have worse opportunities or standards of living than others because of their nationality or place of birth. EU citizens have a right to freedom of movement within the EU, a right to seek employment in other member states, and a right to non-discrimination on the basis of origin, among others (Article 15, Title II, EU Charter of Fundamental Rights). And while achieving fair equality of opportunity (i.e. substantive and not merely formal equality) is still a far goal, the granting and the exercise of these rights reduces disparities of opportunity. Accordingly, global egalitarians have a reason to support the EU and its fundamental rights of freedom of movement, non-discrimination and rights to occupation. And they should also be in favour of redistributive policies reducing disparities of opportunity within the union (Viehoff 2020).

Third, (most) global egalitarians believe that a large part of income inequalities among individuals are unjust. Some studies suggest that some income inequalities among EU citizens decreased due to convergence among EU member states, which in part can be explained by their EU membership (see Vandenbroucke 2013).² Global egalitarians would welcome this reduction in inequalities and would support policies and measures that aim to reduce inequalities further (including but not limited to EU wide redistributive policies).

In sum, global egalitarians seem to have at least *prima facie* reasons to be EU-enthusiasts. They would not only want an EU that is institutionally stronger (more integrated) and that protects freedom of movement, but one with redistributive powers and policies.

Yet it would be hasty to accept the conclusion that global egalitarians should clearly want and promote an egalitarian EU. A policy reducing inequality (be it in income or in opportunities) within the EU can in some cases lead to a net increase of inequality between EU members and non-members. Think about agricultural subsidies, for example. They can be seen as redistributive and justified from an EU-centred perspective, and yet reduce poor non-European countries' capacity to sell their products to European countries, which could have been desirable from a global egalitarian perspective. It cannot be assumed that any redistributive policy within the EU always promotes global justice. It would therefore seem that global egalitarians should only value and support an EU that is compatible with their aims of addressing global injustice, to wit, reducing global inequalities. In other words, global egalitarians cannot rely exclusively on reasons internal to the EU – i.e. relating to relations among EU citizens or member states. They have to incorporate wider considerations, such as the worldwide distribution of incomes and opportunities, or the political prospects of global justice. It may often be the case that changes at the EU level do not affect global inequalities, and hence can be seen at least as

permissible. Nevertheless, as we will argue below, there are several reasons to think that institutional arrangements that either further supranational integration or allow for a reduction in EU inequalities may stand in the way of reducing global inequalities.³

3.1. 'Hayek's trap'

In his recent contribution to this debate, Van Parijs (2019) discusses Friedrich von Hayek's favourable inclination towards supranational economic integration. Hayek's position is interesting, because it illustrates how progress in supranational integration may reduce the prospects for redistributive policies.

According to Hayek, supranational integration is likely to expand market freedom because it reduces governmental interferences with markets. If there is free movement of labour, commodities and capital beyond state borders, it becomes more difficult for states to affect prices, to impose country-specific regulations and to raise taxes. Hence, with supranational integration there comes a loss of redistributive capacity at the state level because labour and capital can more easily move to more hospitable environments. The loss of redistributive capacity is not inevitable: it can be maintained or even enhanced if strong common regulations are implemented at the supranational level. Importantly, however, Hayek thought that strong common regulations are unlikely to be agreed to among heterogeneous states seeing as historically, it was already a steep battle to build support for redistributive policies within relatively homogeneous nation-states.⁴ In other words, supranational *economic* integration reduces states' capacity to pursue egalitarian policies, and because supranational *political* integration is impossible to achieve, the long-term prospects of egalitarian policies are reduced – which pleases Hayek.

According to Van Parijs, the recent history of the EU shows that Hayek was basically right: 'In conformity with Hayek's scenario, the increased mobility created by the deepening of the common market further disempowered member states, while the increased heterogeneity created by the post-1989 enlargements amplified the obstacles to the federation taking over the regulatory and redistributive powers that the member states were increasingly unable to exercise.' (Van Parijs 2019, 22–23) This is usually the diagnosis that motivates left-wing euro-scepticism (Streeck 2014) or pessimism (Offe 2015). However, it does not disqualify EU integration in Van Parijs' eyes. The reason is that he does not believe in the statist alternative to the EU. With or without the EU, states have lost redistributive capacity as a result of globalization, and they can only recover such capacity through supranational cooperation. That would still leave open the option of quitting the EU and starting a more egalitarian union with willing states. However, Van Parijs adds, the costs of dismantling the eurozone might be excessive (see also Offe 2015). Therefore, he believes that the most promising road from the current situation, for global egalitarians, is further EU integration 'of the right sort', by which he means a more deeply integrated and more egalitarian EU.

As it is beyond our capacity to assess the costs of dismantling the eurozone and starting a new supranational union on different, non-Hayekian bases, let us simply make the following point: it cannot be assumed that the EU in its current form is preferable to all alternatives, from a global egalitarian perspective. It could be the case that some scenarios implying a partial dismantling of the EU or a deeper union among a more restricted set of countries⁵ sharing a more cosmopolitan agenda would better

promote global equality. The most promising way out of the neoliberal trap might be to build an alternative union without the most nationalist and pro-market countries. Or it might involve differentiated integration within the EU. Again, we cannot explore here these alternatives and their challenges – including from a fairness perspective (on which, see Bellamy and Kröger 2017; Bellamy, Kröger, and Lorimer 2022), but we invite EU enthusiasts to consider them more seriously. If we keep working from within the existing EU structure, it must be for pragmatic reasons, because it seems the most feasible way out of Hayek's trap. Yet this feasibility claim is not beyond reasonable doubt – it seems to be held, partly, as a matter of faith.

3.2. A breach of priority rules?

Hayek's trap shows how economic integration may be in tension with any form of egalitarian agenda. One way out if the trap is a more egalitarian EU. Yet this path may come in tension with global justice by diverting attention from demands of justice having moral priority. In the pursuit of an egalitarian EU, large amounts of money will be collected to redress EU inequalities. Yet the money transferred to poorer member states or EU citizens might be better used if targeted at the global poor. If we endorse a prioritarian or leximin⁶ rule in the pursuit of equality, as most egalitarians would agree to do, poor EU citizens are unlikely to have priority over poor people in poor states in other parts of the world, even taking into account relative and not only absolute poverty. Only if it is impossible (at a reasonable cost) to improve the situation of the least well-off outside the EU would it become legitimate to focus on the least well-off within the EU. Yet although no global redistributive institutions exist, it is possible for the EU to help the global poor in many ways and thus to divert some resources away from internal affairs to benefit the global poor: it could for instance increase foreign aid spending, insist on a restructuring of poor countries' debts, open its borders to low-skilled immigrants and spend money on their linguistic, social and professional integration. It is only in a more political sense that these actions can be judged 'impossible', i.e. in light of public opinion and electoral constraints in a time of widespread national-populism. Morally speaking, however, giving priority to EU inequalities over these alternatives requires further justification.

3.3. Supra-nationalism

According to some theorists of justice, strong redistributive transfers are possible only (on some accounts, can be justified only) if the population among whom the transfers take place share a common identity (Miller 2007). This has prompted egalitarian authors thinking about the EU to advocate European wide identity-building policies – the idea being that a common European identity would be necessary to make EU redistributive transfers acceptable (and justifiable) to populations (De Schutter 2012, 2017). Global egalitarians should, however, be wary of policies aiming to build a European identity, for while a strong European identity might facilitate redistributive transfers among EU members, thereby rendering the EU more egalitarian and just, a strong European identity could be an obstacle in the pursuit of global justice. This is because policies aiming to bridge the identity and trust gap among Europeans via the (re)construction and

strengthening of a European identity risk entrenching a regional identity, encouraging people to see themselves primarily as EU citizens rather than citizens of the world. More worryingly, they risk engendering some kind of European welfare chauvinism, or more xenophobic attitudes, as reported by some empirical studies (Licata and Klein 2002). Currently, nationalism and low levels of identification with foreigners pose problems for global egalitarians, but with a European identity these problems would then just be transformed into (or worse, added to) problems of supra-nationalism.

Admittedly, a supranational identity might already be an improvement compared with narrow nationalism, as it would be a form of shared identity encompassing a wider diversity of languages, cultures and histories. And on some pessimistic accounts of the bounds of solidarity, it might be the best we can hope for. Yet such supra-national approach can be contrasted with a postnational one (Habermas 2001; Brunkhorst 2005; Ferry 2009) that would make sure not to send the message that EU fellow citizens are morally special. It would rather encourage EU citizens to see some EU redistributive transfers as justified by the existence of an appropriate institutional structure at the EU level that facilitates the promotion of universal human rights in a particular context and yet insufficient because of our duties towards the global poor.

3.4. Deepening at the expense of widening?

Related to identity-building, there is also the issue of widening vs deepening of the EU, where widening means including more countries in the union, and deepening means transferring more and more competencies to the federal level. A more egalitarian EU is a deeper EU. But if deepening and transfers require homogeneity (as suggested by Hayek's trap and the identity argument), then it has to come at the expense of widening. Indeed, there is empirical evidence that the internal de-bordering of Europe – a central part of the integration process – was coupled with a promise of external re-bordering to compensate for the loss of national control (Schimmelfennig 2021). The completion of the European area of free movement in the 1990s went together with collaborative efforts to restrict and control immigration from outside Europe (Guiraudon and Lahav 2006). The underlying assumption seems to be the idea that an integrated Europe with internal freedoms requires a clear demarcation of its external borders.

Hence, there is a choice to be made between a stronger and deeper EU on the one hand and, and a wider and thinner EU on the other.⁷ The latter may be preferable to address global inequality (and may not require strong borders, a point which we discuss further below). Yet the former would be preferable in terms of redistributive capacity-building within the EU. Again, the dilemma cannot be settled once and for all, but it should raise our attention to the fact that it is not obvious that a stronger and deeper EU is necessarily the best path towards more global justice.

3.5. Fortress Europe

As suggested above, the result of pursuing an egalitarian EU might be a reinforcement of external borders, turning 'fortress Europe' into a club of rich egalitarian countries with very low openness to immigration. The tension between a generous social protection – which would be required in an egalitarian EU – and openness to immigration is well-

documented (Razin, Sadka, and Suwankiri 2011; Milanovic 2016). Although being better protected might somewhat increase citizen's generosity towards outsiders (Noël and Thérien 2002), a more egalitarian EU would likely face increasing immigration pressure due to the attractiveness of its living conditions. The EU, which already includes many of the best social protection systems, attracts about 85% of the low-skilled or unskilled migrants settling in rich countries (Razin, Sadka, and Suwankiri 2011, 6). Nevertheless, its immigration policies are still highly selective. So, if the current economic impact of migrations to the EU may not be negative (it seems slightly positive if not null in OECD countries (Docquier, Ozden, and Peri 2014)), it is because it is selective and biased in favour of skilled immigrants. Thus, it is very conceivable that an egalitarian EU, unless its citizens have been turned into altruistic cosmopolitans, would be tempted to limit the immigration that might have contributed to reducing global inequality (Milanovic 2016) and poverty (Oberman 2015), i.e. the migration of low-skilled immigrants to rich countries.⁸

A global justice perspective, on this issue, might even invite sacrificing equality within the EU to reduce global poverty. This is what has been called in the migration ethics literature the 'numbers vs rights' trade-off (Ruhs and Martin 2008): the more rights are offered to immigrants (including social rights), the fewer can be welcomed while taking states expenditures constant.⁹ From this viewpoint, reducing authorized immigrants' access to social protection, at least for a certain period, may be a way to increase the inflow of immigrants, to the benefit of global equality of opportunity and of the global relief of poverty (Milanovic 2016). Hence, an EU guided by global egalitarian concerns might not be an internally egalitarian EU. We could indeed imagine a scenario in which the EU absorbs a more important share of immigration by accepting temporary inequalities between immigrant workers and EU ones. Immigrant workers would only access full citizenship after some years of work. Whether this scenario is plausible and desirable all-things-considered is not for us to judge¹⁰, but it is an example of alternative path that ought to be considered.

The impact of EU internal policies on the global disadvantaged can only be assessed empirically and it is not our aim here to do so. The discussion so far has meant to show that pursuing EU integration or EU equality does not obviously advance the cause of global egalitarianism, indeed, that it can at times be detrimental to that pursuit. This, of course, does not mean that we would be better off with a less integrated and less egalitarian Union, which might only benefit capital-owners in unfettered global markets. The more modest point is that there are reasons to be sceptical that integrative and redistributive policies at the EU level will always be to the benefit of the global disadvantaged; it would be a happy coincidence if they did.¹¹

This is why it is worth questioning the widely held assumption that EU integration and EU equality should be praised by global egalitarians. If we want to build a strong case for an egalitarian EU, it must be more carefully articulated.

4. Global egalitarian arguments for EU justice

In the previous section, we suggested that moving from global egalitarianism to EU egalitarianism is not as straightforward as is often assumed, since further EU integration and EU egalitarianism may prescribe policies that undermine (or may end up

undermining) global egalitarian justice. This does not amount to defending a return to a world of nation-states. Our argument is rather that there is a diversity of possibilities between a world of sovereign nation-states and a world with global institutions protecting global justice. These possibilities include a world without the EU but with other forms of supranational cooperation, a world with a narrow but highly integrated EU, a world with a constantly widening yet less integrated EU, etc. Considering this, how can global egalitarians taking a non-ideal perspective¹² justify a focus on the EU and a demand for equality within the EU?¹³

A non-ideal theory of justice is fundamentally a *transitional* theory of justice, concerned with ways of evolving towards a less unjust world. An important challenge to transitional theories is the famous second-best problem (Lipsey and Lancaster 1956): a state of affairs B that is closer to the first best A might be less desirable than a more remote state of affairs C. For example, if the first best is a democratic world federation (A), it could very well be that a world of independent states (C) is preferable to an undemocratic world federation (B). In other words, the right transitional policies are those that get us closer to achieving the ideal and not policies that best approximate the ideal (see also Estlund 2014). The transitional approach requires to work towards establishing circumstances under which ideal justice can apply, rather than try to implement policies that reduce injustices in a piecemeal fashion (judged unjust by ideal standards). A transitional policy PT would be one, for instance, that works on dissolving current obstacles to achieving global justice. Now, this may mean that the transitionally just policy PT is one that results in a state of affairs that is less just by ideal standards than the status quo or another feasible policy Pwe that is more just than the status quo by ideal standards. On this view, '[i]f it is necessary to take one step backward in order to take two steps forward, Rawlsian non-ideal theory will endorse that step 'away from' resemblance to the ideal' (Simmons 2010, 23).¹⁴

This seems to us to be the most promising approach to EU justice. Hence, we will now discuss three reasons that may make it transitionally appropriate to be concerned with EU integration and EU inequalities even if these aims may at times conflict with requirements of global egalitarian justice.

4.1. A necessary institutional experiment

Defenders of global egalitarianism are faced with the persistent and pernicious challenge that their theories are often considered utopian in a negative sense: impractical, and unfeasible. A related criticism has been that epistemic constraints render utopian thinking harmful (Risse 2012). We, the charge adds, currently have no idea how a world with much more coercive international and redistributive institutions would look like, let alone a world without states or one with a world state. Making the move towards that world is a risk that we cannot justify using merely moral principles.

A global egalitarian can accept that achieving global egalitarian justice is, from where we currently stand, a far-fetched, even utopian ideal, and accept that we have no accurate or reliable knowledge as to how such a world and its institutions would look, or how individuals would behave under different institutional arrangements. This, one can argue, is a reason to treat the EU 'as if' it were a domain of justice because it can be the testing ground we need to get better knowledge of how justice beyond the nation state should

and would look like (De Schutter 2017; Van Parijs 2019). The EU as a project, even in its current imperfect state, can be said to have realized through its institutions what many would have considered utopian less than hundred years back. Think here of peace, free movement, non-discrimination, or the EU court of justice and human rights, to mention only some aspects. The question of which direction the EU should take is currently on the discussion table and its institutional setup therefore remains an open experiment.

In short, the idea here is that bringing about an EU which is internally just provides us with currently lacking knowledge and expertise in supranational institutional design and on the difficulties of pursuing egalitarian policies at such scale, knowledge that may be considered necessary to bringing about a world that is just by egalitarian standards. Therefore, bringing about a just EU would likely bring us closer to bringing about a just world by increasing our knowledge of the challenges, bad ideas and more promising paths towards supranational justice.

4.2. Developing citizens' sense of justice

A complementary yet distinct argument for an egalitarian EU as a requirement of transitional justice focuses on its capacity to develop a wider sense of justice in its citizens. The idea here is that one obstacle to moving towards global egalitarian institutions is the lack of appropriate motivation among the world's rich populations. Egalitarian institutions, if implemented and stable, could develop citizens' sense of justice, which could be the right capital needed to push for more global egalitarian institutions.

In this case, however, the global egalitarian approach will differ from approaches strictly focusing on the EU, because fostering the right sense of justice will have priority over fostering European cultural 'ties that bind' (De Schutter 2012). As mentioned earlier, if building a self-centred European identity is necessary for an egalitarian EU, this might turn out being detrimental to the prospects of global justice. The merit of seeing EU justice as purely instrumental to the further goal of global justice is to highlight this potentially overlooked issue. From a global justice perspective, thus, the aim would not be to create specifically European identity ties, but to extend the bonds of solidarity beyond the nation state, preferably by disconnecting solidarity from common identity or common culture.¹⁵

4.3. Peace and democracy promotion

Lastly, one could argue that the EU as an entity has an important potential in spreading peace and democracy. Indeed, it is argued to have been key in maintaining and spreading peace on the European continent and can be seen as promoting democracy beyond its own borders (see for example Lavenex and Schimmelfennig 2011). Peace and democracy are essential conditions for moving towards egalitarian global justice. Therefore, if it is true that the existence of the EU contributes to spreading peace and democracy, that could be a further reason to preserve a strong EU.

By itself, however, this argument does not explain why we should aim for an egalitarian EU. Some egalitarian policies might be necessary for the EU's survival, for instance because a monetary union cannot survive without redistributive measures which reduce inequalities (Van Parijs 2013; Offe 2015). However, a full realization of the egalitarian ideal

might not be necessary to this end. What we thus have here is an indirect argument against some degree of inequality within the EU. It establishes that the EU is a valuable institution for peace and democracy, both necessary conditions for a more just world; and then argues that limiting inequality within the EU is necessary to have a viable and stable EU preserving these globally valuable features.

4.4. *Assessing the transitional account*

Suppose we have good reasons to believe that the three arguments just considered for the EU as building a path towards global equality are true and mutually supportive. This does not show that an internally egalitarian EU is the transitionally just route. Surely, for that to be the case, it is not sufficient to show that an internally egalitarian EU is one step towards global justice. One must show that, compared to other alternatives, it is the best path.

How should we understand 'best' in this case? Given the aims of transitional justice, we should probably consider the best path to be the one that is most feasible, effective and efficient, whereby feasibility corresponds to political feasibility,¹⁶ effectiveness to its potential in achieving the aims, and efficiency to how fast it gets to its aims compared to the costs, where costs would be deviations from global equality. This complicates matters for the above transitional arguments. For, one would need to show that institutional experimentation, the development of a wider sense of justice and the promotion of peace and democracy are feasible, and the most efficient and effective transitional policies towards global egalitarian justice. This is certainly not easy and requires a great deal of empirically-based speculation.

What can be said in favour of the transitional argument is that if we indeed accept that to achieve global justice we need to have the right institutional experience, a developed and widespread sense of justice (partly disconnecting solidarity from identity), and peace and democracy; then, compared to states, it seems plausible to argue that the EU does better on all three fronts (or at least has done better so far). But which EU?

First, it is not clear that the transitional argument will justify the pursuit of an egalitarian EU at the expense of transnational redistributions (such as development aid)¹⁷ when the EU budget does not allow to do both in a more than superficial way. Admittedly, fighting existing levels of inequality might be necessary for stabilizing EU democracy, fostering international peace and promoting solidarity beyond the nation state. Yet in the transition towards global justice, achieving equality of some sort at the EU level will likely not be the priority. What we need to secure at the EU level is whatever is sufficient to achieve the aforementioned goals. In other words, EU institutions should, as far as possible, organize redistributions of wealth necessary for the stable continuation of the EU institutional experiment, which should be understood as transitional, as an experience in democracy and solidarity beyond the nation state called to expand, in time, to new countries or being absorbed into a more global federation. And while pursuing this agenda, the EU should not disregard its obligations of justice towards non-EU members, which are likely more stringent, and which constrain its pursuit of internal cohesion. If there were more to redistribute than what is necessary and sufficient to achieve these instrumental goals, this surplus should be directed to the

global poor. And only if, someday, the most severe global injustices were addressed (or only if there was nothing more that could be done to address them) could EU equality become a genuine goal.

Secondly, as suggested above, it is difficult to establish whether widening or deepening the EU is the best path towards global justice. Considering the three transitional arguments mentioned above, deepening seems preferable to push the institutional experiment and see what degree of equality can be achieved at a supranational level. Deepening the union may also contribute more to the development of citizens' sense of justice, provided that the process is not too identity-based. Yet, from the perspective of peace and democracy, and if we want people's sense of justice to spread to a maximum of countries, in spite of cultural diversity, widening will likely seem preferable. Our purpose here is obviously not to settle this complex issue. What we wanted to show is that endorsing a global egalitarian perspective to look at EU debates does make a difference and invites new considerations. All the possible paths should be explored from a transitional – rather than EU-centric – perspective. We do not want any EU, nor merely a just EU; ideally, we would want a global justice-promoting EU, however utopian that may sound.

5. Conclusion

This article explored the questions of EU integration and EU justice from a global egalitarian perspective. We assumed that global institutions should ideally be put up and designed in a manner that would show equal concern for people's opportunities to pursue their life projects, whatever their place of birth, by distributing the benefits and burdens of globalized human interaction in an egalitarian manner and thereby creating conditions for more egalitarian interpersonal and international relations. Judging from that perspective, we showed that the normative status of the European Union is not as clear as one might initially think. Many forms of tensions between EU justice or EU integration and global justice can be imagined. Supranational economic integration may disable egalitarian redistribution; building an egalitarian EU might not have priority over policies targeted at the global poor; it might imply the construction of a self-centred European identity that would replicate the problems of narrow nationalism; it could unduly privilege the deepening of the union at the expense of its widening; and it might make the EU more hostile to low-skilled immigration although the latter has the potential to reduce global poverty and inequality.

We have then examined the transitional view of the EU as potentially instrumentally beneficial for the realization of the global justice ideal. However, as we have argued, it is not clear that pursuing equality within the EU should be the immediate goal, from such perspective. Departures from a broadly understood 'prioritarian' pursuit of global equality would be justified only by the potential instrumental value of a properly defined EU in the pursuit of global egalitarian justice under non-ideal circumstances. As we showed, such perspective leaves many empirical questions open on the best way to make the EU an instrument of global egalitarian justice. What it does is inviting EU theorists and citizens to question the intrinsic value of EU integration and to look at EU debates through a wider, less Eurocentric lens.

Notes

1. Recent scholarly work in this perspective includes (De Witte 2015; Viehoff 2018; Bellamy 2019; Follesdal 2021; Kollar 2021; Sangiovanni 2021; Bellamy, Kröger, and Lorimer 2022).
2. Granted, in more recent years (particularly since the mid-2000s) the EU has been witnessing a divergence both within and among its member states (Vandenbroucke 2017). For global egalitarians, however, this only strengthens the case for EU wide redistributive policies to counter the divergence (Van Parijs 2019).
3. Beyond the strictly distributive impact of the EU, there is a more fundamental question of global justice: whether in a globally just world states have the freedom to form exclusive associations like the EU and on which basis, even once the distributive impact has been corrected for. We do not think it permissible for countries to exclude migrants on the basis of their identities, but the EU is a union exclusive to *European* countries – is that permissible? We do not address this question here, but see (Harb 2022) for an argument against the legitimacy of exclusion on the basis of geography or identity.
4. Hayek, 'The interstate conditions of economic federalism', quoted in (Van Parijs 2019, 19–22).
5. Without full disintegration, this could occur through a stronger expulsion mechanism (see Theuns 2022) allowing to restrict the union to countries preserving some basic normative orientations.
6. The leximin rule, which is a possible interpretation of Rawls's difference principle (see Van Parijs 2003), gives priority to the least well-off, but if this position cannot be improved, it mandates improving the situation of the next worst-off. The prioritarian view (Parfit 1997), in contrast, which is more aggregative than distributive, values any improvement of someone's situation while giving a more important weight to disadvantaged positions.
7. This dilemma has prompted discussions about differentiated integration. These have been largely neglected by political theorists (but see Bellamy and Kröger 2017; Bellamy, Kröger, and Lorimer 2022; Eriksen (2019); Patberg 2021) and mostly focused on democratic and fairness considerations that are internal to the EU. For global egalitarians, however, the question of differentiated integration cannot be settled based on internal considerations; it must include considerations of global justice.
8. This form of migration improves equality of opportunity by increasing the chance that people born in poor countries access better living conditions. It may also help reducing poverty if the effects of remittances – cash transfers from emigrants to people in their country of origin compensate whatever negative effects their emigration may have had. Note that the issue of brain drain is less salient with low-skilled workers and that according to the World Bank, in 2009, remittances more than doubled what poor countries received through foreign aid (see Oberman 2015, 241), which shows that the effect of migrations on the reduction of global poverty should not be underestimated.
9. Obviously, one could imagine expanding states' expenditures to include more immigrants. The more modest assumption is that at some point, states' capacity to welcome low-skilled immigrants will be limited by economic and political constraints.
10. One countervailing consideration is Ivan Krastev's (2020) contention that what he calls the new migratory revolution (the recent increase of refugees in the EU) and the counterrevolution it engendered (national-populism) already challenge the very future of the EU. If that is correct, the numbers-instead-of-rights approach might not be viable in the EU as it stands (with these 27 members).
11. We would like to thank the anonymous referees for pushing us to make this point explicit.
12. In an ideal approach, the conflict between EU justice and global justice would not arise; justice would simply demand fulfilling all our duties simultaneously at the State, EU and global level.
13. For an insightful application of the ideal/non-ideal theory distinction to EU justice see Baycan (2016).

14. Rawls (1999) says very little on the content of non-ideal theory. He does, however, mention three requirements that must be satisfied by non-ideal theory. The requirements are that 'policies and courses of action' must be (1) 'morally permissible', (2) 'politically possible' and (3) 'likely to be effective'. In the evaluation of the transitional arguments below we build and elaborate on these requirements.
15. See above on the 'postnational approach'. Yet according to Etienne Balibar (2009), the EU has so far failed its initial promise to break the powerful link between nationality and citizenship.
16. In the soft sense that it is likely to be implemented. For a deeper discussion of feasibility, see Gilabert and Lawford-Smith (2012).
17. We acknowledge that, in practice, the choice will often be either intra-EU redistribution or no redistribution at all, but a normative reflection should not take this as an insuperable fact.

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