
Review

Global justice and social conflict: The foundations of liberal order and international law

Tarik Kochi

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Tarik Kochi's *Global Justice and Social Conflict: The Foundations of Liberal Order and International Law* offers an ambitious genealogy of western political thought to argue that, far from doing away with social struggle, the liberal republican tradition of thought and practice about (international) law has always acknowledged the irreducibility of conflict in this realm. Kochi centers the tension between individual and collective property and conscientiously covers attempts by thinkers from Aristotle to Marx to reimagine or rework this tension, without, however, ever truly eliminating it.

While relatively silent on how racial hierarchy and anti-colonial thought figured in the negotiation and contestation of property rights – not the least by the latter's justifying the ownership of human beings – Kochi's contribution valuably highlights, vis-à-vis the liberal tradition that still orients international political economy, the fact that conflict is a pervasive feature of law and institutional orders, making peace and stable equilibria unrealistic goals.

The introduction to the book defines injustice as an active violation of human dignity, which entails economic and formal equality, freedom, and democracy. This section also introduces central concepts, such as the global liberal order ('a field of debate, argumentation, contestation and struggle over [the organization] ... of normative approaches to global justice', p. 2), and the global neoliberal order ('a global order of injustice', p. 5). Finally, the introduction sets up the basis for the core claim that the rest of the book will substantiate: the inherent contestability of the international order over the longstanding tension already present in the natural law and natural rights tradition. This tension is between an ethics of human fellowship and a notion of utility for self-interested private property owners (p. 8).

In the first chapter, the author relies on Nicos Poulantzas' framework of the state as the condensation of relations of forces among classes rather than a thing in itself (p. 44). Through this lens, Kochi challenges discussions organized around the



failure or success of the liberal order. There is no ‘failure’ to the extent that legal relations simply represent social forces and are, because of the tension between these forces, in continuous metamorphosis. This account, globalized, yields an understanding of international law as ‘ongoing struggles between transnational and national capitalist class fractions’ as well as ‘local, national and transnational social movements who demand the reorganization of the social order’ (p. 44). Such an account contests, on the one hand, John Ikenberry’s optimism about U.S. hegemony, because it shows that the latter obscures the violence entailed by the current order (pp. 23–29). On the other hand, Kochi criticizes Anne-Marie Slaughter’s proposal to solve problems of global governance by creating ‘regulatory networks’ that rely on soft power (p. 37), noting that ‘soft power’ is equivalent to systems of economic and political ensembles that legitimize and enforce global circuits of capitalist production (p. 40).

Chapter 2 contests the Marxist and postcolonial critique of natural rights who reduce natural rights to ‘bourgeois rights’ or ‘individuals rights to Western life and property’, respectively (p. 51). To substantiate this point, the chapter surveys a long stream of thinkers, starting with Aristotle and covering Stoicism, Cicero, Grotius, Adam Smith, and Karl Marx, among others. Kochi argues that social property, common use, and private property were topics of sustained consideration throughout this trajectory. While an interesting arc on its own, the dots between this discussion and the polemic with neoliberalism and the current international order that opens the chapter are not always connected. The chapter closes with a reading of Kant and considers the potentially radical implications of his theory of provisional property rights and anti-colonialism as illegitimate and violent (p. 98). The interpretation of Kant exemplifies some of the limitations of the swift readings of the tradition contained in *Global Justice and Social Conflict*: that the contextual aspects of the works examined, and the intended audience and application of the principles enacted, cannot always be ascertained. For Kant, in particular, his commitment to civilizational and racial hierarchies, and his primary concern with Europe rather than the global realm, mean that the moralized international relations framework he proposes remains limited as a script to conceptualize the harms of colonialism and envision a global order able to overcome them (Valdez, 2019, Chap. 1).

The two subsequent chapters further track the question of property, its distribution, and organization in modern thinkers, ranging from Locke and Rousseau in chapter 3 to Marx and Hegel in chapter 4, occasionally engaging twentieth century thinkers like Walter Benjamin, Michel Foucault, and Jacques Rancière, and political questions like the Cold War. It is in these chapters, along with the conclusion that the background political account of law that animates the book emerges most clearly: the violent origins of property and state sovereignty mean that, rather than focusing on procedural notions of legitimacy that obscure these roots (p. 209), we would do better to think about social justice and human



dignity as ‘not yet’ (p. 180). In this account, the law results from ‘the agonism of political contestation’ that follows from the articulation of justice claims by ‘the poor and the propertyless’ (p. 148), both domestically and globally. This means that an understanding of the global order requires jettisoning legal formalism and instead accepting the idea of ‘constitutional antagonism normatively, historically, and sociologically’ (p. 212).

Overall, two projects co-exist and compete for attention in *Global Justice and Social Conflict*: one traces the problem of law as social struggle back to canonical western thinkers of the republican tradition; the other engages with contemporary liberal thinkers in order to contest their beliefs in a liberal peace, while acquainting them with the violence and injustice that underpins their projects. While there is much to be commended about the ambition of this monograph, the cost of this strategy is that the two foci of the book are not always successfully articulated. In other words, the empirical and conceptual connection between historical thinkers and imperial structures, on the one hand, and the more contemporary discussions of the golden era of the welfare state and the neoliberal present, on the other hand, remains tenuous throughout the book. The ‘contemporary neoliberal form’ of global constitutionalism, in particular, is the core motivation for the book and opens each of the chapters. Yet this motivation does not come with a more fine-grained examination of how the individual and communal principles that orient the author’s historical readings both anticipate and are exceeded by neoliberal formations, nor does it consider the radical movements that have led the contestation of neoliberalism. Either of these moves would have more solidly established the contribution of the author to the dynamic literature on neoliberalism.

The ambitious reach of this monograph also means that literatures that address the canonical thinkers Kochi covers and that conceptually reconstruct the entanglement between the liberal project and normative and ideological political struggles about social and economic justice (p. 8) are sometimes overlooked. With regard to the latter, scholars have carefully deconstructed the imperial character of contemporary liberalism (Morefield, 2014), shown that the international order obscures violent relations of domination (Lu, 2018), and considered the anti-colonial transnational networks that actively contested these structures (Valdez, 2019). Moreover, the almost exclusive focus on western texts means that an opportunity was lost to engage the growing canon of subaltern authors that participated in struggles about and brilliantly deconstructed the problem of injustice, social conflict, and violence in the formation of law and the international order – notably W.E.B. Du Bois, Frantz Fanon, and the Latin American *dependentista* school, among others. These accounts would have illuminated that rather, or in addition to, the inherent tension between individualism and fellowship. Racism facilitated a partition that allowed communal goals to reign within some groups, while letting violence rule among excluded groups (Valdez, forthcoming).



Despite these qualms, Kochi's account in *Global Justice and Social Conflict* constitutes a valuable re-reading of a tradition through the prism of social conflict and a recasting of the problem of law and legitimacy in ways that upset legalist and legitimacy-based accounts of the international global order.

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