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## GLOBAL JUSTICE AND AGENTS OF HOSPITALITY

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### ABSTRACT

*The paper deals with selected dimensions of the global justice, especially those that are connected with the concept of hospitality. It introduces and elaborates the concept of agents of justice as developed by Onora O'Neill and situates its importance in the global justice perspective. The aim is to defend the right to hospitality, develop the notion of an agent of hospitality and in relation to it develop a framework of correlated duties and responsibilities that these have within the cosmopolitan justice perspective.*

**Key words:** global ethics, global justice, cosmopolitan justice, agents of justice, hospitality.

## GIUSTIZIA GLOBALE E AGENTI DI OSPITALITÀ

### SINTESI

*L'articolo affronta alcune tematiche specifiche della giustizia globale, in particolare quelle collegate al concetto di ospitalità. Il concetto di agenti di giustizia viene introdotto ed elaborato sulla base di quanto sviluppato da Onora O'Neill e la sua importanza viene presentata nella prospettiva della giustizia globale. L'obiettivo è difendere il diritto di ospitalità, sviluppare il concetto di agente di ospitalità e, in relazione con esso, definire un quadro dei relativi doveri e responsabilità che sono propri degli agenti in una prospettiva di giustizia cosmopolita.*

**Parole chiave:** Etica globale, giustizia globale, giustizia cosmopolita, agente di giustizia, ospitalità.

## I. INTRODUCTION

The paper addresses selected dimensions of the global justice debate, especially those that are connected with the concept of hospitality. It begins by defining the key notions in the mentioned debate and briefly presents the major challenges that are addressed by them. Next, it introduces and elaborates the concept of agents of justice, as developed by Onora O'Neill, and situates its importance in the global justice perspective. This subsequently enables one to approach the notion of hospitality and, within the global justice perspective, to address some open questions, especially the questions related to duties and responsibilities in relation to hospitality. The importance of these questions will be demonstrated with the work of Seyla Benhabib and her defence of the right to hospitality. This will pave the way for the development of a notion of agents of hospitality and, in this way, to chart a new direction in the field of ethics of hospitality.

## II. GLOBAL JUSTICE AND COSMOPOLITAN JUSTICE

The concepts of global justice and cosmopolitan justice both figure within an exceedingly broad area of global ethics. The development of the area of global ethics and its justification are first and foremost grounded in a response to the recognition that the gravest challenges, including the moral challenges that we are facing today, are global in their essence and can only be addressed within a similarly global framework (Singer, 2004; Audi, 2007; Sen 2009; Appiah, 2007; van Hooft, 2009). Some authors are even employing the conception of planetary ethics in relation to these (Benhabib, 2011, 193). In addition, most of these challenges call for an urgent response. Living in a world marked with modern globalization, which remarkably affects our daily lives, we struggle to obtain a clearer grasp of its dynamics in various aspects, from economic, socio-cultural, technological, geostrategic, informational, ecological to political and ethical. This process of widening and deepening the interconnectedness and interdependence has brought with it outlooks of greater economic prosperity, access to the global market and more equal opportunities for many, breaking of local monopolies, exchange of knowledge and ideas, enhancements of civil liberties and democracy and increased opportunities for establishing a proper framework for solving some of the most pertinent issues that the world as a whole faces today, as well as the perils of unjust economic exploitation, sweatshop economies and (over)exploitation of resources, diminished cultural diversity, lower standards of democratic accountability, new sources of fears and new threats to our safety, and increased possibilities of conflict (Held et al., 1999, 2; Strahovnik, 2009). Often contradictory and fragmented as a process, globalization changes the world and global community with a fast tempo. Thus, the task of global ethics is, first and foremost, to scale ethical di-

mensions of such a condition and put forward normative frameworks of global or transnational justice, collective action, maintenance of peace and set the limits of an acceptable and productive division of moral labour. Global ethics can be framed in a number of ways, following diverse approaches, but its overall focus and goals remain the same. For example, working within a framework of ethics of basic capabilities, Martha Nussbaum exposed the following vision of moral decency, which is highly marked with this global dimension and encompasses the recognition that a sustainable, just, and morally decent future for us all includes an acknowledgment that "we are citizens of one interdependent world, held together by mutual fellowship, as well as the pursuit of mutual advantage, by compassion as well as self-interest, by a love of human dignity in all people, even when there is nothing we have to gain from cooperating with them" (Nussbaum, 2006b, 324; cf. Nussbaum, 2006a). This notion of moral decency requires us to formulate, embed, and enforce ethical frameworks on the global scale. In what follows, we will briefly expose the role of conceptions of global justice and cosmopolitan justice within such a global ethical context.

Global justice is an aspect of global ethics, that is centred on justice on a world scale, focusing especially on the domain of international and global institutions and those actions and policies of states and other actors in the global sphere that affect the world order (Nagel, 2005, 113). Within such a perspective, it searches for the universal standards of justice. It can be divided into two parts, the first one encompassing political dimensions of justice and the second part encompassing socio-economical dimensions of justice. The former focuses on the just processes of (global) governance, justice as an aspect political decision making and protection of basic human rights, while the latter encompasses a plethora of issues and questions related to social, economic and cultural statuses and conditions, including aspects of poverty and inequalities, distribution and exploitation of resources, global rules of trade and the possibility to access the global markets, etc. Beitz (2005, 26–27) further differentiated between a broader and narrower sense of global justice. In the broader sense, the notion relates to all normative problems that arise on the political and socio-economical life beyond the state (e.g., the just war and morality of war, humanitarian intervention, human rights framework, emigration and immigration policy, sovereignty and the responsibility to protect, etc.) while in the narrower sense, it refers to "global requirements of justice, conceived as a special class of reasons for action that apply primarily to the institutional structure of political and economic life" (Beitz, 2005, 27).

Cosmopolitan justice can be defined as a view within global justice, or a conception of global justice, that starts from the presupposition that "every human being has a global stature as the ultimate unit of moral concern" (Pogge, 2002, 169) and is, in this sense, individu-

alistic and inclusive (Beitz, 2005, 17). It is individualistic in a sense that it gives priority to individuals as a basic moral unit of global justice, as opposed to states, peoples, or other groups when considering a global justice framework. Thus, the international sphere of justice is not seen merely as a society of states or peoples arriving at rules of mutual recognition and conduct, and limiting justification within these groups. Cosmopolitan justice is based upon the presupposition, which demands that justice "derives from an equal concern, or a duty of fairness, that we owe in principle to all our fellow human beings, and the institutions to which standards of justice can be applied are instruments for the fulfillment of that duty" (Nagel, 2005, 119). At the same time, the position of cosmopolitan justice is inclusive in that it does not leave out any individual or group based on whatever criteria it might be offered for such a special case.

While we have seen an increase of interest in global ethics, it is important to note that global ethics for the globalized world requires several important changes of perspective when considering global justice. One of the changes pertains to who is to be considered as an agent of such justice and how we can delimit the scope of its responsibilities and corresponding obligations. This is not a pertinent issue merely for those approaches to global ethics that focus primarily on human rights, but also for other approaches, such as global ethos initiatives (Welthethos), global law and global justice approaches, ethical cosmopolitanism, capability approach, development ethics, etc. Despite the differences between particular approaches, any theory of global justice has to be attentive to ascription of relevant duties and responsibilities to agents of justice. For example, in relation to human rights and duties and responsibilities associated with them, one of the open questions pertains to non-state actors as bearers of at least a portion of those responsibilities. In establishing global justice, Martha Nussbaum pointed out that any "viable theory of justice for the contemporary world ought to have some way of coming to grips with the changing centres of influence and advantage that make our world very different from the world of free republican states envisaged in Kant's Perpetual Peace" (Nussbaum, 2006b, 324.) This also includes the incentive to search for centres of influence and power beyond national states as bearers of responsibility in regard to global justice and determining their corresponding responsibilities. In the next section, we will present Onora O'Neill's theory of agents of justice, which will afterwards further serve us as a basis for developing the ethics of hospitality, together with the focus on agents of hospitality.

### III. AGENTS OF JUSTICE

Given the mentioned perplexities surrounding the debate on global and cosmopolitan justice, it is justified to pose the question about the roles and responsibilities of different actors in this regard. O'Neill offers a plausi-



*Hans von Aachen, Allegory or The Triumph of Justice (1598). From Wikimedia Commons*

ble proposal regarding this issue. She begins by noting that the perspective of the "agents of justice", i.e., all agents and agencies that can contribute to the construction of justice, play some part in institutionalizing principles of justice or are conformed by them, have been largely neglected in the theoretical debates on global justice, as well as human rights and other global ethics movements (O'Neill 2011, 181). The spotlight on global ethics that was, in part, backed up with the stress on the importance of internationally recognized human rights, was primarily focused on the range and extent of those rights from the beneficiary perspective by claiming their universality, but has left a clear distribution of obligations and responsibilities unclear and underdetermined. She demonstrated this using the *Universal Declaration of Human Rights* of 1948 as an example: "In this brief and celebrated text, nations, peoples, states, societies, and countries are variously gestured to as agents against whom individuals may have rights. Little is said about any differences between the varying types of agents, or about their capacities and vulnerabilities, and there is no systematic allocation of obligations of different sorts to agents and agencies of specific types" (O'Neill, 2011, 183). A deep presupposition remains that national states are primary bearers of responsibilities, as well as privileges. Thus the *Declaration* does not support institutional cosmopolitanism, but an interstatal model of global order (O'Neill, 2000, 180; cf. Benhabib, 2004, loc. 269).

Therefore, we are faced with is a state of affairs where we have a cosmopolitan view of human rights and a statist view of obligations in regard to them.

Within such a setting there is a pervasive assumption that the primary agents of justice are states (e.g., since they have the relevant powers to secure basic human rights) and that all other agents are merely secondary or auxiliary agents of justice, in the sense that the latter are "thought to contribute to justice mainly by meeting the demands of primary agents, most evidently by conforming to any legal requirements they establish" (O'Neill, 2011, 181). This is highly problematic, especially in the globalized world, where we can see a lot of cases of weak and failed states, which are unable to efficiently play the role of primary agents of justice. In such cases, other states, the international community, international organizations or strong transnational corporations can both assist such states or, on the other hand, take advantage of them (through corruption, imposition of unjust conditions, impositions of particular policies, or opportunism, etc.) (Deva, 2012, 103; Monshipouri et al., 2003, 972–977; Strahovnik, 2015). Therefore, we must opt for a more realistic and robust division of responsibilities and obligations that would be more sensitive to the global, political and social context. O'Neill's conclusion in regard to this is that "it may be worth reconsidering whether all second-order obligations to secure human rights should lie with states. [...] The assumption that states, and states alone, should hold all the relevant obligations may reflect the extraordinary dominance of state power in the late twentieth century, rather than a timeless solution to the problem of allocating obligations to provide goods and services effectively" (O'Neill, 2005, 435). Therefore, we can conclude that agents of justice are numerous and diverse.

But this recognition is only the first step towards building a more robust model of global justice, since what is still lacking is a more determinate allocation of responsibilities among the relevant agents of justice. One way to approach this issue is by focusing on the capabilities and capacities of different agents to contribute to the global system of justice. O'Neill utilizes Amartya Sen's notion of capability in order to move the discussion about obligations and responsibilities for global justice from considerations about the status and motives of different agents to their effective powers, with the hope to achieve a more realistic view of what we can reasonably expect to achieve. Capability is not the same as capacity of power in the abstract and in relation to justice "agents and agencies must dispose, not only of capacities which they could deploy if circumstances were favourable, but of capabilities, that is to say, of *specific, effectively resourced capacities which they can deploy in actual circumstances*" (O'Neill, 2011, 189). What is relevant in determining the scope of responsibilities regarding justice are specific capabilities of agents and agencies in concrete situations and not their abstract capacities

or their aggregate power. From this we progress towards the subsequent step in establishing a global justice framework. Since weak states often lack such actual capabilities regarding justice, so particular non-state actors, given their relevant effective capabilities, might step into a part of their role, with full awareness that such agents probably would not be able to have or develop the same scope or depth of such capabilities for justice that a state has in normal circumstances.

The development of ideal global justice, based on a set of perfectly just institutions "would certainly demand a sovereign global state, and in the absence of such a state, questions of global justice appear to the transcendentalists to be un-addressable" (Sen, 2009, 25). However, since such an attitude readily reduces any endeavours towards global justice as an unachievable rhetoric, a more pragmatic approach could prove more useful. Such an approach could be aimed at the abolition of manifest injustices under non-ideal circumstances using a strategy of piecemeal engineering and also focusing on feasible institutional reforms (Mieth, 2012, 55). A more comprehensive inclusion of various non-state agents in frameworks for protection of human rights and other aspects of a normative framework of global justice constitutes just this sort of strategic and pragmatic approach. This is why it is so important to stress the notion of agents of justice and include non-state actors or agents within it (e.g., international nongovernmental organizations, transnational or multinational corporations and global social movements), since these can further develop important capabilities with regard to global (in) justice (Strahovnik, 2015).

We can demonstrate this by reviewing cases of weak states, which are not necessarily just rare exceptions and isolated phenomena, but a consequence of a more general trend of a "twilight of sovereignty" emerging as a result of globalization and global capitalism. This twilight is connected with deteriorating stateness as a "dynamic capacity of states to react and to control their environments in multiple ways" (Benhabib, 2011, 103) and a capacity of states to channel at least some impacts of economic globalization to their own advantage. There are many examples of states that lack full capacities of stateness across their territory, as is the case with special economic zones within some states, in which "this form of economic globalization results in the disaggregation of states' sovereignty, with their own complicity. ... There is an uncoupling of jurisdiction and territory in that the state transfers its own powers of jurisdiction, whether in full knowledge, or by unintended consequence, to non-statal private and corporate bodies" (Benhabib, 2011, 104). This can give rise to diminished state protection of citizens and increased dependence on actions of other agents (both other states and non-state agents). This presents a special context in which a distinction between primary and secondary agents of justice loses its grip.

This digression into the notion of an agent of justice was needed, since we will later attempt to develop an ethics of hospitality with special emphasis on agents of such an ethics, which play the role of agents of hospitality. Next, we will see that the network of such agents is similarly extensive and multi-layered, with their obligations both overlapping and complementing each other. The notion of hospitality, itself, is in its essence also incredibly close to the very perspective of the “agent”, since it essentially involves at least two key agents, a host and the one who is hosted and we cannot understand it without this agent-perspective.

#### IV. ON THE NOTION OF HOSPITALITY AND ITS ROLE IN GLOBAL JUSTICE: SEYLA BENHABIB AND THE RIGHT TO HOSPITALITY

The notion of hospitality is becoming more and more present in modern discourse on global ethics. It is employed both in a narrow and a wider sense. In a narrower sense, it is closely connected with moral issues pertaining to the debates and practices regarding immigration and related phenomena (the right of asylum, lawful residence, citizenship, integration, etc.). This area represents an exceptionally important aspect of global ethics, since the scale of these phenomena and related suffering, misery, and frustration are extensive and growing more and more. In 2013, the UN estimated that approximately 232 million people were living abroad as migrants (UN, 2014); in 2000 this number was 175 million and in 1910, it was 33 million (Benhabib, 2004, loc. 180). The number of refugees and forcibly displaced people has risen to over 50 million in 2014 (UNHCR, 2014). In this context, the notion of hospitality is key for transgressing the traditional statist framework of exclusive membership based on some supposed national characteristics. In a wider sense, the concept of hospitality represents a particular basis for global ethics and global justice that reaches beyond issues related to immigration and is akin to a sort of pervasive cosmopolitan attitude of openness towards others. An instance of this understanding is Derrida’s work on unconditional hospitality, for example, which reaches beyond the issues of law, politics, and ethics (Derrida & Dufourmantelle, 2000). Hospitality in this sense is understood as some sort of foundational ethical attitude that grounds the global justice sphere. The broader debate is important for deepening our understanding of the notion of hospitality, e.g., by exposing different models (gift vs forgiveness model) and the moral economy that accompanies them (Ahn, 2010), but all this is beyond the scope of this paper. This is not to deny that these debates are not relevant for a proposal being put forward here. Indeed, Derrida (1997a; 1997b; 1997c) builds upon the ideas of radical friendship, inclusive democracy, genuine universality, new forms of sovereignty within his cosmopolitan framework and puts forward a comprehensive

proposal of “cities of refuge” that could be understood as proper agents of hospitality. This is a proposal in a similar direction, although some of the underlying considerations diverge, as well as the practical aspects of both proposals.

In what follows, we will focus on the former, narrower understanding of hospitality and we will use the work of Seyla Benhabib and her arguments in support of a right to hospitality to demonstrate the basic ethical dimensions pervading it. Next, we will amend her view with a more explicit introduction to the notion of agent of hospitality into her theory, which will also enable us to construct a wider normative framework of duties and responsibilities of agents beyond states. Benhabib stresses the long overlooked importance of political membership in relation to global justice, since a “cosmopolitan theory of justice cannot be restricted to schemes of just distribution on a global scale, but must also incorporate a vision of just membership” (Benhabib, 2004, loc. 162-163). After that, she presents a convincing case for a right to hospitality, which will further benefit from the introduction of the mentioned wider normative framework.

Benhabib begins this defence by defining her thesis in the following way. The right to membership is a human right that can be defended within the principles of morality (Benhabib, 2004, loc. 724). She uses the horizon of discourse ethics and Kant’s thoughts on cosmopolitan rights (*ius cosmopoliticum*) to establish a positive case for the right of hospitality. The latter puts limits on the sovereignty of states to close off their borders. Defending the right to hospitality and the correlated network of obligations and responsibilities of states and other agents, presents itself as a project of post-national solidarity and “a moral project that transcends existing state boundaries, and nowhere are the tensions between the demands of post-national universalistic solidarity and the practices of exclusive membership more apparent than at the site of territorial borders and boundaries” (Benhabib, 2004, loc. 343-345). What emerges is a more open relationship between temporary residence and (full) membership. A tension or paradox between universal human rights, on the one hand, and sovereignty claims on the other cannot be completely bypassed, but its consequences can be at least, in part, mitigated through the process of democratic iterations of the concept of membership related concepts (Benhabib, 2004, loc. 793-799). Benhabib understands democratic iterations as a “complex processes of public argument, deliberation, and exchange through which universalist rights claims and principles are contested and contextualized, invoked and revoked, posited and positioned, throughout legal and political institutions, as well as in the associations of civil society” (Benhabib, 2004, loc. 2656-2658).

More specifically, starting from Kant’s understanding of hospitality, it is not to be understood as a sort of so-

ciable gesture of kindness and generosity, but as a right that belongs to all human beings due to their potential membership in a world republic on the basis of cosmopolitan right (Benhabib, 2004, loc. 503-505). Benhabib argued for an amended understanding, which extends this right from the realm of imperfect duty and temporary visit towards the right to membership. Membership is an important aspect since it provides protection. Nowhere has this been more dramatically exposed as in the writing of Hannah Arendt, who based it upon the immediate experience of totalitarian systems and the related genocidal acts, and clearly stated that the organization of Europe after the First World War created minorities that posed as easy targets of genocidal persecution, "stateless people", "scum of the earth", "undesirable", "unidentifiable beggars, without nationality, without money and without passports" (Arendt, 1962, 269), to which the supposedly inalienable basic human rights were denied. What emerged was a form of "organized solitude" and isolation. The role, function or value of a national group (in this case) and group membership is that it offers an effective protection of an individual's rights. "The second World War and the DP [displaced-persons, n. VS] camps were not necessary to show that the only practical substitute for a non-existent homeland was an internment camp. Indeed, as early as the thirties this was the only 'country' the world had to offer the stateless" (Arendt, 1962, 284). The value of the group for Arendt in relation to this is first and foremost in that it offers protection (legal or statutory) to an individual, which was related to the basic right, i.e., "the right to have rights", which represents a right of every human being to be recognized by others (and recognize others in turn) as a person entitled to moral respect and legally protected rights on the basis of common humanity (Benhabib, 2011, 59–60). But even this conceptual framework and justification behind the right to hospitality is permuted with tensions between the universalist nature of its demands, exclusion provisions, and historical contingencies of state membership. Therefore, Benhabib argues that what we have to leave behind is a strong notion of sovereignty, which includes exclusionary control over the territory, with a model of cosmopolitan rights creating an overlapping network of "obligations and imbrications around sovereignty" (Benhabib, 2004, loc. 1083). One of her main goals was to establish the "assumption that liberal peoples have "fairly open borders"; that they not only permit a fundamental right to emigrate, but that they coexist within a system of mutual obligations and privileges, an essential component of which is the privilege to immigrate, that is, to enter another people's territory and become a member of its society peacefully" (Benhabib, 2004, loc. 1418-1421). This paper, therefore, discusses the notion of agents of hospitality in this developing framework. But before proceeding, we will take a closer look at some more details in Benhabib's proposal, which hint towards such an amendment.

In relation to the question of agents of cosmopolitan justice, Benhabib rightfully criticized Rawls and his distribute justice-based theory of global justice. One of her main points was that in trying to escape the statist conception of international justice, Rawls introduced the concept of "peoples" as main agents of this justice, instead of states (Benhabib, 2004, loc. 1212-1215; cf. Rawls, 1999), but these in the end become equated with the state, or what we are left with is just an empty and empirically implausible substitute, given that Rawls associates some kind of homogenous identity and moral nature with peoples. Benhabib therefore states that "if we understand peoples to be governed by liberal-democratic institutions, there cannot be nor is it desirable that there ought to be an uncontested collective narrative of common sympathies and a unique moral nature. Collective identities are formed by strands of competing and contentious narratives in which universalizing aspirations and particularistic memories compete with one another to create temporary narrative syntheses, which are then subsequently challenged and riven by new divisions and debates" (Benhabib, 2004, loc. 1281-1284).

Finally, let us turn our attention to the agents and agencies that Benhabib appeals to in her cosmopolitan defence of the right to hospitality. Primarily the addressees of this right were national states. She did appeal to other agents as well, and to the conception of overlapping responsibilities, but we wish to argue that her account would benefit with the inclusion of the notion of an agent of hospitality and related normative framework of obligations. Starting from the recognition about the functioning of the world economy what Benhabib noticed is that it is not the question if either national states or peoples are agents in this arena, but that there are many more agents involved (e.g. WTO, IMF, etc.). Also, going beyond the sphere of economy, the "world community [...] should be viewed as a global civil society, in which peoples organized as states are major players, but by no means the only players" (Benhabib, 2004, loc. 1538-1539). In relation to this, Benhabib points out that a lot of these "players" must be included in the sphere of democratic principles of transparency and accountability. What remains open is the nature of correlated obligations and responsibilities of these players. This is the task that we will undertake in the subsequent section.

## V. AN ETHICS OF HOSPITALITY AND AGENTS OF HOSPITALITY

In this section, we will outline the notion of agents of hospitality and put forward a suggestion of a normative framework of related obligations and responsibilities. An agent of hospitality could be defined as any agent or agency that can contribute to the construction of those aspects of justice (either by playing a part in institutionalizing norms, being conformed by them, contributing so that other agents are conformed by them, or some

other type of activity), which are related to the right to hospitality, i.e., all pertinent problems and issues related to membership, emigration and immigration, the right to asylum, the right to residence, etc.

One of the key tasks is to formulate a general outline of the duties and responsibilities of these agents regarding the right to hospitality. For a more general approach to the agent of justice in general and transnational corporations as agents of justice, in particular, see Strahovnik (2015). Among the agents of hospitality, we must first include every agent or agency that has the capability, effective power or decisive influence for protection, promotion and fulfilment of the right to hospitality. Next, these agents can be held responsible and ascribed with both negative and positive duties regarding the right to hospitality. We all accept this for states as agents of hospitality. Organizations other than national states (non-state agents) can be legitimately seen as agents of hospitality, especially in circumstances where they are deeply intertwined with basic institutions and practices of weak or developing states regarding membership and the right to hospitality. Agents other than national states can be ascribed with both negative and positive duties regarding the right to hospitality.

Rights, including the right of hospitality (and correlative claims and demands against others) imply duties, that is, rights must be secured by a corresponding allocation of duties if we are to surpass a merely inspirational understanding of human rights. "A normative view of rights claims has to take obligations seriously, since they are the counterparts of rights; it must view them as articulating the normative requirements that fall either on all or on specified obligations-bearers" (O'Neill, 2005, 430). Rights create corresponding duties.

What is further needed is a framework to conceptualize different duties and responsibilities of both state and non-state agents. Besides more traditional distinctions like those between positive ones (duties to act in a certain way to achieve x; e.g., protect, promote or fulfil human rights) and negative duties (refraining from acting in a certain way, e.g., refraining from directly violating human rights) or universal ones (applying to all agents of justice at all times) and non-universal duties (not owned by all agents of justice); we must find further ways to lay foundations for a more complex structure of human rights protection, and especially the right to hospitality, in the light of global justice. This structure must be such to be able to accommodate questions regarding different agents of justice and their priority position in this system of protection, the extent of their possible human rights duties, differences between particular human rights and the time perspective of their respect, protection and fulfilment.

Given the nature of the globalized world and the state-centric practice of human rights protection, it is especially useful to first employ concepts of unconditional and conditional duties and of division of moral

labour (Kolstad, 2007). The concept of unconditional duties can be understood as duties which every agent has, regardless of what duties others observe, and conditional duties as "duties to be assumed depending on the actions of other agents in a more closely specified succession of duty-bearers" (Kolstad, 2007, 3). The use of these terms here is a bit different from a more standard use, where unconditional duties are understood as universal and binding for all agents and conditional duties are seen as arising out of specific arrangements, contracts, relations, or roles one occupies. Nonetheless, when understanding it in the former way, the distinction is helpful when introducing the structure of the division of moral work, where "different agents fulfil different duties whose sum total is full coverage in terms of rights realization" (Kolstad, 2007, 2). So we can *inter alia* talk about primary, secondary, tertiary, duty-bearers within this division. Such a solution also has advantages over a sort of zero sum view, where an increase of responsibility of one (type of) agent of justice results in a reduced responsibility of another.

Another dimension that we can add to this is a distinction between exclusive and supplementary duties. The former are duties that can only be ascribed to one type of agent of justice in general and an agent of hospitality, in particular (e.g., states), while the latter are duties that allow for a division of work and joint protection, respect or fulfilment. Within this category, we can further differentiate between simultaneous (also, in a sense, joint) and subsidiary duties, the former either requiring or allowing for simultaneous responsibility of several agents of justice, while latter allowing for one agent of justice to step into the place of another. If we now conjoin these distinctions with the aforementioned more traditional distinction, like that between positive and negative duties, we can develop a useful multidimensional framework of different categories of duties, which of course should not be understood as entirely static over time. What such categories of duties should include and who has them depends upon the division of moral labour. Again, there are several adjoining questions and issues which determine that: resources, capability, roles (primary, secondary, tertiary...), possible justifiable excuses and discharges of duties, etc.

As a short demonstration of this outline, we can turn to the role of transnational corporations, which are not the agents that would be first associated with the right to hospitality and agents of hospitality, since they (at least in the most direct sense) lack the territory for hosting and, therefore, do not have the corresponding unconditional positive duties in regard to the right to hospitality. Conditional duties of corporations include duties to protect, promote and fulfil human rights as non-primary bearers of those duties. In the usual case, the state has a role of a primary bearer of such duties and the international community, or other countries, have the role of secondary bearer. In numerous cases, corporations can be



*Melanie Cervantes, Fabric Banner, Dye Sublimation Printing, 2010.*

the next in line (as the most powerful non-state agents with relevant capabilities), and are, therefore, tertiary bearers. The exact character of actions that such duties require can vary, e.g., if the state is unable to secure some human rights and the international community is not responsive, corporations might just find themselves in the role of fulfilling at least some of them; if, on the other hand, the state is able to fulfil them, but unwilling, the actions of corporations might go in the direction of putting pressure on a government or a state to start fulfilling them (Kolstad, 2007; cf. Strahovnik, 2015).

#### VI. CONCLUSION

The questions of membership, immigration, and hospitality are one of the most pertinent questions within the scheme of cosmopolitan justice. In relation to the European Union, the waves of refugees and other immigrants trying to reach and cross its borders, and the associated death toll that we are witnessing daily are a painful example of this. That is why it is so important to focus our attention on the notion of hospitality and

conceptualize a wider network of agents of hospitality together with corresponding duties and obligations. Only a joint effort of these agents could pave the way for progress towards cosmopolitan justice, embodying the genuine ethics of hospitality. The proposal in this paper aims exactly towards this aim.

The general argument can be generalized as follows. The aspect of agents of justice is crucial for the full implementation of any kind of global or cosmopolitan justice. It enables us to locate duties and other responsibilities correlated to human rights. The bearers of duties and responsibilities regarding human rights extend beyond states and include various types of non-state agents. Also, the nature of their duties and responsibilities varies in regard to their capabilities, relevance and a place within a sensible scheme of division of moral labour (primary, secondary, tertiary... bearers). Cosmopolitan justice and human rights include the right to hospitality. Therefore, agents of justice include agents of hospitality. The project within such a cosmopolitan justice outline is thus locating these agents of hospitality (that include non-state agents as well) and identifying

their duties and responsibilities regarding the right to hospitality. Given the pertinent global need to address the issues related to membership, immigration and,

especially, refugee status and asylum, this project is one of the central projects for cosmopolitan ethics and the ethics of hospitality.

## GLOBALNA PRAVIČNOST IN AKTERJI GOSTOLJUBJA

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### *POVZETEK*

Članek se ukvarja z izbranimi vidiki razprave globalni pravičnosti, posebej s tistimi, povezanimi s pojmom gostoljubja. Uvede in razišče pojem akterjev pravičnosti, ki ga je razvila Onora O'Neill, ter umesti njegov pomen v perspektivo globalne pravičnosti. To nam potem omogoča približati se pojmu gostoljubja in ter nasloviti nekatera odprta vprašanja v razpravi o globalni pravičnosti: kdo mora ponuditi gostoljubje, komu ga dolgujemo in v kolikšni meri. Na pomen teh vprašanj članek pokaže preko dela Seyle Benhabib in njenega zagovor pravice do gostoljubja. Vse to pa tlakuje pot za razvoj pojma akterjev gostoljubja. Na koncu članek poda splošen okvir dolžnosti in odgovornosti teh akterjev v povezavi s pravico do gostoljubja.

**Ključne besede:** globalna etika, globalna pravičnost, kozmopolitska pravičnost, akterji pravičnosti, gostoljubje.

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