



"JUSTICE BEYOND BORDERS: A PHILOSOPHICAL INQUIRY INTO THE MORAL FOUNDATIONS OF INTERNATIONAL LAW"

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Abstract

The world is becoming more connected, making the state-centric approach to justice less effective. This study looks at the ethics of international law using philosophy and asks if a single system of justice can properly shape laws across countries. By studying cosmopolitanism, communitarianism, and pluralism, the study carefully looks at the role of international law in dealing with matters such as humanitarian intervention, climate justice, and human rights. The research points out the conflicts that arise between a country's sovereignty and its responsibilities to the world community. It proposes a mixed approach that values all people equally and respects the different cultures and political systems. It concludes that justice should be applied worldwide and that international law should develop to match both ethical standards and real-life situations. The study supports work in different fields and forms a base for future research and policy in global justice and legal theory.

Keywords: International Law, Global Justice, Cosmopolitanism, Sovereignty, Moral Philosophy, Human Rights, Political Theory, Legal Legitimacy, Communitarianism, Ethical Frameworks.

Introduction

As the world becomes more connected, justice is now a concern that goes beyond national borders. Problems such as climate change, mass migration, inequality, conflict, and abuses of human rights around the world show that a legal system based only on state sovereignty is not enough and highlight the need to consider what individuals and nations should do for others globally. International law, guided by the Westphalian model, mainly focuses on state self-governance, not interfering with other states, and the integrity of each country's borders. Even though the framework helps maintain order worldwide, it is often unable to deal with injustices that cross national borders. The research here looks into the philosophical basis of international law to see if justice is possible outside the boundaries of state sovereignty.

"Justice beyond borders" suggests a new approach to global ethics that questions the current views on where laws come from and who is responsible for them. The main point of contention is finding a balance between common moral ideas and justice that varies by culture. Is it possible for international law to help achieve global justice, or does it only maintain the current imbalances in power and between countries? The reason this question is important is that the world has not been able to prevent genocides, manage large refugee situations, or set up strong climate policies.

The starting point of this research is that international law cannot be without moral values. Legal systems are made by people to support certain values and norms. So, any serious study of international law needs to consider the ethical ideas that help form its structure. The study uses a normative and philosophical approach to its methodology. It makes use of conceptual analysis,



critical thinking, and comparisons to analyze the underlying ideas in international law and study different theories of global justice.

This inquiry is built on the main ideas of cosmopolitanism, communitarianism, and pluralism. Those who are cosmopolitan, following the ideas of Stoics, Immanuel Kant, and modern thinkers such as Thomas Pogge and Charles Beitz, believe that everyone has the same moral value and laws should uphold this equality no matter where people live. However, communitarian thinkers such as Michael Walzer argue that justice should be based on common cultural values and that making other countries follow external laws can threaten their independence and local support. Between these two ideas is a pluralist position, held by John Rawls and Seyla Benhabib, who try to support universal human rights and cultural diversity with principles of reasonableness, mutual respect, and democratic discussion.

This paper looks at how different theories help justify international law and how they can influence the reform of international organizations to make them more ethical and accepted everywhere. This question is: Should international law mainly focus on agreements between nations, or should it support justice for individuals no matter where they live or what citizenship they have? Is it possible for people from different cultures and political backgrounds to agree on the key rights and obligations? And what are the ways in which international institutions can show this agreement in their actions, without turning into moral or legal imperialism? First, this research will look at the development of international law, starting with natural law theory and Westphalian realism and ending with human rights and humanitarian interventions. After that, it will look at important cases where moral questions come up, for example, R2P, how countries respond to environmental problems, and overseeing economic inequality globally. The examples are used to highlight the ethical issues and boundaries of the present international legal system and suggest a philosophically sound way ahead.

The goal of this research is to prove that justice can be achieved across borders and is essential. For international law to be considered morally right and effective worldwide, it should be guided by ethics that focus on individuals' rights, support common human values, and are able to respond to the changing moral needs of the world. This area of philosophy encourages experts, legal thinkers, and decision-makers to rethink the moral beliefs that guide our global system and to imagine a fairer international law system based on the dignity of all people.

Limitations of Research

This area of research is mostly concerned with ideas and values, not with collecting facts. It tries to understand the ethics in international law, but does not use data or numbers to examine its theories. Consequently, the conclusions might not produce outcomes that can be easily measured in court. Also, the study addresses general moral standards, but it might not be able to include all the differences in culture, politics, and religion worldwide. Moral frameworks that seem right in one place may be rejected elsewhere, which makes it hard to accept them as universal. Moreover, the research relies on a few case studies to highlight the ethical issues in international law, but the number is controlled by the time and scope of the research. It might not represent all the details and differences found in international law. In addition, the study uses many secondary sources, philosophical writings, treaties, and scholarly explanations. The report does not rely on interviews or insights from people working in international law, diplomacy, or from those who have been affected, which could have made the findings more practical. In addition, international



law keeps changing as the world undergoes political, technological, and cultural changes. As a result, the ideas in the analysis may no longer be valid if there are important changes in the law after the research is completed. In addition, the main philosophies, such as cosmopolitanism, communitarianism, and pluralism, are usually based on Western traditions. As a result, non-Western philosophies and ethical systems that might provide new ideas about global justice could be ignored. Still, even if a solid moral basis is suggested, the study cannot solve the main problem of poor enforcement in international law. Philosophical arguments can only do so much if there is no political support and official backing.

Significance of Research

The research paper is very important both in academic and practical settings in today's world. Since international law is having a bigger impact on global affairs, diplomacy, solving conflicts, and human rights, it is important to consider its moral basis. The research brings several important points to the discussion.

The paper examines the philosophical basis of international law to show how abstract moral ideas can be applied in law. It makes the field's ethical principles clearer, since it often has to justify its power in many different cultures and political systems. Besides, the study offers a prompt solution to moral challenges related to humanitarian intervention, climate justice, refugee rights, and global inequality. When it examines the morals behind international law, it provides ideas for making legal rules fairer and more open to everyone. In addition, this research paper adds to the discussion between political philosophy, legal theory, and international relations. It inspires scholars from different fields to talk together about justice worldwide. Besides, the research suggests that moral duties can go beyond the boundaries of any one country. It is important in a world where systems based on states are not always able to handle ethical challenges that cross borders. Besides, the study can help policymakers, international lawmakers, and human rights organizations create more ethically sound policies and treaties with the support of philosophical principles. Also, the research encourages global leaders, institutions, and citizens to think about the kind of justice that is needed for all humanity. It supports an idea of law that is lawful and also fair.

Research Problem

In spite of the many laws and treaties adopted internationally, some people still question their legitimacy, how they are enforced, and whether they are fair. The basic question is: Why should international law have authority over both countries and individuals in different cultures and political systems?

Research Questions

1. Which philosophies can best explain the reason for and power of international law?
2. Can international law be considered morally right without a worldwide leader?
3. How do ideas of justice, rights, and equality operate in places outside a single country?
4. Can international law have a common moral framework that honors the differences in cultures and politics?

Research Objectives

- To look into the ethical and philosophical basis of international law using theories of global justice.



- To examine major philosophical ideas (cosmopolitanism, communitarianism, and pluralism) and see how they relate to the legitimacy of international law.
- To look at the conflict between the independence of nations and the need for universal ethical standards.
- To suggest guidelines that can address justice beyond borders in a way that fits with the actual structures of international law.

Literature Review

For a long time, scholars have looked into the philosophical foundations of international law, especially as they relate to justice and moral duties between nations. According to Kant (1795/2006), Perpetual Peace, cosmopolitanism holds that people, not nations, are the main moral units and ought to be respected as individuals. It has played a significant role in shaping today's theories of global justice. In his work from 2002, Thomas Pogge uses Kantian ideas to argue that global institutions must address injustices that cause poverty and inequality, which means justice should be applied everywhere. Meanwhile, communitarian thinkers like Michael Walzer (1983) believe justice should be understood differently in each community, based on common traditions and cultures. According to Walzer, justice should be understood differently in every community, rather than following a single universal set of ethics. This approach creates a major conflict between what is morally right worldwide and the independence of nations. At the same time, John Rawls (1999) tries to unite these different theories with a global political liberalism in *The Law of Peoples*. He suggests that people in society should agree on a few basic moral principles, respecting their cultures and ensuring everyone's human rights. Still, some critics, for example Charles Beitz in 1979, argue that Rawls's approach does not give enough attention to global justice and is too respectful of state sovereignty. Recently, Allen Buchanan's (2004) study on legitimacy and international legal institutions has looked at how justification can be used in practical government. According to Buchanan, if international law lacks moral legitimacy, it could be used for power instead of serving justice. Habermas (1998) suggests that international law should be legitimate if it is created through democratic discussion and reasoning among people from different countries. His idea of a world constitution relies on communicative action, which means that legal rules are accepted when all those concerned help to develop them. It pushes the discussion from focusing on results to considering how the process is carried out. David Held (1995) adds to the cosmopolitan argument by suggesting a type of democracy that applies beyond the borders of a nation-state. He believes that because of globalization, new laws and political systems are needed to promote global justice, mainly in the areas of the environment, migration, and the economy. Held's writings are important for advocating changes in institutions that acknowledge global links and morality. At the same time, Jack Donnelly (2003) points out that using abstract moral principles can be dangerous if they are not adapted to local cultures. He supports universal human rights, but also takes into account the different cultures found in non-Western societies. Donnelly points out that international law has to manage the conflict between moral values that are the same everywhere and the diversity of different cultures, which remains important in human rights issues. According to Martti Koskeniemi (2005), international law tends to swing between putting state interests above all else and striving for moral perfection. He points out that legal reasoning is not always clear and



that power plays a big part in forming what is considered right or wrong. According to Koskeniemi, philosophers and lawyers should doubt the idea that international law is always fair and unbiased. Seyla Benhabib (2004) also examines how universal rights can be applied in communities that are not worldwide. She proposes that norms created internationally should be interpreted and adjusted by each community. As a result, Benhabib creates a way that is not too strict like universalism nor too protective like communitarianism. They also point out in *The Internationalists* (2017) that abandoning the use of force to settle disputes and adopting rules-based systems was a major advance in moral thinking. Still, they point out that enforcing international law is a major obstacle to achieving justice around the world.

In short, these perspectives highlight a continuous discussion about the ethical basis of international law in a world with many different cultures. They also highlight the importance of having a philosophical approach that can practically deal with global issues.

Research Methodology

This is a research paper that uses qualitative and normative methods and relies on information from philosophical works, legal materials, treaties, and academic journals. The paper carefully looks at and compares different normative theories, principles, and arguments. The paper explains important terms such as justice, legitimacy, sovereignty, and obligation. Some case studies have been used to see if philosophical theories can be applied to real-life cases (e.g., humanitarian intervention, climate change deals, the ICC) and judge their morality. Also, this research is based on political philosophy, mainly exploring Cosmopolitanism (Kant, Pogge, Appiah) that highlights the importance of each person's moral worth, Communitarianism (Walzer, MacIntyre) that stresses the role of community values and culture, and Pluralism and Realism (Rawls' Law of Peoples, Hedley Bull) that accepts the variety of values and political realities and tries to find a simple agreement in justice. This research paper helps to unite moral philosophy and international law. It helps explain justice across countries and gives clear ethical advice on international issues, which helps policy makers create fairer laws and encourages people from different nations to talk about their shared moral duties.

Discussion & Analysis

The idea of justice that applies everywhere challenges the main structure of international law, which relies on states being independent and free. The purpose of this analysis is to study the ethical basis of international law by using cosmopolitanism, communitarianism, and pluralism as main philosophies and by exploring the real-life consequences of these ideas. The research in this paper relies mainly on philosophy and analysis, using conceptual study, comparison, and critique to judge the ethical soundness of international legal norms.

The lack of ethics in a legal system that only focuses on states

The main principle in traditional international law is the Westphalian concept of sovereignty, which gives each state full control over its own affairs. It suggests that justice is mainly handled within a country and that the main duty between countries is to respect each other's independence and keep treaties. On the other hand, when we consider major global issues such as humanitarian crises, environmental damage, pandemics, people being forced to leave home, and wars, this framework seems inadequate. As an example, it is often difficult for international law to justify helping in cases of genocide or serious human rights abuses, as happened in Rwanda (1994) and Syria (since 2011), where the world's response has been unclear and morally



doubtful. In addition, not taking action in such cases is often due to a strict view of sovereignty, rather than a lack of understanding what is right or wrong. Here, the main question is if sovereignty should be seen as an unquestionable principle or if it needs to be adjusted to fit with the moral importance of universal human dignity. It is clear from the analysis of sovereignty that it is necessary for political order, but it should not be used to protect wrongdoings. Therefore, justice should reach beyond the power of a state when basic human rights are involved.

Cosmopolitan justice and the main importance of the individual

The cosmopolitan framework strongly criticizes the state-centered approach of international law. According to cosmopolitanism, which is based on Stoic and Kantian beliefs, people are equal in moral worth and political borders are not justified morally. Kant introduced the idea of a cosmopolitan right to hospitality in his essay *Perpetual Peace* (1795), which helped form the idea of a world legal system based on human equality instead of state borders. Philosophers Thomas Pogge and Charles Beitz build on this idea by saying that global institutions should work to reduce harm and promote justice in all parts of the world. Pogge, above all, believes that rich countries are involved in keeping the systems in place that deny the rights of the poor around the world. His cosmopolitan view of international law holds that its impact on the least privileged should be evaluated, much like Rawls's justice theory applies to people living within one country. Several important points are shown by this analysis. To be morally justified, international law should put the individual above the state as its main subject. Second, laws should focus on helping people around the world to thrive, not only on how states behave. In addition, global distributive justice should be included in legal discussions, mainly when dealing with trade, climate change, and humanitarian help. From a moral standpoint, international law is considered deficient when it does not take a cosmopolitan approach. Still, some people find issues with cosmopolitanism. The approach it takes may overlook the unique traditions, cultures, and political situations in different countries. It has been argued that it supports a Western view of justice that might not be suitable or accepted everywhere. This argument points out that cosmopolitan ideals need to be adjusted to fit specific situations.

The resistance of communities and the role culture has in moral values

Unlike cosmopolitan theorists, Michael Walzer is one of several communitarian thinkers who maintain that both borders and cultural identities defend an important moral authority. Walzer thinks that justice is informed by the specific beliefs that members of different political communities have in common. Also, from this perspective, international law needs to value the independence of countries and their moral beliefs rooted in culture instead of influencing them with outsiders' values. Communitarian ideas are strong as they suggest that cultural diversity and diverse morals should be respected. It opposes legal rule over other countries and admits that not all global rules work the same in all places. To give an example, attempting to apply Western liberal models of government in Iraq and Afghanistan after 2001 ended in political failure and caused controversy. At the same time, following a communitarian approach may allow behaviors that are not morally right, if society considers them part of its culture. At times, actions like torturing ethnic minorities, ignoring freedom of speech, or refusing equal rights to women are wrongly presented as cultural habits. For these reasons, criticism of communitarianism calls for involving cultures while at the same time expecting all states to respect important moral principles against torture and genocide. The debate about the basis of international law centers



around striking a balance between pluralism and obeying universal human rights. An overly tight community focus blocks international justice from ever developing, but without doubt, a completely detached or superior view of other cultures can bring insensitivity.

Mediating and accepting pluralism as the center golden path

Having considered the downsides of the previously mentioned extremes, pluralism provides an optimistic philosophical solution. In *The Law of Peoples*, John Rawls (1999) attempts to devise a framework that recognizes diversity among “decent peoples” while maintaining a minimum human rights and moral Edifice. Pluralist Theorist Rawls imagines an international society that is properly ordered and governed by principles that every people would reasonably endorse, even when they do not share comprehensive moral doctrines. Pluralism affirms the need for a minimum moral agreement to exist which makes international law, without falling into moral relativism or moral absolutism. This stance offers concrete advantages for the construction of international agreements and treaties such as the Geneva Conventions or the Universal Declaration of Human Rights that require broad legitimacy. Yet he has also been critiqued for not going far enough to address global inequality and for overemphasizing state consent. Pluralist thinkers such as Seyla Benhabib highlight the cross cultural mutual value translation and engagement of other peoples to further the analysis. Her idea of “democratic iterations” reframes international law as not a defined body of rules, but rather evolves and continuously change through interpretation and collective bargaining.

Practical uses and effects of a theory

To apply this ethical investigation to practical consequences, numerous cases delineate the discrepancy between the ethical objectives of international law and the reality of its execution. The doctrine of R2P was created to fill gaps like Rwanda and Srebrenica, yet its use, like its application in the case of Libya (2011) versus the non-application during the Myanmar Rohingya crisis (2017-2020), is selective and politically motivated. The same applies to international climate change law, which, albeit extremely persuasive in the current era of pollution, suffers from ineffective enforcement and a lack of mandatory requirements for leading offenders. This proves the more profound problem: international law usually does not possess the ethical underpinnings or the institutional capacity to administer justice transnationally. Philosophically, these discrepancies demonstrate the lack of a widely accepted ethical standard that could check states movements beyond self-serving interests. It appears that for international law to be convincing, we need to redefine the scope of treaty reforms to be adopted, change widely accepted notion of justice.

Rethinking justice beyond borders

Ultimately, this research argues that justice beyond borders is not an idealistic fantasy; it is a moral need waiting to be met. A cosmopolitan focus on individual supremacy, the communitarian-centered emphasis on the culture boundness, and the pluralist’s longing for common moral ground need to be blended in a single coherent philosophy to serve as a foundation for international law.



This foundation needs to be built on three fundamental principles.

- Acknowledgment of individuals and not states as the primary subjects of justice.
- Recognition of at least some minimal substantive international morality principles (e.g. dignity, equality, freedom from torture, etc.).
- Principle permissibility of contextual interpretation or local variation of application of the said principles.

Such balance, drawing from critical theory, deliberative democracy, human rights, and other strands of thought, results in the strongest moral claim for progress. In addition, this analysis advocates for the transformation of international legal structures to counter the weaknesses of inclusiveness, accountability, and moral legitimacy. While there has been a legal positivist approach in the study of international law, this research advances the argument that law is bound to arise in reasonable inquiry of ethics. The very essence of law, and particularly in global scope, is aimed towards establishing justice.

Conclusion

Today, we face multiple global crises. Humanitarian disasters, armed conflicts, erosion of the environment, and the displacement of refugees demonstrate the overall moral authority of international law needs urgent critical analysis. This study has sought to determine if international law is morally justifiable if we locate it outside the borders of state sovereignty; in short, can international law operate as a credible mechanism of justice in a divided world. By critically examining, engaging, and considering dominant philosophical traditions of cosmopolitanism, communitarianism, and pluralism, we have demonstrated that the legitimacy of international law cannot be defined, and accountable towards political agreements, the interests of a state, or even state law. Rather, improving the dignity and equal worth of human beings, simply because they are human beings, is the moral foundation from which we must define, and make accountable, international law, in the face of different positions and values of humanity. At the same time, though the way forward, when trying to reconcile the moral values of humanity with the pluralistic character of a diverse integrated international society, comes with challenges. Our study suggests that while no one philosophical position gives us a complete answer, establishing a morally legitimate international legal system is achievable and necessary, and that the most promising way forward is to adopt a hybrid model that integrates the moral values of cosmopolitanism with reasonable context aware sensibility.

Recommendations for Future Related Studies

Future research priority should involve investigating the moral basis of international law through non-Western values, and their moral frameworks of Islamic ethics, the Ubuntu philosophy of Africa, Confucianism, Indigenous conceptualizations of being human and in the world amongst other lenses, as this expands the intellectual and moral pool of the global justice discourse and makes international law more culturally inclusive.

- This research has made primarily normative claims, and future research could combine both qualitative and quantitative research methods and conduct empirical research to



analyses how different philosophical precepts are applied (or violated) in international law relating to the functioning of the International Criminal Court and UN interventions, global refugee policies, and so on.

- Future research could also considerably deepen and broaden future research using an in-depth case study methodology, focusing on a specific theme, such as climate justice; equity in global health; digital surveillance; international migration, and examine how philosophical theories of justice are practically put to the test in various legal and ethical contexts.
- Future research can also undertake the urgent and timely research into the moral protestations of some key international institutions, such as the United Nations (UN), World Bank, and World Trade Organization, and the ethical legitimacy of their values and contributions to promoting principles of justice, moral obligation, and accountability.
- Future researchers will no doubt also think about how best to operationalize philosophical agendas into clear policy directives for reforming international statutes on International Law; or possible guidelines for ensuring the promotion and enforcement of human rights; reforming international law for the purpose of securing fair conflict resolution; and operationalizing better approaches to global cooperation using practical philosophical considerations.

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