REFLECTIONS ON JUSTICE UNDER
THE CONDITIONS OF GLOBALISATION

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Abstract: This paper deals with the need to change the way in which we consider justice in connection with globalisation. It analyses injustice in countries with developed capitalism, employing the work of Axel Honneth and Nancy Fraser. The paper highlights the importance of using "critical theory" in relation to developing an acceptable understanding of the term justice, and using "critical theory" in conjunction with Hans Herbert Kögler's "philosophical hermeneutics". In order to adequately investigate contemporary human civilization it is necessary to enrich our knowledge by investigating "civilisational analysis" (Johann P. Arnason).

Keywords: Globalisation; capitalism; critical theory; civilization analysis; liberalism.

The desire to systematically understand the sources of social injustices and find potential solutions has been a continuous source of philosophical thought from ancient times to the present. Despite the global integration of various economic and political organisations, the widespread adoption of the liberal and democratic system of government, scientific and technological progress, and similar phenomena of the contemporary era, social conflicts have not been eliminated; quite the opposite. The increasing speed with which barriers between nations are being broken down brings with it numerous grievances and abuse, which, if not addressed, may lead to the destabilisation or collapse of whole states or even regions. The absence of justice today stands in the way of peace between nations or the peaceful cohabitation of citizens within individual states, as has been the case at any point in history. What has changed is the fact that "justice" today, compared to distant past eras, is a global planetary matter. On the planet, which is open to the free movement of capital and commodities, we can never say with certainty that something does not concern us (Bauman 2007, 5).

"Scandalous Manifestations" of Capitalism

A quick glance at contemporary society makes us realize that the existing situation requires substantial critical analysis. We can agree with Axel Honneth that the social situation in countries with a highly developed level of capitalism is such that the trend is moving towards the growing impoverishment of large sections of society, the formation of a new "lower class" that no longer possesses economic, social or cultural resources; at the

same time, we are witness to the continuously growing wealth of a social minority. Honneth literally refers to the "scandalous manifestations of capitalism" operating as if removed from all restraint (Fraser, Honneth 2003, 112). We can highlight those features which have now become typical of the phenomenon of social inadequacy. They include the "feminisation" of poverty, which primarily affects unqualified single mothers; long-term unemployment, which brings with it social isolation and the breakdown of private life; the rapid dequalification of jobs which were once welcomed and taken seriously at the start of one's career, but which have now become redundant with the increasing rate of technologisation; the pauperisation associated with farming, where even hard work no longer produces sufficient yields on small farms; and finally, there is the daily suffering experienced by families with many children, where it is no longer possible to provide adequately for the children, even when both parents are employed, since incomes are so low (Fraser, Honneth 2003, 118-119). The list of such social injustices could easily be extended; yet, model solutions, it would seem, are either lacking or difficult to implement.

Where might we find the reasons for these phenomena? Honneth suggests that the restructuralisation which affected the manufacturing and service industries of the 1980s may well be the cause. This period is described by economists as one in which Fordist production methods were eradicated. Honneth believes that this led to workers being treated in an entirely new way: not simply as dependent employees, but as creative businessmen in their own right. Honneth highlights the fact that corporations operating at the international level, free from political control, constantly seek new ways to sign contracts, with the result that the same kind of unprotected contractual work as that which existed at the beginning of capitalist industrialisation is reappearing, such as part-time jobs and domestic labour. The increasing flexibility of the labour market and the alignment of the whole of society to market principles, poorly justified by references to a new individualism, mean that the "social issues" which in the mid-twentieth century were considered to be a nineteenth century legacy successfully laid to rest are once more presenting themselves as a challenge[1] (Honneth 2002, 153, 155). Bauman claims that the gradual, yet consistent cutting back and removal of guarantees made by the state against individual failures has led to a situation in which collective bargaining, and thus also the protection of individuals against processes which might be beyond their understanding and their ability to address them, is deprived of its former attraction and this undermines the social basis of solidarity. It seems that the concept of "society" as an umbrella term used to refer to an entire population living within a sovereign state has rather worryingly been exhausted. The fact that the individual is exposed to the vagaries of the labour and commodities markets encourages conflict rather than unity; competitiveness is favoured, while cooperation and teamwork have been degraded to the level of a temporary, intentional camouflage which will suddenly become visible once all the advantages associated with it have been exhausted. "Society" is losing its shape as a

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[1] It is extremely important to point out that in recent decades, underneath this visible threshold, there has been an increase in other forms of social suffering with no historical precedence in capitalist societies. They are more difficult to access in terms of empirical observation as they occur in the realm of psychological disorders, where we are seeing a rapid growth in depression (Honneth 2002, 155). This issue is beyond the scope of this article, despite its seriousness making it no less important.

"structure" and is increasingly being perceived as a "network", and is treated accordingly. It represents a matrix of random connections and disconnections with an infinite number of permutations (Bauman 2007, 2-3). Thus, we can accept Keller's thesis of the *twilight* of the social state. Keller points out that while it is true that on the one hand modern society has overcome many of the dangers that lurked before man in traditional society (bouts of infectious diseases, the periodic occurrence of famine, helplessness in the face of natural disasters and so on), on the other hand, modern society, with its labour market and family unit, brings with it entirely new risks which people in traditional communities never had to face. These are mostly of a social nature, which means that they are directly produced by social mechanisms and to a certain extent endanger all the members of society regardless of the precautions they take. It was precisely through recognising the social character of a considerable number of the risks life presents that led to the building of a social state in the 19th and 20th centuries (Keller 2006, 61). It can be stated almost with absolute certainty that the *twilight* of the social state and the many inequities which have emerged in countries with developed capitalism in recent decades are more or less, depending on the case, connected to the phenomenon of globalisation.

Globalisation Alters our Perception of the World

At the beginning of the 21st century we must admit that the great normative conceptions of theorists such as John Rawls or Ronald Dworkin cannot be adequately applied to the multidimensionality of the social issues that concern us, since globalisation changes the way in which we perceive the world. When social democracy was at its peak, discussions on various social issues presumed the existence of something that Nancy Fraser refers to as the "Keynesian-Westphalian Framework". These discussions were primarily being played out inside modern territorial states at a time when it was assumed that the arguments on which certain attitudes towards social issues were based involved the relations between the citizenry, that they were the subject of debate by the national general public, and that remedying injustice was the responsibility of national states (Fraser 2005, 69). It has now been revealed that such thinking is no longer possible (Robinson 2009, 27-78). We might also agree with Nancy Fraser, who states that due to an increasing awareness of globalisation and as a consequence of the geopolitical instability accompanying the end of the Cold War many people have realized that the social processes that shape our lives regularly cross territorial borders.

They note, for example, that decisions taken in one territorial state often have an impact on the lives of those outside it, as do the actions of transnational corporations, international currency speculators, and large institutional investors. Many also note the growing salience of supranational and international organizations, both governmental and non-governmental, and of transnational public opinion, which flows with supreme disregard for borders through global mass media and cybertechnology. The result is a new sense of vulnerability to transnational forces. Faced with global warming, the spread of AIDS, international terrorism and superpower unilateralism, many believe that their chances for living good lives depend at least as much on processes that trespass the borders of territorial states as on those contained within them (Fraser 2005, 71).

Furthermore, it seems today that normative progress in one area is so closely linked to regression in other spheres that more freedom in one area is accompanied by the required application of stricter discipline in another; consequently, we cannot speak meaningfully of a linear progression to better or worse. It was probably precisely the concentrated experience of such social ambivalences and nonlinearities which motivated Axel Honneth to undertake research into the "paradoxes of contemporary capitalism". He claims that "in capitalist societies today the same structural changes which, on the one hand, determine normative progress, at the same time, cast doubt on this progress by contributing to its being undermined, to unilateralism or to social monopolisation" (Honneth 2002, 9). It follows that ascertaining the notion of justice becomes a multidimensional problem, and thus contains many diversions, obscurities, contexts, discrepancies and so forth.

Potential Use of Critical Theory in Eliminating Injustice

A potential impetus in considering the problems facing us and tackling such multidimensionality could be the revival of the critical theory of society as outlined by Axel Honneth and Nancy Fraser, contemporary representatives of the Frankfurt school. In the introduction to their book titled *Redistribution or recognition?* they both express the conviction that it is necessary to overcome what appears to be a dominant strict delineation of the division of labour in terms of the different disciplines, leaving moral theory to philosophers, social theory to sociologists and political analysis to political scientists. They believe that social criticism is capable of making valid theoretical claims and that it can be effective in practice only if it uses normative conceptions which are held to be systematically understood by contemporary society, thereby enabling it to diagnose various kinds of tension and to contextualise the current dispute (Fraser, Honneth 2004, 4-5).

Past experience proves the sad truth that remedying human affairs is rarely carried out on the basis of general advice on how they should be arranged ideally, but as a consequence of lessons learnt from disasters. The role of critical social theory, which reflects this reality and is not resigned to accommodating the role of socially affirmative theory, is to attempt to provide a remedy helped by critically evaluating undesirable factors and by articulating a historical struggle for recognition which might help avoid a catastrophic scenario, insofar as is possible (Hrubec 2009a, 63).

So, were we to agree with a critical theory defined in this way, we would have to subject the European perception of the world to substantial criticism. The lives of people in industrially developed countries, not only in Europe, are associated with several "negative" cultural manifestations, such as extreme "ethnocentrism" or the unwillingness to renounce a "consumerist lifestyle" despite the many problems related to it. With globalisation, and consequently, the increasing need for intercultural dialogue (Hrubec 2008), Europeans are ever more strongly convinced that adequate discussion on the social problems relating to globalisation is impossible without knowledge of the cultural backgrounds of the individual civilisations.[2] It is exactly this kind of research, and particularly that conducted on the

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[2] Equally, no discussion is possible if we do not accept the scientific findings that show us with increasing conviction how our ideas of the adequate organisation of society are limited by the laws of nature.

ontological aspect, that may help us understand the everyday, normal behaviour of people. It may help us understand the reasons for this or that conduct and also whether our behaviour is sustainable in the long-term, and if it is proven to be inadequate (for example, in terms of our conception of justice), it may point to how we could implement change. The work of Hans-Herbert Kögler, in which he combines critical theory with philosophical hermeneutics in a very original way, seems to be particularly inspiring in this respect. Critical theory and cultural studies (as understood by Kögler) are concerned with culture as a medium in which power and subjectivity meet. The symbolic forms of culture are not analysed in a positivistic sense; they do not have value in and of themselves. Rather their analysis is motivated by the aim of critical reflection and attempts to institute political change. Thus, a key question for both paradigms is how the social practice of power influences the way in which the subject understands itself by creating its own meaning and the opposite: what is the ability of these subjects to influence and alter various cultural and social practices? The problem of culturally creating "myself" through power, which also serves as a major line of enquiry within this analysis, is that it is the basic direction of both paradigms: in what way is power "embedded" in the inner life of subjects? How can we explain the fact that individuals accept, and even identify with inappropriate and limiting living conditions? And finally, how can we understand subjects' resistance to the application of power if we claim that power has a fundamental influence on the creation of the subject's self-understanding, but at the same time, we do not want to resort to some form of social reductionism which itself would necessarily deny that (Kögler 2006, 56)?

The fact that the overwhelming majority of the population is unable, or unwilling, to accept or at least partially absorb the latest developments in the humanities and the natural sciences, particularly if they disturb the traditional ideological or religious-dogmatic stereotype, has a significant impact on research into social justice. Many philosophers have been analysing human behaviour in consumerist societies for several decades now and it is obvious that "post-modern" man has many interests other than simply thinking about how to perceive and understand the world in a rational way. It is even more so since human rationality can often be influenced by ideology, religion, racism or nationalism, in which case even an outstanding intellectual may succumb to dogmatic stereotypes, and consequently his thinking and behaviour becomes irrational. Despite this, it is extremely important to change our still rather passive attitude to eliminating social injustice and radically saving the environment on Earth. Kögler points out that in contrast—even in direct opposition—to Adorno's pessimistic denial of the manifestations of the cultural industry (Adorno 2002, 94-136; Adorno 1984, 299-335), cultural studies represents a reflexive and creative diversity that traverses our everyday life, and thus underlines the presence of resistant and nonconformist attitudes even in the most standardized "entertainment goods" (Kögler 2006, 55). We can say that despite wide-spread pessimism or the absence of the belief that an individual can institute change, there exist various *counter-hegemonic* tensions; we can even observe their development into *movements* (Robinson 2009, 298-315).

In terms of eliminating social injustice, it is desirable to accept that if a scientific experiment, observation or some humanities research proves that a certain human action in a certain area is harmful, then it would be rational to change that human action. I believe that if we can expand this idea slightly to agree with Rorty that being rational simply means

being able to discuss all subjects—religious, literary, scientific—in a way that avoids dogmatism, unjustified and unilaterally motivated attacks, blind defence and manipulated outrage (Rorty 1991, 37). We would then be able to agree with the idea outlined in critical-theory research, whereby critical theorists wish to eschew the notion of "God's eye" that is associated with traditional theory and which tries to capture social reality independently and "from above". We must realize our own social and historical situatedness and therefore adopt more of a reflexive attitude, try to establish a dialogic relationship with other elements of social reality, primarily with the real or potential participants of emancipation. In order to achieve this goal we have to examine the status of our own normative categories and ask: how do normative categories relate to the concept of popular interpretations of social reality, which are scattered throughout society and used by social actors to evaluate and criticise their way of life (Hrubec 2004, 884)? However, this cannot be determined through abstract philosophical consideration, but only with the help of critical social theory, a theory which is normatively oriented, empirically informed and led by practical intentions, such as how to tackle injustice.

Organisation of Society—A Question of Culture or Economy?

It seems to be very important that we question whether contemporary capitalism should be understood as a social system whose economic order exists separately from other social spheres, i.e. that it is no longer directly governed by institutional cultural value models, or whether it should be understood through the economic system, as the result of certain institutionally enforced cultural values (Fraser, Honneth 2004, 5). Since the 1970s we have been witnessing the gradual disengagement of industrial corporations from their nation states (Robinson 2009, 59); at the same time, these corporations form an autonomous system (techno-system or techno-sphere) whose development is regulated by its own natural rules. Within this system, the task of the corporations is to live and develop in mutual competition rather than produce the material welfare for their own nation first and foremost (Wright 2001, 78). Thus, the substance of their activities is to generate profit regardless of the circumstances, regardless of employees' rights or the environment and so forth. In terms of the ongoing economic crisis we can openly state that the primary source of the aforementioned injustices is precisely the current form of capitalism. Furthermore, we can confirm that the creation of transnational capital and the formation of a transnational class of capitalists, not tied to any national community, has become a reality (Robinson 2009, 101).

In considering the potential ways of limiting the free flow of capital we have come to at least two solutions. Either we lock ourselves and our cultural values away, as some states of the so-called Islamic civilisations such as the People's Democratic Republic of Korea or Bhutan[3] have done; however, it seems that these countries will only resist with difficulty the pressure of globalisation and the consequences of new information technologies, often even at the cost of mass repression against their own citizens. Or, the second means of regulating

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[3] The political system in Bhutan is diametrically opposed to that of the People's Democratic Republic of Korea; I simply wanted to point to the existence of a system firmly closed to the outside world.

the sometimes devastating forces of globalisation is to create a new global system of law, perhaps re-working, completing and making more realistic the ideas found in Rawls's *The Law of Peoples*. In contrast to John Rawls, I cannot imagine a system functioning over a long period if it is only a *modus vivendi,* without creating a world meta-philosophy (paradigm) on which the legal norms would be based, and to which our reflections and our criticisms on justice, for example, would be directed. Developing this new world meta-philosophy is not the work of a single study or a single philosopher either, but rather the work of many future generations[4], since we can now truly accept the fact that we find ourselves in a new *"Achsenzeit"* or "Axial Age", in a period of *axial transformation* (Arnason 2007, 5-9).

The Need for "Civilisational Analysis"

At this point we come to an issue which adds another dimension to researching social reality and one which has not been sufficiently well analyzed in the tradition of critical theory, since it appears mostly in connection with the phenomenon of globalisation. This issue concerns the analysis of how world views are embedded in the various human civilisations and how without understanding this it is impossible to have an acceptable discussion on justice. There is no doubt that the conduct of individual people, and consequently of the communities formed by those people, has a significant impact on their world views, and thus also on their perception of what is just and unjust. We can see just how problematic, possibly even counterproductive, the attempts to spread European and North American perspectives on justice or the appropriate organisation of society in the various countries of Africa, Asia or South America were. Foreign influence occurs not only through accepting foreign property, or even reproducing it, but it can also serve as an impetus for addressing one's own problems. Consequently, the foreign element is not simply transposed into the domestic environment; the foreign element neither replaces nor eliminates this environment. We can state, however, that the longer the foreign impetus is felt, the greater the qualitative difference between the shape of the new structures and those that existed previously. Nonetheless, the old structures will persist, albeit in a different form, within the new —however, the new is not a new category within the old system, but rather a new variation of the old structure. The new phenomenon should be explained above all as a new—possibly even significantly different variation—but nevertheless only as a variation of the traditional phenomenon (Průšek 1966, 9). Johann P. Arnason argues that "civilisational analysis"[5] does not seek to subsume all the levels of social-historical reality into civilisational categories; instead, it primarily seeks a proper thematisation of an important and, in the humanities, a hitherto

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[4] "A fatal question of this century is whether humankind will be able to avert imminent disasters. We are living in an era of civilisational breakthrough, a kind of historical tectonics where tremors signify the beginning of global transformation" (Hohoš 1994, 218).

[5] "The notion of "civilisational analysis", used by Said Amir Arjomand and Edward Tiryakian in the title of a volume they edited together which is now widely accepted as the volume on the issue, underlines the link between theoretical and historical approaches to comparative studies of civilisations. More specifically, the emphasis is on the basic patterns and the long-term dynamic of civilisations—understood as macro-cultural, macro-social and macro-historical units—as well as the issue of their more or less active involvement in modern transformations" (Arnason 2007, 2).

rather overlooked aspect: the mutual overlapping between the "ontological or cosmological visions" (framework explanations of the world) and the definition and regulation of the main "arenas" of social life, i.e. the institutionalized forms of conduct and interaction. It should be added that combining these two key components of the social-historical sphere particularly affects the power structures in which cultural orientations are reflected. The civilisational dimension is present in all human societies; mostly, however in a latent status (Arnason 2007, 2). It is precisely an awareness of the issues of ideological differences and their close ties to the organisation of individual states that clearly led such an authority on social philosophy research as John Rawls to the idea that tolerating illiberal but *decent* hierarchical nations defined by certain criteria is essential. Rawls is of the opinion that, even if we leave aside the complicated question of whether there exist cultures and ways of life worth striving for (Rawls believes that they do exist), we can consider a certain community to be good for the individual and for the association, because both the individuals and the associations are integral parts of their own culture and participate in their own social and civil life. It is in this that political society itself finds its expression and its substance. According to Rawls, this is no small thing. It is an argument in favour of providing sufficient space for the idea of the self-determination of a nation and for a free confederative structure such as the United Nations. Nations (in contrast to states) have a certain moral character, a character which also contains a certain pride and sense of honour. The appropriate respect sought by some nations is compatible with the equality of all nations. The interests that stir nations (and distinguish them from states) are compatible with just equality and appropriate respect towards other nations. Rawls claims that liberal nations must strive to support decent nations and not thwart their vitality by insisting that all societies be liberal. If a liberal constitutional society is, in fact, more perfect than all other forms of society, an opinion held by Rawls himself, then a liberal nation should believe its own convictions and presume that a decent society, so long as it is offered the appropriate respect by other liberal nations, will eventually recognize the advantages of liberal institutions and take steps of its own accord to become more liberal[6] (Rawls 2001, 59-77). *The Law of Peoples*, of course, requires deeper analysis. At this stage I simply wish to point out that an increasingly notable group of high-ranking philosophers recognises that the possibilities for applying Euro-American solutions to the "non-Western" world and exclusively adopting Euro-American approaches to the social problems we face are limited.[7]

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[6] I wish to point out that Rawls's liberalism is a so-called *left-wing liberalism*. According to Rawls, the important preconditions for achieving the stability of society through the right reasons include a certain fair equality of opportunity (in particular in education and professional training), the appropriate distribution of income and wealth (if this condition is not present then those who have wealth and income at their disposal tend to control those with less wealth and a lower income and they tend increasingly to control political power for their own benefit). Society with the help of local government or other social and economic measures plays the role of employer (lack of work or employment is destructive not only in terms of citizens' self-respect, but also in terms of their feeling that they are prisoners in society, rather than its members). All citizens are guaranteed basic health care provision, publicly financed election and access to public information on the political affairs of that society (Rawls 2001, 44-53).

[7] In 2008, the 22nd World Philosophical Congress was held in Seoul. The congress was one of those which can be seen in some way as constituting a turning point. The fact that it was first time in its

Why then is it so important to deal with civilisational analysis? Firstly, in terms of the process of globalisation, as mentioned above, so that we are able to perceive and understand "Others" and their perceptions of various social phenomena and, more specifically, the issue of justice. Secondly, so that we understand ourselves, particularly since "the idea of a united and continuous European civilisation" will not hold up; the participation of various civilisations in the formation of Europe has been too important and the occurrence of civilisational mutations over the course of the European history is too obvious. And thirdly, sources beyond Europe might also enrich our thinking significantly, as indeed has already occurred many times before in history, whether we think of the influence of Arabic philosophy on medieval European scholars or the influence of Chinese philosophy on modern European philosophy (Zempliner 1966).

We can agree with Marek Hrubec that within moral, social, political and legal philosophy, it is necessary to present an alternative to the concept of violent cultural conflicts, both in general and specifically, in the current situation which is characterized by a growth in xenophobic, nationalistic and other simplified approaches to addressing the social and political impacts of the economic crisis. The parallel that can be drawn between the current situation and the economic crisis of the 1930s and 1940s and its subsequent social, and also political and military impact serves as a warning for us of the potential negative trends which in the past have developed into violent solutions directed against peoples of different cultural and ethnic identities (Hrubec 2009b, 264).

Conclusion

In today's world, globalisation is an ever-present phenomenon. It forces us to re-evaluate and in many ways modify our European perceptions of the world and our reflections on justice. Much of what we consider to be our inalienable right, especially where the historically unprecedented levels of consumerism and the resultant extensive plundering of the natural sources of our planet is concerned, is not supported by rational explanations of the workings of human society. Naturally, human society is currently understood to refer to human society in general and not a specific society associated with a specific state. Nonetheless, globalisation is increasingly asserting itself as a process which, in essence, gives precedence to economic interests over and above anything else, and the end-point is the maximisation of utility. We can imagine a scenario in which an elite cosmopolitan minority profits from globalisation, yet feels no responsibility whatsoever towards the majority population left to its own fate (Hohoš 2008, 220, 223). It appears, however, that such a development may lead to the destabilisation of the social order (even on a global scale), perhaps as a consequence of having exhausted the natural resources. It is therefore

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more than one hundred year history that the Congress was held in an Asian country led to Asian and "non-Western philosophy" in general being recognized as having equal standing. This breaking down of *West-centrism* was welcomed by philosophers from similarly marginalised or neglected parts of the world, be it from South America or even Africa where the Congress has yet to take place. The fact that in the global discussions "Western philosophy" had the opportunity to better familiarise itself with philosophies from the other cultural and civilisational circles led to the modification of existing attitudes (Hrubec, Šmajs 2009, 308).

time we thought beyond the political framework within which modern communities should be established in such a way so as to regulate the negative consequences of economic globalisation and maintain control over the unlimited techno-sphere, whose senseless and selfish growth is becoming counterproductive, even dangerous in many areas. This control can only be achieved through a functioning international legal system, which may look to the cultural heritage and historical experience of the whole of humankind for inspiration in constituting its legal norms. Therefore, the reasons for changing the way we perceive justice are closely linked to the processes of globalisation. Considerations on justice cannot be formulated independently of the time and spatial context and without an awareness of their multidimensionality. Nevertheless, the post-modern critique of reason cannot be accepted as absolute, since the situation in global society is not developing in a "post-modern manner", i.e. in a way that is predominantly pluralistic and value relativist, which is itself governed in a "chaotic" manner. On the contrary, it is aggressively pushing for crypto-economisation to be adopted as the neoliberal ideology of globalism, with the objective of achieving the aforementioned maximisation of utility. Developing a deeper conception of *critical theory* and applying it to the contemporary world could help us protect the independence of philosophical reflection against the fundamental nationalistic position, in such a way so as not to lose the radical sharpness of the analytical perspective and to be able to think about justice in an acceptable way.

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