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Global Justice in Transnational Labour Law: A Review of Yossi Dahan, Hanna Lerner, and Faina Milman-Sivan, ed., *Global Justice and International Labour Rights* (Cambridge: Cambridge University Press, 2016).

Introductory Overview

Yossi Dahan, Hanna Lerner, and Faina Milman-Sivan remind the reader early of Hugo Sinzheimer's affirmation: "Labour Law is on a mission, intended to uphold human dignity ... imprinting ... a 'real humanity' that is much more than some mere ideological humanism."¹ The urgency of this mission is felt throughout this book. This book is about *life in dignity*, and the claim made by Dahan, Lerner, and Milman-Sivan is stark: despite the "international declarative consensus on universal labour standards, existing labour laws often do not guarantee life in dignity, even in developed states."² And while maybe not sufficient, international labour standards are understood to be a *necessary* condition for life in dignity.³

Post-Brexit, post-Trump, there could hardly be a more pressing moment to think deeply about how to reimagine the relationship between social justice and the international economic order. The direction of globalization is deeply contested. In many parts of the world, including in the global North, multilateral trade and regional integration initiatives are fundamentally challenged because they appear to leave people and their social well-being behind. If workers in the global South *and* migrant workers (the South of the global North) face precarious conditions, and worker-consumer-citizens in the global North fear that they bear the social and economic risks of markets individually, then the case for why they should support deepened global integration becomes particularly challenging—yet essential—to articulate.

The introduction and several other chapters in this collection invoke one of the most significant factory fires of our time: Bangladesh's Rana Plaza disaster, in which 1,134 people lost their lives and thousands more were injured. It is far from the only factory fire that has occurred in the region, and factory fires continue to happen in global production chains worldwide, but its enormity coupled with the mediated images of brand-name clothing on the wrecked factory floors alongside the bodies of trapped women workers spoke at once to a very specific form of social connection theorized by the editors of this book—labour connection—and to legal responsibility.

¹ Yossi Dahan, Hanna Lerner, and Faina Milman-Sivan, "Global Labour Rights as Duties of Justice," in *Global Justice and International Labour Rights*, ed. Yossi Dahan, Hanna Lerner, and Faina Milman-Sivan (Cambridge: Cambridge University Press, 2016), 63 (citing Hugo Sinzheimer as cited in Thomas C. Kohler, "The Disintegration of Labor Law: Some Notes for a Comparative Study of Legal Transformation," *Notre Dame Law Review* 73 (1998): 1322).

² *Ibid.*, 65.

³ One might have wondered, given the title, whether the book would turn in part on the distinction between "international labour rights" and "international labour law" or "international labour standards." But the turn to rights discourse is not central to this book, which roots the global justice claim in labour connection and responsibility. For a recent, sustained critique of the turn to "rights," see Radha D'Souza, *What's Wrong with Rights? Social Movements, Law and Liberal Imaginations* (London: Pluto Press, 2018).

Several chapters offer fine-grained assessments of the economic and to some extent organizational behaviour literatures, through which we might understand labour connection and legal responsibility under contemporary globalization. Labour connection and legal responsibility touch “the very organizational structure and strategy of individual firms, thanks to the increasingly easier movement of financial capital, technology, and information.”⁴ Miriam Ronzoni and the other contributors to this edited volume remind the reader of the challenge of tracking responsibility for a range of abuses of power in labour law and labour relations, globally. In their recognition of the micro-web of responsibilities that support or enable the macro, the authors acknowledge the anachronistic manner in which we understand the employer–employee relationship if our focus is remedial responsibility. This traditional understanding obscures a theory of justice that allows us to see the thick web of labour connections and allows us to express who should be responsible, morally and legally.

Alive to the inadequacies of the current labour governance framework, they set out to frame labour connection and legal responsibility through new intellectual, analytical tools. Namely, Dahan, Lerner, and Milman-Sivan apply principles of justice—via relational theory—to the largely empirical field of global labour. Their core insight is that “principles of distributive justice cannot be formulated or justified independently of the practice they regulate.”⁵ A new legal (and political) concept of shared responsibility is needed, which requires us to rethink transnational governance specifically as it relates to labour, globally. Their framework for responsibility is situated not as an alternative to, but rather within, open market economies; global justice is a question for labour law. In other words, Dahan, Lerner, and Milman-Sivan’s framework is a transnational labour law (TLL) project, part of the process of understanding and theorizing the implications of a polycentric—rather than uniquely state-centric—approach to the global, one that insists on articulating regulatory responses that include, but also extend beyond, individual states.⁶

Global justice is at once theoretically satisfying and carefully grounded. At its core is the global justice debate, often framed around Iris Marion Young⁷ in respect of understanding frameworks for responsibility for social justice. Christian Barry and Kate Macdonald offer a sustained challenge to the view that Young’s social connection model should replace the liability model of individual responsibility for what I will refer to, in short hand, as decent work deficits.⁸ I am most taken by

⁴ Miriam Ronzoni, “Global Labour Injustice: A Critical Overview,” in *Global Justice*.

⁵ Yossi Dahan, Hanna Lerner, and Faina Milman-Sivan, “Global Justice, Labor Standards and Responsibility,” *Theoretical Inquiries in Law* 12, no. 117 (2011): 111.

⁶ Adelle Blackett and Anne Trebilcock, “Conceptualizing Transnational Labour Law,” in *Research Handbook on Transnational Labour Law*, ed. Blackett and Trebilcock, (Northampton, MA: Edward Elgar Publishing, 2015).

⁷ Iris Marion Young, *Responsibility for Justice* (Oxford: Oxford University Press, 2011).

⁸ I sense a disconnect in Young’s posthumously published book with her attentiveness to deliberative democracy and the participation of historically disadvantaged groups in framing their own concerns in her earlier publications, *Justice and the Politics of Difference* as well as *Inclusion and Democracy*. *Responsibility for Justice* seems to offer stark, decontextualized pronouncements on why reparations are not owed for historical wrongs like slavery. Barry and Macdonald do not address that issue but grapple closely with some core assumptions in *Responsibility for Justice*, as well as with potential shortcomings to the social connections frame.

their willingness to underscore the significance of time.⁹ Without rejecting the social connection model, Barry and Macdonald recognize that even when one can develop capacities to deal with challenges of structural injustice through strengthened systems of due diligence, collaboration with other actors, and so on, “such capacities are likely to develop very slowly—especially where the development of new transnational institutions and relationships is required.”¹⁰

Brian Langille suggests in his chapter on the narrative of global justice and the grammar of law, that one of the most interesting enterprises in this project is to bring the legal and global justice literatures into conversation with each other.¹¹ The collection does so, in clear, highly readable and jargon-free prose. The editors’ own distinct and important contribution focuses on their approach to labour connection. However, the editors do not impose a particular stance on the global justice debate, and that is a virtue. This review is therefore structured around three important themes that emerge in *Global Justice*: first, to discuss global justice, history matters; second, the global South matters; and third, the appropriate governance levels matter.

1. To Discuss Global Justice, History Matters

Alan Hyde recalls that global justice theorists emerged largely in “response to John Rawls’ controversial assertion that justice among nations was a different problem than those discussed in *A Theory of Justice*.”¹² For Hyde, international labour law is inherently concerned with working conditions in other countries. One need look no further than to the International Labour Organization (ILO)’s 1919 Constitution and its 1944 Constitutional Annex, the Declaration of Philadelphia. What has changed, as Anke Hassel and Nicole Helmerich affirm in their chapter in this book, is that the prime addressees of ILO conventions are no longer national governments, who they argue “bore sole responsibility for transposition and enforcement.”¹³ Even if the ILO’s constitutional mandate extends beyond national action, in assessing international economic action under the Declaration of Philadelphia in light of its social justice principles, we were not in the realm of the transnational. Dahan, Lerner, and Milman-Sivan’s book clearly is. But is Hyde correct to argue that labour law does not have to worry about whether principles of justice should extend across national boundaries?¹⁴

Hyde’s position only stands if one abstracts away from the premises of the post-World War II compromise, in which the international economic order—including

⁹ Katia Boustany and Normand Halde, “Mondialisation et mutations normatives : quelques réflexions en droit international,” in *Mondialisation des échanges et fonctions de l’état*, ed. François Crépeau (Brussels: Bruylant, 1997), 37.

¹⁰ Christian Barry and Kate Macdonald, “How Should We Conceive of Individual Consumer Responsibility to Address Labour Injustices?” in *Global Justice*, 117.

¹¹ Brian Langille, “The Narrative of Global Justice and The Grammar of Law,” in *Global Justice*, 187.

¹² Alan Hyde, “To What Duties Do Global Labour Rights Correlate?: Responsibility for Labour Standards Down the Production Chain,” in *Global Justice*, 226.

¹³ Anke Hassel and Nicole Helmerich, “Institutional Change in Transnational Labour Governance: Implementing Social Standards in Public Procurement and Export Credit Guarantees,” in *Global Justice*, 183.

¹⁴ Alan Hyde, “To What Duties Do Global Labour Rights Correlate?” in *Global Justice*, 227.

the trade law regime—developed transnationally while leaving labour redistribution as a governance matter for individual states—no matter how small or poor or marginalized in the global economy. At the risk of oversimplification, the compromise was Adam Smith abroad, and John Maynard Keynes at home. The decision to treat labour as domestic was part of the political compromise, in Ruggie's terms, an “embedded liberalism.”¹⁵

Embedded liberalism lies at the heart of the social welfare state and the modern employment relationship. Karl Polanyi recognized that in a market economy, there would be a “double” movement by members of society to enshrine social citizenship rights or a range of labour rights and social protections.¹⁶ In exchange, states were freed to liberalize the economy progressively through trade while social policies remained to be regulated by individual states. This post-war bargain was retained even within one of the most significant forms of regional economic cooperation and, ultimately, economic and monetary union: the European Union.

Dahan, Lerner, and Milman-Sivan's book provides a framing in legal philosophy upon which to explore, challenge, and move beyond the post-War political economy framing of embedded liberalism, in its call to take the transnational seriously. The focus in this book on global justice might be understood as a call to think subtly and carefully beyond the “double movement” and domestic political mediations of the social in the historically and ongoing racialized¹⁷ economics that are reflected in labour and social security law,¹⁸ as well as the movement of that fictive commodity—labour—across territory.¹⁹ The editors make this claim not through abstraction, but by insisting on the specificity of the labour connection central to the tripartite (they say triangular) relationship between state, workers, and employers, wherever they are.

2. The Global South Matters

How should we understand the literature canvassed in *Global Justice* in relation to the refined work that has been developing on global labour inequality? Is global labour inequality not at the heart of the global injustice that compels labour's social justice focus?

¹⁵ John G. Ruggie, “International Regimes, Transactions, and Change: Embedded Liberalism in the Postwar Economic Order,” *International Organization* 36, no. 2 (1982): 379–415.

¹⁶ Karl Polanyi, *The Great Transformation: The Political and Economic Origins of Our Time* (Boston: Beacon Press, 1944).

¹⁷ See Cedric J. Robinson, *Black Marxism: The Making of the Black Radical Tradition* (Chapel Hill, NC: U. North Carolina Press, 2000); Stuart Hall, *The Fateful Triangle: Race, Ethnicity, Nation* (Cambridge, MA: Harvard University Press, 2017); Nancy Fraser, “Roepke Lecture in Economic Geography – From Exploitation to Expropriation: Historic Geographies of Racialized Capitalism,” *Economic Geography* 94 (2017): 1.

¹⁸ See Nancy Fraser, “A Triple Movement? Parsing the Politics of Crisis after Polanyi,” *New Left Review* 81, May–June (2013): 119–132.

¹⁹ See e.g. Frédéric Mégret, “Transnational Mobility, the International Law of Aliens, and the Origins of Global Migration Law,” *American Journal of International Law Unbound*, 14 (January 2017): 14 (recalling that up until at least the middle of the 20th century, “a number of international lawyers, notably those operating through the Institut de droit international (IDI), advocated vigorously for a presumptive right to migrate” and if a prerogative existed, Mégret argues that it had to be weighed against another principle, namely that “humanity and justice require states to exercise that right whilst respecting, in ways that are compatible with their own security, the rights and liberties of aliens who seek to enter their territory, or who already find themselves there.”).

As those—like Samir Amin—who challenge the overuse of the language of marginalization assert, the global South's curse may well be that it is remarkably mineral rich and central to the global economy (think gold, diamonds, and coltan).²⁰ The oft-overlooked dimension of Polanyi's analysis is the importance of colonial exchange, which set patterns of relationship. The colonial preferences essentially supported embedded liberal policies in the global North. The borders for distributive justice were set very literally in terms of citizenship, but were largely closed to citizens of former colonies. Moreover, in the post-colonial context, most developing countries lacked the resources, institutional capacity, international support, and in some cases, political interest to cushion their citizens from the adverse domestic impact of market exposure through trade.²¹

In *Global Inequality*, Branko Milanovic moves beyond Thomas Piketty's focus on national inequality to offer a compelling discussion of global inequality that uses the same data sets to assess both national and global inequality.²² On the basis of this literature, Milanovic is able to predict that "global equality is not in sight."²³ Could it be that country of origin will become, if it is not already, more important to predicting life chances than one's social class at birth?²⁴ Milanovic's work keeps our focus on radical inequalities between countries,²⁵ and commentators like Göran Therborn insist upon the persistence of existential inequalities, including the deep racial divides and the distributional effects within them.²⁶

In Chapter 2, Miriam Ronzoni engages some of this literature in her affirmation that class trumps nationality; however, she regrettably does not grapple with the previously discussed datasets that would call into question that dichotomization. Yet one of Ronzoni's key insights is that social mediation is not just about inequality and distribution, however important the contemporary thinking on inequality may be.²⁷ She recognizes the claim to the democratization of transnational power, a theme to which Carol Gould also turns her attention in the final chapter of the book.²⁸ But it is fair to state that one of Ronzoni's expressed reasons for focusing on the global justice literature is that it reframes issues as not just distributive, but also as political questions. The political question, as it is linked to the North South question—and political backlash—is particularly palpable on the topic of the movement of persons, or labour migration.

²⁰ Samir Amin, "Africa: Living on the Fringe," *Monthly Review* 53, no. 10 (2002): 41.

²¹ John G. Ruggie, "The United Nations and Globalization: Patterns and Limits of Institutional Adaptation," *Global Governance* 9, no. 3 (2003): 301–321; Fraser, "A Triple Movement?"; Jayati Ghosh, "Globalization and the End of the Labor Aristocracy, Part 1" (2017) Triple Crisis, first of a four part series on the "Costs of Empire," available online.

²² Branko Milanovic, *Global Inequality: A New Approach for the Age of Globalization* (Cambridge, MA: Harvard University Press, 2016); Thomas Piketty, *Capital in the 21st Century* (Cambridge, MA: Harvard University Press, 2014).

²³ Göran Therborn, "Dynamics of Inequality," *New Left Review* 103, January–February (2017): 9.

²⁴ Milanovic, *Global Inequality*, 125–128.

²⁵ Milanovic, *Global Inequality*, 128–129 (invoking but insufficiently theorizing Franz Fanon; Milanovic's analysis of postcolonial Africa is similarly laconic).

²⁶ Therborn, "Dynamics of Inequality," 17–19. Their critique of each other's approaches to inequality is beyond the scope of this review. This literature needs to engage closely with the literature on racial capitalism. See n. 16.

²⁷ Ronzoni, "Global Labour Injustice: A Critical Overview," in *Global Justice*, 29.

²⁸ Carol C. Gould, "Democratic management and international labour rights," in *Global Justice*, 266.

In her discussion of labour migration, Einat Albin offers a compelling framing of trade union responsibility to migrant workers from a global justice perspective. Global migration is increasingly not just a challenge to the internal inconsistencies of our approach to free trade²⁹, but also as a response to global inequality.³⁰ Albin's analysis builds on a "thick" version of the labour connection, emphasizing responsibility, labour connection, and solidarity. If colonial history and the current international economic order create economic migrants due to poverty, as Albin argues, or global inequality, as Milanovic and others would state, then transmigration is a necessary part of fulfilling the moral obligation of global justice. This is a crucial insight.

However, I was left wondering why, of all the actors engaged in global injustice toward "work migrants," Albin chose to focus on trade unions. I know why the IMF/World Bank have focused on unions, seeing them as "rent-seekers" who have an adverse effect on the distribution of wealth.³¹ This IMF/World Bank choice, of course, is part of the political project of economic liberalization: one of the strongest outcomes in the post-Washington Consensus era has been the decentering (some would say destruction) of organized labour as a political actor.³² Milanovic reminds the reader that decreased "levels of income inequality are, almost by definition, the result of social and political struggles, sometimes violent ones"³³, which helped to sustain the kind of redistribution witnessed for part of the twentieth century. We no longer live in the immediate post-war period in which strong trade unions and workers' political parties, constrained by the example and military might of the Soviet Union, "helped to constrain the power of capital everywhere."³⁴ Moreover, there is an increasingly mainstream consensus of the "muddled" if not dishonest case for trade agreements, and in particular the construction of a "separate judicial track"³⁵ for investors through investor-state dispute settlement mechanisms.

Where is the geopolitical countervailing force that will enable the mediation of the social in the economic to occur? If the concern is to challenge the neoliberal erosion of social rights, should the starting point really be to attach moral and legal

²⁹ Roberto Unger, *Free Trade Reimagined: The World Division of Labor and the Method of Economics* (Princeton: Princeton University Press, 2010), 45. ("Of all the traits we habitually associate with the present existence of states as the natural setting of trade, none stands in greater apparent tension with the impulses that are supposed to justify market-based exchange in general and free trade in particular... than the limitation of the right of labor to cross national boundaries.") Unger adds that the restraint on transnational labour mobility is not inherent to the existence of states.

³⁰ Milanovic, *Global Inequality*, 152–154, 139; Bob Hepple, *Labour Laws and Global Trade* (Oxford: Hart Publishing, 2005) 5.

³¹ See World Bank, *Workers in an Integrating World*, World Development Report 1995.

³² Robert Knox, "Law, Neoliberalism and the Constitution of Political Subjectivity: The Case of Organised Labour," in *Neoliberal Legality: Understanding the Role of Law in the Neoliberal Project*, ed. Honor Brabazon (London: Routledge, 2017), Chapter 5.

³³ Milanovic, *Global Inequality*, 86.

³⁴ Therborn, "Dynamics of Inequality," 7.

³⁵ Dani Rodrik, *Straight Talk on Trade: Ideas for a Sane World Economy* (Princeton University Press, 2018), 210–211. (Rodrik states plainly in his preface that the "reluctance to be honest about trade has cost economists their credibility with the public." At xi). Rodrik also offers a careful discussion of the difficulties posed by free capital mobility, at 217–218. See also Armand de Mestral, ed., *Second Thoughts: Investor-State Arbitration between Developed Democracies* (Montreal and Kingston: McGill-Queen's University Press & CIGI, 2017).

responsibility to often beleaguered trade unions of the global North? Let me hazard a partial answer to my own question. We desperately need for unions to see why transnational, South–North solidarity is absolutely crucial, for them to begin to re-claim the political power necessary to respond, and to articulate clearly to their constituencies why they must respond. Unions—however weakened—are what we have left, a theme that comes through in several of the chapters.³⁶ Solidarity, as Albin affirms, is grounded in connections. I would add that those connections must sanguinely recognize the temporary twentieth-century compromise at the core of global inequality that built social and political stability in the global North on the backs of workers in the periphery—the global South and the South of the North—, acknowledge not only its instability but its unsustainable injustice, and rebuild on the conviction that the North and the South are indivisible.

3. The Appropriate Governance Levels Matter

Several of the contributors, including Dahan, Lerner, and Milman-Sivan, Fudge and Mundlak, and Ronzoni, explicitly or implicitly build on Fraser’s insight that the frame matters, and that if a problem exists at a global or transnational governance level, it must be addressed at that level.

Ronzoni, drawing on Wolfgang Streek’s work,³⁷ argues for a new Bretton Woods.³⁸ As Streek has argued, the EU has been a vehicle through which capital has been able to advance its interests in what must be recognized as an undemocratic fashion. It has allowed markets to “boss around” democracies. After an illuminating discussion of the limits of democratic cosmopolitanism, Ronzoni argues instead that “only binding the power and mobility of capital at the global level will enable domestic constituencies to regain control over their domestic affairs in matters of labour.”³⁹ The postwar international regime was designed to accommodate Keynesian welfare states, not to withstand a transnational challenge to those policies’ dismantling. In the context of global re-structuring, in which shareholder primacy and financial capital predominate, transnational corporations hone the ability to use a number of states to bypass the regulation of any particular state, and ultimately of all.⁴⁰

Moreover, Martijn Konings speaks of the under-estimated moral chastening of “undisciplined” Keynesian social spending in the name of redistribution that characterized the economic liberalization policy principles of the 1980s Washington Consensus. Fiscal discipline was considered necessary, even natural (*laissez faire*); it facilitated the relinquishment of economic responsibility for less fortunate “others.”⁴¹ As a result, a deepened integration through the expansion of multilateral trade and a plurality of regional trade initiatives has not led to a commensurate deepening of

³⁶ Dahan, Lerner, and Milman-Sivan, *Global justice*, 174.

³⁷ Wolfgang Streek, *How Will Capitalism End? Essays on a Failing System* (Brooklyn: Verso Books, 2016).

³⁸ Ronzoni, “Global Labour Injustice,” in *Global Justice*, 46.

³⁹ *Ibid.*, 47.

⁴⁰ Sven Beckert, *Empire of Cotton: A Global History* (New York: Knopf, 2014).

⁴¹ Martijn Konings, *The Emotional Logic of Capitalism: What Progressives Have Missed* (Palo Alto: Stanford University Press, 2015).

social welfare policies and labour rights, domestically or regionally. Rather, and as Ronzoni suggests, through competition and regulatory chill, at least some states have organized their own decentering.

The contemporary constellation therefore makes the future at once difficult to imagine but all the more crucial to construct. In relation to the important theorizing of global justice, it is necessary to look back and challenge premises about how the social should be governed. It is also necessary to be open to learning from counter-hegemonic, experimentalist governance alternatives, as we look forward.

Of particular importance to this discussion on global justice is the way that Nancy Fraser⁴² theorizes the dimension that she added to work on recognition and redistribution: representation, and more particularly, political representation. She conceives of political representation as a first order question, but one with three levels. At the third level, Fraser captures a challenge that, in my opinion, is central to TLL: that is, the misframing of questions as national in scope. These questions are expected to be resolved at the level of the Westphalian distributive state, when it seems increasingly important to engage the analysis at a different level. Fraser recognizes the importance of explicitly naming the transnational in social justice claims. In fact, everything about Dahan, Lerner, and Milman-Sivan's book seems to remind us that labour law should be understood at the very least across multiple governance levels. I would argue further that the redefinition becomes a specific, TLL project, in which global justice acts upon particularized, spatio-temporal orderings that require thick forms of solidarity.⁴³

Fudge and Mundlak's ambitious chapter relies explicitly on Fraser's framing. It at once addresses WTO decision-making in the *China-Tyres* case⁴⁴, as well as the Court of Justice of the European Union in the *Rush Portuguesa*⁴⁵ and *Rüffert*⁴⁶ decisions that interpreted the European Union's posted workers' directives. We need more of this kind of fine-grained analysis that addresses the interface between the political constitution of actors as they engage with institutions situated beyond, and the Keynesian-Westphalian frame. I would encourage labour lawyers to tackle the trade law analyses and their distributional outcomes that allow some issues to be rendered visible by trade decision-makers while rendering others invisible. These mechanisms are part of what has made the embedded liberal bargain such an unstable compromise.

Fudge and Mundlak affirm that "if the process for resolving the conflict is fair, inclusive, and dynamically open to challenges, then its outcomes on distributive justice are more likely to be legitimate and persuasive."⁴⁷ I agree, but in the current turbulent moment, I will not hide my concern: The failure to acknowledge the "conservative social welfare function"⁴⁸—that is, that workers expect to maintain

⁴² Nancy Fraser, *Scales of Justice: Reimagining Political Space in a Globalizing World* (New York: Columbia University Press, 2009).

⁴³ Adelle Blackett, "Transnational Futures of International Labour Law" in *Oxford Handbook of Transnational Law*, ed. Peer Zumbansen (forthcoming).

⁴⁴ WT/DS399/AB/R. Decision given on September 5, 2011.

⁴⁵ C-113/89 *Rush Portuguesa* [1990] ECR I-1417.

⁴⁶ C-346/06 *Rüffert* [2008] ECR I-1989 (second Chamber).

⁴⁷ Judy Fudge and Guy Mundlak, "Justice in a globalizing world," in *Global Justice*, 124.

⁴⁸ W. M. Corden, *The Theory of Protection* (Oxford: Clarendon Press, 1971).

if not improve their inter-generational standards of living—has contributed to a growing backlash against the direction of global and regional governance, if not globalization itself. More troubling still, populist politicking has all too easily instrumentalized working class rage in certain regions of both the global North and the global South, to “emancipat[e] unbridled hate”⁴⁹ directed not at economic élites, but at “Others.” This prevents worker-consumer-citizens from building, sustaining and enhancing labour rights and redistributive social security mechanisms transnationally. I think we need to be extremely wilful not just about stating the global justice claims that underlie the work that we do, but ensuring that those claims resonate.

Conclusion

Ultimately, as I canvass *Global Justice* and think through its many insights, I am left to wonder what is likely to be the source of the kind of countervailing force that TLL will need. Maybe, recalling where the collection began, with Sinzheimer, TLL’s theorists will need to take the time and space necessary to understand what it takes to sustain a human life in dignity for all who work, within and beyond the metaphorical labour market, within and beyond the spatial but mostly intellectual divides that create and sustain the South, the North, and the South of the North. Several contributors to *Global Justice* hover around a pivotal dimension of TLL: solidarity, globally. The contributors’ relational thinking on labour connection and responsibility for global justice is at once a crucial step towards building that global solidarity, and an urgently needed dimension of any attempt to sustain a counter-hegemonic TLL.

I hope in particular that the ILO, given its unique if decentered tripartite positionality and its sacred mandate to foster universal peace through social justice,⁵⁰ will, on the eve of its centenary, pay close attention to its persisting potential to contribute to that goal, transnationally.

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⁴⁹ Judith Butler, “Trump is emancipating unbridled hatred,” Zeit Online, October 2016. <http://www.zeit.de/kultur/2016-10/judith-butler-donald-trump-populism-interview>

⁵⁰ I discuss this further in Adelle Blackett, “‘This is Hallowed Ground’: Canada and International Labour Law” (2018) CIGI Reflections Series Paper no. 22, available online.