

GLOBAL JUSTICE AND THE REALIZATION OF A UNIVERSAL DEFINITION: A CONTEMPORARY APPROACH

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Introduction and Background

“খ্যাপা খুঁজে খুঁজে ফিরে পরশপাথর।”

(O, the madman and his endless search for the philosopher’s stone.)

— Rabindranath Tagore²

The concept of global justice can accurately be compared to a philosopher’s stone. As of now, people across the world do not have any concrete and uniform idea as to what this ‘global justice’ entails – a universal definition seems to have eluded the scholars. However, it is evident that given the current global scenario, where due to globalisation, the problems of one nation have various direct and indirect impacts on others, the clarification and application of global justice principles can cure many defects.

One of the most important questions that arise regarding a universal definition of global justice, is that if justice in a global form is actually realistic. Global justice would mean a standard of justice that is applicable to all humankind, irrespective of their gender, race, ethnicity, religion, nationality, etc.³. Many scholars argue that justice is an extremely individualistic concept, and it is likely to vary across cultures and nations; thus, providing a standard of ‘global justice’ is not achievable or desirable.

However, the fact is that the notion of justice as a global concept has existed, in some way or other, in the minds of the people for a long time. A great example of the same is given by Peter Singer, in his essay ‘Famine, Affluence, and Morality’. It provides a simple scenario of a child drowning in a pond, when a man is passing by. Now, the man is capable of saving the child, but in doing so, his boots will get ruined. It can be assumed here that the child is of a different nationality, thus, the man has no obligation to the child from a national justice

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² Rabindranath Tagore, *Sanchayita* (2nd edn, Visva Bharati 1933).

³ Chris Gowans, ‘Moral Relativism’ The Stanford Encyclopedia of Philosophy
<<https://plato.stanford.edu/archives/sum2018/entries/moral-relativism/>>.

perspective. However, most people analysing the scenario would agree that the man has a moral duty to save the child, even though it will result in a cost to himself⁴. This shows that the principle of justice that a person should prevent greater harm to another even if it causes a smaller harm to himself, can be applied outside of the national context, in a global scenario as well. Thus, even though it is currently existing in an ambiguous and debatable format, global justice is certainly not a work of fiction.

Need for Universal Definition

The need for deriving a universal definition of global justice increased since the first and second world wars, which saw unimaginable amounts of destruction, loss of human life, and suffering. Before that, international interactions were confined to the occurrences of wars or treaties, and the nations were not concerned with the internal workings of another nation. However, after the Second World War, it became evident that the interactions among a few states can have impacts on the global level – thus, the need for an objective ethical standard governing such interactions was felt. The Universal Declaration of Human Rights was an attempt to provide such a standard, as it dealt with the basic rights which every person across the globe deserves. This was indeed a landmark development, however, the non-obligatory nature of the UDHR and the existing vagueness regarding the rights themselves still kept global justice in the darkness⁵.

Since the mid twentieth century, the factor of globalization also fuelled the discussion on global justice. In the modern day industries across most nations, a great amount of raw materials are needed to produce different kinds of goods, and many of those can not be procured only from the domestic markets. The final products themselves are also sent to the international market instead of keeping it confined to the domestic one, to expose the products to a greater consumer base. Citizens are also benefitted from buying products from the international market rather than only the domestic one, as they can find more options regarding cost and quality. Even in just one supermarket of the present day, one can see products imported from various nations. Moreover, due to modern communication techniques and internet, which are truly eradicating the boundaries among the nations, the internal decisions of a nation and the global society are both impacted by each other. The huge number international bodies such non-governmental organizations, multinational

⁴ Peter Singer, 'Famine, Affluence, and Morality' (1972) 1 *Philosophy & Public Affairs*.

⁵ United Nations, *Universal Declaration of Human Rights* (2015).

corporations, etc. are also changing the world from a nation based society to a truly global community⁶. In such a scenario, the notion of justice needs to come out of its national boundaries and take a universal form as well.

Some of the most important arguments regarding global justice were provided by the scholars Thomas Hobbes and John Rawls, and they took contradictory stances to each other. Hobbes' argument was that justice is not practically achievable outside of a nation, as it requires a governing body to maintain justice to every person concerned. As per Hobbes' argument, neither justice nor injustice exists outside of a nation, in the international arena⁷. However, Rawls' arguments in this regard have been the starting point of different discussions regarding global justice. His book *Law of Peoples* discusses extensively about law and justice in the international context, and it can be stated that the concepts of Rawls' law of peoples and global justice are closely related. In this book, Rawls has provided eight principles which should govern interaction in the global society, which include equality, right to self-determination, non-intervention, basic human rights, etc., for all people⁸. These principles can be classified as one of the first attempts to define global justice.

When Hobbes provided his arguments in the seventeenth century, the factors of globalization and increased international interactions were not there. Thus, it was reasonable for him to argue that the notion of justice would vary across different states, particularly given the lack of transport and communication between the nations. However, the *Law of Peoples* was written much more recently, in 1999, which makes it more relevant to the current global context. It is evident that in the current scenario, it has become extremely necessary to come up with a set of objective ethical standards under a universal definition of global justice, and apply the same in the international context.

⁶ 'Global Justice: What Does It Mean? An Attempt to Start Answering' (*Global Justice Blog*) <<https://www.globaljusticeblog.ed.ac.uk/2013/02/01/global-justice-what-does-it-mean-an-attempt-to-start-answering/>>.

⁷ Thomas Nagel, 'The Problem of Global Justice' 33 *Philosophy & Public Affairs*.

⁸ John Rawls, *The Law of Peoples: With "The Idea of Public Reason Revisited"* (Harvard University Press 2001).

Barriers to Establishing Universal Definition

Even though a universal definition of global justice is the need of the hour, the task is made all the more difficult due to various existing barriers regarding the same. To begin with, global justice is a relatively new expression, which has truly gained popularity only in the twenty first century. There is yet no uniformity of opinions among the scholars as to exactly which concepts would be part of the broad range of global justice⁹. Justice can vary across different ranges – it can be economic, political, social, environmental, health, gender based, etc. The ideals of economic justice for example, may not always be in line with the ideals of environmental justice. As to which of them are the most important in the global context and thus, should be included in the definition of global justice, there is no consensus yet.

The different concepts of justice are amplified due to the stark difference among various cultures across the world. This is also one of the primary arguments of the nationalists, as to why global justice is not an achievable concept. It is true that the concept of justice for one community is closely linked to its culture, religion, practices, etc.¹⁰. What seems just in the context of a developed nation, might be the farthest thing from justice for a developing nation. Trying to enforce one or a few nations' idea of justice among the global community is likely to result in disastrous consequences, and such enforcement itself would be terribly unjust.

Another factor that comes into play is that the enforcement of global justice, versus sovereignty of the states. It is a widely accepted opinion that justice for all people can not be enforced without a truly global organization in place, which would act as an authority to implement and actualize the idea of global justice, and would authorize sanctions, if needed¹¹. It can be stated that the United Nations executes such functions to a certain extent, however, it can not be called a global authority in the true sense. Most of its documents are non-obligatory in nature, and even for violation of obligatory documents, it does not have any sanctioning powers which are its own. The UN Peacekeeping Force is comprised of troops from the member nations themselves, and if the nations choose not to support the UN, it does not have much power.

⁹ Thomas W Pogge, 'What Is Global Justice?' (2003).

¹⁰ Göran Collste, 'Globalisation and Global Justice – A Thematic Introduction' (2016) 3 A Journal of Philosophical, Theological and Applied Ethics.

¹¹ Nagel (n 6).

However, on the other hand, even if such an institution can be established to facilitate global justice, providing such a great amount of authority to an external organization would be severely detrimental to the sovereignty of the states. The institution would have to be empowered to enforce the ideas of global justice, and impose sanctions upon the states on its own accord in cases of violation. Even though this would be beneficial from a global justice perspective, the states themselves are reluctant to forego their sovereignty to such a great extent. For that reason, the nations are also not extremely enthused to agree upon a universal definition of global justice that differs from their own nation-based ideas, as that has the potential to put additional fetters on their sovereignty.

Conclusion and Recommendations

In the recent context, it can no longer be said that the problems of one nation are of no concern in the global level. National policies in some sectors like the environment, have far reaching impacts to the global environment as well. Even in other areas of internal governance, one can not say that the international community has no legal obligation. For example, a scenario can be considered where an agreement regarding oil sales has been entered into by the Nigerian government and the British government. However, the Nigerian government is extremely corrupt, and in extracting the oil, it is creating a hazardous living condition for its citizens. The revenue from the oil sales itself is pocketed by the government officials, and not spent on welfare of the citizens¹². In such a scenario, no British citizen with a modicum of morality can enjoy the benefits of the imported oil from Nigeria, when it is causing so much suffering to the Nigerian citizens. In fact, it would create an uproar in the global level as well, as the Nigerian citizens should not suffer due to its corrupt government, and the world community should not facilitate its sovereignty. In these circumstances, the enforcement of global justice would be reasonable and necessary. Attempts are made to resolve similar issues via humanitarian interventions, however, such intervention is all the more difficult due to the lack of universal global justice standards.

In defining global justice, the start should ideally be from a list of minimum criteria, which are undoubtedly needed to lead a decent human life. Attempts have been made by various scholars like John Rawls, Nayef Al-Rodhan, and through the UDHR itself, to provide such minimum criteria. There is almost no scope to argue that basic tenets such as freedom, equality, rights to life and liberty, are essential for any human, and they should not be

¹² Thomas W Pogge, 'What Is Global Justice?' (2003).

violated under any circumstances. Thus, through the participation of all nations, a universal standard of justice can be decided, incorporating important and non-violable aspects of human life that all nations can agree on. The same should also be made enforceable for all the nations by the United Nations and other relevant international organizations like the WTO. Even though this would only provide a basic outline of global justice and not an exhaustive definition, that would still be a marked improvement over the current scenario, where there is no consensus about global justice at all.