

BLOCK 3 : JUSTICE

Block 3 discusses the concept of justice, a normative concept that is integrally connected with liberty and equality. Justice is the central force of all societies and is necessary to maintain order and harmony in a state. Individuals want to be treated in a fair way which leads to social and personal well being. A just society is based on the notion that all the members should benefit and there should be no exceptions. Justice can be distributive, procedural, harmonizing or social. Unit 7 in this block is *Justice as Fairness* which specifically focuses on the notion of distributive justice. Distributive justice is concerned with a just allocation of benefits, opportunities and resources etc to ensure equality of outcome by the state based on various factors like need, equality and desert. The demands for distributive justice arose in response to utilitarianism which focused on quantity as it stood for the greatest happiness of the greatest number. The idea was opposed by socialist, communist and anarchist movements which favoured some economic levelling or allocation according to the need to ensure quality of happiness as well. Unit 8 is titled *Idea of Just Desert*. The concept of desert (from the old French word *deserte*, meaning to deserve) refers to the actions of persons that result in special treatment either in the form of rewards or in the form of punishment. The last is unit 9 which discusses justice in a global context with special focus on climate change and environmental hazards. The concept of justice in international relations is a relatively new one as ancient, medieval and early modern thinkers focused on justice within the state.



ignou
THE PEOPLE'S
UNIVERSITY

UNIT 7: JUSTICE AS FAIRNESS (DISTRIBUTIVE JUSTICE)*

Structure

- 7.0 Objectives
- 7.1 Introduction
- 7.2 Meaning and Concept
 - 7.2.1 Criteria for Justice
 - 7.2.2 Four Distinctions
 - 7.2.3 Dimensions of Justice
- 7.3 Distributive Justice
 - 7.3.1 Justice as Fairness
- 7.4 Limitations of Rawls's Theory of Justice
- 7.5 Let Us Sum Up
- 7.6 References
- 7.7 Answers to Check Your Progress Exercises

7.0 OBJECTIVES

In this unit, you will explore the idea of justice in political science. After studying this unit, you should be able to:

- Explain the meaning of justice
- Distinguish between its various dimensions
- Understand the idea of distributive justice and its limitations

7.1 INTRODUCTION

Justice is the central force of all the societies and is necessary to maintain order and harmony in a state. Individuals want to be treated in a fair way which leads to social and personal well being. A just society is based on the notion that all the members should benefit and there should be no exceptions. Classically, justice is treated as one of the four cardinal virtues (other three being prudence, temperance and fortitude). From Plato to John Rawls, many scholars see justice as the first *virtue* of a society or social institutions. Rawls in his 1971 book, *A Theory of Justice* has said that 'justice is the first virtue of social institutions'. Justice has central place in ethics, legal and

* Dr Raj Kumar Sharma, Consultant, Faculty of Political Science, IGNOU

political philosophy. There are many dimensions of justice and this unit deals with distributive justice as propounded by John Rawls.

7.2 MEANING AND CONCEPT

The word 'justice' has been derived from the Latin word *jus* or *justus*, meaning rights or law or *justitia/justus* meaning justness or reasonableness. Due to its multidimensionality, it is very difficult to define the concept of justice. The dilemma is aptly summed up by *D D Raphael* as he says justice is Janus like or dual faced, as it can be conservative and reformative at the same time. In contemporary world, justice determines the criteria to allocate benefits like goods, services, opportunities and honours as well as burdens in a society, particularly in a situation of scarcity. Justice is not a static but a dynamic concept which adapts according to changing times, like slavery and women subordination were justified in ancient times but with gradual social changes, these practices are no more justifiable today. Another aspect of justice is that it tries to reconcile aspects of individual liberty and social equality. Liberty will not be in sync with justice until its benefits are equally extended to all members of society. If liberty is seen as absolute, it will come in conflict with equality. Hence, there have to be certain limits on liberty so that it does not pose threats to others. Equality in turn, can exist in true sense when the deprived sections are given special measures to ensure equality of outcome as against equality of opportunity. In one of the earliest interpretations on justice, *Plato* in his book, *Republic*, sees justice as a virtue of social order meaning the principle of justice must be based on the nature of the social set up. He saw justice both as a principle of individual right conduct and an ideal social order. Justice prevails, according to *Plato* when each person does what he is best suited to do as per their faculties of reason, wisdom and courage. *Aristotle* distinguished between three types of justice. First, distributive justice refers to distribution of divisible things like wealth and benefits. Second, corrective or remedial justice is done when a person causes harm to another and justice is done to the victim by eliminating the disadvantage. Third, commutative or reciprocal justice refers to fair exchange in voluntary transactions. It must be mentioned that distributive justice is applicable to political aspects, corrective in civil and criminal aspects while reciprocal justice applies to economic transactions. For *Aristotle*, justice incorporates concerns of equality, proportionality and maintenance of equilibrium in the society unlike *Plato's* emphasis on hierarchy. For *Jeremy Bentham*, justice had a utilitarian dimension as he argued for the greatest happiness of the greatest number. *Bentham* subordinated justice to utility and he was against judicial activism to interpret laws. *JS Mill* slightly modified *Bentham's* doctrine by inserting qualitative aspects as well apart from quantitative ones. For *John Austin*, law is the source of justice as it flows from the laws created by the sovereign. Contrary to the liberal view which sees justice as a synthesis of liberty and equality, Marxist scholars argue that class inequalities need to be eliminated by overthrow of the state and justice would prevail in a classless and stateless society.

7.2.1 Criteria for Justice

Seen in the context of distribution, justice has three main aspects, needs, desert and equality.

Justice based on needs presupposes that human beings have equal right to have their needs fulfilled, as demonstrated by socialism. Here, there is a distinction between needs, wants and desires. Basic needs like food, water and shelter etc are universal across societies while wants are market oriented in nature. A state may take steps to ensure needs of various sections of society are met but it will not take care of wants. Egalitarian distribution of resources and opportunities is the result of needs-based justice. In contrast, desert-based justice depends on natural faculties of an individual or intrinsic value of a person (merit). It is based on the principle of equality of opportunity and advocates free market capitalism where merit decides distribution of rewards. Such ideas have been supported by *Edmund Burke* and *Herbert Spencer*. Lastly, equality is one of the fundamental presumptions of justice. Instead of equality of opportunity, there is need to have equality of outcome so that the deprived sections have access to benefits of the state.

7.2.2 Four Distinctions

There are four important distinctions that one needs to keep in mind while understanding the concept of justice.

First, there is a difference in conservative and ideal justice. Conservative justice pertains to existing norms and practices while ideal justice seeks to reform them. Justice may seek to respect people's rights under existing law or moral values or fulfil their expectations acquired from past social conventions but it may also radically change them. The decision of Supreme Court of India stating that marriage is not a pre-condition for adults to live together can be cited as a relevant example here.

Second distinction is between corrective and distributive justice. Corrective justice implies that a bilateral relation between the wrongdoer and the victim and demands that the fault should be cancelled by compensating the victim and eliminate any advantage secured by the wrongdoer by his faulty actions. On the contrary, distributive justice assumes a distributing agent (mainly the state) and a number of people who have a claim on what is being distributed based on some criteria like desert, need or equality. Talking of a situation of scarcity, *Aristotle* argued that if there are fewer flutes available than from among people who want to play them, they should be given to the best performers.

Third distinction relates to procedural and substantive justice. Procedural justice, as the name suggests is concerned with fairness of processes and procedures to arrive at policy decisions. In general terms, it is justice as per law and procedures established by law. Justice is assumed to be done when procedures are followed in accordance with the law. Traditionally,

Justice

procedural justice has been associated with formal equality among individuals which means human beings are equal before the law irrespective of differences like gender, religion and caste etc. Rights based justice is seen as procedural justice. It treats justice as a result of individual behaviour which cannot be applied to society. Since individuals are rational beings who can make their decisions on their own, state should not be allowed to interfere in individual entitlements. Hence, procedural justice theories make a case for individualism and market economy. *Robert Nozick's* theory of justice explained in his book, *Anarchy, State and Utopia* is an example of procedural theory of justice. Substantive justice, on the other hand, seeks redistribution of material resources and opportunities to ensure equality of outcomes and requires ethical and moral criterion to decide the notion of justice. Needs based justice is seen as substantive justice and *John Rawls's* theory of justice is an example of distributive justice.

Fourth difference is between comparative and non-comparative justice. Principle of equality that requires equal distribution of some benefit is comparative in nature. Non-comparative justice includes principles of sufficiency which holds that each person should have enough on some dimension or the other to have their needs fulfilled. Here, nobody is allowed to fall below a minimum fixed level.

7.2.3 Dimensions of Justice

There are four dimensions of justice, legal, political, social and economic as discussed below.

Legal justice pertains to justice based on law as propounded by *Thomas Hobbes*, *Jeremy Bentham* and *John Austin*. This view believes that law is the command of the sovereign and the only source of justice. Here, the focus is on how the law is formulated, whether there is rule of law and whether it is fairly applied to all the individuals. Legal justice has two interconnected elements, just laws and just administration of laws. Just laws mean that laws made by authorities must be in sync with social and moral values of society. Just administration of laws includes three things, rule of law, impartiality of judges and independence of judiciary.

Political justice means that politics should have representative character, ensure political participation, equal political rights and association of citizens in the decision making process. Political justice exists when there is political equality through rights such as universal adult franchise, right to contest elections etc. It also ensures accountability by giving the final authority to the citizens who elect the government. People's participation is also ensured in the decision making process which can be direct or indirect through their elected representatives.

Social justice stands for reconciling individual interests with those of the society. It stands for equal opportunity without discrimination based

on caste, class, religion and gender etc. Social justice demands that the interests of the deprived sections are safeguarded by the state. The overall belief here is that the community interests as a whole will be better served if development of the marginalised sections is ensured. The idea of social justice became more popular with proliferation of liberal and democratic ideas and introduction of legal and political justice.

Economic justice has been the basis of the socialist movement. It pertains to just distribution of economic resources, benefits and opportunities to achieve a just economic order. The liberal and welfare perspectives treat economic justice in terms of fair and adequate chances to earn livelihood and economic benefits. It is mainly redistributive justice supported by neo-liberals like *Harold Laski*, *L T Hobhouse* and *John Rawls*. They advocate state intervention to protect weaker sections. The Anarchists, Socialists and Marxists, on the contrary, relate economic justice to the abolition of private property. The Marxist position is that all other dimensions of justice are a reflection of economic justice and without realisation of economic justice, other types of justice cannot be achieved. Economic justice also stands for the end of alienation and exploitation as per the Marxist tradition. Economic justice stands for equal pay for equal work and provision of social security to ensure development of the needy ones.

Check Your Progress Exercise 1

- Note:** i) Use the space given below for your answer.
ii) See the end of the unit for tips for your answer.

1) Discuss Aristotle's views on justice.

.....
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....

2) What criteria are normally seen to administer justice?

.....
.....
.....
.....
.....
.....
.....
.....

.....
.....
3) What is the difference between procedural and substantive justice?

.....
.....
.....
.....
.....
.....
.....
.....

7.3 DISTRIBUTIVE JUSTICE

Distributive justice is concerned with just allocation of benefits, opportunities and resources etc to ensure equality of outcome by the state based on various factors like need, equality and desert. The demands for distributive justice arose in response to utilitarianism which focused on quantity as it stood for greatest happiness of the greatest number. The idea was opposed by socialist, communist and anarchist movements which favoured some economic levelling or allocation according to the need to ensure quality of happiness as well. Distributive justice is important for a society's efficient functioning and welfare of its members. True equality gives members a sense of membership in a society, especially the sections which are marginalised. This is important to avert political violence and avoid challenges to the state authority from internal threats. Unequal distribution can be a cause of social unrest and redistribution of benefits can help in relieving tensions. *Aristotle* believed that unequal distribution of property is one of the causes of injustice and civil war in a city. He further stated that men desire equality and hence, honour and rewards should be distributed as fairly as possible to avoid a revolution. For example, India resorted to land reforms after independence to eliminate social injustice and ensure equality in the agriculture sector. The most influential theory of distributive justice over the last half century has been *John Rawls's* theory termed as 'justice as fairness' given in his 1971 book, *A Theory of Justice*. He developed a rival to utilitarianism, a dominant theory of his times which Rawls saw as a morally flawed theory. The flaw is that utilitarianism justifies sacrificing the good of some individuals for the sake of the happiness of the greatest number. Utilitarians believe in aggregate happiness produced by justice and not the welfare of each individual. Rawls was inspired by *Immanuel Kant's* moral idea that gave due importance to equality and freedom of each human being (liberal-egalitarian). Kant argued that each human being should be seen as an end in himself and not as a means to an end. Through his theory of justice, Rawls gave central place to the moral principle of equality and freedom of each individual.

7.3.1 Justice as Fairness

After the Second World War, there was the emergence of behavioural approach and emphasis on value-neutral and fact-based political theory. Hence, normative principles and values became a scarce commodity in political science at large. It was John Rawls who brought them back in the discipline through his theory of justice. His theory stood for distributive justice and just distribution of primary goods in a society. Rawls supported a contract based theory of justice that was based on the original position (state of nature earlier envisioned by Thomas Hobbes, John Locke and J J Rousseau), individual rationality (making a choice amongst various means for optimum result) and decision making (social contract). Rawls combined liberty and equality (liberal egalitarian) in his conception of distributive justice that he called justice as fairness. In opposition to the utilitarian theory of justice that dominated Western liberal thought since the 19th century, Rawls tried to formulate his theory to meet needs of the liberal democratic welfare state that emerged after the Second World War. He described justice as the first virtue of social institutions and all political and legislative decisions should be based on justice to determine the distribution of primary goods. Primary goods are the ones for which it is rational for a person to want more rather than less. These are of *two* types.

- **Natural goods:** These are goods like intelligence, health, talent that are affected by social institutions but not distributed by them.
- **Social goods:** These include income, wealth and opportunities etc that are directly distributed by social institutions and are affected by them directly.

Rawls talks of a state of nature where people consensually decide the type of society in which they will live. In this state of nature, he has said that the individuals are in an original position. To eliminate selfish interests and biases of different kinds, he assumes that the original position means the following:

- Individuals are mutually indifferent, self-interested but not egoists.
- They seek to maximize their own interests like liberty, income etc by agreeing to form the society.
- There is a veil of ignorance between the individuals which prevents them from knowing details like skill, social background, income etc about others.

Despite the veil of ignorance, the individuals will make rational choices as they are rational decision makers and would devise principles that would lead to just distribution in society. Under the above mentioned conditions, each individual would want to maximize his own self-interest, but since he does not know the details of others, everyone is likely to choose a society that would minimise his potential losses. Individuals would make sure that

Justice

even the worst of persons is not too destitute, in case he turns out to be one such person. It is called the maximising principle as it maximises their minimum welfare. The negotiators or the individuals will choose the least dangerous path and would hypothetically place themselves in the least advantageous position while recommending the criteria of allocation of the primary goods. They will choose two principles according to Rawls.

- **Principle 1:** Each person to have an equal right to the most extensive basic liberties compatible with similar liberties of others.
- **Principle 2:** Social and economic inequalities are to be arranged so that both are: a) to the greatest benefit to the least advantaged members of the society, b) attached to positions offices open to all under conditions of fair equality of opportunity.

The first principle is called the equal liberty principle. The second is often divided into two parts, the first part is called the difference principle and the second is called fair equality of opportunity. The basic liberties to be protected include political liberty (right to vote and to hold public office), freedom of speech and assembly, right to hold personal property, right against arbitrary arrest etc. Rawls has argued that the first principle has an absolute priority over the second one and 2a has priority over 2b so that individual liberty is not compromised for liberty of others. In his general conception of justice, Rawls holds that social and economic advantages must be arranged to ensure greatest benefit to the least advantaged members of a society.

Why should Rawls's principles be accepted? There can be two arguments. One, the idea is to refine the social contract tradition. Justice is conceived to be what persons would agree to under conditions for choosing principles to regulate basic social structure that is fair. The original position given by Rawls is an example of fair proceduralist standard of justification as something is believed to be fair only after an ideal procedure would accept it as right. Second, Rawls discards the idea of natural talent, saying skills and talents are the result of naturally and socially acquired advantages. These social advantages should extend to the least advantaged sections for fair justice. After deciding about the principles, the individuals decide on the constitution that protects liberty of conscience and freedom of thought, liberty of the person and equal political rights. In legislations and policies by the state, laws that favour the privileged sections are excluded unless they lead to benefits for the least advantaged sections. Thus, Rawls marked a departure away from classic liberalism that stood for individual liberty, but left the individual alone to face the market risks. He also departed from the socialist ideas that made individual subservient to social equality. Rawls's theory of justice was in line with the needs of the liberal democratic welfare state.

In the Indian context, the idea of justice propounded by Rawls has a lot

of relevance. The Indian Constitution makes systemic departures from norms of equality to achieve justice. Such modification is required to eliminate discrimination against the deprived sections in order to promote national integration. *Dr B R Ambedkar*, as the Chairperson of the Drafting Committee of India's Constitution argued that political democracy could not be sustained on the basis of social inequality. In line with the ideas of Aristotle, Dr Ambedkar argued that if social inequality is not addressed, there could be political instability in India. He said:

“On the 26th of January 1950, we are going to enter into a life of contradictions. In politics we will have equality and in social and economic life we will have inequality. In politics we will be recognising the principle of one man one vote and one vote one value. In our social and economic life, we shall, by reason of our social and economic structure, continue to deny the principle of one man one value. How long shall we continue to live this life of contradictions? How long shall we continue to deny equality in our social and economic life? If we continue to deny it for long, we will do so only by putting our political democracy in peril. We must remove this contradiction at the earliest possible moment or else those who suffer from inequality will blow up the structure of political democracy which this Assembly has laboriously built up.”

Hence, the Indian Constitution has many provisions that depart from the principle of formal equality to ensure benefit of the least advantaged sections, mainly the Schedules Castes, the Schedules Tribes and the Other Backward Classes. There is a provision for reservation for the deprived sections in education, administration and legislative bodies as well.

Check Your Progress Exercise 2

Note: i) Use the space given below for your answer.

ii) See the end of the unit for tips for your answer.

1) Why is distributive justice important for a society?

.....
.....
.....
.....
.....
.....
.....
.....
.....
.....

2) What is meant by Rawls's difference principle?

.....

.....
.....
.....
.....
.....
.....
.....
.....

7.4 LIMITATIONS OF RAWLS’S THEORY

Rawls’s conception of justice has been criticised on the following grounds.

Brian Barry in his 1973 book, *The Liberal Theory of Justice*, has doubted the rationality of individuals as argued by Rawls in the original position. He further says that it is very difficult to define the least advantaged sections in any society.

Communitarians have criticised Rawls’ liberal-egalitarian conception of justice as it gives more importance to the individual at the cost of the community or society. *Michael Sandel* in his 1982 book, *Liberalism and the Limits of Justice*, calls Rawls’ individual as disembodied who is not a part of the society. Another communitarian theorist, *Charles Taylor* criticises Rawls’ atomistic conception of the individual. For Rawls, individual comes ahead of society while for the communitarians, the society is first and then the individual. Communitarians further argue that individual choices have a social context and they may not choose Rawls’s principles in the original position. *Michael Walzer* in his 1983 book, *Spheres of Justice*, argues that we cannot distribute goods to men and women until we understand what the goods mean; what parts they play, how they are created, and how they are valued, among those same men and women. Distributions flow out of and is relative to social meanings. Hence, he says that justice can be understood only as a community principle and not as an individualistic one.

Libertarian thinker, *Robert Nozick’s* entitlement theory of justice is in response to Rawls’s distributive theory given in his 1974 book, *Anarchy, State and Utopia*. He said each individual has the moral right as one chooses on any mutually agreed terms with others so long as the person does not thereby harm non-consenting other people in ways that violate their rights. Nozick was influenced by the ideas of *John Locke*. According to him, the moral authority of state to coerce people without their consent even just to maintain minimal public order appears problematic. The idea that society has the right to redistribute property to achieve more fair distribution is against natural rights of individuals. Property is owned by people, and the state, acting as the agent of society, has no more right to take from some and give to others than a robber does. Nozick justifies private property as long as it has been acquired by just means. In sum, Nozick defends market

freedom and is against welfare policies of the state achieved by redistributive taxation schemes. Such scheme of taxation is inherently wrong which violates people's rights according to Nozick.

Marxists have criticised liberal egalitarians for their failure to address inherent exploitative inequalities between capitalists and workers by solely focusing on fair distribution within a capitalist system. They have also argued that Rawls idea of veil of ignorance is a hypothetical condition as any deliberations without the knowledge of social and economic conditions of each other is meaningless. Justice can be analysed in the light of class relations and ownership of private property.

Ronald Dworkin has given importance to choices made by people or luck instead of distribution of primary goods to attain justice. Dworkin argued that people with equal resources could end up with unequal benefits due to their choices. He distinguished between option luck and brute luck. If somebody suddenly goes blind due to a genetic problem, it means bad brute luck and if someone wins a lottery, this means good option luck. In other words, option luck is a deliberate choice made by individuals while brute luck means unforeseen problems. Some bad events are such that they can be avoided like losses suffered in gambling. Dworkin feels that inequality arising out of such choices should be part of any conception of justice.

Nobel laureate *Amartya Sen* addresses the question of what metric egalitarians should use to determine the degree to which a society could realise its ideal of equality. He has addressed the debate over two candidate metrics, welfare (utility) on one hand and Rawlsian primary goods on the other. He introduced the concept of 'capability equality' between these two extremes where capability means what various goods do for people, apart from the welfare they achieve. Rawls believed that just institutions would distribute primary goods in a fair manner. The fair distribution, according to him is the one in which the worst off are as well off as possible according to the primary social goods measure. Sen, on the other hand, objects arguing that persons born with different physical and psychological propensities will generally be unequally efficient transformers of resources such as primary social goods into whatever goals they might seek. He considers two individuals with the same allotment of primary goods but one is fit, hardy and quick-witted while the other is lame, illness prone, slow-witted lacking in physical coordination. Although the two individuals have different conditions but primary social goods metric will not show this disparity. Hence, Sen believes that we should look beyond the distribution of opportunities, income and other primary goods allotments given the circumstances of different individuals. The basis of interpersonal comparisons for a theory of justice should, according to him, be a measure of people's real freedom to achieve functionings they have reason to value. Capability thus, represents freedom whereas Rawlsian primary goods are just means to this freedom. People have varying capabilities due to genetic, age or other factors to convert resources

Justice

into actual freedoms. These variations influence people in different ways to build freedom in their lives, despite having the same primary resources.

Feminist scholars have also criticised Rawls theory of justice on a number of counts. *Susan Moller Okin's* 1989 book, *Justice, Gender and the Family* argues that family should be considered as a main unit for any discussion on justice. The family is considered as a private sphere while as an idea; justice has a bearing on the public sphere which is outside the family. Rawls is unable to address oppression that surfaces in the so called private sphere of government non-interference. Okin argues that any theory of justice that does not address inequalities in a family is incomplete. There is unequal division of labour in the family where women have no option but to do things like cooking, child bearing and rearing with little or no help from the male members. Hence, they face similar inequality in public sphere as well backed by social customs and ultimately, women are robbed of any desire to enjoy active life outside the family. She argues that justice as fairness articulated by Rawls is not fair to women and hence, lacks credibility. Some other feminists have argued that the model of autonomous, self-interested, rational and individualistic person is a typically male conception of human behaviour and it leaves very less or no scope for values such as care, nurturing, empathy and cooperation that are typically female qualities. Hence, they argue that female qualities are not represented in Rawls original position.

Check Your Progress Exercise 3

Note: i) Use the space given below for your answer.

ii) See the end of the unit for tips for your answer.

1) Discuss Amartya Sen's critique of Rawls's theory of distributive justice.

.....
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....

7.5 LET US SUM UP

Justice is important for stability and well being of any society. Needs, desert and equality are the main criteria for administering justice by state. There

are four distinctions – conservative vs ideal, corrective vs distributive, procedural vs substantive and comparative vs non-comparative justice that one has to keep in mind while understanding the concept of justice. It can be political, economic, social and legal in terms of its dimension. John Rawls' theory of justice often referred to as justice as fairness is a reaction to utilitarianism. It contends that social and economic advantages must be arranged to ensure greatest benefit to the least advantaged members of a society. Although it has been criticised by communitarians, libertarians and feminists, Rawls theory has played a significant part in ensuring that benefits are allocated to deprived sections in liberal democracies and India is one such example.

7.6 REFERENCES

Abbas, Hovyeda and Kumar, Ranjay. (2012). *Political Theory*. New Delhi: Pearson.

Arneson, Richard J. (2006). *Justice After Rawls*. in J S Dryzek, B Honig and A Phillips (eds) *The Oxford Handbook of Political Theory*. Oxford: OUP.

Bellamy, Richard and Mason, Andrew. (2003). *Political Concepts*. Manchester: Manchester University Press.

Lamont, Julian. (2004). *Distributive Justice*. in G F Gaus and C Kukathas (eds.) *Handbook of Political Theory*. London: Sage.

Lamont, Julian. (2017). *Distributive Justice*. *Stanford Encyclopedia of Philosophy*, URL: <https://plato.stanford.edu/entries/justice-distributive/>

Maiese, Michelle. (2013). *Distributive Justice*. *Conflict Information Consortium*, University of Colorado. URL: <http://www.beyondintractability.org/essay/distributive-justice>

Menon, Krishna. (2008). *Justice*. in Rajeev Bhargava and Ashok Acharya (eds). *Political Theory*. Noida: Pearson.

Miller, David. (2017). *Justice*. *Stanford Encyclopedia of Philosophy*, URL: <https://plato.stanford.edu/entries/justice/>

7.7 ANSWERS TO CHECK YOUR PROGRESS EXERCISES

Check Your Progress Exercise 1

- 1) Your answer should highlight three types of justice – distributive, corrective and commutative
- 2) Your answer should include three criteria – need, desert and equality
- 3) Your answer should highlight that procedural justice pertains to fair procedures while distributive justice means equality of outcome

Check Your Progress Exercise 2

- 1) Your answer should highlight that distributive justice is needed in any society to avert *political violence* and avoid challenges to state authority from internal threats
 - Also include Aristotle's views on revolution
- 2) Highlight that it stands for greatest benefit to the least advantaged members of a society

Check Your Progress Exercise 3

- 1) Your answer should highlight the following:
 - Concept of capability equality
 - Mere distribution of primary goods is not enough, individual capability to convert those goods into freedom and justice is also important.



ignou
THE PEOPLE'S
UNIVERSITY

UNIT 8: IDEA OF JUST DESERT*

Structure

- 8.0 Objectives
- 8.1 Introduction
- 8.2 Constituents of Desert
 - 8.2.1 Deserver of Desert
 - 8.2.2 Deserved Modes of Treatment
 - 8.2.3 Desert Bases
- 8.3 Desert and Similar Concepts
 - 8.3.1 Desert and Merit
 - 8.3.2 Desert and Entitlement
- 8.4 Desert and Justice
- 8.5 Arguments against the Concept of Desert
 - 8.5.1 Metaphysical
 - 8.5.2 Epistemological
 - 8.5.3 Libertarian
- 8.6 Let Us Sum Up
- 8.7 References
- 8.8 Answers to Check Your Progress Exercises

8.0 OBJECTIVES

In this unit you, will be reading about the concept of desert and how desert is different from responsibility, merit and entitlement. It further highlights how the concepts of desert and justice have been interlinked by various thinkers. Finally, this unit discusses the arguments against desert. After going through this unit, you should be able to:

- Explain the meaning of Desert
- Discuss the relationship between Desert and Justice
- Understand the arguments against the concept of Desert

8.1 INTRODUCTION

The concept of desert (from the old French word *deserte*, meaning to deserve) refers to the actions of persons that result in special treatment either in the form of rewards or in the form of punishment. Philosophers have made use

* Rashmi Gopi, Assistant Professor, Miranda House, University of Delhi

of the concept of desert in several aspects. Some have advocated versions of the idea that justice obtains when goods and evils are distributed according to desert. Others have suggested that happiness may be the greatest good, but it has intrinsic value only when enjoyed by someone who deserves it. In theories about moral obligation, some theorists have defended the idea that right actions lead to results in which higher benefit is preferentially circulated to people who deserve it. In political philosophy and philosophy of law, a number of theorists have used the concept of desert to discuss the justification of penalties for violations of law. In this background, it becomes necessary to understand how the concept of desert has been theorised by various philosophers and how it has been utilised in practice.

In the next section, the focus is on how philosophers have defined what constitutes desert.

8.2 CONSTITUENTS OF DESERT

The three main constituents of desert are deserver of the desert, deserved modes of treatment and bases of desert.

8.2.1 Deserver of the Desert

In his important work on desert and justice Joel Feinberg formulated a series of desert claims which were not challenged by people at large: a student might deserve a high grade for writing a good paper; an athlete might deserve a prize for excelling in a competition; a successful researcher might deserve an expression of gratitude for finding something useful; a criminal might deserve the contempt of the community for having committed crimes. Immanuel Kant advocated that a person should deserve happiness for being morally excellent. In all the above mentioned cases, the deserver is a person. However, Feinberg himself agreed that even non-persons may also be a deserver. For example, a beautiful ancient city deserves to be preserved. In political philosophy, predominantly the deserver is seen as an individual or a group of people.

8.2.2 Deserved Modes of Treatment

When desert claims are made there is an inherent understanding of the treatment expected out of it. To be precise, what mode of treatment a person is expecting on the basis of desert claim. Feinberg cites following as the deserved modes of treatment-grades, wages, prizes, respect, honours and awards, rights, love and benefits. Gottfried Wilhelm Leibniz and Immanuel Kant would include happiness among the possible deserved modes of treatment. These are positive modes of treatment based on deserts. However, there are also negative modes of treatment based on deserts like condemnation, fines, penalties and burdens. Now, there is a third mode of treatment based on deserts that are neither positive nor negative. Like a student getting the grade of C. For that student who has put in minimum

efforts, grade is neither positive nor negative. Therefore, sometimes deserved mode of treatment is beyond the boxes of benefit and burden.

8.2.3 Desert Bases

(a) Effort and Performance

It is argued that bases of desert can be an effort (input made) or a performance (output). To highlight the complexity of finding the right bases of desert, Michael Boylan presented a case of two puzzle makers. The first puzzle maker was given a puzzle that is 80 percent complete, and he finished the puzzle by completing the remaining 20 percent. The second puzzle maker was presented with a puzzle that was totally incomplete. He managed to complete 80 percent of the puzzle, and therefore did not finish it. Boylan, noted that, according to a performance based evaluation, the first puzzle maker would be the one who deserves the credit. However, when effort based evaluation is done, the second puzzle maker deserves the credit. The puzzle maker example raises, firstly, the question of 'on what basis or bases one should use to determine desert'. Secondly, it makes it clear that both effort and performance can be relevant bases of desert and it is a complex process still to determine how to correctly weigh the two in a given situation.

(b) Role of Responsibility

Some thinkers have argued that at least some type of responsibility is a necessary condition for all desert. Whereas some thinkers like Feldman have argued that, in at least some cases, one can deserve some mode of treatment without anyone being responsible for the desert base that gives rise to that mode of treatment. An example of responsibility without desert could be cases in which a victim of theft is said to deserve compensation even though that person was not responsible for having the money stolen. In such a case, however, there is still someone, namely the thief, who is responsible for the desert base. But sometimes there is a case when no other person is also responsible for what happened like when people suffer as the result of a natural phenomenon. For example, a tsunami victim can deserve financial support as a result of the suffering through that natural disaster. Therefore one can conclude that in certain cases desert require responsibility and in certain cases desert is not dependent on responsibility. The responsibility centred desert assumes that the individual is autonomous and rational who make their own independent choices.

(c) Significance of Time

Predominantly desert theorists argue that desert is firmly a backward-looking concept. According to this view, a person's desert is based on his past and that past justifies claims of the person. However, this view has been challenged. Some thinkers argue that certain legitimate desert claims can be based on future performances. But critics have highlighted that desert claims solely based on future references cannot be relied on. There

is a middle path also. For Aristotle, the idea of distributive justice is based on just desert. The answer to the question that who in a polity should get honour, wealth, power, offices and other distributable goods and benefits lies in just desert. In understanding the distributive justice of Aristotle, it is imperative to understand that for him significance of just desert as a habit of past (backward looking) and relevance of just desert as a basis for an action in future (forward looking) is crucial. For Aristotle, in politics it is important that only those people who know that they have certain deserts and how they will utilise these deserts in future for the common use should participate. Therefore, to rule and to be a ruler depends on past and present desert owned by a person (Male master). Aristotle never explained on what desert/s can be counted as essential for the job of politics.

Check Your Progress Exercise 1

Note: i) Use the space given below for your answer.

ii) See the end of the unit for tips for your answer.

1) What are three main constituents of desert?

.....
.....
.....
.....
.....
.....
.....
.....

8.3 DESERT AND SIMILAR CONCEPTS

Most of the time, in daily usage, there are some words which are interchangeably used for desert. In this section, we are focusing on two such words. They are merit and entitlement.

Desert and merit: A main marker used to distinguish desert from merit is responsibility. David Miller notes that ‘merit’ is used to refer to a person’s admirable qualities whereas ‘desert’ is used in cases in which someone is responsible for a particular result. A person can get merit treatment based on factors over which that person had little or no control. For example, a person can merit, but not deserve, admiration for the birth based looks/appearances. In extension, since merit does not require responsibility, it can be applied to a wide variety of things, including inanimate objects.

Desert and entitlement: Entitlement can be a claim or a right made by a person to some different treatment as a result of following the rules or meeting some explicit criterion or criteria of an association, organization, or

institution. Although certain entitlements might be related to or give rise to desert, it is important to understand the distinction between these two words. There are situations in which one deserves different treatment without being entitled to that treatment or in which one is entitled to something that one does not also deserve. For example, a dancer performed very well in a dance competition. But unfortunately, at the last minute the dancer slipped on the floor while performing the dance. In this situation, the dancer failed to win the prize. While analysing the situation, it is clear that the dancer is not entitled to the prize, but deserved to win for the requisite efforts made. There are situations wherein a person is entitled to something, but is not deserved to it. For example, a legal heir might be entitled to an inheritance left by the mother, but the person (legal heir) might not have done anything to deserve that inheritance.

Check Your Progress Exercise 2

Note: i) Use the space given below for your answer.

ii) See the end of the unit for tips for your answer.

1) Explain how merit and entitlement are different from desert.

.....
.....
.....
.....
.....
.....
.....
.....
.....
.....

8.4 DESERT AND JUSTICE

Justice can be understood to consist in persons getting what is appropriate or fitting for them. This idea of justice can be traced back to ancient times. Plato discussed justice in general, and distributive justice in particular, as involving a type of appropriateness or fittingness of treatment. Plato suggested that justice involves treating people as they deserve to be treated. For Plato, justice was one of the four principles of virtue, in addition to temperance, wisdom and courage. An ideal state will be where everyone will get what they deserve. In such a state each individual would perform their duty diligently. If hierarchy is the principle governing justice for Plato, then Aristotle speaks about equality as an important value in justice. Aristotle maintained that distributive justice involves judging people according to certain criteria in order to determine whether they are equal or unequal. He argued that, in distributions, it is just for equals to receive equal shares, unjust for equals to receive unequal shares, and unjust for those who are unequal

to receive equal shares. John Stuart Mill with Utilitarian understanding of justice claimed that it is considered just when a person gets whatever good or evil that person deserves and unjust when that person receives a good or suffers an evil that person does not deserve. Sidgwick argued that justice involved one's desert being required. According to the pluralist theory of justice, desert is one among other important conceptual components of justice. These other components may include, but need not be limited to, entitlement, equality, merit, need, reciprocity, and moral worth. According to these theories, whether and to what extent desert is relevant to justice depends on the context in which the judgment is being made. According to Miller, when desert conflicts with the other components of justice, it must be measured against them in order to determine what justice requires. According to the procedural theory of Robert Nozick, the historical principle holds that an individual's past actions determine the deserts that individual would be entitled to and since actions are different so would be the entitlements to deserts. Nozick argues that individual entitlement to desert is just if it is a consequence of fair acquisition or even transfer.

Some might argue that desert is significant in retributive justice, but not in distributive justice because being the suitable receiver of any harm requires a level of responsibility that being the suitable receiver of a benefit does not. Some might argue in favour of the asymmetry based on the differing modes of treatment that are called for in distributive and retributive contexts. The motivating idea used to support this view is that desert is an appropriate and important basis for punishment, but other concepts, example, equality and need, are the appropriate bases for distributions of goods and services. Even if one recognizes desert as an important conceptual component of both distributive and retributive justice, one might argue that desert differs in these different spheres. For example, one might argue that desert in distributive justice can be forward looking, while desert in retributive justice cannot. According to Michael Walzer, "desert implies a very strict sort of entitlement such that the title precedes and determines the selection, while qualification is a much looser idea. A prize, for example, can be deserved because it already belongs to the person who has given the best performance; it only remains to identify that person. Prize committees are like juries in that they look backward and aim at an objective decision". Here, we could see the complexities Michael Walzer is raising in relation to the concept of desert. It is closely related to the talents valued by the institutions and it is essentially a backward looking (past experience based) exercise to know what constitutes a just desert. For Amartya Sen justice is about capabilities. It is not just the access to primary goods (goods that are desirable for every human being) but the extent of capabilities that each individual has to convert these primary goods into lives that they value living. This will lead to freedom and justice to individuals. It is not clear whether for Sen, capabilities based justice makes a difference between merit and desert.

merit and susceptible to overestimating their own merit, distributive schemes based on merit could not result in determinate rules of conduct and would be completely destructive to society. This thinking is captured in the epistemological and pragmatic arguments against desert. According to the epistemological argument, since we cannot know the exact details of the lives of every member in a community or society, we cannot precisely treat people according to their desert. We have to remember that effort and performance are commonly cited as appropriate desert bases. Even if one agrees that only effort and performance should be used to determine one's desert, apprehensions about how such determinations could be made with any accuracy or consistency still remain. How could one know how much of a person's performance was the result of effort as opposed to natural talent, brute luck, or any other number of complicating factors? The pragmatic argument against desert is that, regardless of whether we could gain the knowledge needed to treat people according to their desert accurately, attempting to do so would have overriding negative consequences. Such negative consequences could include expending large amounts of time and resources in an effort to make accurate desert judgments and, perhaps, losses of personal privacy as one delves into the details of others' lives. Both the epistemological and pragmatic arguments must be accounted for when attempting to explain how a true meritocracy could and should be arranged. Those who do not advocate meritocracies on a large scale might overcome the difficulties suggested by the epistemological and pragmatic arguments by maintaining that the use of desert should be limited to smaller, local contexts. According to this view, since it is easier to determine a person's desert in contexts that are limited in size and scope, accurate desert judgments would be both possible and feasible in such contexts.

8.5.3 Libertarian Arguments

According to Libertarianism, each individual agent fully owns personhood. As a full self-owner, the agent is entitled to use the various abilities to acquire property rights in the world. For the libertarian, the primary goal of justice is the protection of negative liberty, that is, absence of constraints on an individual's actions. Libertarians are divided into two groups, namely right and left. For the right-libertarian, desert could be a concept for the individual to consider in their personal decision-making processes, but not one that the state should use to try to guide allocations or distributions of resources. As with right-libertarianism, left-libertarianism is based on the idea that each individual agent fully owns personhood. But the left-libertarian view about the appropriation and accumulation of natural resources differs greatly from the right-libertarian view. Left-libertarians believe in the egalitarian ownership of natural resources. Anyone who appropriates a natural resource would have to pay others for the value of that resource. Such a payment might then be placed into a social fund, from which distributions to other members of a society are made. The resources are divided according to

egalitarian principles and not on the basis of merit or desert. The rejection of desert as a basis of distribution could be based on the metaphysical argument that, strictly speaking, people do not deserve anything. A left-libertarian could identify desert as a distributive concept, but one that is less important than equality. Therefore, both schools of Libertarianism believe that desert should not be the primary basis of distribution within a society.

Check Your Progress Exercise 4

Note: i) Use the space given below for your answer.

ii) See the end of the unit for tips for your answer.

1) What are the main arguments against desert?

.....
.....
.....
.....
.....
.....
.....
.....

8.6 LET US SUM UP

After discussing the concept of desert, it is clear that it is predominantly an individual driven concept. Here the basic assumption is that there has to be a deserver of the desert, that is, most often the basic unit of deserver is individual rather than the collective being or abstract non-living entity. There is also lack of unanimity amongst various theorists on what deserts are and what the bases of desert are. The terms like merit and entitlement are interchangeably used for desert but the distinction between these concepts are significant in understanding what constitutes the idea of just desert. In conclusion we can say that to understand what is justice, the idea of just desert is crucial and to understand what is desert and what is its role in a society, the idea of justice is central.

8.7 REFERENCES

Feinberg, Joel. (1970). *Doing and Deserving: Essays in the Theory of Responsibility*, Princeton: Princeton University Press.

Boylan, Michael. (2004). *A Just Society*, Virginia: Rowman and Littlefield Publishers.

Miller, David. (1999). *Principles of Social Justice*, London: Harvard University Press.

Feldman, Fred. (1997). *Utilitarianism, Hedonism and Desert*, Cambridge: Cambridge University Press.

Nozick, Robert. (1981). *Anarchy, State and Utopia*, London: Basil Blackwell.

Rawls, John. (1971). *A Theory of Justice*, London: Oxford University Press.

8.8 ANSWERS TO CHECK YOUR PROGRESS EXERCISES

Check Your Progress Exercise 1

- 1) Your answer should include deserver of the desert, deserved modes of treatment and bases of desert

Check Your Progress Exercise 2

- 1) Highlight the fact that the element of responsibility differentiates between merit and desert. In the case of entitlement, it is the attachment with and dependence on institutional rules and criteria that differentiates entitlement from desert

Check Your Progress Exercise 3

- 1) Highlight how distributive and retributive theories of justice have different levels of significance attached to the concept of desert

Check Your Progress Exercise 4

- 1) Your answer should highlight following viewpoints, namely, metaphysical, epistemological and libertarian

UNIT 9: JUSTICE IN A GLOBAL CONTEXT (IMPORTANT ISSUE: CLIMATE CHANGE AND ENVIRONMENTAL HAZARDS)*

Structure

- 9.0 Objectives
- 9.1 Introduction
- 9.2 Justice in Global Context
 - 9.2.1 International and Global Justice
 - 9.2.2 Human Security and Global Justice
 - 9.2.3 Approaches to Global Justice
- 9.3 Reasons for Global Justice
 - 9.3.1 Globalisation and Economic Injustice
 - 9.3.2 Rise of Human Rights
 - 9.3.3 Issues of Immigration
 - 9.3.4 Climate Change and Environmental Hazards
 - 9.3.5 Issues of Health and Gender Inequality
- 9.4 Limitations
- 9.5 Let Us Sum Up
- 9.6 References
- 9.7 Answers to Check Your Progress Exercises

9.0 OBJECTIVES

In this unit, you will explore the idea of justice in a global context. After studying this unit, you should be able to:

- Explain the meaning of justice in the global context
- What are the reasons behind the demands for justice in international relations?
- What are the main approaches to global justice?
- Limitations to global justice

* Dr Raj Kumar Sharma, Consultant, Faculty of Political Science, IGNOU

9.1 INTRODUCTION

The concept of justice in international relations is relatively new one as ancient, medieval and early modern thinkers focused on justice within the state. Delivering justice was mainly the duty of the state and the international dimension of justice remained neglected. In the contemporary times, however, there is growing interest in international aspects of justice due to the revival of interest in normative political philosophy since the 1960s, intensification of globalisation and a shift in how global politics is understood away from state-centric approach. There is a realisation that in an interconnected and globalised world, the problems and their solutions have to be global. The succeeding paragraphs will deal with the concept of justice in global context, its main approaches and limitations of this concept.

9.2 JUSTICE IN GLOBAL CONTEXT

In the western tradition, international justice can be found in the tradition of natural law which is a system of rights or justice common to all human beings and derived from nature and not the rules of society. According to W Friedmann, 'the history of natural law is a tale of the search of mankind for absolute justice and its failure'. Greek Stoics had professed that we have a moral relationship with those beyond our state and believed they were citizens of the world. The Indian tradition of Vasudhaiva Kutumbakam, means the world is one family espouses the cause of global justice and cooperation. Indian philosophers have also emphasised the value of spiritual dimension of justice where individuals around the world should be valued. There have always been causes with global approach that have crossed borders, for ex, the cause of transatlantic slave trade or the movement against imperialist oppression. J J Rousseau never gave a theory of global justice, but there were traces of this thought in his ideas. He argued that like individuals, states have an incentive to enter into contract when there are no claims against each other and called it a confederation where states agree not to attack each other. He even focused on rights during the conduct of a war which points towards universal human rights doctrine, an important part of global justice. One important point needs to be emphasised here. The conception of justice in global context has been idealistic while in practical terms, realism has dominated global politics. Classic realism traces its roots from thinkers like Kautilya, Thucydides, Thomas Hobbes and Niccolo Machiavelli. It states that individuals are selfish by nature and believe in self-aggrandisement including power. To ensure national security, states resort to wars in order to ensure higher levels of security. Thucydides had famously said, "The strong do what they will, the weak suffer what they must." Hence, one can say that realism stands for amoral justice in the global context and is insensitive to the interests of the weaker states and the problems which are common to all mankind like climate change. There is no dearth of examples in international relations to show prevalence

of injustice. Treaty of Versailles signed after the First World War and the war crimes trial at Nuremberg and Tokyo after the Second World War are examples of justice by victorious states. The exploitation and injustice done by the industrialised countries on their colonies during the colonial era too can be cited here as an example.

9.2.1 International and Global Justice

There is a distinction between international justice and global justice. In case of international justice, the focus is on state as a unit and the idea of justice among states is discussed. Supporters of international justice believe that inequalities between states should not become wide and efforts are required to keep them at permissible levels. Global justice is a component in normative international relations theory that focuses on the moral obligation of the world's rich to the world's poor. Here, the key theme is redistribution of wealth to reduce poverty and inequality. In global justice, the focus is not on the states, but human beings and it seeks to discuss what justice means to the human beings around the world. Apart from states, global justice also includes possible agents and organisations that have a duty towards global justice. The individual is at the centre of global justice theorists because of three reasons cited by Thomas Pogge. One, the individual is the prime unit of moral concern. Second, no one should be allowed to suffer for reasons outside their control and lastly, if individuals suffer for avoidable reasons, citizens of the richer countries have an obligation of justice towards the global poor. For thinkers like J J Rousseau and John Rawls, state will be the focal point of an international social contract. However, for other like Martha Nussbaum, Thomas Pogge, and Charles Beitz, human beings will be the core around which any conception of international social contract would revolve. Such conception is required to meet basic liberal principles of justice. The two-stage model favoured by Rawls is replaced with a single original position, in which individual human beings contract to a series of human rights that are not constrained by the contingencies of any particular conception of the state. Hence, justice in international relations is conceptualised moving away from the state centric (international) form of justice to individual centric (global) form of justice.

9.2.2 Human Security and Global Justice

Threats to human beings should be addressed to ensure that individuals have better chances to attain their development. In this regard, the concept of human security is important which gives importance to human beings and their complex social and economic interactions. It seeks to protect individuals from traditional (military) as well as non-traditional threats like poverty and diseases. It seeks freedom from want and fear for human beings around the globe. Mahbub ul Haq, an economist from Pakistan drew attention towards human security in 1994 in the United Nations Development Program's (UNDP) Human Development Report. This report highlighted seven threats

to human beings - community, economic, environmental, food, health, personal, and political. Human security has entered the policy discourse of a number of governments like Japan and Canada during the 1990s and early 2000s. Each provided a slightly different definition of the concept and customized its application to best suit its individual interests. At the global level, the agencies of United Nations work to ensure human security along with the state governments. Human security aims to achieve global justice by ensuring individual welfare.

9.2.3 Approaches to Global Justice

There are mainly three approaches to global justice – cosmopolitan, communitarian and realist. Cosmopolitan view has a global outlook while communitarian and realist perspectives are state centric.

Cosmopolitan view of global justice is influenced by Immanuel Kant and his ideas that individual rights in some sense should take precedence over states in international politics. The individual is inviolable as an end in itself and the state should not treat him as a means. Cosmopolitans make the moral argument that human beings should be seen as a basic unit who have equal claim to decent life. The issues of culture, nationality, sex and race should not be a hindrance in achievement of this objective. They believe that as a result of globalisation, a basic structure has emerged which impacts lives of people around the world. Cosmopolitans also argue that there is an urgent need to reform global institutions like the World Trade Organisation, World Bank and International Monetary Fund to make them in accordance with the principles of global justice. Cosmopolitans say there is need to have global citizens who are committed to global values instead of national affiliations. Hence, one can say that national borders are irrelevant to cosmopolitans. They stand for global institutions, for ex to monitor commitment of various governments towards human rights.

John Rawls in his work, *The Law of Peoples* (1999) has addressed some of the issues pertaining to global justice. In his eight principles, he seeks respect for human rights and duty to assist other people who are deprived of a good living. However, he is a statist since he distinguishes between domestic and global society on the basis of independence and national self-determination. He also suggests that the West is not obliged to transfer resources to global poor as help from outside cannot develop capacity of people to take of their needs and hence, political and social injustices will continue. In contrast to Rawls, Thomas Pogge argues that there is huge gap between global poor and rich due to ‘global institutional order’. This order is sustained through collaboration between powerful governments in the North, authoritarian rulers in developing world and business elites with global interests. The authoritarian leaders sell their country’s resources to multinational corporations and the benefits do not reach the global poor. Pogge argues for an alternate global economic order that would be beneficial

for the poor as well. Charles Beitz even argued that Rawls's difference principle (social and economic inequalities must benefit the least advantaged sections) also applies to global aspects. Another important advocate of global justice is Peter Singer, who argued that if it is within the power of the citizens of Western countries to prevent something bad from happening without sacrificing something comparable, it would be wrong not to prevent the unfortunate happening. He also said that it should not matter whether the people in need are fellow nationals or foreigners. We have a duty to assist global poor who can be saved from dire consequences with minimum effort on our part. He has used the analogy of a drowning child and argued that most of the people will save him from a pond even if their expensive clothes get dirty. This shows that human beings value human life more than material possessions. Singer stood against the idea that national boundaries are important and one should value fellow citizens over citizens from other countries.

Communitarians like GWF Hegel, give more importance to state in caring for and fostering the individual allowing his or her full development as a citizen. Here, the political community takes precedence over the individual. In contrast to cosmopolitan views that emphasise universal values and idea of global community, communitarians argue entrenchment within deep, meaningful cultural practices and relations. Instead of global outlook, communitarians give importance to territorial sovereignty and integrity. Thomas Nagel opines that there is a direct link between justice and collective practices and institutions which can be established only under a sovereign authority. He argues that global justice will not exist as it is linked to associative institutions which are not available at the global level. According to him, 'Justice is something we owe through our shared institutions only to those we stand in a strong political relation. It is, in the standard terminology, as Associative Obligation'. David Miller says that the idea of justice flows from specific cultural contexts which contradict the notion of global justice. For him, citizenship and nationality matter the most which lead to special entitlements and duties. These concepts are not applicable at the global level and hence, the idea of global justice is a non-starter for him.

Lastly, the realist conception of international relations is not conducive to the idea of global justice. Realism stands for state sovereignty and security against individual well-being (human security). Realists would argue that states are constantly preparing for war and international system is anarchic. War is more common than peace in international relations, according to realists. Since state security is paramount for realists, issues like poverty will not be given importance.

Check Your Progress Exercise 1

- Note:** i) Use the space given below for your answer.
ii) See the end of the unit for tips for your answer.

- 1) What is the difference between international and global justice?

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

9.3 REASONS FOR GLOBAL JUSTICE

There are a number of reasons behind demands for global justice and some prominent reasons are elaborated below.

9.3.1 Globalization and Economic Injustice

In the economic realm, globalization reflects the idea that no economy in the world is isolated today and there is a inter-locking global economy which has absorbed various economies around the world. The demise of Soviet Union acted as a catalyst for global economic integration as the last major block of countries were absorbed into the global capitalist system. Economic globalization has reduced capacity of national governments to manage their economies and to resist their restructuring along free market principles. Its features include globally integrated economy, regulations of economies by supranational institutions like the World Trade Organization (WTO), commitment to remove barriers to free trade and higher levels of economic interdependence. There is no unanimous view on the impact of globalization, but it has its benefits and costs. Thomas Pogge believes the process of globalization has harmed the interests of the poor while Mathias Risse says that such a clear cut impact of globalization is not clear. Globalization has resulted in economic leaps in countries like India and China lifting millions out of poverty. However, it has also increased prices of medicines in poor countries by agreements like Trade-Related Aspects of Intellectual Property Rights (TRIPS). People in developing and less developed countries have lost access to life saving drugs as a result. There are countries like Qatar and Liechtenstein whose per capita income is in excess of \$100,000 while there are countries like Central Africa Republic and Burundi where per capita income is less than \$1,000. Globalization leads to entrenched forms of inequality giving rise to winners and losers. In 2014, Oxfam reported that the 85 wealthiest individuals in the world had a combined wealth equal to that of the bottom 50 percent of the world’s population, or about 3.5 billion people. In the game of globalization, industrially advanced countries in

Europe and the US have been the winners while the losers are the developing and least developed countries where wages are low, regulation is weak and production is oriented towards global rather than domestic markets. This leads to north-south divide as the industrial development is concentrated in the northern hemisphere (developed countries) while disadvantage and poverty are mainly found in the southern hemisphere. Given this divide, there are demands that there should be redistribution of wealth at the global level from the developed to less developed countries. Global problems should have global solutions which demands global justice.

9.3.2 Rise of Human Rights

Social and economic rights are being used by advocates of global justice to seek radical redistribution of power and resources, both within countries and among them. In this context, human rights have become the aim to achieve global social justice as reflected in moral cosmopolitanism. Thomas Pogge has said that 'every human being has a global stature as the ultimate unit of moral concern'. This means that human beings should be seen as central units in global politics. By virtue of being humans, all persons have certain claims on society. They include mainly three areas - what governments can do to you, cannot do to you and should do for you. Human rights are inalienable - individuals cannot lose these rights, indivisible - individuals cannot be denied a right on the grounds that it is less important and human rights are also interdependent - one right impacts the other and vice-versa. Pogge says that the current international institutional order fails to provide rights and freedoms like health and food to individuals set forth in the Universal Declaration of Human Rights 1948. He has highlighted that the international order aggravates poverty through protectionism and aggressive enforcement of intellectual property rights in seeds and medicines. He also argues that the international order also fosters corrupt and oppressive governments in poorer countries as it recognises the person or group holding effective power, regardless of how they acquired or exercise it. Such governments not only misuse state resources to impose debt service obligations on the ordinary citizens, but also bind present and future generations in an unsustainable model of development. Over the years, feminists have shown a lot of interest in human rights. They have tried to transform the concept and practice of human rights to take a better account of women's lives. They see human rights as an enabling framework that can place women issues in the mainstream agenda of international politics.

To ensure justice, war has been used as a tool to promote and protect human rights in the past at the global level. In what is often called humanitarian intervention, powerful states resort to this tactic to alleviate extensive human suffering within borders of a state. In 1990s, there were such interventions in countries like Somalia, Bosnia and Kosovo. A number of external interventions have been justified on the grounds of democracy and human rights promotion. The failure of democracy promotion in Iraq

and Afghanistan has raised doubts whether such external interventions is justified or not. External intervention may ensure procedural democracy, but achieving substantive democracy remains difficult due to lack of real reform. That is why, external interventions mainly lead to what has been called 'imposed democracy' as the internal reform and modernization remains elusive in the target country. It also goes against the very spirit of democracy i.e. the right to self-determination, as it is not the citizens of the country but outsiders who decide the type of government in the target country. The war itself leads to violation of human rights which defeats the purpose and idea of human rights and global justice.

9.3.3 Issues of Immigration

Movement of people from one country to another is also part of the debate on global justice. Conflicts around the world and disparities in living standards are two main issues that lead to movement of people from one country to another. According to an estimate of the United Nations, there were 258 million international migrants in the world in 2017. The largest numbers of migrants stay in the US, Saudi Arabia, Germany, Russia and the United Kingdom. Due to many conflicts around the world, a debate has reignited around the rights of refugees, for ex Rohingyas from Myanmar. Some questions are being asked like, should the states have complete control over their borders? Who will take care of the human rights of refugees? Should the developed countries do more and allow refugees to stay in their society? What would be the social, economic, security and cultural impact of such a movement of people on the host countries etc? There is also a debate over multiculturalism in this context as the migrants are seen as a minority in the host country. Equal rights of citizens are seen in contradiction with group-rights and culture of minority groups. Will Kymlicka in his 1995 book, '*Multicultural Citizenship: A Liberal Theory of Minority Rights*' has argued that certain sorts of 'collective rights' for minority cultures are consistent with liberal democratic principles, and that standard liberal objections to recognizing such rights on grounds of individual freedom, social justice, and national unity, can be answered. Some liberals worry that granting concessions to national or ethnic groups hurts democracy: democracy, for them, requires a common citizenship based on treating people identically as individuals. When a particular group seeks some accommodation, this requires us to treat people differently based on their group affiliation, which strikes many as illiberal. Kymlicka argues that the request for accommodation *actually* reflects minorities' desires to integrate. For example, Orthodox Jews in the US seek an exemption from military dress codes so they can wear their yarmulkas. They want the exemption not to be different, but so they can join the army and be like everybody else.

9.3.4 Climate Change and Environmental Hazards

Threats to a state can be categorised as traditional and non-traditional. Traditional threats are posed by an enemy's military which can endanger the sovereignty and territorial integrity of any state. However, the agenda

of security has been widened after end of the Cold War and non-traditional threats have also been added. These are non-military threats which can endanger human security in any country. The examples include climate change, terrorism, energy, food and water security etc. These threats are transnational in character i.e. they have impact beyond the borders of one state. In addition, they complement each other and can combine to pose a bigger challenge. For ex, water insecurity also leads to food insecurity experienced by millions all over the world. Hence, to tackle non-traditional security threats, the governments around the world need to cooperate given the global nature of the problem. Climate change is one such threat that poses a serious question to the survival of human beings. The rise in temperatures around the world due to increase in greenhouse gas emissions will lead to a number of problems and environmental hazards – flooding, rise in sea level, environmental degradation, food insecurity, loss of livelihoods and mass migration leading to climate refugees. According to an estimate by the World Health Organisation, climate change impacts will kill more than 250,000 people each year between 2030 and 2050. Apart from human costs involved, there are economic costs as well. Scientists from the Stanford University have calculated that if nothing is done to tackle climate change, the global gross domestic product will fall by 30 percent in 2100 compared to 2010 level. The government of India in a report in 2017 has said that climate change costs India around \$10 billion every year. Hence, there are attempts to cut down greenhouse gas emissions and deal with the problem at the global level.

The term climate justice has been coined to reflect global warming as a political and ethical issue not merely limited to environmental aspects. Concerns of human rights and social justice are part of climate justice as indigenous people and residents of developing and least developed countries will be the biggest sufferers due to climate change. Small countries like Tuvalu and Maldives are facing the threat of sea level rise. A World Bank report says that if climate change is not tackled properly, Maldives could submerge by the year 2100. Issues of distributive justice are involved as climate change negotiations focus on cutting down the emissions and the critical questions are – which countries are responsible for climate change and which countries will cut down emissions and by how much? The general belief is that the industrialised countries have contributed more to climate change compared to the developing or least developed countries. Here, there are three principles that are generally discussed about how to allocate responsibility to cut down emissions.

1) **Polluter Pays Principle** – This principle advocates that the countries which have polluted more should pay to address climate change. India supports ‘Common but Differentiated Responsibility (CBDR)’ principle which is based on polluter pays principle. It says that the developed countries have more responsibility to tackle climate change compared to developing

countries and the emission cuts will be different for both the sides. The environment is a common heritage of mankind, but the responsibility to protect it will be differential for various countries.

2) **Beneficiary Pays Principle** – Also called user pays principle, it argues that the beneficiary of goods and services should pay for the costs that are imposed on the environment by such usage. For example, some countries impose green tax to be charged by consumers over use of goods that are not environment friendly.

3) **Ability to Pay Principle** – In contrast to the beneficiary pays principle; the ability to pay principle argues that the ability of the consumer to pay should be the determining criteria to decide who pays. This puts the burden to pay on wealthy classes.

9.3.5 Issues of Health and Gender Inequality

There is widespread disparity in health sector at the global level. Life expectancy varies across the globe and generally, the developing and least developed countries have lower life expectancy compared to the developed countries. Countries like Sierra Leone, Angola and Central African Republic have life expectancy close to 50 years while Japan, Switzerland and Singapore have life expectancy of 83 years. Poverty and gender are two critical factors that decide impact on health of an individual. In the developing world, around ten million people die of health problems that can otherwise be managed and prevented including diarrhoea, tuberculosis and malaria. Children in the developing countries are ten times more likely to die before the age of ten compared to their counterparts in the developed world. Child mortality rate is high in the countries which also have high maternal mortality rate, mainly in the developing countries. Women are more prone to anaemia than men and it affects not only their health, but also the health of their children. Apart from these issues, there are also concerns over the intellectual property rights regime under the World Trade Organisation as it raises the costs of medicines for diseases like cancer and AIDS and puts them outside the reach of the global poor. Women are generally treated as inferior to men across most of the cultures. Practices like honour killing, infanticide and genital mutilation still persist which are against their human rights. The international awareness is growing around the issues of health and gender and they are part of the Sustainable Development Goals envisaged by the United Nations to be achieved by 2030. Global justice seeks to bridge these disparities of gender and health at the global level to reflect the interests of the poor and marginalised people.

Check Your Progress Exercise 2

- Note:** i) Use the space given below for your answer.
ii) See the end of the unit for tips for your answer.

1) What do you understand by climate justice?

.....
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....

9.4 LIMITATIONS

There are certain limitations to the idea of global justice. It is incompatible with the present nation-state system as states are the central unit of international system. Human security issues like health, climate change and human rights mainly come under the supervision of states and various governments may or may not give importance to such concerns. Secondly, there is a lack of global institutions which can enforce justice at global level. Thirdly, the debates on global justice are mainly confined to western intellectuals. Since global justice is concerned with duties of the richer west towards the global poor, scholars from developing world are excluded from the debate.

9.5 LET US SUM UP

The idea of global justice is relatively new one as ancient, medieval and early modern thinkers focused on justice within the state. There are mainly three approaches to global justice – cosmopolitan, communitarian and realist. Cosmopolitan view has a global outlook while communitarian and realist perspectives are state centric. The demand for global justice is due to a number of factors – economic injustice, human rights, issues of immigration, climate change and environmental hazards and issues of health and gender inequality. However, demands for global justice have not materialised as the present international system is based on states and not individuals as units. There is also an absence of any global institution which can enforce justice at the global level.

9.6 REFERENCES

Beitz, C. (1975). Justice and International Relations. *Philosophy and Public Affairs*. 4 (4): 360–389.

Brock, Gillian. (2015). *Global Justice*. Stanford Encyclopedia of Philosophy,

Justice

URL: <https://plato.stanford.edu/entries/justice-global/#GloHealss>

Chandhoke, Neera. (2015). Global Justice. In B S Chimni and S Mallavarapu (eds.) *International Relations – Perspectives for the Global South*. Noida: Pearson.

Collste, Goran. (2016). Globalisation and Global Justice – A Thematic Introduction. *De Ethica. A Journal of Philosophical, Theological and Applied Ethics*. Vol. 3:1.

Dietzel, Alix. (2018). *Introducing Global Justice in International Relations Theory*. URL: <https://www.e-ir.info/2018/01/02/global-justice-in-international-relations-theory/>

Nagel, Thomas. (2005). The Problem of Global Justice. *Philosophy & Public Affairs*. Vol 33. No 2.

Neidleman, Jason. (2012). *The Social Contract Theory in Global Context*. URL: <https://www.e-ir.info/2012/10/09/the-social-contract-theory-in-a-global-context/>

Pogge, T. (2008). *World Poverty and Human Rights*. Cambridge: Polity Press.

Singer, P. (1972). Famine, Affluence and Morality. *Philosophy and Public Affairs*. 1: 229–43.

Williams, Huw L and Carl Death (2017). *Global Justice: The Basics*. Oxon: Routledge.

9.7 ANSWERS TO CHECK YOUR PROGRESS EXERCISES

Exercise 1

- 1) Highlight that in international justice, the focus is on state as a unit while in global justice, the focus is on individuals

Exercise 2

- 1) Highlight following two points
 - Climate justice reflects global warming as a political and ethical issue
 - Concerns of human rights and social justice are part of climate justice