

## **A JUST WORLD: MYTH OR REALITY**

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I feel honored to be able to contribute a paper in this special issue of our departmental journal. Prof. Raghunath Ghosh is not only my esteemed colleague, he is my family - friend too. As a guide, friend and well-wisher his guidance is always precious. I wish him a long and healthy life.

We are living in an interconnected world. And as a global citizen it is not possible now to be indifferent to the problems of the world. Even the Western World with its affluence cannot keep away unaffected to the rest of the world. But the question at issue is, whether it is possible to achieve global justice or it is simply a myth. The present paper will try to analyze this question as viewed by Immanuel Kant and John Rawls against the backdrop of globalization.

In 'Perpetual Peace' Kant wrote: "The Peoples of this earth has entered in varying degrees into a universal community, and it has developed to the point where a violation of rights in one part world is felt everywhere. The idea of cosmopolitan right is therefore not fantastic and overstrained; it is a necessary compliment to the unwritten code of political and international right, transforming it into a universal right of humanity."<sup>1</sup> What Kant wrote long back is applicable still in the present context. We are all global citizens.

Whenever one talks about globalization, it is a common trend to talk about economic globalization. And in case of justice, people talk more about global poverty rather than anything else. It is no doubt true we need food first, but it must also be borne in mind how we are and what we are also count not less. The point that is to be emphasized is the following: globalization is a social phenomenon where the questions of culture, ethnicity, and migration are all related factors. And global justice has two related aspects: one social\political and another economic. These two aspects cannot be separated.

Kant's 'Perpetual Peace' perfectly fits with this globalization theory, though there are critics who may present a different picture here. Written in 1795 Kant formulates three definitive articles for perpetual peace among states. These are: "The Civil constitution of every state should be Republican"; "The Law of Nations shall be founded on a Federation of Free states" and "The Law of World Citizenship shall be

limited to condition of Universal Hospitality. “The term ‘hospitality’, while explaining Kant remarks that “it is not a question of philanthropy but of right”.

Following Syela Benhabib this point may be illustrated as follows. “In other words, hospitality is not to be understood as a virtue of sociability, as the kindness and generosity one may show to strangers who come to one’s land or who become dependent upon one’s act of kindness through circumstances of nature or history: hospitality is a right which belongs to all human beings in so far as we view them as potential participants in a world republic.”<sup>2</sup>

Kant writes: “Hospitality means the right of a stranger not to be treated as an enemy when he arrives at the land of another. One may refuse to receive him when this can be done without causing his destruction; but so long as he peacefully occupies his place, one may not treat him with hostility. It is not the right to be a permanent visitor that one may demand. A special beneficent agreement would be needed in order to give an outsider a right to become a fellow inhabitant for a certain length of time. It is only a right of temporary sojourn, a right to associate, which all men have. They have it by virtue of the common possession of the surface of the earth, where as a globe, they cannot infinitely disperse and hence must finally tolerate the presence of each other.”<sup>3</sup>

Now Rawls’s Law of Peoples overturns the Kantian heritage of liberal cosmopolitanism and counts liberal nationalism. In choosing bounded political communities, and in particular the modern-nation state as the relevant unit for developing a conception of domestic and international justice, Rawls was departing significantly from Kant and his teaching of cosmopolitan law. If Kant’s major aim was to articulate relations of justice which were valid for all individuals considered as moral persons in the international arena, independently of their political membership, Rawls’s The Law of Peoples individuals are not the principal agents of justice but are instead submerged into unities which Rawls names ‘peoples’. For Kant, the essence of cosmopolitanism was the thesis that all moral persons were members of a world society in which they could potentially interact with one another. By contrast, Rawls sees individuals as members of peoples, and not as cosmopolitan citizens. To Rawls international justice is for peoples and their representatives not as individuals, carries as units of equal moral respect and concern in a world society. Rawlsian

peoples are ideally defined as “liberal peoples” and have three basic features: “a reasonably just constitutional democratic government that serve their fundamental interests; citizens united by what Mill called ‘common sympathies’; and finally a moral nature”. The Law of Peoples is developed in two steps, first from the perspective of liberal societies and subsequently from the standpoint of “decent non-liberal peoples”.

People have to meet two conditions to be recognized as decent: (1) they respect political and social order of the other societies and honour rights of peaceful conduct. (2) their legal system secure for all their citizens basic human rights, impose duties and obligations on all persons within its territory and are legitimated by their citizens (recognized as consistent with the common good and idea of justice. (Rawls, *The Law of Peoples* pp. 64-67.) The main aim of the law of peoples is to offer a duty of assistance to the so-called burdened societies that experience unfavourable conditions. According to the “principle of assistance” “rich peoples have a duty to assist those burdened societies which, due to natural calamities or an impoverished political culture, are not able to comply the minimal conditions of legitimate government. But Rawls has no intention to narrow the economic gap between richer and poorer countries. As soon as the society become self-sustained and self-guided, it is no longer necessary to transfer any resources, that is, no requirement is there for permanently redistributive, much less egalitarian, international institutions.

Here some questions arise. It seems that Rawls does not care about persons in “Law of Peoples”, but only cares about societies and favours common good over individual rights. And as there is no global government the question remains open, what kind of institutions are responsible for enforcing this assistance. Moreover the “burdened societies” remind an old system of the “white men’s burden” “the slogan, used to educate the coloured peoples during the British rule in India.

Sen in one of his essay “Justice across Borders” is critical of Rawls’s exclusive focus on peoples and argues that a normative treatment of transnational justice must take into account of different commitments and obligations grounded in memberships in groups other than the peoples or nations. He admits Rawls’s point about the application of the contractualist approach to all human beings everywhere, whatever their group membership on the ground that the present system is not capable

to handle the universal principle that is necessary to tackle the global political institutions. But at the same time he rejects the particularism of the law so peoples, which restricts its areas to relations between whole societies (whether these are conceived as peoples, nations, or states). Not only Rawls, Sen discusses Kant's theory and labels Kant's Writings as "Grand universalism". Sen writes: "Grand universalism: The domain of the exercise of fairness is all people everywhere taken together, and the device of the original position is applied to a hypothetical exercise in the selection of rules and principles of justice for all, seen without distinction of nationality and other classifications."<sup>4</sup>

Though grand universalism has an ethical stature that draws on its comprehensive coverage and nonsectarian openness yet it is hard to adopt in working out the institutional implications of Rawlsian justice as fairness. As Sen suggests that this mode of reasoning is difficult to apply to the whole of humanity, without an adequately comprehensive institutional base that can serve to implement the rules hypothetically arrived at in the original position for the entire world.

Though Rawls has formulated the 'law of peoples' but it restricts its purview to relations between societies and fails to take account of the full scope of the multiple identities and the full range of interconnections between borders. Sen suggests that instead of the grand universalism of one comprehensive "original position" encompassing the whole world, a kind of 'plural affiliations' may be adopted. He states: "The exercise of fairness can be applied to different groups (including, but not uniquely, the nations), and the respective demands related to our multiple identities can be taken seriously (there may be different ways in which their conflicting claims are ultimately resolved)."<sup>5</sup> It is no doubt true that both Rawls and Sen are sincere enough to bring out the measures to implement global justice in their own preferred way. But the question still remains whether we get our desired "global justice" "in the true sense of the term."<sup>6</sup>

### **Notes and References:**

1. Kant, Immanuel. *Kant: Political Writings*, trans. H.B. Nisbet & Hans Reiss, (edit.) Cambridge University Press, Cambridge, 1991, pp.107-108.
2. Benhabib, Seyla, *The Rights of Others: Aliens, Residents and Citizens*, Cambridge University Press, Cambridge, 2004, pp.27.
3. Op, cit., pp-93-130

4. Sen, Amartya., 'Justice across Borders' : *Global Justice & Transnational Politics*, eds, P. D. Greiff & C. Cronin, The MIT Press, 2002, pp.39.
5. Ibid.,
6. Rawls, John. *Law of Peoples*, Harvard University Press, Cambridge, 1999.