

**GLOBALIZATION AND THE QUESTION OF  
JUSTICE**

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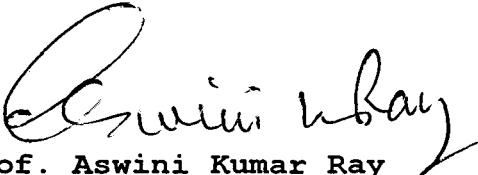
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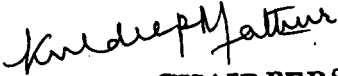
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Certified that this dissertation entitled "GLOBALIZATION AND THE QUESTION OF JUSTICE" submitted by DEEPAK KUMAR NAYAK in partial fulfillment of the requirements for the award of the Degree of MASTER OF PHILOSOPHY (M.Phil) of the University, is his own work and has not been submitted for the award of any other degree of this University or any other University. To the best of our knowledge this is a bonafide work.

We recommend that this dissertation be placed before the examiners for evaluation.

  
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***DEDICATED TO MY PARENTS . . . .***

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## CONTENTS

### ACKNOWLEDGEMENT

INTRODUCTION	1-7
CHAPTER I - THE PHENOMENON OF GLOBALIZATION	8-30
Part i. Globalization: An Introduction	
Part ii. Globalization as a Complex Process	
Part iii. Globalization and its Limits	
CHAPTER II - THE CONCEPT OF JUSTICE	31-56
Part i. Justice: Its Origin as a Concept	
Part ii. Justice: Its Dimensions	
Part iii. Liberal Theories of Justice	
Part iv. Justice: In the International Plane	
CHAPTER III - GLOBALIZATION AND THE QUESTION OF JUSTICE	57-74
Part i. Realms of International Justice	
Part ii. Globalization, Security and Justice	
Part iii. Globalization, Justice after Cold-War Era.	
CONCLUSION	75-78
SELECT BIBLIOGRAPHY	89-94

## INTRODUCTION

The world scenario has witnessed a dramatic change in terms of culture, politics, economics and social activities. Owing to scientific advancement and technological innovations it doesn't appear to a common man as a mega-reality composed of distant and different cultures along with several ethnic, social, racial and other variations. Rather the recent scientific developments has revolutionized the world order and it has minimized the existing differences - geographical, racial, political, social and other boundaries and has brought the entire world into a single community by introducing the concept of 'global village'. All sciences - natural and social - are always engaged in a continuous endeavor to make a sense of these changing realities. The basic aim is to understand and analyze individuals' lived in experiences, their commonsense reality, the recent shifts that occur in their lives and thereby they explain these empirical realities in terms of theories, models, approaches, constructs, concepts and logical inferences. And it is in this context that the concept of globalization assumes its importance.

Globalization, some think, gives the impression that the days of self-reliance, self-sufficiency, self-governing etc for the individual nations are over and they are dependent on foreign aids by World Organizations such as World Bank, International Monetary Fund (IMF), World Trade Organization (WTO) and many world famous multinational corporations and companies. Some people define globalization in terms of an open economy, which is open to international processes of capital accumulation and distribution. A few describe it as a process of exploitation of poor countries by the corporations of the developed world and in a way they designate the same as a refined root of colonialism. Others present it as the process of enhancing collective measures to stop international violence and wars, to save global environment and to assure citizens and equitable measure of social justice, in order to safeguard their dignity as human beings. There are some serious side effects of globalization. The poor masses of developing countries are impoverished, exploited to the maximum and oppressed by the unholy alliances of monopoly houses, multinational companies and corporations having huge foreign interests. In addition,

the developed countries, in fact, are using the developing countries as guinea pigs to experiment their dangerous medicines through MNCs. The deepening economic and ecological crises should open our eyes; the expanding economy is destroying the beauty of the natural scenery with ugly high buildings, polluting the air and poisoning the rivers and lakes.

Globalization has been an all-encompassing, omnipresent phenomenon in human civilization cutting across national boundaries. It is a phenomenon that has a significant bearing on human lives in their day to day affairs. Since globalization as a process is experienced by almost all nations, question arises, do all countries are equally affected by the process? Do all of them have equally benefited or from this new experiences? Do all countries benefit equal share as a result of their active participation in the process? An inquiry into and answer to all these questions automatically call for a wide debate on the concept of justice. That the concept of globalization cannot be studied in detail in its isolation, rather a perfect comprehension of this phenomenon necessarily draws our attention for an analysis of the concept of justice, by integrating it to



the former, that is globalization. The process of definition always requires some reflection and care, and is sometimes of considerable difficulty. But there is no case where the difficulty is greater, or the result more disputed than when we try to define justice. Since the time of Plato, philosophers have tried relentlessly to define justice, but despite their ingenuity no satisfactory definition of justice could emerge. The abstract, universal and all pervasive characteristics of justice as supreme virtue, the source of all others and embracing within itself the world of morality, and for Kant and Rawls, justice is vital aspect of human existence and first virtue of society. On the other hand, philosophers like Hume, Marx and Engels disparage the concept of justice and for them it is superfluous if not entirely irrelevant. Man's craving for justice arises only when he confronts a real or imagined instance of injustice. Hence, the origin of justice is traced to man's consciousness of injustice in society and consequently to his drive for change in the situation towards a better and desirable one. In other words, man's longing for *'what is good'* and *'what ought to be'* is the perennial experience that gives rise to

the concern for justice. Justice, then, is not an abstract and static concept; rather it is concrete and a dynamic one to be realized in human society in terms of the changing social relation of man in the age of globalization. In fact, this dissertation makes an attempt to examine how far the concept of globalization gives 'justice' a space in its arena and how far it realizes the question of justice in matters of international relation, security of individuals, groups, communities and states, in their multiple, competing, identities in the present era of phenomenal level of globalization, and its increasing pace and momentum.

The first chapter titled *The Phenomenon of Globalization*, deals with the concepts underlying the complex historical process of globalization. It also outlines the evolution of the globalization process, which began in the mid-19<sup>th</sup> century. The linkages of the present phase of globalization with the earlier one are traced out and also present a panoramic view of the process of globalization as a complex one through its economic, social, political and cultural domain. It describes the extent of globalization with specific reference to developing countries.

In the second chapter titled *The Concept of Justice* an attempt has been made for a conceptual exploration and analysis of the concept of justice. The emphasis has been put on the explanation as to how the concept of justice originated, analysis of different liberal theories of justice and their inadequacies and the rise of affirmative discrimination within the liberal tradition and the purpose it wants to serve. The researcher has tried to explain how the liberal theory has obscured the meaning of justice and rationalized several forms of injustices by defining it in an abstract and metaphysical way and by viewing justice primarily as a concept of harmony, stability, balance or reconciliation of conflicting interests.

The third chapter titled *Globalization and the Question of Justice* deals with the realms of international justice citing seven various instances of justice in the international plane. It also tries to understand human security - in the context of violence, aggression and war - and its implications in the international level to safeguard individual rights to life and a better standard of living.

This dissertation is not based on an 'empirical research'. The researcher has tried his level best to go through related literature on globalization and justice in the international plane. And has tried to understand and analyze critically the concept of justice in the era of globalization. Hence, it is a sort of critical exploration into the realms of justice as well as globalization and its examination in terms of injustices and relative insensitivity of international relations to the question of justice, at the diplomatic plane.

By this dissertation one can make a proper understanding of both the terms and their linkages with each other. The work has limited to certain spheres in order to understand these two concepts and have a holistic view of the injustices that are being deliberately committed on the individuals in the pretext of globalization.

## THE PHENOMENON OF GLOBALISATION

### PART. I GLOBALIZATION: AN INTRODUCTION

The collapse of communism and the demise of Soviet Union triggered a sea change in the political and ideological context of the world. Economics gained primacy as the strategic security concerns imposed (nay, foisted) on the world by the protracted superpower rivalry eased and became relatively less crucial and pressing. Centrally planned command economies of USSR and Eastern Europe failed miserably and lost salience as viable models of development. By contrast the capitalist system gained ascendancy. Marketization of economics and globalization of markets are the new mantras in vogue. Though the term 'globalization' gained wide currency, its meaning and implications are yet to be grasped and appreciated (Babu; 1998:1).

Globalization is nothing new. In many ways, the world economy in the late 20<sup>th</sup> century resembles the

world economy in the late 19<sup>th</sup> century. The fundamental attributes of globalization, then and now, is the increasing degree of openness in most countries. The openness is not simply confined to trade flows, investment flows and financial flows. It also extends to flows of services, technology, information, ideas and persons across national boundaries. There can be no doubt, however, that trade, investment and finance constitute the cutting edge of globalization. The past two decades have witnessed an explosive growth in international finance. So much so that, in terms of magnitudes, trade and investment are now dwarfed by finance.

The four decades from 1870 to 1913 were the age of *laissez faire*. There were almost no restrictions on the movement of goods, capital and labor across national boundaries. Government intervention in economic activity was minimal. This first phase of globalization coincided with what Hobsbawm (1987) has described as 'the age of empire', when Britain more or less ruled the world. The second phase of globalization, beginning in the early 1970s, coincided with the political dominance of the

United States as the superpower. This political dominance has grown stronger with the collapse of communism and the triumph of capitalism, which has been described by another contemporary historian Fukuyama (1989) as 'the end of history'. It would seem that in both phases, globalization required a dominant economic power with a national currency that was, and is, acceptable as international money.

During the period from 1870 to 1913, an overwhelming proportion of international trade was constituted by inter - sectoral trade, where primary commodities were exchanged for manufactured goods. During the period 1970 - 1990, intra - industry trade in manufactures, based on scale economies and product differentiation, constituted an increasing proportion of international trade. During the present phase of globalization, an increasing proportion of international trade is intra-firm trade, across national boundaries but between affiliates of the same firm.

In 1914, the stock of long-term foreign investment in the world economy was distributed as follows: 55% in

the industrialized world (30% in Europe, 25% in United States) and 45% in the underdeveloped world (20% in Latin America and 25% in Asia and Africa). In 1992, the stock of direct foreign investment in the world economy was distributed in a far more uneven manner: 78% in the industrialized countries and 22% in the developing countries. During the 1980s, industrialized countries absorbed 80% of the inflows of direct foreign investment in the world economy, whereas developing countries received only 20% (Singh; 1998: 6).

The fundamental difference between the two phases of globalization is in the sphere of labor flows. In the late 19<sup>th</sup> century, there was no restriction on the mobility of people across national boundaries. Immigrants were granted citizenship with ease. Between 1870 and 1914, international labor migration was enormous. Since then, however, international migration has been reduced to a trickle because of draconian immigration laws and restrictive consular practices. The present phase of globalization has found substitutes for labor mobility in the form of trade flows and investment flows. For one, industrialized countries now import



manufactured goods that embody scarce labor. For another industrialized countries export capital which employs scarce labor abroad to provide such goods.

The advent of international capital has meant significant political adjustments in the contemporary world. It has induced a strategic withdrawal on the part of the nation-state in some important spheres. Thus, nation-states is not the key players that they were in the late 19<sup>th</sup> century during the first incarnation of globalization. They remain the main political players but are no longer the main economic players. The process of globalization has been uneven over time and across space. The inequalities and the asymmetric implicit in the process, which led to uneven development in the late 19<sup>th</sup> century, mostly for political reasons, are bound to create uneven development in the late 20<sup>th</sup> century, mostly for economic reasons (ibid: 7).

Globalization can be looked at from many points of view. Its basis in the *economic* globalization that seeks to bring the whole world under one market system with

free movements of capital and of products. But in practice this means the dominance of the MNCs, supported by IMF, WB and WTO. The relationship is one of domination-dependence between the rich and poor countries. It is a form of economic colonialism. It leads to the further impoverishment of the poor countries that are obliged to follow policies set by the richer nations under the guise of structural adjustment programmes. It may permit the emergence of a few rich people also in poor countries, but who are in league with the rich everywhere. The proportion of poor people in rich countries also increases (Amaladoss; 1999: vii-viii)

## **PART - II. GLOBALIZATION AS A COMPLEX PROCESS**

Globalization, as a process increasingly, however, analysts argue is a fundamentally complex and 'heterogenizing' - even polarizing - phenomenon.

Complexity means that many intricate component parts are present; it can mean a sophisticated and elegantly coordinated structure, but it can also mean

that the different parts mesh poorly, leading to friction and even entropy. A Globalizing world is complex at many levels, developing within an already complex social, economic, and political context. Many and varied dimensions of convergence and divergence can and do co-exist. Economists and ecologists alike speak of 'global localization' (sometimes called 'glocalization') - represented in the slogan: 'Think globally, act locally'. Different markets, firms, and economic sectors are organized in distinct ways, whether because of the imperatives of market and hierarchy or as a result of different social-structural histories; owners of capital 'arbitrage' across these categories precisely because they are differently structured - and provide different rates of return. Even more problematic are the sub-national, transnational, and supranational ethnic cleavages - tribalism and other revived or invented identities and traditions which abound in the wake of the uneven erosion of national identities, national economies, and national state policy capacity characteristic of the 'global era'.

The process of globalization did not begin with the so - called 'end of history', nor its historical distortions across the globe. Each successive phase of this long historical process has left its trail of social, economic, political, and humanitarian complexities in an interwoven web across the world with varied contemporary relevance in the different regimes. They have been documented, even quantified, in the respective disciplines. For example, the works of Ferdinand Braudel and his French Annales School on the impact of the globalization process of maritime trade in the Mediterranean region, and of Ashin Das Gupta in Asia, or the works of Emmanuel Wallerstien and his 'World Systems' analyses; Andre Gunder Frank and Regis Debray on Latin America; Ali Mazrui; Samir Amin; Aime Cesarie; Frantz Fannon on the African Experience, and Ashis Nandy and Partha Chatterjee on India. Some of their theoretical framework or prescriptive implications may be controversial, but as sources of empirical reality they remain as valid as official documents (Ray; 1999: 91) and accepted as such within the social sciences as very authentic.

Globalization is not nearly about the impact of the economic inter - dependence on domestic political systems and the inter - action of states. It is about reconceptualising the very field of political science as a whole (and wider social science too) in ways which explain both the historical power of states and the current dramatic crystallization of those complex social, economic, and political webs which constitute the changing world system today. On the one hand, it is about altering our understanding of the system as such; on the other, it is about recontextualising the state itself within that system.

This double reorientation has often been caricatured, originally from the nationalist right - as illustrated by the abortive political campaigns of Patrick J. Buchanan for the Republican Party nomination for President of the United states in 1992 and 1996 - but more cogently in recent critical literature from the Social Democratic Left. Epitomizing the latter literature is Paul Hirst and Grahame Thompson's influential new book, *Globalization in Question*. Similar arguments appear (though unevenly) in the work of the

Regulation School, as for example in Robert Boyer and Daniel Drache's *States Against Markets* (Hirst and Thompson; 1996). Now this is not to say that certain proselytizers of the *Discourse* of globalization do not leave themselves open to such caricature.

Basically, the caricature does replay a real misunderstanding which runs through both serious and popular globalization literature. Globalization is not about the emergence of a 'borderless world'. 'Liberal' economists and management gurus, on the one hand, and certain radical critics, on the other, have spread the idea that the integration of financial markets, the continuing growth of world trade and foreign direct investment, and the dominance of truly transnational corporations (Reich; 1991) in the production sphere have made the world for all intents and purposes a single market place, although they would disagree as to whether that market was truly competitive or essentially oligopolistic.

Such arguments, although distorted, are extremely important in several ways. They constitute an 'ideal

type' analytical construct, which could in theory help to define the parameters of the intellectual debate (in ways, which have been central to social science epistemology at least since Max Weber); conversely, they also make good straw men for the interdependence theorist to aim at. And they form the basis for the emergence and development of globalization as a wider social discourse, one which has had a striking impact on everyday language (at least among the chattering classes, and often beyond). However, they are profoundly misleading, and both intellectual debate and social discourse have suffered as a result.

The anxieties generated by globalization must be seen in the context of the demands placed on national governments, which have expanded radically since the late 19<sup>th</sup> century. At the height of the gold standard (from the 1870s to the 1920s) governments were not yet expected to perform social - welfare functions on a large scale. Ensuring adequate levels of employment, establishing social safety nets, providing medical and social insurance, and caring for the poor were not part of the government agenda. Such demands multiplied during

the period following the Second World War. Indeed, a key component of the implicit post war social bargain in the advanced industrial countries has been the provision of social insurance and safety nets at home (unemployment compensation, severance payments, and adjustment assistance, for example) in exchange for the adoption of freer trade policies.

Mainly developing countries lack the administrative capacity to run income - transfer programmes, and only a small share of the labor force is employed in the formal sector. In such countries, social insurance often takes yet another form: public - works and employment in the public sector, where jobs are typically more secure than in the private sector.

Government programmes are not the only mechanisms for reducing income risk. Private insurance, community support, and house hold transfers are also important. As market spread and mobility increases, however, some of the informal mechanisms for alleviating income insecurity - such as community - based social services - will become harder to sustain.



This bargain is clearly eroding. Employers are less willing to provide the benefits of job security and stability, partly because of increased competition but also because their enhanced global mobility makes them less dependent on the good will of their local work force. Governments are less able to sustain social safety nets, because an important part of their tax base has become footloose because of the increased mobility of capital. Moreover, the ideological onslaught against the welfare state has paralyzed many governments and made them unable to respond to the domestic needs of a more integrated economy.

International economic integration thus poses a serious dilemma: globalization increases the demand for social insurance while simultaneously constraining the ability of government to respond effectively to that demand. Consequently, as globalization deepens, the social consensus required to keep domestic markets open to international trade erodes (Rodrik; 1997).

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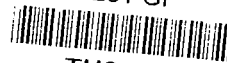
In the specific case of financial markets, globalization has been clearly visible and has meant the wholesale 're - creation' of the international finance economy. As the United Nations Conference on Trade and Development (UNCTAD) has pointed out, by the late 1980s, the volume of foreign exchange trading had reached US \$ 1.2 trillion *perday*, exceeding the volume of total international trade by nearly forty times. No longer isolated from each other by time or distance, financial market responds virtually instantaneously to fluctuations in markets half a world away (Sjolander; 1996). This market integration has both created and reinforced important pressures, which severely circumscribe the regulatory role of states in these industries.

Globalization is inherently complex and heterogeneous in at least three principal ways, which, although profoundly intertwined, can be labeled economic, social, and political.

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## **THE ECONOMIC DIMENSION**

In the first place, economic globalization leads neither to the emergence of a homogenous market place nor to the dominance of one type of corporate organization. What it does do is to create permissive conditions for a range of distinct but intertwined structural trends - that is, it expands to the playing field within which different market actors and firms interact. It transforms the international economy from one made up of holistic national economies interacting on the basis of *national* 'comparative advantage' into one in which a variety of '*competitive* advantages' are created in ways which are not dependent on the nation - state as social, economic and / or political unit.

## **THE SOCIAL DIMENSION**

The second dimension of increasing global complexity is social. Those observers on both right and left who criticize the caricature of globalization describe earlier take it as a given that if there is not one big market, there is no real alternative but to operate on the basis of the continuing centrality of the nation - state for regulating economic activity and

promoting collective values and goals. Economic activities are often seen in this literature as still fundamentally embedded (with the exception, for some, of global finance) in *national* social structure. Of course, in the 'modern' world, certain nation - states were eminently successful in creating ersatz forms of national *gemeinschaft* along the lines of Otto Von Bismarck's *kulturkampf* in the late 19<sup>th</sup> century Germany, and both modern liberal democratic forms of government and welfare states have been crucial aspects of this social restructuring, often referred to as 'nation - building'.

#### **THE POLITICAL DIMENSION**

Finally, the heterogeneity of globalization is reflected in political change. The state itself - although still the most important single organizational level and the institutional structure in the world - has been transformed by and through the globalization process. Indeed, the state has been one of the major driving forces of globalization, reacting to the more complex structure of constraints and opportunities characteristic of the new environment. This

transformation involves a fundamental shift of organizational goals and institutional processes within state structures themselves, as the 'Competition State' has replaced the 'welfare state'. This shift is leading to a potential crisis of liberal democracy as we have known it - as international and transnational constraints limit the things that the state can do (and therefore the things people can expect from even the best - run government, democratic or authoritarian) - and is creating a new role for the state as the 'enforcer' of decisions which emerge from world markets, transnational 'private interest governments', and international quango - like regimes (Rodrik; 1997).

Now, globalization has entered the dimension of ethics. Cultural globalization seeks to spread the 'gospel' of modern culture as a necessary underpinning of economic and political globalization. A materialistic outlook on life and reality, a spirit of individualism and competition, an attitude of consumerism, an approach of autonomy in the name of science from ethical and religious control, profit - oriented commercial activity are some of the characteristic of this culture. There is

also an ideal of unity as uniformity and intolerance of pluralism. Life is mechanized. The media controlled by business interest, through advertisement, propaganda and selective information, which becomes misinformation, ardently propagates this culture. People are expendable. There is no sense of the common good (Sjolander; 1996). This thrust towards globalization has its consequences in the *social and psychological* sphere. The gap between the few rich and the mass of the poor keeps increasing. The majority is excluded from any role in society. The other may not even be recognized as fully human and certainly not as equal, whatever be the democratic facade. The victims of interiorize the cultural system through the media and powerless to confront an impersonal system. People take refuge and seek security in fundamentalist or alienating religion.

*Religious* institutions also may exhibit Globalizing tendencies trying to promote unity or universalizes either through administrative centralization or through certain types of mission.

We can already see the emergence of *subaltern movements of protest* against globalization. They can take many forms: ecological, feminist movement; the rise

of indigenous people; the defense of local cultural identity; the search to build up people's power to exert control over the economic and political systems. The media itself can be used for rapid communication and networking in support of the protest movements so as to give them a global character.

We can therefore see already *alternatives* to globalization. Social, participative and democratic control of economic and political processes; the humanization of science and technology; promotion of appropriate technologies; a desire for the common good and a preferential option for the poor; respect for the different local identities in a perspective of a positive appreciation for pluralism; in active quest for equality; an emphasis on the quality of life.

Thus far the concept of globalization has seemed to embrace more or less the economic rather than the political or cultural. This is primarily due to the heavy dependence of globalization theory on modernization and world system paradigms (Kurta; 1998: 115). Scholars have contended that globalization is a multidimensional process that neither politics nor

culture should be treated merely as a derivative, because this aspect of the debate has given rise to debates about convergence and divergence in the globalization process.

### **PART - III. GLOBALIZATION AND ITS LIMITS**

Globalization is the most fashionable word of the 1990s, so portentous and wonderfully patient as to puzzle Alice in Wonderland and thrill the Red Queen because it means precisely whatever the users says it means (Sjolander; 1996). Globalization, as it appears at the surface level, is not a neutral concept. Its apologists, here used it to promote the ideas of stateless firms and of a borderless world (Francois Chesnais quoted in, Sjolander; 1996: 607). Such an interpretation suggests that all people and states are equally subject to the logic of globalization, which are on the whole beneficial and necessary, and that society has no choice but to 'adapt' to the new international economic conjecture (ibid; 604). Globalization is the concrete manifestation of 'market forces' now



liberalized increasingly unfettered by (undesirable) state regulation and control.

Globalization needs to be understood in a more holistic (or indeed 'global') manner, that is, as a more comprehensive process than its economic manifestations would suggest. In essence, 'globalization needs to be seen as an economic, political, social and ideological phenomenon, which carries with it unanticipated, often contradictory and polarizing consequences' (ibid: 604). Globalization presents itself as a phenomenon of the late 20<sup>th</sup> century, which is lived globally, with homogenizing consequences for states and societies and yet, paradoxically, it appears to highlight differences.

'Globalization is a powerful force changing the fundamental relationship between markets and states'. Like Daniel Drachy and Meric Gertler, many scholars have concluded that globalization is, at its most basic level, an economic process with political consequences, a processes which finds its roots in the acceleration and transformation of changes which came into play in the 1960s (ibid; 605). Even with the revolution in transportation and communication and the substantial

progress made in trade liberalization over the last three decades, national economies remain remarkably isolated from each other. This isolation has a critical implication, which has been repeatedly or emphasized by economist Paul Krugman: Most Governments in the Advanced Industrial World are not nearly as shackled by economic globalization as is commonly believed. They retain substantial autonomy in regulating their economies, in designing their social policies, and in maintaining institutions that differ from those of their trading partners (Rodrik; 1997: 605).

Admittedly the globalization ushered in by the cold war has been significantly different from all its predecessors, in terms of its scale, pace and momentum. This is because of the unequal levels of economic, military, technological, and communication power at the disposal of the cold warriors. But while the cold war territorially limited the process of globalization within two global ideological divides - just as it was limited within their different colonial systems in the preceding era - the collapse of the Socialist System has universalized the global capitalist market. This market

is an extension of the global power structure with one hegemonic power, as envisaged at the outset of the cold war (Horowitz; 1971).

If globalization is a series of processes, which both homogenize and fragment within and between countries, what do we conclude about its consequences for the world in which we live? While Mittelman argues, as we have seen that globalization is a market - led process, he goes on to say that 'Driven by changing modes of competition, globalization compresses the time and space aspects of social relations'. Access for some to the Internet is a concrete manifestation of this, as is the instantaneous transfer of 'buy' and 'sell' information on the stock market exchanges of the world. We are all the same, regardless of those categories, which once divided us - culture, race, nationality, geography. This is the totaling image of globalization, the vast transnational interpenetrating of cultures, politics, economies, and ideologies (Sjolander; 1996: 613). And this is what Francis Fukuyama calls 'End Of History'.

## **THE CONCEPT OF JUSTICE**

The development of law and jurisprudence since Plato (427-347 BC) has been characterized by a persistent and recurring confusion of these two meanings of justice and a disturbing ambiguity has often resulted when an author claims to be using "justice" in one sense while actually defining it in the other. The problem of what constitutes justice in the social and political relations of men is a question, which arises as soon as men advance beyond the stage of fearful, unquestioning obedience to prevailing rules (Negley; 1982: 682-83).

The concept of justice has generated serious controversies in the realm of political philosophy because of the complexities and intricacies involved within the concept itself. Indeed, among all the evocative ideas, that of justice appears to be one of the most eminent and the most hopelessly confused. The very attempt to define justice becomes a very risky venture partly because of the ambiguity inherent in the concept itself and partly because of the various interpretations of the concept by different

philosophers at different times. From the time of Plato down to the present day no consensus and no satisfactory definition of justice could emerge due to its abstract, universal and all pervasive characteristics (Lucas; 1980: 1-2). Most thinkers have elucidated justice in terms of some simple rules or symmetry; some of them, however, looked for the key to the concept of justice elsewhere and have construed it in terms of rules, or merit or utility or liberty or equality. Justice has in consequence, been much misunderstood and in practice much neglected. In all the normative disciplines which directly or indirectly govern action in regard to others-whether it be law or political philosophy, ethics or religion, justice constitutes a central value (Perelman; 1963: 61). Very wide and ubiquitous applicability of the principles of justice creates suspicion and compels man to doubt that something may be wrong with this concept which can be invoked for any cause. It strengthens and excites both the defenders of old order and also the aspirants of the new order; it has been manipulated too freely to divert attention from selfish purposes and sinister and hidden interests, and to rationalize every other activity.

In this chapter an attempt has been made for a conceptual exploration and analysis of the concept of justice. But the objective is not to prescribe or recommend an ideal form of justice. The thrust is to examine different kinds of justice and what does it mean in international plane. The first part deals with how the concept of justice originated in the human society.

#### **PART-I. JUSTICE: ITS ORIGIN AS A CONCEPT**

There is wide divergence in the prevalent notions of justice. Philosophers like Plato and Aristotle regard justice as a supreme virtue, the source of all others and encompassing within itself the whole of morality. For Kant and Rawls justice is a very important aspect of human existence, the first virtue of society. Hume, and Marx and Engels denigrate the concept of justice; and for them it is unnecessary if not entirely irrelevant. Nonetheless, the very charge of inadequacy or redundancy or superfluity against justice presupposes its meaningfulness and worth otherwise all the charges would be irrelevant (Cahn, L.; 1972: 385). However inadequate and dissatisfactory

it may seem to be appearance cannot be used to hide reality unless it is substantiated. Inadequacy is not total worthlessness nor is inadequate beneath esteem. Common usage continues to treat justice, despite all its inadequacies and limitations, as denoting some of the greatest human needs. Man's longing for justice is explained as the active process of preventing or remedying what would arouse the sense of injustice (Cahn, E.; 1968: 347). This consciousness of injustice arises in society in the context of a prevailing system of human relationship. The origin of justice therefore, is traced to man's consciousness of injustice in society and consequently to his urge for change in the situation towards a better and desirable one. In other words man's craving for what is good and what ought to be is the perennial experience that gives rise to the concern for justice (Perelman, op.cit; 1963: 67). The desire for a just society has inspired the works of a great number of thinkers. The study of the conditions for and the consequences of establishing just order constitute the central object of philosophy of law and moral, social and political philosophy.

Justice presupposes the existence of conflict and it is called upon to harmonize antinomies. The problem of justice arises only if the possibility of a conflict is admitted between claims of individuals in a society. In completely harmonized order, free from all sorts of conflict, justice is redundant. It is only in the realm of moral that the synthesis and perfect harmony between personal and transpersonal value is possible, but in actual world they are in intense conflict. And it is precisely this hiatus between the harmony of the moral ideal and the disharmony of reality that gives rise to the problem of justice (Gourvich; 1968: 513). Justice harmonizes the conflicting interests and tends to bring out a balance. Justice in its true and proper sense is a principle of coordination between subjective beings and the idea of justice only manifest and can manifest itself in relation to persons but not between objects of any kind (Vecchio; 1982: 2). Justice and injustice are meaningful and relevant only in context of a society that is, justice and civil society can be said to go together (Rawls; 1971: 9). Hence, justice primarily, is a social concept, which has its origin in man's life in society.



Justice being social is not a static and abstract concept, rather it is a concrete and dynamic one to be understood in terms of changing social relation of man. It implies an idea of interpreting social relation of man in relation to ethics. R.W. Baldwin remarks that justice being essentially a quality of the behavior of one man to another that is of man in society all justice in social justice and the adjective is otiose (Baldwin; 1966: 1). Morris Ginsberg also subscribes to the same view and repudiates the metaphysical deduction of justice from the concept of self-consciousness only (Ginsberg; 1965: 52). He has contended that we are aware of others when we hate, or are suspicious of them, just as much as when we love them, sympathize with them or respect them. That the latter attitudes or conditions are morally good and the former bad cannot be deduced from the bare idea of self-consciousness.

Justice thus involves an element of desirability of goodness in social life through alleviating some of the gross injustice of society (Knight; 1961: 3).

## **PART-II. JUSTICE: ITS DIMENSIONS**

The concept of justice is applied to various aspects of social life, such as legal, political, social and economic. No doubt, they are related to each other and constitute a major part of our social life. The various dimensions of justice are:

### **a. Legal Dimension of Justice**

Legal dimension of justice is related to law making processes and the judicial system of the society. This implies that the laws must be based on reasons. Law should not discriminate between a man and a man on the ground of caste, color, creed, sex, religion or place of birth. If at all some distinction is to be made it should be made on rational grounds. The rationality of laws depends upon the social requirements of the society.

Sometimes laws are made to remove some social evils. There is resistance to such laws by the conservatives but people realize that such laws are

necessary and are accepted. Reasonable law is judged on the basis of moral and human values of the society.

#### **b. Political Dimension of Justice**

Political dimension of justice implies that all citizens should be given an opportunity to participate in the process of governance. All should be given the right of suffrage or vote, opportunity to reach any political office. It also implies that political power should be exercised by the representatives of the people. The representatives should be accountable to the people. The people should be sovereign political masters. Although public opinion should always be respected, the views of minority should not be disrespected. The healthy criticism by the opposition must be regarded necessary where political justice is to prevail. A democratic form of government assures political justice to the people.

#### **c. Social Dimension of Justice**

With the establishment of social democratic states, the concept of justice has covered all aspects

of human life. This implies that people should be given maximum liberty with reasonable restrictions in the interest of community at large. This establishes a balanced society. No doubt, an individual has to surrender some rights in the public interest but this is done for a greater good. No wonder it also constitutes an essential part of a great complex of social change and for which something may have to be sacrificed for greater good.

The aim of social justice is to protect the interests of the minorities and eradicate poverty, unemployment and illiteracy from the society. It helps in removing social evils and all those hindrances, which do not allow a common good. Social justice gives protection to downtrodden and weaker section of the society. Equality before law and independent judiciary are necessary for achieving social justice.

#### **d. Economic Dimension of Justice**

There is a close relation between social and economic justice. As a matter of fact, social justice demands upliftment of downtrodden and peoples of

weaker sections, which is not possible without economic justice. Scholars have come forward to argue that freedom is meaningless if it prevent the achievement of economic justice. To a hungry man or to a man who is denied of human dignity, political freedom is an empty word. The problem of today is how to bring economic and social justice without sacrificing the individual to the ever-increasing power of the state. The idea of economic justice implies that people should have equal pay for equal work. There should be proper method of production and distribution. Man should be in a position to meet his basic minimum human needs. There should not be exploitation of man by man. It aims at establishing such a system where everyone is in a position to protect his dignity as an individual member of his society. It is often said economic justice is a provision of equal opportunities to the citizens to acquire wealth and use it for their living, it implies too that those persons who are disabled or old or unemployed and, therefore, not in a position to acquire wealth should be helped by the society to life. In the opinion of Gandhi, "My ideal is equal distribution, but so far as I can see, it is not to be

realized, 'I' therefore, work for equitable distribution" (Gandhi; 1947: 73-76). Marx maintained that economic justice could only be in exploitation - free socialist economic system. They think it is possible when institution of private property is abolished, communists say that where men work according to his capacity and get according to his needs there is economic justice.

### **PART-III. LIBERAL THEORIES OF JUSTICE**

In the beginning of recorded ethical and legal thought the term justice was used as equivalents to righteousness in general, virtue par-excellence and sovereign amongst all and all-comprehensive (Vecchio; 1982: 18). The liberal theory of justice subscribing to the same kind of view has obscured the meaning of justice. The liberal thinkers have abstracted the concept of justice from the concrete reality by defining it in a highly metaphysical way. The focus here will be mainly on the critique of different liberal theories of justice. The detail and elaborate discussion of theories of justice will be out of its scope.

For Plato justice meant the maintenance of social equilibrium and rational coordination and harmonization of the acts of the both individuals and congregated multitudes by assigning each class of citizens and very faculty its proper direction and function and by forbidding one to interfere on the task of other (Plato; 1937: 698). Any changing or intermingling within three classes must be justice (Plato; 1937: 697). For the principle that every class should attend to its business means, briefly and bluntly, that the state is just if the ruler rules, if the worker works and if the slave slaves (Popper; 1969: 90). Plato does indeed conceive of a unity of the soul, but it is a unity not of reconciliation but of subjection (Barker; 1959: 86,113).

Aristotle discriminated justice as a special concept to be distinguished from morality in general (Aristotle; 1966: 1130a 10-15), thus making it clear something, which Plato had obscured or ignored. Aristotle was aware of the polysemic character of the notion of justice and clearly distinguished the different uses of this term. Nevertheless, amongst these distinctions he preserved intact the ethico-

political concept of justice (Barker; 1959: 271). Aristotle distinguishes three kinds of justice - *General* or *Universal* justice, *Particular* justice and *Commutative* justice (Aristotle; 1966:1130b 25). Aristotle modified the purely hierarchical conception of Platonic justice by admitting that justice implies a certain degree of equality; this equality however, be either arithmetical or geometrical, the first based on identity and the second on proportionality or equivalence (ibid; 1131a 30, 1131b 16).

In the contemporary Western ethical philosophy, John Rawls's *A Theory of Justice* is also an attempt to create a comprehensive normative theory of justice. It has been claimed to be one of the best representative and most influential liberal theory of justice. Rawls rejects the methodological distinction between ethical and metaethical discourse. His theory is very much a kin to the contractarian theory of justice. In Rawls' version of contract parties select principles of justice from a hypothetical original position much as parties contracted to form civil society in Locke, Rousseau (and also Kant) Rawls'; 1972: 122-126). The linking of Kant's theory of social contract with



contemporary theory of decision making is an original idea.

Rawls' claims his theory to be deontological one (which is not teleological) based on the deontological tradition of Kant. Justice is justified in a way that does depend on any particular vision of good. It is a form of justification that does not presuppose any final human purpose or end or any determinate conception of human good. For which the teleological theories like intuitionism and more specifically the utilitarianism had to bear the worst kind of onslaught of Rawls. His main concern is to show that a natural right or contractarian concept of justice is preferable to utilitarian because of the incongruities between its implication and our moral sentiment (ibid.: 22-23).

The two principles of justice, central points of his entire theory, are as follows:

1. First Principle: Each person is to have an equal right to the most extensive total system of equal basic liberties compatible with a similar system of liberty of all.

2. Second Principle: Social and economic inequalities are to be arranged so that they are both;
- a). To the greatest benefit of the least advantaged, consistent with the just saving principle, and
  - b). Attached to offices and positions open to all under conditions of fair equality of opportunity (ibid.; 60-65).

But the first principle has been accorded priority and the second one subordinated because the first principle of justice is a formulation of the basic ethical postulate of classical liberal doctrine. Hence Rawls' theory is a liberal theory of justice. In relation to classical liberal doctrine it is revisionist theory. The second principle that is the difference principle, is the principle of social justice (ibid.; 65-82), which is purely distributive justice relevant for non-egalitarian class structured societies. It is mainly redistribute, in fact, implying an implicit acceptance of the existing patterns of the original distribution of primary goods, with its original distribution of primary

goods, with its creation of naturally privileged or underprivileged groups. Wolf argues that by focussing exclusively on distribution rather than on production, Rawls obscures the real roots of distribution (Wolf; 1977: 210).

According to Rawls, the *original position* (Rawls; 1972:118-194) in its analytic capacity, provides a concrete model for reducing a relative complex problem (the social choice of principle of justice) to a more manageable problem, the rational individual choice of principle, and it plays its role as a justificatory device. Thomas Nagel (Nagel; 1983: 1-15) claims that Rawls' original position clearly shows a kind of bias which is an unavoidable drawback of all contract theories. Nagel argues that the original position contains a strong individualistic bias, which is further strengthened by the motivational assumptions of mutual disinterest and absence of envy. The original position seems to suppose not just a neutral theory of the good but a liberal individualistic conception (typical to the contract theorists) according to which the best then can be wished for someone is the unimpeded pursuit of his own path,

provided it does not interfere with the right of others (ibid.; 9-10). Again he says that the theory is thin since good and if differing full conception of good were allowed unanimity in principles is impossible (ibid.; 8-9).

#### **PART-IV. JUSTICE: IN THE INTERNATIONAL PLANE**

A strong case can be made on contractarian grounds that persons of diverse citizenship have distributive obligations to one another analogous to those of citizens of the same state. International distributive obligations one founded on justice and not merely on mutual aid. As a critique and reinterpretation of Rawls theory of justice, (Rawls,op.cit; 1971), the argument explores in more detail the observation... that international relations is coming more and more to resemble democratic society in several respects relevant to the justification of principles of (domestic) social justice. The intuitive idea is that it is wrong to limit the application of contractarian principles of social justice to the nation-state; instead, these principles ought to apply globally (Barry; 1973: 128-133). The argument raises

interesting problems for Rawls theory, and, more important, it illuminates several central features of the question of global distributive justice. In view of increasingly visible global distributive inequalities, famine, and environmental deterioration, it can hardly be denied that this question poses one of the main political challenges of the foreseeable future....

To Rawls, justice is the first virtue of social institutions. Its 'primary subjects' is "the basic structure of society, or more exactly, the ways in which the major social institutions distribute fundamental rights and duties and determine the division of advantages from social cooperation" (Rawls, *op.cit.*; 1971: 7).

The case for an international resource redistribution principle is consistent with the assumption that states are self-sufficient cooperative schemes. Aside from humanitarian principles, like that of mental aid, a global resource redistribution principle seems to be the strongest distributive

principle applicable to a world of self-sufficient states.

Today the world is not made up of self-sufficient states. States participate in complex international economic, political, and cultural relationships that suggest the existence of a global scheme of social cooperation. As Kant notes, international economic cooperation creates a new basis for international morality (Reiss & Nishet; 1971: 106-108). If social cooperation is the foundation of distributive justice, then one might think that international economic interdependence lends support to a principle of global distributive justice similar to that, which applies within domestic society.

International interdependence is reflected in the volume of transactions that flow across national boundaries - for example, communications, travel, trade, aid, and foreign investment. Although there has been some disagreement about the significance of the increase, the level of interdependence, measured by transaction flows and ratios of trade to gross national products, appears to have risen since 1945,

reversing an interwar trend on the basis of which some have argued that rising interdependence is a myth. Furthermore, there is every reason to believe that the rising trend, if not the rate of increase, will continue in the years ahead.

Important features of contemporary international interdependence relevant to question of justice are the results of the growth of international investment and trade. Capital surpluses are not confined to reinvestment in the societies where they are produced, but instead are reinvested wherever conditions promise the highest yield without unacceptable risks. It is well known, for example that large American corporations have systematically transferred significant portions of their capitalization to European, Latin America, and East Asian Societies, where labor costs are lower or markets are better. As a result of the long-term decline in tariffs and in non-tariff barriers to trade, the rise of international advertising, and the development of rapid international communications, a world market has grown in which demand for finished goods is relatively insensitive to their place of manufacture, and

international trade has increased substantially. The main organizational form to evolve in response to these trends is, of course, the multinational corporation, which makes possible greater refinements in the global allocation of capital investment, the coordination of production, and the development of markets (Barnet & Muller; 1974).

Interdependence in trade and investment produces substantial aggregate economic benefits in the form of a higher global rate of economic growth as well as greater productive efficiency. These results would be predicted by neoclassical economic theory and seem to be confirmed by the empirical studies, even those that recognize the presence of various political constraints on trade and of extensive oligopolistic practices among multinational corporations that might be thought to invalidate the predictions of economic theory (Keohane & Ooms; 1975: 172-176).

It is easier to demonstrate that a pattern of global interdependence exists and that it yields substantial aggregate benefits, than to say with certainty how these benefits are distributed under



existing institutions and practices or what burdens these institutions and practices impose on participants in the world economy. There is considerable controversy about these matters, and it is only possible here to offer some illustrated observations. There are several reasons for thinking that interdependence widens the income gap between rich and poor countries even though it produces absolute gains for almost all of them. Because states have differing factor endowments and varying access to technology, even "free" trade can lead to increasing international distributive inequalities (and, on some views, to absolute as well as relative declines in the well-being of the poorest classes) in the absence of continuing transfers to those least advantaged by international trade....

International interdependence involves a complex and substantial pattern of social interaction, which produces benefits and burdens that would not exist if national economies were autarkic. In view of these considerations, Rawls's passing concern for the law of nations seems to miss the point of international justice altogether. In an independent world, confining

principles of social justice to domestic societies has the effect of taxing poor nations so that others may benefit from living in "just" regimes. The two principles, (Rawls, op.cit; 1971: 60). So construed, might justify a wealthy society in denying aid to needy peoples elsewhere if the aid could be used domestically to promote a more nearly just regime. If the self-sufficiency assumption were empirically acceptable, such a result might be plausible, if controversial on the grounds. But if participation in economic relations with the needy society has contributed to the wealth of the "nearly just" regime, its domestic "justice" seems to lose moral significance. In such situations, the principles of domestic "justice" will be genuine principles of justice only if they are consistent with principles of justice for the entire global scheme of social cooperation.

It has been suggested that Rawls's two principles, suitably reinterpreted, could themselves be applied globally. The reasoning is as follows: if evidence of global economic and political interdependence shows the existence of a global scheme

of social cooperation, we should not view national boundaries as having fundamental moral significance. Since boundaries are not coextensive with the scope of social cooperation, they do not mark the limits of social obligations. Thus the parties to the original position cannot be assumed to know that they are members of a particular national society, choosing principles of justice primarily for that society. The veil of ignorance must extend to all matters of national citizenship, and the principle chosen will therefore apply globally. As Barry points out, a global interpretation of the original position is insensitive to the choice of principles. Assuming that Rawls's arguments for the two principles are successful, there is no reason to think that the content of the principles would change as a result of enlarging the scope of the original position so that the principles would apply to the world as a whole. In particular, if the difference principle ("social and economic inequalities are to be arranged so that they are ... to the greatest benefit of the least advantaged") would be chosen in the domestic original position, it would be chosen in the global original position as well...

It is important to be clear who are the subjects of a global difference principle, especially because it has been questioned whether such a principle should apply to states rather than persons. It seems obvious that an international difference principle applies to persons in the sense that it is globally least advantaged representative person (or group of persons) whose position is to be maximized. If one takes the position of the least-advantaged group as an index of distributive justice, there is no a priori reason to think that the membership of this group will be co-extensive with that of any existing state. Thus, a global difference principle does not necessarily require transfers from rich countries, as such to poor countries as such. While it is almost certainly the case that an international difference principle would require reductions in inter country distributive inequalities, this would be because these inequalities are consequences of impermissible interpersonal inequalities. Furthermore, because the difference principle applies in the first instance to persons, it would also require Intra State inequalities to be

minimized if necessary to maximize the position of the (globally) least-advantaged group.

It is not inconsistent with this view to understand states as the primary "subjects" of international distributive responsibilities. For it may be that states, as the primary actors in international politics, are more appropriately situated than individual persons to carry out whatever policies are required to implement global principles. Perhaps inter country redistribution should be viewed as a second-best solution in the absence of a better strategy for satisfying a global difference principle. In any event, it should be understood that the international obligations of states are in some sense derivative of the more basic responsibilities that persons acquire as a result of the (global) relations in which they stand.

## **GLOBALIZATION AND THE QUESTION OF JUSTICE**

Justice is the idea that, equals should be treated equally. It has to give differential treatment to different sections/ groups/ individuals depending on their needs and capabilities. But according to classical realism justice, no more plays a central role in the competitive world of international politics.

Globalization signifies the compression of time and space and the universalization of economic and social relations. In this era of globalization, global economic inequalities have been persistently on the rise with the hegemony of neo-liberal conception of society and economy. With the termination of the age of a bipolar world with the collapse of the Soviet Union and the rise in equalities, justice considerations have become much more important in recent years.

## **PART I. REALMS OF INTERNATIONAL JUSTICE**

Even though global economic inequalities continue to be at the core of discussions of justice, there are still some more spheres of human life, which concerns the issue of international justice. These are discussed here.

The first realm concerns the distribution of the world's resources, the means of such justification and the grounds on which they are being resented. But time has changed as also the context on which the above issues were raised. Twenty years ago, the issue was whether the great powers would or should transfer wealth to the poor (Tucker; 1977). With the end of geopolitics in the advanced industrial core regions of the world, the emphasis shifted to the status of the new geo-economic order shaped by liberal economic rationalism. In this changing context, the target of justice claims is transnational corporations and international organizations such as the IMF and the World Bank as much as resistant nation-states.

The second sphere revolves around the phenomenon of transnational harm. Globalization increases the opportunities for, and the incidence of, transnational harm (injury to individuals or groups which is caused by other societies or transnational corporations, and injury which is spread across frontiers by market forces and by global trends which harm the environment). Disasters in Bhopal and Chernobyl have increased the importance of what Shue has called the 'export of hazards' and what Beck calls the 'global risk society' (Shue; 1981). This domain raises rather different questions from those that arise in the context of global inequalities. One can imagine a world without inequalities or without unjust inequalities but with unacceptable levels of transnational harm. The former is concerned with global regulation and with legal redress and compensation. And this becomes significant for the domain of national and international law.

The third sphere of international justice arises with the development of global institutions, which face a global democratic deficit. The important question here concerns the unequal distribution of the access to



decision-making, of unequal access to institutionalization. Running parallel to the argument for cosmopolitan democracy, the concerned issues are the democratization of international organizations and regimes, a task made possible by the growth of a transnational civil society and made necessary by the fact that the democratic project cannot be secured by separate experiments in 'democracy in one country' (Held; 1995). The growing importance of this third sphere is the result of the increased importance of international monitoring and surveillance under conditions of globalization.

The fourth sphere is introduced by the new diplomacy of managing the global environment. Cooperative ventures to reserve or contain damage to the environment raise distinctive questions about equity, which are reminiscent of long-standing debate about burden sharing in military alliances. Justice in connection with diplomacy raises important questions about the special obligations that fall on established industrial states. Not only do they have greater capacity to contribute to international measures but

also primarily for the environmental damage in the first place. The dependence of the rich on willing cooperation on the part of poor or industrializing states may create new possibilities for building justice considerations into cooperative ventures. Industrializing states will not agree to delay their industrialization so those affluent people are shielded from appropriate burdens. Order and cooperation in this area are improbable without significant efforts to ensure justice between the contracting parties.

The fifth sphere of justice in international plane is created by urgent questions regarding migration and resettlement. The problem of displaced peoples raises important ethical questions about the rights and wrongs of permitting or denying outsiders admission to bounded communities. Refugee problems raise the questions about whether states are making their just contribution to the solution of problems which they caused (as in the case of the United States and its allies which were involved in the conflict in South-East Asia). The distribution of membership, as Walzer has called it raises foundational issues about national obligations to assist the members

of other communities (Walzer; 1995) The fifth sphere of international justice concerns, then, the fundamental rights and duties of bounded communities.

The sixth sphere of international justice has been created by demands that the basic structure of international society should ensure justice between different cultures. The claiming of the prevailing institutions and policies fail to respond to the specific needs and traditions of subordinate peoples, such as indigenous societies trapped within colonial matrixes of power, are at the forefront of contemporary debates about order and justice.

No contemporary account of justice is complete unless it addresses the issue of justice between different species. A seventh sphere of justice has thus come into existence with protests against 'speciesism' (Singer; 1976). Visions of 'Simian Sovereignty' which defend the creation of protected territories for the great apes, and the larger web of issues which concern the protection of endangered Species, are evidence of an irreducible sphere of justice which is concerned with

humanity's treatment of other sentient beings. (Goodwin; 1997: 821-49).

Now to find out whether there are any overarching ethical principles that links all or most of these spheres. Individuals from different parts of the world are increasingly subjected to universal social and economic processes, which they cannot control, which powerful actors are more obviously able to shape and which generate indefensible inequalities. A leading theme in liberal responses to global interconnectedness is that there are no morally relevant distinctions between the members of different societies, or none so fundamental as to justify the global inequalities, which currently exist (Beitz; 1999). We have obligations to help the poor overcome the effects of inequalities, even if we have no part in creating them.

## **PART II. GLOBALIZATION, SECURITY AND JUSTICE**

Human security is an important concern in the era of Globalization. The security discourse must be embedded within the global capitalist economy and

associated global social structures. The main focus and starting point is understanding security in terms of the real-life, everyday experience of humanity embedded within global social and economic structures, rather than the experiences of territorially discrete sovereign states operating in an international system composed of similar units. This is not to argue that states are unimportant - they certainly are important - but rather that it is helpful to understand their significance in terms of their contribution to human security and not simply for their own sake. In the present context of globalization, the inter-connections between the evolving global economy, the state as intermediary, and the human experience of security are important. The relationship between development and human security is central. We can find the links between globalization and the human (rather than state) experience of security.

Human security describes a condition of existence in which basic material needs are met and in which human dignity, including meaningful participation in the life of the community, can be realized. Such human security is indivisible - it cannot be pursued for or by one

group at the expense of another. Human security is pursued for the majority of humankind as part of a collective, most commonly the household, sometimes the village or the community defined along other criteria such as religion or caste. At the most basic level, food, shelter, education, and health care are essential for the survival of human beings. But human security entails more than physical survival. Emancipation from oppressive power structures - be they global, national, or local in origin and scope - is necessary for human security.

Human security has both qualitative and quantitative aspects. At one level it is about the fulfillment of basic material needs, and at another it is about the achievement of human dignity, which incorporates personal autonomy, control over one's life, and unhindered participation in the life of the community. Human security is therefore engaged directly with discussions of democracy at all levels, from the local to the global. Under the study is the search by human beings to make daily life more stable, predictable, and autonomous. The immediate medium

through which that search is conducted will vary; for example, it may be the household, a grassroots organization, an ethnic network, or a combination of these. The state will also play a role that can vary along the spectrum from facilitating to obstructive. Human security therefore requires a starting point and a cognitive map that are different from those of orthodox security.

Human security is understood not as some inevitable occurrence but as a direct result of existing structures of power that determine who enjoys the entitlement to security and who does not. Such structures can be identified at several levels ranging from the global through the regional, the state, and finally the local level. For a growing number of people, the failure of the state and of the global market to facilitate human security has resulted in the expansion of the so-called informal sector, beyond the reach of the formal institutions of state.

Some scholars have argued that human security is delivered best by strong states. This suggestion is

flawed on two main counts. Firstly, it ignores the nonmaterial dimension of human security, which is part of the essence of the concept; secondly, it is simplistic, overlooking the fact that strong states remain strong at the expense of weaker states and that such relationships, which promote social contradictions at national, regional, and global levels, are too fragile as a basis for human security.

### **PART III. GLOBALIZATION, JUSTICE AFTER COLD-WAR ERA**

International relation is relatively insensitive to the question of justice, both on the diplomatic level and within the mainstream scholarly discourse on the subject. Historically, the guiding principles of international relations have been stability, predictability and order at the cost of justice. Even though within their national boundaries the states abide by the principle of equality of law for their citizens, when it comes to justice in their international conduct. A case in point is the harsh demands for reparations from the defeated states.



Mainstream international relations, on the diplomatic plane and scholarly planes, seem to 'learn nothing and forget nothing', like the Bourbons. This persistence with a historical realism in international relations calls for some explanations. At any rate, those outside the mainstream who are concerned with professional self - esteem owe it to themselves to accept the challenge to establish empirically that the prioritization of order and stability, at the expense of justice, is conceptually as flawed in the realm of international relations as it is in the domain of national politics, particularly during this era of globalization.

But it is important to find out before that the possible reasons for the continuing operational disjunction between the concern for justice at the national plane and on the international plane, even when democratic states with established traditions of justice as the guiding principle of orderly governance are involved. There is thus a reluctance on the part of the states to extend their models of governance to inter state relations. This, in turn, has led to a striking

paradox in which the 'increase in the number of democratic states has not been accompanied by a corresponding increase in democracy among states' (Held; 1995: 417, 418).

In recent times the Iraqi invasion of Kuwait followed by the United States's design and United Nations - sponsored sanctions against Iraq are dubious examples of respect for universal principles of justice. It seems that states generally abiding by such elementary principles of justice such as equality before law in their domestic politics tend to be less principled about such concern in their international conduct. As Geoffrey Best puts it 'justice in no common or comfortable clothes: it was a sense of justice inseparable from a sense of the morally ambiguous proclivities of states and the justifications of *raison d'etat*; the mixedness of human nature; and the ultimate paradox that Antigone could be thought right and wrong at the same time' (Best; 1995: 77).

Even the Cold War global system, despite its manifest amorality and abiding distortions when viewed

from the standpoint of universal justice (Ray; 1989b: 13 - 28), was thought to be stabilized through confidence - building measures among the superpowers when, paradoxically, it collapsed without warning. The trauma of the unpredicted breakdown of the Cold War has not been followed by sufficient soul - searching within the international relations community around its inability to either anticipate or explain the traumatic destabilization of the global order. The causal nexus of the breakdown remains unexplored. In view of the temporal disjunction between the two, whether the end of the Cold War hastened the collapse of the Soviet Union or the collapse of Soviet Union ended the Cold War is still unclear (Ray; 1996: 114). Many people believe in the efficacy American strength to lead a unipolar world unabashedly laying down the rules of the world order and enforcing them (Krauthammer; 1991: 33).

The process of globalization did not begin with the so called 'End of History' of Fukuyama or with its historical distortions all over the world. Each successive phase of this long historical process left its trail of social, economic, political and

humanitarian complexities, creating a web across the globe with varied contemporary relevance in the different regions. The globalization set in by the Cold War has been significantly different from that in previous phases as regards its scale and momentum. This is due to the unequal levels of economic, military, technological and communication power at the disposal of the former power blocks. While the Cold War territorially limited the process of globalization within two ideological blocks, the collapse of the Socialist system universalized the capitalist market. This market is an extension of the global power structure and is under one hegemonic power (Horowitz; 1971).

With the sovereign states still relevant as the unit of analysis, the post Cold War power hierarchy is biased in favor of the early starters of globalization and the Cold War developmental model linking the military-bureaucratic oligarchies of the Third World in a paternalistic relationship to the dominant Western industrial giant democracies (Hayter; 1971). Institutions like the World Bank and the IMF which are

monitoring the globalization process of structural adjustment, also reflect this power hierarchy. The chief executives of these institutions are still nominated by the U. S. President and approved by the U. S. senate on the behalf of the world capitalist market. The UN being a fund strapped organization has no option but to conform to the dictates of the hegemonic power, which ironically is its richest member, largest contributor and the biggest defaulter.

The new ideology of globalization attempts to legitimize the hegemony of the world market over state sovereignty. The new rationality, insulated from any special concern for universal justice, is more likely to reinforce at the global level the experience of early capitalist development within the European economies and with greater distortions in the absence of any sovereign global authority as a substitute for the state. The disjunction in the concern for justice at the national and international level may even increase within this version of globalization. The new globalization through economic liberalization and cultural homogeneity has spawned fresh complexities at the cost of justice and

human security within the global system. Globalization through transnational corporation has created networks of interdependence within a hierarchy of nation states. The Bretton Woods system of the post War capitalist world created an international economic order with a built-in, self-generating propensity for the continuous transfer of capital from the South to the North (Brandt Commission 1980). The new economic order after the Uruguay Round has been more inconfirmity with the post war power hierarchy.

Within the new dispensation of the Intellectual Property Rights Convention many Oriental traditional medicines like Neem, Turmeric etc., have been patented by western transnational companies despite protests by the government of the respective countries. The conflict between tradition and modernity continuing through the colonial era and accentuated by the Cold War process of globalization has been sharpened within the Third World. The most adverse impact of this process of globalization, however is brain drain. In the new process of globalization the Third World is a major

source of low-paid skilled labor for the industrialized countries and their and their transnational.

Globalization in the post-Cold War era, has thus been going along with universalization of particularism and particularization of universalism but seldom with the notion of universal justice and equality.

## CONCLUSION

The origin of globalization as a phenomenon can be traced back to the late 19<sup>th</sup> century. It was then characterized by the policy of *laissez faire* with no restrictions on labor, capital and goods across the borders of nation - states. The second phase of globalization, which began in the late 20<sup>th</sup> century, however, is accompanied by draconian immigration laws and restrictive consular practices. In this process the gap between the rich and the poor increase in and across the national boundaries. Justice no more plays a central role in the competitive field of international politics. Global economic inequalities have been persistently on the rise with the hegemony of neo-liberal conception of society and economy.

The Rawlsian notion of justice that equals should be treated equally no more holds good in this era of global competition. There is a 'free for all' situation for both the rich and the poor nations, rich and poor people. Those who are at the periphery of the world economy, however, cannot sustain themselves if no kind



of security is provided to them to compensate the disadvantageous position they have been till now holding. Globalization is internationalizing the opportunities for the transnational corporation and consequently the harm their trade practices make to the poor nations and the poor people. It endangers not only the justice for human beings but also other animals and plants in the Eco-system that is dwelt upon by the species called *Homo Sapiens*. Globalization thus, practically is internationalizing injustice instead of performing its services for a humanist conception called justice.

The world that social scientists deal with is always in a state of flux. Nothing remains static forever. Similarly, the old concepts and models very often became incapable to describe the new realities that appear on the earth. Hence there is a need to formulate new concepts and categories in order to characterize the frequently changing realities and make a sense of this change, as old concepts become obsolete. The construction of a concept like globalization refers to the fact that the present world order is

characterized by anew phenomenon - the phenomenon of 'global village'. That a dramatic shift has taken place in world politics - it is no more a policy of monopolization or elimination, rather anything that happens in one part of the world is realized or understood by and has its bearing in the other part. There is a tremendous change in international arena - countries are no more set apart, rather they are always in a constant state of interaction. But this interaction does not always occur on an equal footing. Very often, it is carried out by a relationship of domination and subordination though most of the time this unequal dealing goes on implicitly, with the knowledge of both / all the parties involved in the deal and sometimes this unequal power display goes on unnoticed on the part of the victim. Here arises the question of justice in the context of globalization. How far the phenomenon of globalization caters to the needs, aspirations, anxieties of all the nations in general and those of Third World/ developing nations in particular and how far it makes justice to all is yet a matter to be ascertained. Hence the study of globalization and its relation to justice can be located within the broader

discourse of 'social change'. And social scientists have innovated these concepts of globalization to characterize our today's world. Thus globalization refers both a concept and process of social change.

Here researcher has tried to give a comprehensive note on the topic. But despite all this, the dissertation has some limitations. It deals with globalization and the concept of justice in a general and customary sense of the term. Along with this, although the political dimension has been largely emphasized, the study does not explore specifically the other dimensions of the process - social, economic, ethical and aesthetic. However, this dissertation may not be of help to specialists in the area, but this can benefit to those readers interested in the area.

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