The Future of Global Justice:
Rajesh Sampath, PhD
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Question:
Do the principles of international justice in Rawls’s *The Law of Peoples* (1999) apply to the assumptions at work in the post-2015 Sustainable Development Goals framework, particularly on the question of sustainable, inclusive, equitable social and economic development and the mitigation of global inequality and injustice within and between nation-states? As the new set of goals called the Sustainable Development Goals, or “SDGs,” come into being this September while the UN assesses the progress made by the 2000 Millennium Development Goals, or “MDGs,” the question takes on a burning significance. It’s hard to dispute from a common sense point of view that collective humanity, pragmatically speaking, would not like anything better than solving some of the world’s most trenchant problems. That includes the elimination of extreme poverty, extending lives everywhere, reducing material and infant mortality, and providing clean water and electricity to the bottom 20% of the world’s population. To openly suggest otherwise would be unfathomably sinister, if not unthinkably immoral and hence ‘evil’ in the eyes of many. Yet neo-realists in international relations would argue that cosmopolitan dreams to realize universal social justice goals are deluded at best given the reality of the most powerful nation-states competing for power, prestige and wealth in the global order. There is no way to realize universal goals for humanity while the most powerful nation-states continue to pursue their own self-interests, such as the U.S., and now new entrants as undeniable global powers, namely China. But questioning the moral

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1 It is interesting to note that although he worked on the ideas behind *The Law of Peoples* for a couple of decades, they were only published in a small volume in 1999, right on the eve of launching the 2000 MDGs. Now that those MDGs are coming to a close, it would be interesting to revisit Rawls’s text and see to what extent some of those ideas are at work in the formulation of the post-2015 MDG framework or what are known as the ‘Sustainable Development Goals’ or ‘SDGs.’ See John Rawls, *The Law of Peoples* (Cambridge: Harvard University Press, 1999). For the latest evaluation by the UN on the progress made by the first set of MDGs, see *The Millennium Development Goals Report 2015* (New York: United Nations, 2015). Retrieved from: http://www.un.org/millenniumgoals/2015_MDG_Report/pdf/MDG%202015%20rev%20(July%201).pdf Ban Ki Moon says in the forward: “The MDGs helped lift more than one billion people out of extreme poverty, make inroads against hunger, to enable more girls to attend school than ever before and to protect our planet.” *The Millennium Development Goals Report 2015*, p. 3.


3 One wonders if we can still continue to believe in Kant’s hope in his Ninth Thesis of *Idea for a Universal History from a Cosmopolitan Point of View*: “A philosophical attempt to work out a universal history according to a natural
foundations of the UN Sustainable Development Goals project, which is coming into being with the backing of most nations on earth, is not the scope of this paper.

Rather, we will examine the goals and see what remains unsaid or excluded, for example constitutional amendments to all nations’ constitutions to guarantee the civil rights and basic freedoms of alternative sexual minorities or what in the West is dubbed the alphabet soup spectrum of “LGBTQ.” Many LGBTQ peoples cannot take for granted freedom from discrimination and even worse freedom from fear, harassment and ultimately the deprivation of ‘life, liberty, and security.’

Or we can look at the possibilities and limits of duties and responsibilities of the international order to intervene in other cultures’ religious orthodoxies to dramatically alter their gender relations and norms, thereby effectively forcing countries to adopt the political and civil rights of women in many 21st century Western countries: this would include women’s power to assume political and religious leadership and reach the highest levels of society in public and private institutions, namely media, academia, government and the private sector. Do women have the real power, freedom and capabilities or ‘substantive opportunities’ to use Sen’s phrase to assume religious leadership in different societies even as secular, legal, constitutional democracies separate religion and state, whereby the government is typically barred from interfering in the decision-making of religious bodies? If men control religious bodies while democracies become increasingly gender inclusive, allowing women to rise in elected government, then there is no guarantee that religious orthodoxies will change to become gender inclusive also.

Female power would also include distributing domestic labor so that men take on what were formerly considered exclusive female functions, such as cooking, home management and child-rearing. It would require a dramatic transformation of power relations, longstanding cultural and customary hegemonies that restrict women to one role, namely reproduction and motherhood. Contrast that with the bare bones capabilities and functions that the MDGs were grounded in, namely the ability of young girls to access education and reducing women’s and infant mortality rates. The stakes of international justice would be higher if, for example, the international order -- under the multilateral platform for the UN -- were to pass a resolution calling for the effective end of female infanticide in regions of countries where there is a known son-preference. Indeed a mix of religion, culture, ideology

plan directed to achieving the civic union of the human race must be regarded as possible and, indeed, as contributing to this end of Nature.” Retrieved from:

4 This is in reference to Article 3 of the UN Declaration of Human Rights. Retrieved from:

5 Think of non-Western democracies where major world religions exist but so do the patriarchies of religious orthodoxies that influence the extent to which gender equality can be achieved in religious leadership, let alone in the leadership of political, social, economic and cultural institutions. Russia and Turkey come to mind.
and patriarchy has led to off-balanced sex-ratios of men to women, regardless of the wealth or poverty over those regions.⁶

All of these issues point to classic debates in ethics, rights and sustainable development as to the limits of extending universal human rights based on the singular vision of the West vs. the notion of cultural relativism that says all cultures have an ultimate freedom to self-determine their own social and cultural norms, including gender roles and relations.⁷ Hence non-Western industrialized, developed democratic nations, say Japan, can also have mid-twentieth century gendered norms (low percentage of female leadership in all sectors of society) compared to their twenty-first century Western counterparts, say the U.S., Great Britain and Australia. Can we truly expect the Non-West (everything outside of Europe, North America) and the Global South to simply mimic the historical evolution of Western civilization from its Greco-Roman roots to present day secularism and democracy that we find in today’s European Union for example? Should we expect that? We must interrogate philosophical questions about history prior to a critico-epistemological analysis of current multilateral policy platforms that try to set goals for a universal humanity and define the means to achieve them. What leaders of nations take for granted in terms of the self-evident quality of such goals does not guarantee any ontological proof that such goals are realizable.

The SDG goals are not neutral even if on the face of them they appear so. They seem to connote very practical goals that can be measured by the social and natural sciences, which can be leveraged to support global social and public policies. Indeed the entire human development and capabilities approach is rooted in the humanities, social and natural sciences and offers deep resources by which the articulation of such goals can come to fruition. This requires the explicit recognition that the goals are value-laden and it’s the task of ethicists and philosophers who consider global ethics and international justice to examine the assumptions that underpin human development paradigms. Then only can we truly prognosticate the goals’

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viability for success rather than having to look back fifteen years from now to see what has worked and what has not.\textsuperscript{8}

The 2015 Sustainable Development Goals:

Let us list the pertinent goals from the UN document highlighted in bold that our relevant for our analysis- 1-5, 8-12, 16 and 17.\textsuperscript{9}

GOAL 1 End poverty in all its forms everywhere

GOAL 2 End hunger, achieve food security and improved nutrition and promote sustainable agriculture

GOAL 3 Ensure healthy lives and promote well-being for all at all ages

GOAL 4 Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all

GOAL 5 Achieve gender equality and empower all women and girls

GOAL 6 Ensure availability and sustainable management of water and sanitation for all

GOAL 7 Ensure access to affordable, reliable, sustainable and modern energy for all

GOAL 8 Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all

GOAL 9 Build resilient infrastructure, promote inclusive and sustainable industrialization and foster innovation

GOAL 10 Reduce inequality within and among countries

GOAL 11 Make cities and human settlements inclusive, safe, resilient and sustainable

GOAL 12 Ensure sustainable consumption and production patterns

GOAL 13 Take urgent action to combat climate change and its impacts*

GOAL 14 Conserve and sustainably use the oceans, seas and marine resources for sustainable development

GOAL 15 Protect, restore and promote sustainable use of terrestrial ecosystems, sustainably manage forests, combat desertification, and halt and reverse land degradation and halt biodiversity loss

\textsuperscript{8} This is exactly what the UN is engaging in as it assesses the MDGs of 2000, which ended in 2015, as they launch the new framework of the SDGs that will extend to 2030.

GOAL 16 Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels

GOAL 17 Strengthen the means of implementation and revitalize the global partnership for sustainable development

It is important to note as tempting as it is to read the goals in a linear sequence, it is obvious that many are interconnected and therefore for one to be realized all must be realized. Like rights, they must be considered interdependent, and therefore so must the platform within which they sit. This leads to our main question, which is not that of rights and duties. For rights can be declared and have moral substance or they can be legally binding within nation-states and international law or both. They can either be moral or legal or both. But what about goals? Are there principles of international justice that can move the goals outside of the multilateral policy platform of nation-states, namely the United Nations, as simple declarations of results that the world should approximate? Could the goals actually be converted into not just individual rights but the rights of nations protected by an international legal framework that has the power to enforce them as laws? The question is not why the goals should be achieved but how to make their achievement a legal obligation by world leaders to ensure their nations achieve them, and achieve them through a globalized, interconnected political-economy. A realist could easily ask what dynamics, processes and functions in a globalized world must come together in order for a 100% chance of fulfilling all the goals to become possible. The skeptic could walk away and say any chance is impossible.

Introduction:

To begin responding to these dilemmas, we must analyze goals 16 and 17 in relation to what Rawls says about ‘burdened societies and the duty to assist’ when circumscribed by narrow principles of international justice. Such principles inform the task of building just institutions in all societies so they join a larger global society regulated by a universal ‘law of peoples.’ This lies in contrast to international relations’ frameworks that discuss the interactions, processes, and mechanisms that govern the relations between nation-states. In short, an ideal ‘society of peoples’ is not the real system of international relations within which nation-states interact. In short ‘peoples’ are not nations.

The first question though is who has responsibility for what and for and by whom if we live in a world bereft of a global governance system that has higher authority and jurisdiction over the

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10 Even the UN Declaration of Human Rights can be interpreted as saying that the rights are considered interdependent by virtues of Articles 2 and 28 respectively. Article 2 says individuals are entitled to all the rights declared and so if all individuals have all rights, then rights can be seen as interpenetrating everything. There shouldn’t be a few rights for few people arbitrarily distributed. Article 28 says that individuals (and hence nation-states) are entitled to an ‘international social order’ in which all the rights can be realized. Retrieved from: http://www.un.org/en/documents/udhr/

sovereign independence of nation-states. There is no supra-national federal power to override that of the most powerful nation-states, say the G8. The undeniable fact of our current world is its immense diversity of nation-states and the principle of non-interference for those nation-states to maintain their independence and self-determination.\textsuperscript{12} And yet who is responsible for ending global poverty and hunger? Why does our collective humanity allow for such nefarious things to continue nearly 6000 years since the birth of human civilization?\textsuperscript{13}

Paragraph 12 of the introduction to the Open Working Group Proposal for Sustainable Development goals states:

> Each country has primary responsibility for its own economic and social development and the role of national policies, domestic resources and development strategies cannot be overemphasized. Developing countries need additional resources for sustainable development. There is a need for significant mobilization of resources from a variety of sources and the effective use of financing, in order to promote sustainable development\textsuperscript{14}

This points to the fact that the primary responsibility for socio-economic development lies within each country and not with a global governance system that has yet to come into being. It also seems to assume that nation-states (from the smallest and poorest to the largest and wealthiest and everything in between) can exist autonomously and is not subject to a global system of forces that can affect their ability to make autonomous decisions. It also assumes that all the goals point to policies and resources within nation-states to which each individual nation-state has control. Obviously all of these assumptions become problematic, particularly when considering the global nature of climate change and biodiversity loss.

This also means transnational trade platforms, such as the Trans-Pacific Partnership, cannot be held accountable for the total elimination of global poverty. If nation-states, according to the SDG framework, has ‘primary responsibility’ to achieve the goals, then this presupposes secondary responsibilities to which other nation-states can play a role in terms of assistance. The question is how to strike a balance between self-determination and external intervention while building global institutions across nation-states that can hold everyone accountable for achieving the goals. It raises the issue of whether the leaders and governments of nation-states are willing to give up nearly 400 years of assumptions which say identity is shaped by the nation-state; it could mean abandoning the commitment to the nation-state (particularly in matters of self-preservation and defense) as the only way to conceive of new plausible

\textsuperscript{12} Just look at the behavior of the U.S. and China today vying for world leadership on who gets to set the global economic development agenda. China has spearheaded the creation of the Asian Infrastructure Investment Bank as the counterpoint to the U.S.-dominated World Bank. The U.S. is trying to create a Trans-Pacific Partnership with several other countries linking both coasts of the Pacific Ocean to challenge Chinese supremacy in Asia.

\textsuperscript{13} Assuming that China, Sumerians and Akkadian (Assyrians and Babylonians) mark the beginning of written history around 3000 BCE.

\textsuperscript{14} Open Working Group For Sustainable Development Goals.
commitments of what we owe to each, namely beyond our own citizens within on our own nation-states. Regardless of the pundits of globalization and the virtual economy, the physical nation-state very much exists and sees no sense of diminishment in the near future.\textsuperscript{15}

Rawls too delimits the ‘duty to assist’ ‘burdened societies’ by liberal-democratic-free capitalist market societies and decent, hierarchic, non-liberal societies that are relatively well-off (Saudi Arabia for example). In Rawls’s model, the ultimate decision and responsibility to develop economically, i.e. GDP growth, is up to a developing country in question and hence there is no need for a limitless transference of wealth from developed (democratic or not) countries to developing countries, i.e. say low-middle and low income countries, let alone the bottom poor.

Rawls defines a ‘burdened society’ and the ‘duty to assist’ in this long passage:

Burdened societies, while they are not expansive or aggressive, lack the political and cultural traditions, the human capital and know-how, and, often, the material and technological resources needed to be well-ordered. The long-term goal of (relatively) well-ordered societies should be to bring burdened societies, like outlaw states, into the Society of well-ordered Peoples. Well-ordered peoples have a duty to assist burdened societies. It does not follow, however, that the only way, or the best way, to carry out this duty of assistance is by following a principle of distributive justice to regulate economic and social inequalities among societies. Most such principles do not have a defined goal, aim, or cut-off point, beyond which aid may cease.\textsuperscript{16}

Before we dissect this passage we need a framing question to guide our thinking. Are we asking whether the new SDG framework that is emerging is too ambitious and too far reaching in terms of a global humanitarian ethic so that it supersedes the limited pragmatic and realistic attempt by Rawls to highly circumscribe what a ‘duty to assist’ can look like to help ‘burdened societies’ overcome their socio-economic deficits? Or are we saying that the Rawlsian model is too conservative and unable to touch the depth of global wealth inequality (and hence poverty) given the preponderance of a global capitalist system whether nation-states are democratically free or not? Rawls seems to say that a quantitative principle of distributive justice cannot be discovered and so the duty to assist (which is mentioned in Paragraph 12 of the Open Working Group Proposal for the SDGs) cannot be conceptualized through the use of such an all-encompassing principle. Rawls says reducing economic inequality, which of course has some relation to the elimination of extreme poverty, does not have a ‘definable aim or cut-off point.’ But what about the SDGS? Do they have a cut-off point? When would the General Assembly feel satisfied for example when Goal 3 on ‘wellbeing for all at all ages’ or universal ‘educational opportunity for life-long learning’ has been achieved? It is very difficult to answer these


\textsuperscript{16} Rawls, \textit{The Law of Peoples}, p. 106.
questions and not just because of moral relativism but because of the enormity of the tasks. How can you measure such grandiose goals?

The question is how we understand the underlying philosophical and moral psychological assumptions of Rawls’s ‘Society of Peoples’ and Goals 16 and 17 of the Open Working Group Proposal of the UN General Assembly on the grandest and by far the most ambitious set of goals for a common humanity to reach. Some of the greatest social contract theorists in history from Hobbes to Locke to Rousseau to Kant have pondered the mystery of what a fair and just mutual commitment could like between individuals so that the human species could actually thrive despite the dark pessimism of human nature and its natural inclinations toward self-interest.

Goals 16 and 17 have to do with overcoming the limits of realizing a global partnership to enforce duties and guarantee rights so that all preceding goals are achieved, i.e. end of poverty and hunger, achieving universal education, health and gender equality. Rawls, for his part, is stating that we need to search for other principles and not just rely uncritically on existing assumptions of development aid and redistribution: achieving global distributive justice and managing global economic and social inequalities is not the only way to define the ‘duty to assist.’ For Rawls, we must consider reforming different societies’ cultural and political institutions so that just institutions can be built and those ‘burdened societies’ can become well-ordered, which is another word for saying ‘developed.’ Rawls doesn’t get into the specifics of what those institutions could look like and how global institutions would interact with national institutions to achieve such varied development progress.

Another subset to our framing question is a normative question. Should Rawls’s model be the standard test to evaluate the legitimacy, coherence, and viability of the new Sustainable Development Goals proposed by the Open Working Group of the UN General Assembly? If not, then why not? And if not, then is there an alternative set of goals that we can realize and defend in terms of their moral substance and the justification for the moral imperative? We will conclude our investigation with that final question.

If we don’t take Rawls’s model as the standard to determine the viability of goals, and let’s say we do have the ambition to articulate a global principle of global distribute justice, then certain presuppositions must be brought to light. We assume that all nations and cultures would not only understand this global principle but would see its allure and attraction as to actually build

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the moral and psychological commitment to uphold it. The principle has an eschatological dimension in which the metaphysical urgency to see threats to the continuation of the existence of the human species, all life forms and the natural environment itself derive none other from the human species itself. If the human species is somehow telepathically brought to the possibility of no longer existing, then its orientation of historical time would undergo a dramatic transformation. We would begin to relate our being (the how, why, where, when and what of our being) to a different sense of time, and not one of a linear progression from antiquity into some future technological state. The dizzying effect of freedom as anxiety to quote a Kierkegaardian phrase is that human species seems to be tinkering with the possibility of its own extinction precisely in its proud and overzealous march towards development progress. A moral consensus can arise within an international body if the real and perceived nature of this self-extinction of the human species is caste in new terminology that can spurn a new consciousness. It is not so much that our old selves and ways of thinking can respond to these new goals; rather, we must become new beings with a new language so that these goals can truly become internalized just as the old values of the eighteenth century industrial-technical-scientific age began to take over humanity and replace the religious, pre-modern and prescientific epoch of human history. Then only can these goals take on real meaning, particularly the newly articulated ones like ‘sustainable consumption rates.’ Rich countries and their governments and rich people in rich, mid-level and poor countries would have to undergo a revolution in their social psyche and economic thinking, which would make Marx turn over in his grave.

Perhaps we need to take seriously the project of a philosophy of history on the scale of Hegel. Unlike his time in the first decades of the nineteenth century when democracy, science, technology and the industrial age were just coming into being, ours has the hindsight of seeing those human innovations mature and in many regards atrophy. Hence the need to create an ethical order at the turn of the last millennium to remind human beings of their responsibility towards one another. Human development and capabilities is more than just viewing our human capacity to function given the diversity of our aptitudes, abilities and environments to achieve ‘well-being’ across a multidimensional and interlocking set of variables. It will take more than partial ordering of policy priorities based on what the empirical sciences can tell us about an experimental mix of how different types of freedoms depend upon one another, namely social, economic, political, etc.\(^\text{19}\) It will take more than the social and natural sciences to support the definition and measurement of a truly comprehensive sense of well-being that would subsume most of the SDGs so that freedom from poverty, hunger and ill-health meets the reversibility of global climate change while halting the destruction of the earth’s natural habitats and biodiversity. What the SDGs cannot articulate is the underlying principle of global distributive justice that Rawls could not admit to saying exists. Social and economic inequalities

\(^{18}\) This is in reference to Kierkegaard’s The Concept of Anxiety, trans. Reidar Thomte (Princeton: Princeton University Press, 1980).

\(^{19}\) See Amartya Sen, Development as Freedom (New York: Random House, 1999).
(hence some relation between wealth and poverty) are only justified if the burdens and benefits of the effects of those inequalities are distributed in a manner that most benefits the ‘least advantaged.’ In the case of a national economy that would be the class of citizens with the lowest income and resources and with the least expectations for improving their lot.\textsuperscript{20} On a global scale it would be those poorest or least developed countries that Rawls calls ‘burdened societies.’ This may be fine for Rawls’s egalitarian conception of justice for the domestic case of a single society. However, for Goals 16 and 17 on the creation of global institutions and the global partnership for sustainable development a new conception of global justice has to come into being.

\textsuperscript{20} This is in reference to the second part of the second principle of justice or the ‘difference principle.’ See John Rawls, \textit{A Theory of Justice} (Cambridge: Harvard University Press, 1971), p. 69.
References:
