

LLM
FIRST SEMESTER
LAW AND JUSTICE IN A GLOBALIZING WORLD
LLM-1.3

(Use separate answer scripts for Objective & Descriptive)

Duration : 3 hrs.

Full Marks : 70

(PART-A : Objective)

Time : 20 min.

Marks : 20

Choose the correct answer from the following:

1X20=20

1. For Rawls, the principles of justice are fundamental elements of the _____ agreed upon by those in an initial position of equality.
 - a. State of Nature
 - b. Social Contract
 - c. Primitive condition of culture
 - d. Economic inequality
2. The second principle of justice, for Rawls, holds that inequalities are just only if they result in benefits for everyone and, in particular, for:
 - a. Those with wealth and authority
 - b. Those in the initial state of equality
 - c. The most advantaged members of society
 - d. The least advantaged members of society
3. The book *Idea of Justice* is written by:
 - a. Robert Nozick
 - b. Thomas Hobbes
 - c. Amartya Sen
 - d. John Rawls
4. The book *Law of Peoples* published in the year 1999 is written by:
 - a. Jeremy Bentham
 - b. Kok Chor Tan
 - c. Martha Nussbaum
 - d. John Rawls
5. A problem is often considered to constitute a global justice problem when one (or more) of the following conditions obtained. Of the options given below one of the option is incorrect. Find the incorrect statement.
 - a. Actions stemming from an agent, institution, practice, activity (and so on) that can be traced to one (or more) states negatively affect residents in another state
 - b. There are no considerations that require agents in one state to take certain actions with respect to agents or entities in their own state
 - c. Institutions, practices, policies, activities (and so on) in one (or more) states could bring about a benefit or reduction in harm to those resident in another state
 - d. We cannot solve a problem that affects residents of one or more states without co-operation from other states
6. The theory around justice developed by Martha Nussbaum is known as:
 - a. Capabilities Approach
 - b. What is this thing called Global Justice?
 - c. Liability Determined
 - d. None of the above
7. Cosmopolitanism is an approach to:
 - a. Global Justice
 - b. Moral relativism
 - c. Justice with nations
 - d. None of the above
8. Thomas Pogge argues that globalization has harmed the poor on a massive scale.
 - a. True
 - b. False
 - c. Not related
 - d. None of the above

9. The book *Justice what is the right thing to do?* is written by:
- a. Thomas Pogge
 - b. Martha Nassbaum
 - c. Michael J Sandel
 - d. KC Tan
10. Human Rights happen to be a primary objective of the debates around Global Justice.
- a. True
 - b. Not related to each other
 - c. Partially applicable
 - d. None of the above
11. "_____ is an ethical theory holding that actions are morally right if they tend to promote happiness or pleasure (and morally wrong if they tend to promote unhappiness or pain) among all those affected by them."
- a. Libertarianism
 - b. Utilitarianism
 - c. Laissez faire
 - d. None of the above
12. The moral dilemma around the question "Do we own ourselves?" is addressed in:
- a. Aristotelian discourse
 - b. Libertarianism
 - c. Utilitarianism
 - d. None of the above
13. Imanuel Kant favours a theory of justice based on Social contract and rejects Utilitarianism.
- a. True
 - b. False
 - c. Unrelated
 - d. None of the above
14. The concept of 'Veil of Ignorance' can be found in whose theory of Justice?
- a. Amartya Sen
 - b. Robert Nozick
 - c. John Rawls
 - d. Imanuel Kant
15. The arguments given in support of affirmative action in the book by Michael J Sandel states the following except one. Find the incorrect statement.
- a. Correcting the test gap
 - b. Minority appeasement
 - c. Compensating for past wrong
 - d. Promoting diversity
16. Identify which one of the following is not a standing issue of Global Justice?
- a. War and Just Conduct
 - b. Global Economic injustice
 - c. Environmental issues
 - d. Administrative red-tapism
17. The Idea of Justice by _____ is the ground breaking book on the evolution of justice. To define justice, he takes the stand of Niti and Nyaya approach as per the Indian Sanskrit jurisprudence.
- a. Chanakya
 - b. Amartya Sen
 - c. KC Tan
 - d. None of the above
18. Gender Justice is a part of Global Justice.
- a. True
 - b. False
 - c. Partially true
 - d. None of the above
19. The Political philosophy of Libertarianism includes:
- a. Minimal State
 - b. Free Market
 - c. Both (a) and (b)
 - d. None of the above
20. Animal rights as a part of Global Justice is advocated by:
- a. Kok Chor Tan
 - b. Thomas Pogge
 - c. Martha Nassbaum
 - d. Thomas Nagel

(PART-B : Descriptive)

Time : 2 hrs. 40 min.

Marks : 50

[Answer question no.1 & any four (4) from the rest]

1. *“Contemporary events also played an enormous role in prompting philosophical inquiries. Prominent cases of genocide, ethnic cleansing, forms of terrorism uncommon prior to 2001, intensified interest in immigration to affluent developed countries, increased dependence on the labor of those from poor developing countries, and enormous threats to well-being, security and the environment became common catalysts for further work. Philosophers began to reflect on questions such as: Is it ever permissible to engage in coercive military action for humanitarian purposes, such as to halt genocide or prevent large-scale violations of human rights? Can terrorism ever be justified? Should affluent developed countries open their borders more generously than they currently do to those from poor developing countries who would like to immigrate to them? Are our current global economic arrangements fair ones and if not, how should they be transformed? What responsibilities do we have to one another in a globalized, post-Westphalian world order? How should we allocate responsibilities for reducing global injustice in our world, such as in the case of distributing costs associated with addressing climate change?”* 10
- Write an essay on the significance and need of Global Justice in the 21st century. Develop your essay in the backdrop of different theories of Global Justice.
2. *“The two defendants became shipwrecked by a storm. They were forced to abandon their ship and were stranded in a small emergency boat with two others including a young cabin boy. They had been stranded for 18 days. The food had run out 7 days earlier and they had had no water for five days. Dudley and Stephens agreed to draw straws to see which one of them would be killed so that the others could eat him. The third man did not agree and the cabin boy was by this time too weak to take part in any decision. As the third man had not agreed, the defendants decided that it would be better to kill the cabin boy as he was close to death and he had no family. Dudley and Stephens cut the cabin boy's throat. He was too ill to put up any resistance. All three men fed on the boy and were rescued four days later. On their return to England Dudley & Stephens were charged with the boy's murder.”* 10
- In view of the facts of the case described, critically discuss the theory of Utilitarianism.
3. Write an essay on the topic of Law and Morality in the backdrop of Surrogacy contracts. Emphasize your views on the relation between Markets and Morals. 10
4. Write an essay on ‘Affirmative action’ stating your side of the argument. 10
5. Discuss John Rawls Theory of Justice. 10
6. Criticize John Rawls take on Global Justice from the lens of Amartya Sen's arguments. 10

7. *"Within the field of global justice, issues concerning war have one of the longest histories. The just war framework has been influential in setting the terms of much debate about the proper use of force in international affairs."*
Critically analyse how theories of Global Justice can be used to bring peace and harmony in the world.

10

8 Write short notes on:

5+5=10

- a) Capability approach by Martha Nussbaum.
- b) Impact of globalization on law.

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