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B.A part I Basic principles of
Political Theory

Lecture - 18 Topic - Justice - I

The term 'justice' implies the quality of being 'just', 'right' or 'reasonable'. It is opposed to what is 'unjust', 'wrong' or 'unreasonable'. It embodies an ideal which is akin to the 'absolute truth', yet it is a dynamic idea because our realization of that ideal and our comprehension of that absolute truth is a continuous process.

Justice has been regarded by political thinkers as one of the primary qualities of a good political order.

Justinian defined justice as the constant and perpetual will to render to every one his due.

The term justice is derived from the Latin word justitia, which embodies the idea of joining or fitting, the idea of bond or a tie.

Sources

To Thomas Aquinas Church was the source of justice, "God had planted the notion of justice in the human mind which is preserved through the authority of the church."

Economics was the source of justice according to Proudhon and Duguit.

Ethics was the source of justice according to Idealists, Plato, Aristotle, Hegel, Kant, Green, Barker.

Nature was the source of justice to the Stoics, Roman Jurist.

Traditional view of justice

- the focus is on just man
- embodies a conservative idea
- emphasises moral element of justice
- insists on adapting individual to a preconceived image of society.
- was a source of idea of social justice

chief exponents: Plato, Aristotle.

To Plato - justice was based on 3 principles:
principle of non interference
principle of functional representation
principle of harmony - justice sought to prescribe duties for different groups of citizens in keeping with their virtues, - justice results from each doing his own duty, without interference.

Modern view of justice

- the focus is on just society
- embodies a progressive idea
- intends to transform society itself for the realization of human values.
- gives way to notion of: legal, political, socio-economic justice.

John Rawls propounded the theory of distributive justice.

Dimensions of justice.

- Legal dimensions of justice:
implies - adherence to formal rules positive law as declared by the state.
 - positive law includes - Customary law, and statutory law.justice is synonymous with application and adjudication of declared formal rules.
- political dimension of justice:
concerns with actual policies through which political process realize the norm of justice.
 - establishment of democratic institutions
 - and that cater to the interests of the people as a whole
 - guarantee of liberty of thought expression.

- freedom to form association, for interest articulation.

Social dimension of justice:

Implies - elimination of all kinds of discrimination and privileges based on birth, race, caste, creed or sex.

Social roles to be determined by capacity,

- social mobility in occupation instead of rigid stratification of roles
- reordering of social life so that material and moral benefits of social planning reach the masses.

Economic dimension of justice:

Implies: reordering of relations in economic sphere, elimination of exploitation of poorer sections of the society, introduction of elements of cooperation to maximize production, equitable distribution of commodities so produced among different classes of society.

Socio-economic justice - The term 'Socio-economic justice' comprehends two important elements: 'social justice' and 'economic justice'. Their combination into 'Socio-economic justice' is significant because social life of the community cannot be transformed according to the principle of justice unless its economic relations are suitably transformed. The term 'economic justice' may be used in the restricted sense of reordering human relations in the economic sphere, e.g. relations between employer and worker, between trader and consumer, between landlord and tenant, between money-lender and borrower, etc. So as to eliminate exploitation of the vulnerable sections of society. On the other hand, the term 'social justice' is used more comprehensively so as to include economic justice and also to restore the dignity of human beings who have lost it due to a lower economic, educational and cultural status. In short, it seeks to eradicate social discrimination at all levels.

Procedural and Substantive justice. The contemporary debate on the nature of justice focused on the

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distinction between procedural justice and substantive justice which largely coincides with the essence of social justice. Champions of procedural justice held that it is necessary to determine a just procedure for the allocation of social advantages viz. goods and services, opportunities and benefits, power and honours; then its outcome will automatically be accepted as just. In other words, the allocation resulting from just procedure must be treated as just.

On the contrary, champions of substantive justice argue that the allocation or distribution of social advantages among various sections of society itself should be just - that is the primary issue; the procedure for making such allocation is a secondary issue, which can be adjusted suitably to meet the requirement of just distribution.