

# Concept of Justice



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## Meaning/ Definition

Justice is a moral quality and is equated with all that is good. The concept is of great significance to Political Science because it is justice that adds the moral dimension to politics and governance. The term suggests the quality of being 'just', 'right'. It is an ethical concept. But it is a dynamic idea. It has undergone changes with the change in time and situations. It is closely related to religion, morality, law, politics and socio-economic system. For example, slavery, untouchability, inferior status of women were justified till recently in some parts of the world but now they are regarded unjust.

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**Earnest Barker** in his book 'principles of Social and political Theory' notes that the term 'justice' is derived from the Latin word 'jus' which means the idea of **joining or bond or tie**. He identifies three values as necessary in human relations- values of liberty, equality and fraternity. Justice represents the synthesis of different values.

According to **Robert Tucker**, 'the idea of justice connotes a rightful balance in a situation where two or more parties or principles are in conflict.'

According to **Charles Merriam**, 'justice consists in a system of understandings and procedures through which each is accorded what is agreed upon is fair.'

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According to Barker there are four different sources of justice- religion, nature, economics and ethics. But the most important source of justice is 'reason'. Men develop the faculty of reasoning according to the social consciousness of his age. The true meaning of justice should therefore be determined in the light of prevalent social consciousness.

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## Different dimensions/aspects of Justice

**1. Legal Justice** – It is broadly applied in two contexts : justice according to law and law according to justice. Justice according to law means an efficient administration of law according to the general rules. Decisions should not be made arbitrarily. Law according to justice means that law itself should embody human values .

**2. Political Justice-** It means transformation of political institutions, political processes and political rights according to current concept of justice. It means the establishment of democratic institutions so that they represent and take care of the interests of the people and not of any privileged class. It means one person-one vote principle – universal adult franchise . It means everyone should enjoy equal freedom and rights to participate in political process- right to vote , contest elections, hold public office etc.



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**3. Social Justice-** It is a broad term which includes both social and economic justice. It implies elimination of all kinds of discrimination and privileges on the grounds of birth, race, caste, creed or sex. There should be social mobility between the various types of occupations and trades.

When we speak of 'economic growth with social justice' it suggests that the benefits of economic growth should reach larger sections of society especially the lower sections of society. There should be redistribution of resources in society. It means a progressive concept and a model of development. The Indian Constitution, particularly in its Preamble and the part dealing with the Directive Principles of State Policy, holds the promise of justice- social, economic and political. The economic aspect of justice is very important because economic disparities and injustice also lead to violation of legal and political justice.

The benefits of development should reach the masses . There should be upliftment of lower, weaker and underprivileged sections.

## Social Justice...

- **Social justice** refers to the concept of a just society, where "justice" refers to more than just the administration of laws. It is based on the idea of a society which gives individuals and groups fair treatment and a just share of the benefits of society.

# Procedural Justice and Distributive Justice

The contemporary debate on the nature of justice focuses on the distinction between procedural justice and distributive justice.

## Procedural Justice

Herbert Spencer, F.A.Hayek, Milton Friedman, Robert Nozick etc. are the supporters of this concept.

1. It implies that it is necessary to determine a just procedure for the distribution of social advantages, - goods and services, opportunities and benefits, power and honours, then its outcome will automatically be accepted as just.
2. This concept is closely related to the ideology of liberalism. The function of justice is to regulate the mutual relations between individuals and groups. Rules should be applied impartially to all categories.
3. It requires the state to ensure that no individual or group would oppress another by force. A fair race is not the one in which the person who wins morally deserves to win but one in which there is no cheating or nobody has unfair advantage.



## Procedural Justice and Distributive Justice

4. It treats the rules of market economy as the model rules of human behaviour. It holds that market mechanism creates necessary conditions for the most efficient use of resources. State initiated social policies will lead to a wastage of material and human resources.

# Procedural Justice and Distributive Justice

## Distributive Justice

1. It implies that the allocation or distribution of social advantages among various sections of society itself should be just.
2. It corresponds to the ideology of socialism. It demands that the opportunities of self development should be progressively extended to the under privileged and disadvantaged sections of society. The test of justice in society consists in ascertaining whether the poor and the underprivileged have adequate opportunity to improve themselves. Positive discrimination (system of reservation for weaker section in jobs, educational institutions) is an example of promoting distributive justice.

# Procedural Justice and Distributive Justice

## Distributive Justice

3. According to John Rawls, “ Social and economic inequalities are to be re-arranged so that they are to the greatest benefit of the least advantaged.”

Justice requires that a provision should be made for meeting the minimum needs of all human beings irrespective of individual contribution to society – like food, health care education and some job opportunity.