Justice

- **Syllabus**
  - Conception of justice with special reference to Rawl's theory of justice
    - And it's communitarian critiques
- **Meaning**
  - Just allocation of
    - Benefits — Goods, services, opportunities
    - Burden — Taxes
    - Particularly in a scarcity situation
  - Scope of justice — Not relevant in
    - Purely authoritarian — Allocation by authority
    - Purely competitive — Allocation decided by market forces
    - Communist system — Allocat according to needs
  - Philosophical context
    - Quantitative differences
      - Jeremy Bentham — Felicific calculus
      - Quantities of pleasure and pain
      - Utilitarian
    - Right and wrong — Qualitative difference
      - Different types of pleasure
      - JS Mill — Primacy to moral worth over cost benefit analysis
  - Relation between liberty, equality and justice — Justice reconciles this contradiction
    - Liberty
      - Can't be survival of fittest — Nor whims of individuals
        - Should be regulated by reason
        - Not to become threat to anoth
      - Justice recognises the dignity of the human — Each individual an "end in itself"
    - Equality
      - All individual should be treated as equal — All capable of acquiring excellence and — Making contribution to society
      - Special protection to vulnerable — Reasonable discrimination
    - Justice
      - Liberty should be equally extended to each individual
      - Brotherhood or fraternity — Matter of right, charity
      - Each individual get fair of benefit from society

    Liberty should be qualified by equality, which is qualified by fraternity

- **Classical theories**
  - Individual to conform to the existing social order
  - Plato — Performance of duties
    - Brave man
      - Accepts and maintains authority
      - Self controlled
    - Different duties for different classes — Perfect harmony
    - Hindu caste system
  - Aristotle
    - Conservative — Maintaining existing order
    - Three types
      - Distributive justice — Legislators
        - allocation of honours and wealth
        - Treating equals equally and unequals unequally
        - Prevailing customs to decide who were equals or unequal
      - Retributive justice — Judges — Punishment or payment of damages
      - Commutative justice — Judges — Regulation of voluntary transactions
- **Modern view of Justice** — Transform society itself for the realisation of certain human values
  - Social justice — Voice of oppressed against oppressive
- **Dimensions of justice**
  - Legal justice
    - Justice according to law
      - Procedure established by law
      - Focus on administration of law — Justice is conformity with existing law
    - Law according to justice
      - Due process of law
      - Examine the substance of itself
    - Ernest Barker — Ought to have both
      - Validity — Administration, authority
      - Values — Social consciousness — Justice
  - Political justice
    - Genuine system of property
    - Liberty of thought and expression — Democratic electoral system devoid influence of money and manipulative power
    - Democratic institutions — Rule of law — Constitutional government
  - Socio economic justice
    - Social — No discrimination — Human dignity
    - Economic
      - Social relations between employee and employer
      - Trader and consumer
    - Social justice
      - Logical synthesis of liberty, equality and fraternity
      - Formal equality — Economic disparity — Doesn't impact seeking justice, educational and career development
      - Special safeguards for minorities — Dignity and fraternity
      - Right property is subordinate to the common good
- **Types**
  - Procedural — Just procedure for allocation of burden and benefits — Survival of fittest
  - Substantive justice — Social justice — Fair distribution
  - Retributive justice — Punishment for a crime
    - Only to guilty
    - Uniformly applied
    - Proportionate — Neither too severe nor lenient
  - Distributive justice — Allocation of benefits and burdens
    - Protection of acknowledged rights — Hierarchical order
      - Aristotles slavery
      - Hindu caste system
    - Distribution according to desert — Talent — Market society
    - According to need — Social solidarity

    Gandhi
    - People to minimise the needs
    - State to provide basic provisions
    - Reward according to contribution to society
  - Conclusion
    - To guide public policy
      - In scarcity situation
      - In an open society
    - CB Macpherson — Creative freedom

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