



Justice Part I

Syllabus

Justice involves the **conception of justice with special reference to Rawls's theory of justice and its communitarian critiques**.

Justice – Syllabus Context

In political theory, *justice* is a central concept. The UPSC syllabus specifically wants us to focus on **Rawls's theory of justice and its communitarian critiques**. But before diving there, we must first grasp the **meaning and scope** of justice.

Meaning of Justice

At its core, **justice** means the *just allocation of benefits and burdens*.

- **Benefits** include **goods, services, opportunities** → like education, healthcare, jobs, freedom.
- **Burdens** include **taxes, duties, responsibilities** → the price individuals and groups must pay to keep society running.

This becomes especially important in a situation of **scarcity**. If resources were infinite, justice wouldn't be a problem. But since scarcity is real, the question becomes: *Who gets what, and why?*

That's the essence of justice.

Scope of Justice

Now, is justice always relevant? Not really. Its **scope** depends on the system of allocation.

1. **Purely authoritarian system** → Allocation is by **authority** (the ruler decides). No room for justice, because there's no principle of fairness. It's just command.
 - Example: Dictatorships where benefits go to loyalists, and burdens to opponents.
2. **Purely competitive system** → Allocation is by **market forces**. Justice is not the concern here, efficiency is. The rich get richer, the poor are left behind, because "fairness" is not the guiding principle.
 - Example: Unregulated capitalism.
3. **Purely communist system** → Allocation is by **needs**. Everyone gets what they need, in theory. But here too, justice as "fair allocation" becomes irrelevant, since equality of needs is the sole criterion.
 - Example: Marx's idea of "from each according to his ability, to each according to his needs."

So, justice really becomes relevant in **mixed systems**, like liberal democracies, where neither authority, nor market, nor need alone decides. Instead, we must argue about fairness, rights, equality, and distribution.

The Essence

Justice is essentially about **fairness in sharing both opportunities and obligations**. It matters most in systems where freedom, equality, and scarcity interact — which is why modern democracies cannot ignore it.



Philosophical Context

When philosophers think about **justice**, they don't all look at it in the same way. Some focus on *quantitative differences*, others on *qualitative differences*. Let's see how two giants — **Jeremy Bentham** and **J.S. Mill** — approached it.

Jeremy Bentham – Quantitative Approach

- Bentham believed in **felicific calculus** — a kind of moral arithmetic.
- For him, justice means maximizing **pleasure** and minimizing **pain**.
- Every action can be judged by calculating how much pleasure and how much pain it produces.
- This reflects the **utilitarian approach** → “the greatest happiness of the greatest number.”

Example: If a government builds a dam, Bentham would ask: does the total **pleasure** (**electricity, irrigation, jobs**) outweigh the total **pain** (**displacement, cost, environmental harm**)? If yes, then it is just.

So for Bentham, justice is **quantitative** — about measuring and comparing units of happiness.

J.S. Mill – Qualitative Approach

- Mill admired Bentham but found this too mechanical.
- He said not all pleasures are equal — there are **qualitative differences**.
- Some pleasures are **higher** (intellectual, moral, cultural), others are **lower** (bodily, material).
- Justice, therefore, cannot be reduced to a cost–benefit analysis. It must emphasize **moral worth** and **rightness of action**.

Example: Suppose people find great pleasure in mob violence. Bentham's calculus may say “pleasure outweighs pain” — so it's justified. But Mill would say: *No! That's a lower, harmful pleasure. Justice must respect higher moral principles of right and wrong.*

So for Mill, justice is **qualitative** — rooted in **moral worth** beyond simple arithmetic.

The Essence

- **Bentham** → Justice = **numbers game** (pleasures vs. pains).
- **Mill** → Justice = **moral compass** (higher vs. lower pleasures, right vs. wrong).

Relation between Liberty, Equality and Justice

Students often ask: *Liberty and Equality seem to clash — so how can Justice hold them together?* Let's unpack this.

Liberty

- Liberty does **not** mean “survival of the fittest,” nor the unchecked **whims of individuals**.
- True liberty must be **regulated by reason**, so that it does not become a threat to another person's freedom.



- In other words, *your liberty ends where another's liberty begins*.

Justice as the Balancing Principle

- Justice steps in to **reconcile the contradiction** between liberty and equality.
- It recognizes the **dignity of the human**, treating each individual as an “**end in itself**” (Kant's moral philosophy).
- This means justice is not about favoring liberty *or* equality, but about harmonizing both in a fair way.

Equality

- Equality means all individuals are to be treated as **equal**, because all are capable of acquiring **excellence** and making a **contribution to society**.
- But equality doesn't mean treating everyone *identically*. It also requires **special protection to vulnerable groups** through **reasonable discrimination**.
 - Example: Reservations in India are not charity, but justice in action.

Justice as Brotherhood

- Justice ensures liberty is **equally extended to each individual**.
- It promotes **brotherhood or fraternity**, not as an act of **charity**, but as a **matter of right**.
- It guarantees that each person receives a **fair share of benefits from society**, while also carrying a fair share of burdens.

The Essence

Justice is the bridge between liberty and equality:

- Without liberty, equality becomes tyranny.
- Without equality, liberty becomes privilege.
- With justice, liberty and equality are harmonized in a way that preserves human dignity and fraternity.

Classical Theories of Justice

In the **classical tradition**, justice was not about challenging the order of society, but about **conforming to it**. The individual's role was to fit into the larger **social order**, and harmony came from everyone knowing — and performing — their duty.

Plato's Idea of Justice

- For **Plato**, justice meant the **performance of duties** by each individual.
- A **brave man** accepts and maintains **authority** while remaining **self-controlled**.
- Justice is about different classes performing their assigned roles — rulers governing, warriors protecting, and producers working.
- When everyone sticks to their role, society achieves **perfect harmony**.



- This is strikingly similar to the **Hindu caste system**, where duties are assigned by birth and maintained for the sake of order.

So, for Plato, justice = **duty + order + harmony**.

Aristotle's Types of Justice

Aristotle took a more **conservative approach**, again focused on **maintaining the existing order**, but he analyzed justice in detail. He distinguished **three types of justice**:

1. **Distributive Justice** →
 - Role of **legislators**.
 - Allocation of **honours and wealth**.
 - Principle: **treat equals equally and unequals unequally, as per customs**.
 - Example: In ancient Greece, citizens received more rights than slaves or women.
2. **Retributive Justice** →
 - Role of **judges**.
 - Justice means awarding **punishment** or **payment of damages**.
 - The focus is on restoring balance when a wrong is committed.
3. **Commutative Justice** →
 - Again, the role of **judges**.
 - Regulates **voluntary transactions** like contracts, trade, or exchanges.
 - Ensures fairness between parties in everyday dealings.

So, for Aristotle, justice = **distribution + punishment + fair exchange**.

The Essence

- **Plato** → Justice is about *harmony* in society, with each class doing its duty.
- **Aristotle** → Justice is about *balance* in society, ensuring fair distribution, fair punishment, and fair transactions.

Both saw justice as a tool for **stability** — not revolution. The individual had to conform to the existing social order rather than question it.

Modern View of Justice

Unlike the **classical theories**, where the individual had to **conform to the existing social order**, the **modern view of justice** flips the script. Here, the focus is not on *maintaining* order, but on **transforming society itself**.

Why? Because justice is no longer seen as simply following one's duty — it is about the **realisation of certain human values**.



Social Justice

- In the modern age, justice becomes **social justice**.
- It is not just about law courts or duties, but about **restructuring society** to ensure **freedom, equality, and dignity** for all.
- Social justice acts as the **voice of the oppressed** against **oppressive systems**.
- It challenges hierarchies, discrimination, and exploitation — whether based on class, caste, gender, or race.

Justice as a Transformative Force

Think of it this way:

- In the classical age, justice was like a **shield** — protecting the existing order.
- In the modern age, justice becomes a **sword** — cutting through oppression and carving out a more humane order.

It is **active, revolutionary, and value-driven**.

Examples

- **Abolition of slavery** in the 19th century was justice as **transformation**, not conformity.
- **Social reform movements in India** — from Jyotiba Phule and Ambedkar fighting caste oppression, to Gandhi fighting colonial exploitation — represent **justice as the cry of the oppressed**.
- **Constitutional democracies** today embody this idea — ensuring social justice through reservations, welfare policies, and rights against discrimination.

That's the big shift — from **order** to **transformation**, from **conformity** to **liberation**, from **duty** to **values**.

Dimensions of Justice

Justice is not a one-dimensional idea. It has **multiple dimensions** — **legal, political, socio-economic** — and only when they come together do we get a **just society**.

1. Legal Justice

- At its simplest, legal justice means **justice according to law** — if the **procedure established by law** is followed, justice is assumed to be done.
- But here lies the danger: sometimes **law itself can be unjust**. That's why we need not just *procedure*, but **due process of law**, which examines the **substance of law itself**.

Ernest Barker beautifully said: **justice must combine both validity and values**.

- **Validity** → authority, administration, proper procedure.
- **Values** → social consciousness, moral legitimacy, fairness.

Example: During the Emergency in India (1975), laws were followed (*validity*), but many argue justice was violated (*values*).



2. Political Justice

- Political justice ensures that power in society is **exercised fairly and democratically**.
- It requires:
 - A **genuine system of property** (no extreme concentration of wealth).
 - **Liberty of thought and expression**.
 - A **democratic electoral system** free from money and manipulative power.
 - **Democratic institutions, rule of law, and a constitutional government**.

Example: Universal Adult Franchise in India is a triumph of **political justice** — one person, one vote, one value.

3. Socio-Economic Justice

This is the **heart of modern justice** — ensuring that society itself is fair.

- **Social Justice** → no discrimination, protection of **human dignity**.
- **Economic Justice** → regulates relations:
 - Between **employee and employer** (no exploitation).
 - Between **trader and consumer** (fairness in transactions).

Here justice becomes the **logical synthesis of liberty, equality, and fraternity**.

- **Liberty** → not just formal, but meaningful.
- **Equality** → not just legal equality, but removing barriers like poverty, caste, and gender.
- **Fraternity** → dignity, respect, and solidarity among all citizens.

It recognizes that while **formal equality exists**, **economic disparity** should not deny access to justice, education, or career development.

It also demands **special safeguards for minorities** and insists that the **right to property** is **subordinate to the common good**.

Example: Reservation policies in India, abolition of zamindari system, and welfare schemes like MGNREGA reflect **socio-economic justice in action**.

Types of Justice

When we ask, “*What is Justice?*”—it isn’t a one-size-fits-all idea. Think of it as different **lenses** through which society looks at fairness. Each lens has its own flavor and its own history.

Procedural Justice

This is all about *how things are done*. Imagine a competition—if the rules are fair and applied equally, then even losing feels just. Procedural Justice says allocation of **burdens and benefits** should follow a **just procedure**, not merely “survival of the fittest.”

In simple terms: fairness of the *process* matters as much as fairness of the *outcome*.



Substantive Justice

Here we move beyond procedure into **social justice**. It's not just about *rules* but about **outcomes**—is there **fair distribution** of resources, opportunities, and dignity? This is the cry of oppressed groups asking not only for fair rules but for fair results.

Retributive Justice

This is about **punishment**—but with restraint. Only the **guilty** should be punished, and punishment must be **uniformly applied** and **proportionate**—neither too harsh nor too lenient. Think of it as society saying: “*We don't seek revenge, we seek balance.*”

Distributive Justice

This is the age-old question: “*Who gets what?*” It deals with **allocation of benefits and burdens** and protecting acknowledged **rights**.

- Historically, it sometimes justified inequality—like **Aristotle's slavery** or the **Hindu caste system**—as part of “natural order.”
- But in modern societies, distribution rests on two powerful principles:
 - **Desert** → reward based on **talent or merit** (like in a market society).
 - **Need** → protection based on **social solidarity**, ensuring no one is left behind.

So, when you put it all together:

- **Procedural Justice** = fairness of rules
- **Substantive Justice** = fairness of outcomes
- **Retributive Justice** = fairness in punishment
- **Distributive Justice** = fairness in allocation

That's how justice becomes not just an abstract concept, but the very **architecture of a fair society**.

Conclusion

So, after exploring all these **dimensions and types of justice**, what do we really learn?

Justice is not just an academic idea—it is the **compass for public policy**. Whenever society faces **scarcity situations**—limited resources, competing interests, conflicting rights—it is justice that tells us *how to allocate fairly, how to protect dignity, and how to keep balance*.

And in an **open society**, where people are free to think, debate, and even disagree, justice becomes the **anchor**—the principle that ensures liberty, equality, and fraternity survive together.

That's why C.B. Macpherson beautifully reminds us: true justice is not just about distributing goods or punishing wrongs. **True justice enables creative freedom**—the freedom for every individual to develop their potential, to contribute meaningfully, and to live with dignity.

In the end, justice is not only about law or rights—it is about **possibility**. It transforms a society from mere survival into a space where human beings can truly **flourish**.



PYQ

1. Comment on: Distributive Justice. 10, 2018
2. What is the concept of justice in modern political theory? How is it related to Liberty and Equality? 60, 2004



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