

JUSTICE

Justice: A concept in which we try to find out a way to provide a 'just' life to all people of the world. By 'Just' life we mean equality among all and equitable distribution of Resources, rights and duties among all people.

Justice may be:

Distributive - When it brings about social equilibrium. It demands equal treatment when persons are similarly placed. Parliament or Legislature may make law guaranteeing and defining equality.

Corrective - Courts and tribunals administer this corrective justice. In so doing, they apply a large number of rules: giving opportunity to both sides a fair hearing, barring interested judge from presiding etc. The objective is to provide equal protection to all who are placed in equal position.

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Different philosophers and their opinion on 'Justice'

Justice is doing your own job

Plato: Platonic Justice signifies that the members of each class must attend to their own business and not meddle with the business of the members of another class.

Justice is equality

Aristotle: Justice consists in "some sort of equality." In the distributive aspects of its meaning, justice demands that the things of this world shall be equitably allotted to the members of a community according to the principle of proportionate equality. Equal things shall be given to equal persons, unequal things to unequal persons.

Justice as Freedom (Liberty)

Herbert Spencer: Every individual has the right to reap whatever benefits he can derive from his nature and capabilities. Each man should be allowed to assert his selfhood, acquire property, carry on a business or vocation of his choosing, move freely from place to place, and express his thoughts and religious feelings without hindrance

Immanuel Kant: Took a position similar to that of Spencer. Proceeding from the premise that liberty was the only original, natural right belonging to each human being.

John Locke: "The end of law is not to abolish or restrain, but to preserve and enlarge freedom,"

Justice is Vague

Kelsen: The norms which are used as standards of justice vary from person to person, from group to group. It is impossible to establish the truth of the value judgments underlying these norms on the basis of empirical facts. Kelsen says that conceptions of justice must be viewed as irrational ideals.

Alf Ross: Similar opinion as Kelsen. He says that a statement to the effect that a certain norm or social system is "just" or "unjust" is, in his opinion, entirely devoid of descriptive meaning. "To invoke justice is the same thing as banging on the table: an emotional expression which turns one's demands into an absolute postulate."

John Rawls (Equitable distribution of resources)

Rawls' conception of justice according to his 'theory of justice' is composed of two cardinal principles:

- (1) each person is to have an equal right to the most extensive basic liberty compatible with a similar liberty for others; and
- (2) social and economic inequalities are to be arranged so that they can reasonably be expected to be to everyone's advantage, and in such a manner that the positions and offices to which they attach are open to all.

GLOBAL JUSTICE

'Global Justice' is not limited by State boundaries, Nationality, Race, Religion, Caste or Creed.

These 2 theories regarding Global Justice are relevant for exams.

1. Rawls law of Peoples
2. Amartya Sen's Theory of Global Justice

Rawls Law of Peoples (1999)

Rawls never applied 'A Theory of Justice' in international scenario.

Rawls gave 'Law of peoples' in 1999 which is his version of 'A Theory of Justice' in relation to global justice, in 'A Theory of Justice', Rawls confines himself to articulating principles of justice for domestic society. In 'Law of Peoples', he explicitly tackles the question of justice between societies, or as he puts it, justice within the "society of peoples."

Theory of Justice

"All social primary goods—liberty and opportunity, income and wealth, and the bases of self-respect—are to be distributed equally unless an unequal distribution of any or all of these goods is to the advantage of the least favored."

Law of Peoples – A political conception of right and justice that applies to the norms and principles of international relations among people of the world.

Rawls focuses on "peoples" instead of "States" in this theory, by "peoples" Rawls means a society of individuals who share some form of identity (ex. Nationality)

According to this theory there are 5 kinds of peoples (societies)

- Liberal – Countries with legitimate constitutions and governments that are under popular control.
- Decent non-liberal – Well-ordered but not liberal.
- Outlaws
- Burdened
- Benevolent absolutist

Liberal – Decent: Rawls in his 1st part of his book gives principles with which liberal peoples can agree on for the purposes of co-existence, these principles are an extension of Rawls 'Theory of Justice' where we take an 'original position' behind the 'veil of ignorance' to select principles of domestic justice.

In 2nd part he discusses conditions in which liberal peoples may extend the Law of Peoples to include their relations with non-liberal peoples. Rawls argues that such an extension is possible, where the peoples are not liberal but still "decent."

Rawls says that among decent peoples the principle of toleration is paramount for the attainment of **peace and stability**.

Liberal – Burdened: Liberal states owe a duty of assistance to burdened societies, whose resources are inadequate for the formation of just domestic political institutions.

Liberal – Outlaws: No obligation of liberals to extend relations with outlaw states. Such states, by rejecting the Law of Peoples (in particular the principle of non-aggression), expose themselves to the possibility of just armed aggression when they threaten liberal and decent peoples.

Benevolent absolutisms: Societies that honour and respect most human rights, domestically and internationally. Thus, benevolent absolutisms are nonaggressive. Their evident peacefulness, coupled with their honouring of most human rights, gives them a right to wage war in self-defence. Nevertheless, they do not deserve full and good standing in the international community because they are not well-ordered because their members are not given any role in political decision-making

Rawls gave 8 principles to govern the association between peoples, these principles are:

1. "Peoples (as organized by their government) are free and independent, and their freedom and independence is to be respected by other peoples."
2. "Peoples are equal and parties to their own agreements."
3. "Peoples have the right of self-defence but no right to war."

4. "Peoples are to observe a duty of non-intervention."
5. "Peoples are to observe treaties and undertakings."
6. "Peoples are to observe certain specified restrictions on the conduct of war (assumed to be in self-defence)."
7. "Peoples are to honour human rights."
8. "Peoples have a duty to assist other people's living under unfavourable conditions that prevent their having a just or decent political and social regime."

Rawls suggests 3 global organizations for achieving Global Justice:

1. An organization for ensuring fair trade among people
2. An organization for cooperate banking institution from which people may borrow
3. A confederation of people

Criticism of 'Theory of People'

- What is People, is it a state? is it an organisation? if it is a nation, what about nationless people.
- Cosmopolitans like **Pogge, Nussbaum** criticized this theory for recommending very limited obligation to help burdened nations.
- Why will liberal and non-liberal people agree on same idea of 'human rights'

Amartya Sen's Global Justice

Amartya Sen gives more emphasis to **'Basic idea of realized justice'**(Nyaya) rather than **'Organization focused understanding of justice'**(Niti)

In contemporary political philosophy, Rawls's concept of justice, "justice as fairness", is very much influential in present day's arguments on substantial justice. Rawls's principles of justice are a social contract made by impartial parties of a polity under the "veil of ignorance"

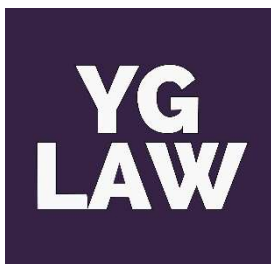
This idea of justice as fairness is criticized by Amartya Sen on the following points

- Rawls justice is institutional one (Niti) – It will not give justice to those people who can't convert this institutional justice for themselves.

- Rawls assumes justice to be perfect, he tries to find the ideal institutional setup, but the real world is not ideal so it is not practical to search for an ideal order, comparative perspective on more justice or less justice is required, which means focus on a problem and try to provide justice by solving that problem.

Sen suggests that instead of running behind a utopian (unrealistically ideal) vision by building ideal global institutions, we should try to achieve justice by taking help from multiple institutions and organizations like Media, regional associations, NGO's, International treaties, UN and whatever we can use to achieve justice

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