UNIT 12: JUSTICE AND EQUALITY

UNIT STRUCTURE

1.1. Learning Objectives
1.2. Introduction
1.3. Meaning of Justice and equality
1.4. Relation between Justice and equality
1.5. Different thinkers' views on justice and equality
1.6. Let us sum up
1.7. Further Reading
1.8. Answer to check your progress
1.9. Model Questions

12.1. Learning Objectives

After going through this unit you will be able to

- Know that knowledge about the concept of Justice and equality
- know the meaning of the concept of Justice and equality
- know the relation between the concept of Justice and equality
- know about different thinkers' views on the concept of Justice and equality

12.2. Introduction

In philosophy, justice is the concept of a proper proportion between a person's desires and the good and bad things that befall or are allotted to him or her. Justice, in its broadest context, includes both the attainment of that which is just and the philosophical discussion of that which is just. The concept of justice is based on numerous fields, and many differing viewpoints and perspectives including the concepts of moral correctness based on ethics, rationality, law, religion, equity and fairness. Often, the general discussion of justice is divided into the realm of social justice as found in philosophy, theology and religion, and, procedural justice as found in the study and application of the law.

Justice is the most important and most discussed objective of the

State, and Society. It is the basis of orderly human living. Justice demands the regulation of selfish actions of people for securing a fair distribution, equal treatment of equals, and proportionate and just rewards for all. It stands for harmony between individual interests and the interests of society.

Justice is of central importance to political theory. In defending or opposing laws, policies, decisions and actions of government, appeals are made in the name of justice. Justice is a complex concept and touches almost every aspect of human life. The word 'Justice' has been derived from the Latin word 'Jungere' meaning 'to bind or to tie together'. The word 'Jus' also means 'Tie' or 'Bond'. In this way, justice can be defined as a system in which men are tied or joined in a close relationship. Justice seeks to harmonise different .values and to organise upon it all human relations. As such, justice means bonding, joining, or organising people together into a right or fair order of relationships.

Equality is about ensuring that every individual has an equal opportunity to make the most of their lives and talents. It is also the belief that no one should have poorer life chances because of the way they were born, where they come from, what they believe, or whether they have a disability. Equality recognises that historically certain groups of people with protected characteristics such as race, disability, sex and sexual orientation have experienced discrimination.

Equality is when things are the same (equal) in some particular way. Equality means "the state of being equal." It's one of the ideals a democratic society, and so the fight to attain different kinds of equality, like racial equality, gender equality, or equality of opportunity between rich and poor, is often associated with progress toward that ideal of everyone being truly equal. Equality does not have to be used only for social ideals, though. There can be equality in weight between two barrels of apples, or between two molecules.

12.3 Meaning of Justice and equality

According to Salmond "Justice means to distribute the due share to everybody". Justice protects the rights of the individual as well as the order

of society. Justice consists in a system of understandings and a procedure through which each is accorded what is agreed upon as fair. In other words, justice means securing and protecting of rights of all in a fair way. It stands for harmony among all the people, orderly living and securing of rights of all in a just and fair way. Justice is related to mutual relationships of persons living in society. Justice is based on values and traditions of society. Justice is related to all aspects of aspects of human behaviour in society. Laws are made and courts are set up with this aim in view. Aim of justice is to provide equal rights, opportunities and facilities to all in a fair way. The function of justice is to harmonise individual interests with the interests of society. Justices is a primary value and it is inseparably related to other values like liberty, equality, and property. Justice is the principle of balancing or reconciling human relations in society in such a way as enables each one to get his due rights and punishment. Justice has several dimensions: social justice, economic justice, political justice and legal justice.

According to John Rawls of Harvard University, *"Justice is the first virtue of social institutions."* He made this statement in his book, A Theory of justice, which was published in 1971. Justice is of central importance in political practice and theory. In defending or opposing laws, public policies and administrative decisions of governments, appeals are made to notices of justice.

In common, usage equality is taken to mean full equality of treatment and reward for all. It is demanded as natural equality. It is said that all men are born natural and free. However, despite a strong emotional appeal to our hearts, the notion of natural and absolute equality of all cannot be fully accepted and realized. Men are neither equal in respect of their physical features nor in respect of their mental abilities. Some are stronger others weaker and some are more intelligent and capable than others. Their capacities and abilities are different. As such equality of treatment and rewards cannot be ensured. Rewards must depend upon the actual abilities and work of various people. Hence, equality does not mean absolute and total equality. Equality really means equal opportunities for development. In fact, when we talk of equality of all men we really mean general and fair equality and not absolute equality. We really talk of a fair distribution of

opportunities reward and not equal reward for all. Equality means absence of all unnatural and unjust inequalities.

Equality aims to ensure that everyone gets the same things in order to enjoy full, healthy lives. On the other hand, equity involves trying to understand and give people what they need, to enjoy healthy lives. Sometimes, these terms are used in an interchangeable manner, which leads to confusion. For e.g. like equity, equality also aims to promote fairness and justice, but it can only work if everyone starts from the same place and needs the same things. There exists a thin layer of similarity in purpose but different approach has to be applied for fair results. One might think both are pretty much the same but in actuality, they are very different concepts that cannot be accurately explained by a simple definition. Justice is the collective responsibility of a free and just society, to ensure that civil and human rights are preserved and protected for each individual regardless of gender, race, ethnicity, nation of origin, sexual orientation, class, physical or mental ability, and age. It can be considered, as a scheme of law in which every person receives his's/her's/it's due from the system, including all rights, both natural and legal. It is good to understand the difference between equity and equality as it helps us to recognize and respond to the differences.



CHECK YOUR PROGRESS

1. State whether the following statements are true or false:

(a) Justice is the concept of a proper proportion between a person's desires and the good and bad things that befall or are allotted to him or her. (True/False)

(b) According to Salmond "Justice means to distribute the due share to everybody". (True/False)

What is the origin of the word "Justice"?



Activity 12.1

Briefly discuss about the meaning of the concepts of justice and equality.

.....

12.4. Relation between Justice and equality

We usually use the word equality in status, rights and opportunities. Justice is fairness, righteousness, morals, impartiality or neutrality. It is the system of being morally correct or fair. So, equality is based on society's rules where everybody is expected to follow to maintain a peaceful co-existence within that society. And that rule is equal to all, which means it does not excempt people in authority, or people whose position in life, rich or poor, would be given unequal conclusion or resolution reached after consideration which favours only moneyed people.

Justice is a decision followed in the active courts. Decisions are given based on fairness, righteousness, morals, impartiality or neutrality.In a society where fairness or justice is prioritized, we could easily surmise that justice is alive. People are happy in trusting their government. If that is the case, people and government moved in one direction. This positive setting between government and people would naturally pushed for a greater life for all. This may sound idealistic, but there is possibility in it. Many countries had attained it.

Through its connection with justice, equality, like justice itself, has different *justitianda*, i.e., objects the term 'just' or 'equal' or their opposites can be applied to. These are mainly actions, persons, social institutions, and circumstances (e.g. distributions). These objects of justice stand in an internal connection and order that can here only be hinted at. The predicates "just" or "unjust" are only applicable when *voluntary* actions implying responsibility are in question. Justice is hence primarily related to individual actions. Individual persons are the primary bearer of responsibilities (ethical individualism). Persons have to take responsibility for their individual actions and for circumstances they could change through such actions or omissions. Although people have responsibility for both their actions and circumstances, there is a moral difference between the two *justitianda*, i.e., an injustice due to unjust treatment through an individual or collective action and an injustice due to a failure to correct unjust circumstances (cf. 3.1.v. below). The responsibility people have to treat individuals and groups they

affect in a morally appropriate and, in particular, even-handed way has hence a certain priority over their moral duty to turn circumstances into just ones through some kind of equalization. Establishing justice of circumstances (ubiquitously and simultaneously) is beyond any given individual's capacities. Hence one has to rely on collective actions. In order to meet this moral duty, a basic order guaranteeing just circumstances must be justly created. This is an essential argument of justice in favor of establishing social institutions and fundamental state structures for political communities; with the help of such institutions and structures, individuals can collectively fulfill their responsibility in the best possible manner. If circumstances can be rightly judged to be unjust, all persons have the responsibility and moral duty, both individually and collectively, to change the pertinent circumstances or distributive schemes into just ones. In the following sections, the objects of equality may vary from topic to topic. However, as indicated, there is a close relationship between the objects. The next three principles of equality hold generally and primarily for all actions and treatment of others and for resulting circumstances. From the fourth principle onward, i.e., starting with the presumption of equality, this article is mainly concerned with distributive justice and the evaluation of distribution.

12.5. Different thinkers' views on justice and equality

For Plato, justice is a virtue establishing rational order, with each part performing its appropriate role and not interfering with the proper functioning of other parts. Aristotle says justice consists in what is lawful and fair, with fairness involving equitable distributions and the correction of what is inequitable. For Augustine, the cardinal virtue of justice requires that we try to give all people their due; for Aquinas, justice is that rational mean between opposite sorts of injustice, involving proportional distributions and reciprocal transactions. Hobbes believed justice is an artificial virtue, necessary for civil society, a function of the voluntary agreements of the social contract; for Hume, justice essentially serves public utility by protecting property. For Kant, it is a virtue whereby we respect others' freedom, autonomy, and

dignity by not interfering with their voluntary actions, so long as those do not violate others' rights; Mill said justice is a collective name for the most important social utilities, which are conducive to fostering and protecting human liberty. Rawls analyzed justice in terms of maximum equal liberty regarding basic rights and duties for all members of society, with socio-economic inequalities requiring moral justification in terms of equal opportunity and beneficial results for all; and various post-Rawlsian philosophers develop alternative conceptions.

Aurelius Augustine conception of justice is the familiar one of "the virtue by which all people are given their due." But this is connected to something new and distinctly Christian—the distinction between the temporal law, such as the law of the state, and the eternal, divine law of God. The eternal law establishes the order of God's divine providence. And, since all temporal or human law must be consistent with God's eternal law, Augustine can draw the striking conclusion that, strictly speaking, "an unjust law is no law at all,"

Whereas Plato, Aristotle, Augustine, and Aquinas all offer accounts of justice that represent alternatives to Sophism, Thomas Hobbes, the English radical empiricist, can be seen as resurrecting the Sophist view that we can have no objective knowledge of it as a moral or political absolute value. His radical empiricism does not allow him to claim to know anything not grounded in concrete sense experience. This leads him in *Leviathan*, his masterpiece, to conclude that anything real must be material or corporeal in nature, that body is the one and only sort of reality; this is the philosophical position of materialistic monism, which rules out the possibility of any spiritual substance. On this view, "*a man is a living body*," only different in kind from other animals, but with no purely spiritual soul separating him from the beasts. Like other animals, man is driven by instinct and appetite, his reason being a capacity of his brain for calculating means to desirable ends. Another controversial claim here is that all actions, including all human actions, are causally determined to occur as they do by the complex of their antecedent conditions; this is causal determinism. What we consider voluntary actions

are simply those we perform in which the will plays a significant causal role, human freedom amounting to nothing more exalted than the absence of external restraints. Like other animals, we are always fundamentally motivated by a survival instinct and ultimately driven by self-interest in all of our voluntary actions; this is psychological egoism.

Hume adopts a position which, in the twentieth century, has been called a "rule utilitarian" view of justice, writing that, though individual acts of justice might be contrary to public utility, they ought to be performed if they are conducive to "a general scheme or system" of conduct that benefits society as a whole. Yet the rules of justice that are normally conducive to public utility are never absolute and can be legitimately contravened where following them would seem to do more harm than good to our society. He applies this view to the issue of civil disobedience, which is normally unjust because it threatens "public utility" but can be justified as a last resort "in extraordinary circumstances" when that same public utility is in jeopardy. Whether that is or is not the case in specific circumstances becomes a judgment call.

Equality in its prescriptive usage has, of course, a close connection with morality and justice in general and distributive justice in particular. From antiquity onward, equality has been considered a constitutive feature of justice. Throughout history, people and emancipatory movements use the language of justice to pillory certain inequalities. However, what exactly is the connection between equality and justice, i.e., what kind of role does equality play in a theory of justice? The role and correct account of equality, understood as an issue of social justice, is itself a difficult philosophical issue. To clarify this, philosophers have defended a variety of principles and conceptions of equality, many of which are mentioned in the following discussion. This section introduces four well known principles of equality, ranging from highly general and uncontroversial to more specific and controversial. The next section reviews various conceptions of the 'currency' of equality. Different interpretations of the role of equality in a theory of justice emerge according to which of the four following principles and which measure has been adopted.



CHECK YOUR PROGRESS

1. State whether the following statements are true or false:

(a) Justice is fairness, righteousness, morals, impartiality or neutrality. It is the system of being morally correct or fair.(True/ False)

Equality in its prescriptive usage has, of course, a close connection with morality and justice in general and distributive justice in particular. From antiquity onward, equality has been considered a constitutive feature of justice. (True/False)



ACTIVITY 12.2

Discuss Plato and Aristotle's view about justice and equality.

.....



12.6. Let us sum up

- Justice is the concept of a proper proportion between a person's desires and the good and bad things that befall or are allotted to him or her.
- The word 'Justice' has been derived from the Latin word 'Jungere' meaning 'to bind or to tie together'. The word 'Jus' also means 'Tie' or 'Bond'. In this way, justice can be defined as a system in which men are tied or joined in a close relationship.
- Equality is about ensuring that every individual has an equal opportunity to make the most of their lives and talents. It is also the belief that no one should have poorer life chances because of the way they were born, where they come from, what they believe, or whether they have a disability. Equality recognises that historically certain groups of people

with protected characteristics such as race, disability, sex and sexual orientation have experienced discrimination.

- According to Salmond "Justice means to distribute the due share to everybody".
- John Rawls of Harvard University, *"Justice is the first virtue of social institutions."* He made this statement in his book, A Theory of justice, which was published in 1971. Justice is of central importance in political practice and theory. In defending or opposing laws, public policies and administrative decisions of governments, appeals are made to notices of justice.
- Equality aims to ensure that everyone gets the same things in order to enjoy full, healthy lives. On the other hand, equity involves trying to understand and give people what they need, to enjoy healthy lives.
- For Plato, justice is a virtue establishing rational order, with each part performing its appropriate role and not interfering with the proper functioning of other parts. Aristotle says justice consists in what is lawful and fair, with fairness involving equitable distributions and the correction of what is inequitable.
- Hume adopts a position which, in the twentieth century, has been called a "rule utilitarian" view of justice, writing that, though individual acts of justice might be contrary to public utility, they ought to be performed if they are conducive to "a general scheme or system" of conduct that benefits society as a whole.



12.7. Further Reading

Rawls, John, 1971, A theory of Justice, Belknap, United States

Sen, Amartya, 2009, The Idea of Justice, Allen Lane & Harvard University Press,

Sandel, Michael, 2008, Justice: What is the right thing to do?, Allen Lane, Penguine Books.

Bourgeois, Trudy, 2017, CreateSpace Independent Publishing Platform; 1 edition (October 26, 2017)



12.8. ANSWER TO CHECK YOUR PROGRESS

Answer to Q.no. 1: (a) True (b) true

Answer to Q.no. 2: The word 'Justice' has been derived from the Latin word 'Jungere' meaning 'to bind or to tie together'. The word 'Jus' also means 'Tie' or 'Bond'. In this way, justice can be defined as a system in which men are tied or joined in a close relationship.

Answer to Q.no.3: (a) True (b) True

Answer to Q.no. 4: John Rawls of Harvard University, *"Justice is the first virtue of social institutions."* He made this statement in his book, A Theory of justice, which was published in 1971. Justice is of central importance in political practice and theory. In defending or opposing laws, public policies and administrative decisions of governments, appeals are made to notices of justice.



12.9. Model Questions

A) Very short questions

1. Define Justice.
2. Define Equality.
3. From where did the word "Justice" come?
4. Who said, *"Justice is the first virtue of social institutions."* /
5. What is Salmond's definition of Justice?

B) Short questions

1. What is the origin of the word "Justice"/
2. State the relation between justice and equality.
3. What was Plato's view about justice?

C) Long questions

1. Give a detailed discussion about justice and equality.
2. Describe the relation between justice and equality.
3. Discuss about the different philosophers view about justice and equality.

******