

JUSTICE AND IT'S VARIOUS FORMS

By

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Justice is meant for proper ordering of the things and persons within a system. Throughout the history, the concept of 'Justice' was subjected to philosophical, legal and theological debate and reflection.

According to *John Rawls* "Justice can be thought of as distinct from and more fundamental than benevolence, charity, mercy, generosity or compassion."

A research was conducted in 2003 at Emory University, Georgia, involving Capuchin Monkeys demonstrated that other co-operative animals also possess such a sense and that "inequality aversion may not be uniquely human," indicating that ideas of fairness and justice may be instinctual in nature.

Variations of justice:

Utilitarianism is a form of consequentialism, where punishment is forward-looking. Justified by the ability to achieve future social benefits resulting in crime reduction, the moral worth of an action is determined by its outcome.

Retributive justice regulates proportionate response to crime proven by lawful evidence, so that punishment is justly imposed and considered as morally-correct and fully deserved. Retribution also means prosperity, prosperity results in crime prevention.

The law of *retaliation* (lex talionis) is a military theory of retributive justice, which says that reciprocity should be equal to the wrong suffered; "life for life, wound for wound, stripe for stripe."

Distributive justice is directed at the proper allocation of things – wealth, power reward,

respect between different people. A number of important questions surrounding justice have been fiercely debated over the course of western history: What is justice? What does it demand of individuals and societies? What is the proper distribution of wealth and resources in society: equal, meritocratic, according to status, or some other arrangement? There is a myriad of possible answers to these questions from divergent perspectives on the political and philosophical spectrum.

Oppressive Law exercise an authoritarian approach to legislation which is "totally unrelated to justice", a tyrannical interpretation of law is one in which the population lives under restriction from lawful legislation.

Some theorists, such as the classical Greeks, conceive of justice as a virtue- a property of people, and only derivatively of their actions and the institutions they create. Others emphasize actions or institutions, and only derivatively the people who bring them about. The source of justice has variously been attributed to harmony, divine command, natural law, or human creation.

View of justice

Justice as harmony

In his dialogue *Republic*, *Plato* uses Socrates to argue for justice which covers both the just person and the just city-state. Justice is a proper, harmonious relationship between the warring parts of the person or city. Hence, *Plato's* definition of justice is that justice is the having and doing of what is one's own. A just man is a man in just the right place, doing his best and giving the precise equivalent

of what he has received. This applies both at the individual level and at the universal level. A person's soul has three parts – spirit, resourcefulness and mindfulness. Similarly, a city has three parts- Socrates uses the parable of the chariot to illustrate his point; a chariot works as a whole because the two horses' power is directed by the charioteer. Lovers of wisdom – *philosophers*, in one sense of the term should rule because only they understand what is good. If one is ill, one goes to a doctor rather than a quack, because the doctor is expert in the subject of health. Similarly, one should trust one's city to an expert in the subject of the good, not to a mere politician who tries to gain power by giving people what they want, rather than what's good for them. Socrates uses the parable of the ship to illustrate this point: the unjust city is like a ship in open ocean, crewed by a powerful but drunken captain (the common people), a group of untrustworthy advisors who try to manipulate the captain into giving them power over the ship's course (the politicians), and a navigator (the philosopher) who is the only one who knows how to get the ship to port. For Socrates, the only way the ship will reach its destination – the good – is if the navigator takes charge.

Justice as divine command

Justice as a divine law is commanding and indeed the whole of morality, is the authoritative command. Killing is wrong and therefore must be punished and if not punished what should be done? There is a famous paradox called the Euthyphro dilemma which essentially asks: is something right because God commands it, or does God command it because it's right? If the former, then justice is arbitrary; if the latter, then morality exists on a higher order than God, who becomes little more than a passer-on of moral knowledge. Some Divine command advocates respond by pointing out that the dilemma is false: goodness is the very nature of God and is necessarily expressed in His commands.

Justice as natural law

John Locke of the natural law believes that justice would become a natural law, it involves the system of punishments which are prone from choices. In this, it is similar to the laws of physics: in the same way as the Third of Newton's Law of Motion requires that for every action there must be an equal and opposite reaction, justice requires according individuals or groups what they actually deserve, merit or are entitled to. Justice, on this account, is a universal and absolute concept; laws, principles, religions *etc.*, are merely attempts to codify that concept, sometimes with results that entirely contradict the true nature of justice.

Justice as human creation

In contrast to the understandings canvassed so far, justice may be understood as a human *creation*, rather than a *discovery* of harmony, divine command, or natural law. This claim can be understood in a number of ways, with the fundamental division being between those who argue that justice is the creation of *some* humans, and those who argue that it is the creation of *all* humans.

Justice as authoritative command

According to thinkers including *Thomas Hobbes*, justice is created by public, enforceable, authoritative rules, and injustice is whatever those rules forbid, regardless of their relation to morality. Justice is *created*, not merely described or approximated, by the command of an absolute sovereign power. This position has some similarities with divine command theory, with the difference that the state (or other authority) replaces God.

Justice as trickery

In *Republic*, the character *Thrasymachus* argues that justice is the interest of the strong; merely a name for whatever the powerful or cunning ruler has managed to impose on the people, to his or her own advantage.

Nietzsche, in contrast, argues that justice is part of the slave-morality of the weak many, rooted in their resentment of the strong few, and intended to keep the noble man down. In *Human, All Too Human* he states that, “there is no eternal justice.”

Justice as mutual agreement

According to thinkers in the social contract tradition, justice is derived from the mutual agreement of everyone concerned; or, in many versions, from what they would agree to under *hypothetical* conditions including equality and absence of bias. This account is considered further below, under ‘Justice as fairness’.

Justice as a subordinate value

According to utilitarian thinkers including *John Stuart Mill*, justice is not as fundamental as we often think. Rather, it is derived from the more basic standard of rightness, consequentialism; what is right is what has the best consequences (usually measured by the total or average welfare caused). So, the proper principles of justice are those which tend to have the best consequences. These rules may turn out to be familiar ones such as keeping contracts; but equally, they may not, depending on the facts about real consequences. Either way, what is important is those consequences, and justice is important, if at all, only as derived from that fundamental standard. *Mill* tries to explain our mistaken

belief that justice is overwhelmingly important by arguing that it derives from two natural human tendencies: our desire to retaliate against those who hurt us, and our ability to put ourselves imaginatively in another’s place. So, when we see someone harmed, we project ourselves into her situation and feel a desire to retaliate on her behalf. If this process is the source of our feelings about justice, that ought to undermine our confidence in them.

Institutions

In an imperfect world, institutions are required to instantiate ideals of justice, however imperfectly. These institutions may be justified by their approximate instantiation of justice, or they may be deeply unjust when compared with ideal standards – consider the institution of slavery. Justice is an ideal which the world fails to live up to, sometimes despite good intentions, sometimes disastrously. The question of institutive justice raises issues of legitimacy, procedure, codification and interpretation, which are considered by legal theorists and by philosophers of law.

Another definition of justice is an independent investigation of truth. In a Court room, lawyers, the Judge and the jury are supposed to be independently investigating the truth of an alleged crime. In physics, a group of physicists examine data and theoretical concepts to consult on what might be the truth or reality of a phenomenon.

EFFLUX OF TIME REQUIRES RESCHEDULE OF THE SCHEDULED AREAS FOR PEACE AND GOOD GOVERNMENT — A SUMMARY

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The Exordium

The idea or the policy with regard to the special attention on the administration of the

under-developed area originated by the then British India from the ideas of Mr. “*Augustus Cleveland*” who was deputed in the earlies of 18th century to handle the revolts in certain