

Preface

The present thesis entitled “*Reweaving the Concept of Justice in the Globalized Era*” tries to give an account of idea about ultimate moral standard of human life in terms of justice. Though the idea of justice has its origin in ancient period but the theory of justice that we find it in the history of political philosophy is a popularized notion even today. It is a major issue for all society in all over the world. Each and everyone want justice and often they fight to get it. Justice means punish those who did the wrong actions and uphold those things which are good for all. This helps to ensure people that wrong will be ended and right will be set up in the society and this venture will lead to make a safe and secure society for everyone.

From the ancient period to present time many philosophers and eminent thinkers concentrate on the concept of justice. It is a continuous process and till now many thinkers expressed their views from their own perspectives. It is not possible to discuss all of the views of different thinkers within the compass of this thesis. Therefore, the present thesis will try to highlight on some selected views of different thinkers.

The structure of the thesis is divided into five chapters besides introduction, evaluation and conclusion.

The first chapter deals with the ancient theories about justice. There are two eminent ancient philosophers whose approach towards justice have got very much appreciation in ancient period. Here firstly the view of Plato’s justice will be discussed. According to him, viewing from the perspective of individual the term justice is used in terms of human virtue that makes an individual self-consistent and good person. On the

other hand, from social standpoint, Plato uses the term justice as social consciousness that internally construct a society good and harmonious. He believes that, individuals and society both share same morals about justice. It is a part of human virtue as well as acts as a bond that connects all individuals in society. It is a duty and order of the parts of human soul. Justice is a harmonious strength or effective harmony of the whole.

Plato's idea of justice formulates a hierarchy of social organisms or social classes (ruling class, warrior class and artisan class). In corresponding with this social classes Plato divided human organism or human soul into three different elements—reason (it rules with wisdom), spirit (it is domain with courage) and appetite (it is ruled with temperance). To him, human and social organism shares a strong connection with each other. He states that, each parts of human soul perform a particular set of functions without interfering the other parts of soul. According to Plato, justice is one kind of specialized virtue. If every class perform their respective duties towards the society or state, then justice can be established.

After focussing on Plato's idea of justice, this chapter throws lights on Aristotle's concept of justice. Greek Philosophers treated justice as virtue in action. Justice is virtue of soul and injustice is vice. Plato and Aristotle both conceive justice as goodness and willingness to obey the laws. In a way, it means rights and duties. For the perfection of human relationships justice is an ideal element. Both philosophers aim is to find out a principle of capacity that can help to establish happiness, virtue, unity, harmony in society.

Though Plato and Aristotle's concept of justice share common elements but in many fundamental aspects they are different from each other. Plato gives emphasis on duties but Aristotle gives importance on the system of rights. Aristotle's justice is based

on the principle that “**everyone should have his own.**” On the contrary Plato’s justice is based on the principle of “**everyone should do his own**”.

According to Aristotle, if every equals are to get equal treatment and every unequal are to get unequal treatment from the state then the essence of justice can be maintained. In short, he does not advocate justice as equal treatment for all or equality. Each and every individual should get the benefits in accordance with their own excellence or capabilities.

Aristotle’s idea of justice is based on the classification of complete and particular justice. The essence of complete justice or universal justice lies on the dictum that --- all people are equal to laws. On the other hand, particular justice which often called as proportional justice laid down the idea of discriminative distribution that instead of emphasis on equality for all, it gives importance on fair treatment of individual in accordance with their qualities, efficiencies and so on.

Thus, this chapter shows that the purpose of Plato and Aristotle is to give each and every individual of their dues in accordance with their own capacity or ability or nature. Both of them regarded justice as distributive in character and ultimately justice is functional, teleological as well as acts as a moral principle and it is not merely a legal principle.

Second chapter highlights on some modern theories about justice. Hobbes firmly believes that, justice is an artificial virtue which is essential for the civil society and for the function of voluntary agreement of social contract. As a part of nature and by nature all people are equal. So, everyone should have acknowledged the right of each other.

In initial stage for Hume, justice is taken in terms of virtue that an individual may possess. For Hume, justice is a virtue constructs for the needs and manages the several situations of people. But the impact of this thought is modified when he attempts to offer detailed discussion about justice. He defines justice not as an attitude or a disposition of mind, but as a set of principles that control or regulate human actions. According to him, justice is very important component to human society and it serves the public utility by protecting individual property.

One of the most prominent political philosophers Godwin thinks that, justice should be the human tendency to others. He claims that, people have several rights but it does not mean they do all the things what they wish. They all are pushed by justice to perform their respective duties, properly utilize their talent, abilities, strength for the greatest amount of common good. He believes, justice as a rule of conduct connects the people with each other. It is an extensive maxim that states everyone should love their neighbour as like they love themselves. If it is possible then greater evil or injustice may be removed from society.

On the other side, Kant has separated justice from other moral principles and claims that, rules of justice connected with the external actions and for their fulfilment rules do not rely on virtuous motives. Virtue presumes a free act of will though we cannot coerce others to be virtuous, but we can legitimately compel others to follow the rules of justice and give punishment to those who are interfere in individual rights or try to violate them. Kant offers a single basic principle that can rationally distinguish between right and wrong which is known as categorical imperative (what we ought to do is unconditional). Universal law (one should do those acts by following only one principle what he or she could reasonably will that it should become a universal law) is

a universal principle of justice which holds that, everything that is unjust is an impediment to freedom or individual freedom. This principle of justice is used to safeguard or protect the liberty of individual. One man has the right to freely doing those act what he wished but his act should not violate the right of others or infringe their freedom. Kant mainly apply his theory of justice to safeguard the property rights of an individual, punishment for the offensive activities and set up peace and avoid the war in the world and construct international justice.

Apart from the above views, Bentham describes justice in terms of principle of utility. What gives pleasure instead of pain is called just and what gives pain instead of pleasure is called unjust. His principle of justice is an intrinsic part of utility that incorporates with the legislation. He has presented his concept of justice in a deprecatory way and completely subjected under the utility. He has examined the notion of equal rights as well as justice primarily from the utilitarian perspective.

The third chapter outlines Mill's concept of justice. According to him, utility or happiness is the proper standard of rightness and wrongness of an action which is drawn from the concept of justice. Justice and utility are connected with each other. To him, an action is just when it and only if it maximises the happiness and unjust if and only if it maximises unhappiness rather than happiness. In order to interpret the idea of justice, Mill tries to analyse it by identifying certain categorical faculties which fall under the concept of justice. These are --- **legal rights, moral rights, desert, keeping faith of contracts** and **impartiality**. He admits that all of these faculties demand some consideration for the interests of particular individual.

Chapter four enunciates about Rawls's theory of justice. He does not accept notion of utilitarian philosophy that ignores the interest of few members for greatest

number of people. For him, justice is an uncompromising theme that secures human rights. He wants to establish a well-ordered society that not only considers on general welfare of society but also envisages on welfare of each individual. He interprets his theory with the help of two principles of justice. In first principle he includes basic liberty and in second principle for the distribution of values, he associates difference principle that regulates inequalities or fair equal opportunity in terms of efficiency. Difference principle is an alternative idea of distributive justice, through which one can measure the social welfare. Distributive justice holds that, our duty is to fairly distribute the income and wealth among the people in the society without any discrimination. With the help of equal liberty constitution ensure a secure common status for the equal citizenship and the difference principle plays the role for the legislature.

Rawls states that, justice as fairness is possible when it collaborates with veil of ignorance in original position. In original position, the parties do not know about their social status in society, their abilities, physical and mental strength or psychological framework. They have some general facts about human society. In the agreement, parties in original position are placed behind a veil of ignorance for getting justice. The parties in original position act autonomously and act for universal reason or welfare of all. Mutual beneficial cooperation is a core essence of the conception of the original position.

Rawls established his theory of justice as an alternative of utilitarianism and Mill is an advocator of utilitarian theory who discusses his concept of justice in terms of utility. Second part of this chapter analyses the differences between Rawls and Mill's concept of justice.

Last chapter of this thesis outlines on some contemporary theories about justice. At the beginning of this chapter Amartya Sen's idea of justice is dealt. Where most of the political philosophers served their theories of justice as to set up a perfectly just society, Sen wants to reduce injustice and talks in favour of justice. In doing so he uses many materials or elements. He emphasized on the 'capability approach', it is his novel contribution to theory of justice which focuses on the fact of individual's amenities. He asserts that, in every society there are different types of people in respect of religion, caste, creed, language and location. But everyone is inter-dependent on each other; likewise the interests of different countries are inter-dependent with each other. So, Sen wants to keep away the parochial mentality to constitute global justice.

Nozick's concept of justice is famously known as "entitlement theory of justice". His concept of justice based on property rights and it arises from the concept of entitlement. He interprets this theory through the help of three different principles of justice --- (i) justice in acquisition (acquire the property following legal procedure or justifiable way), (ii) justice in transfer (it may holding through gifts, voluntary exchange or other type of voluntary agreement), (iii) rectification of injustice to reform such kind of illegal activities to passes the property, it must be needed. On the basis of notion of distributive justice, Nozick asserts that, without the consent of owners all attempts to redistribution of good in accordance with an ideal pattern are treated as theft (e.g., redistribution taxation is theft).

Nussbaum gives an interpretation about justice by using her "capabilities approach". She mainly urges justice for women's equality as well as their rights. She acknowledged the core of primary goods of Rawls's theory of justice, but she deems that, Rawls analysis about justice does not go far enough for fulfil the goal of

establishing a just society. So, she makes a list of ten “central human functional capabilities” in regards to set up a just society. She firmly believes that, for our functioning as predominant human being these ten capabilities are very essential and these should be assured us for construct a just society.

On the other hand, Michael Sandel interprets his notion of justice in immediacy and lucid manner. He deals with several controversial issues and moral dilemmas which are related with justice. Such as, could free market be deemed as a fair one? Mandatory of wearing burkhas in Muslim women, stoning for adultery, abortion and stem cell related debate and same-sex marriage.

However for well being of the world, the famous recent political philosopher Pogge presents a global egalitarian principle of distributive justice that will help to set up socio economic equalities and it is helpful for worst-off peoples around the world. He recognizes that, there are many well-advanced countries where many people suffer from poverty. So, to him freedom from poverty is the most important issue for the human interest. To avert this situation Pogge suggests for a “global resources tax” that will set up socio-economic equality in the world. The Govt. Collects the GRT from the well-order society in accordance with their population size and per capita income and that amount will be utilized for the global poor. Pogge’s perception towards justice attempts to set up global justice that will deal with world poverty in terms of human rights.