

The background of the title page features a large, faint watermark of the Delhi University logo. The logo is circular with a purple and gold border. Inside the circle, there is a central emblem depicting a lion standing on a pedestal, flanked by two smaller figures. The text "UNIVERSITY OF DELHI" is written in a circular path around the emblem, and "1922" is visible at the bottom. The text on the page is centered and reads:

POLITICAL SCIENCE
PAPER: INTRODUCTION TO POLITICAL THEORY
LESSON: JUSTICE
LESSON DEVELOPER
KSHETRIMAYUM SUBARTA SINGH
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Justice

Introduction

Justice has been most important concepts in political philosophy since immemorial times. The concept has been defined in various ways by different thinkers in different political tradition. Meaning of justice also varies from people to people depending upon their conditions, expectation and actual realization. For example, internally displaced persons may expect proper rehabilitation from the authority. Similarly, victims of racial violence would demand adequate compensation as well as apology from the perpetrator, if not punishment. On other hand, in cases of sexual violence against women, society will want punishment to the violator and rehabilitation to the victim. However in social science, justice implies to distribution of 'resources such as wealth, opportunity and privilege in a society. Multiple meaning of justice is also interpreted in various philosophical traditions. In Ancient Greek, justice means regulating role and functions of various social classes in the society. For Plato, it was 'functional specialization'. Following Platonic notion of well-ordered society, Aristotle defined justice as 'virtue' which regulates proper conducts of society'. (Aristotle, 1999: pp. 71-80) In modern political vocabulary, justice often refers to the allocation of rights and benefits of citizens through established norms and institutional procedures. In general parlance, the concept however is interpreted as 'fairness', 'righteousness' and 'morally correct or goodness'. Shortly, a theory of justice, in its simplest form, provides a reasonable ground for regulating distribution of rewards and punishment in society. So, purpose of pursuing justice is to bring a 'good society'. A 'good society' is considered as just society. The concept of justice is an 'essentially contested' concept, however the concept is generally understood as distribution of rewards or punishment according to what she or he is due to.

Forms of Justice

Justice may be discussed in two forms: formal and informal justice. Formal justice may be examined in two forms: 'legal justice' and 'social justice'. These forms of justice are essentially formalist in the sense that justice is seen to be done within the formal institutional structure. Apart from these specifications, we may also look into informal justice such as 'restorative justice'. Here, for our conceptual clarification, formal institutional justice seeks to establish just institutions for fair allocation of social goods. It seeks to redress 'social injustice' by applying universal norms and institutions to all similar cases. It assumes that just institutions can deliver perfect justice in the society. On the other hand, informal justice system deals with non-institutional paradigm of justice. It may be understood as a dispute resolving mechanism which falls outside the scope of formal institutional mechanism of justice. In India, informal justice is not

institutionally practiced though the concept is quite familiar in Indian tradition. In traditional Indian village community life, or in tribal societies, disputes between two adversaries are often resolved in a *panchayat*. All the affected parties are summoned in the *panchayat* and try to resolve the dispute amicably. The *panchayat* may impose a fine to the violator or ask to tender an apology to the other party, or may ask for both. In return the wrongdoer is expected to forgive. Justice is done in this way.

Legal Justice

Legal justice concerns with the distribution of rewards and punishment by legal institutions under the procedure of law. In other words, legal justice concerns with retribution of one's action. It may mean giving punishment to the wrongdoer. In this respect, justice may involve creations and enforcement of set of public rules which are not simply institutional but also morally righteous. The legal recourse of justice follows the principle that punishment should be proportionate to the severity of crime. A legal system is intertwined with two important themes: procedural notion of justice and substantive notion of justice. A procedural justice concerns with how rules are made and applied as oppose to content of the decision. Substantive justice on the other hand examines whether they are just or unjust. (Heywood, 2004: 174-76) In other words, we adhere that only the guilty person should be punished and the punishment should be proportionate to guilt. The underlying theme of retributive justice is to produce deterrent effects in the society so that people can be deterred to commit crimes. The expectation is to punish the guilty person in proportionate to his crime. We therefore follows 'due procedure of law' to maximise that outcome. (Sadurski, 1985: 51-54) There may also be circumstances where legal process may generate injustice not because law is unfairly applied but because law itself is unjust. If a law prevents women to prohibit equal property rights with their male counterparts, then law itself is unjust irrespective of the due procedures of law. (Heywood, 2004: 174-76) Therefore, law itself needs to be just. Legal system concerns with the awards and punishment through the creation and enforcement of established law under the principle of restitution. The principles of restitution focuses on the proposition that awards and punishment should be proportionate to the nature and severity of the crime.

Social Justice

Social justice on the other hand deals with distribution of social goods- wealth, income, opportunity, privileges, etc. amongst the individuals in a society. John T. Jost and Aaron

Kay have pointed out three important elements of social justice. First it seeks to allocate burdens and benefits of society by applying a set of principle. Secondly, rights, liberty and entitlement of individuals and groups are preserved. And thirdly, individuals are treated with dignity and respect both by the state and their fellow beings. (Jost and Kay, 2010: 1122.) Any theory of social justice is expected to deal with at least one of the above elements. Social justice thus stands for morally defensible distribution of benefits or rewards in society. In other words, it deals with *who should get what*. For the reason, it may be identifiable with distributive justice. Social justice either pursues egalitarianism or inequality but ultimate aim is to rectify social injustice. It also aims to enable individuals to develop best of their potential in a society. However, an essential difference exists among the scholars in respect to their basis of distribution of social goods. Three basic principles of distribution can be identifiable. They are principles of needs, rights and deserts.

Restorative justice

Restorative justice is regarded as an alternative to criminal justice (formal justice) system. The core of restorative justice is constituted upon the notion 'to restore'. 'What is to be restored and to whom and how' are the larger issues and debates around the restorative theme. Tony Marshall defines restorative justice as 'a process whereby all the parties with a stake in a particular offence come together to resolve and deal with it in the aftermath of the offence and its implications for the future'. (Braithwaite, 1999: 5) Restorative justice is more about 'healing' rather than hurting, moral learning, forgiveness, apology, responsibility, community participation and community caring. As such, restorative justice aims at healing victims and their communities following a crime through the active involvement of affected parties and the community. It seeks to re-establish healthy relationship between individuals and promotes just outcomes following through an agreement upon set of procedures. (Ward & Langlands, 2008.) Under restorative justice, there are certain basic important propositions: identifying and taking steps to repair harm, involving all the stakeholders and bringing a change in the relationship between communities and their government in responding the crime.

Principles of Distributive Justice: Needs, Rights and Desert.

Needs

Need based theories are mostly propounded by socialist thinkers and argues that any criteria of distribution should be based on human needs.¹ There are obvious challenges in evaluating 'needs' because different people has different needs. (Knowles, 2001: 196.) However, principle of need underpins a moral implication stating that all people are entitled to satisfy human needs otherwise their existence will not be possible. Justice in socialist society is an illustration of 'justice based upon needs'. Karl Marx in his '*Critique of the Gotha Programme*' (1875) argues that in communist society, principle of distribution will be founded upon the norm 'from each according to his ability, to each according to his needs'. (As discuss in Miller, 1999: 203-5) Principle of needs assumes that basic needs such as foods, water, shelter, healthcare, etc. are often integral to human existence and therefore their satisfaction should be the foundation of every human society. In other words, needs-based theory of justice is egalitarian in its approach and implication.

Rights

Rights-based principle of justice outrightly rejects 'needs-based' justice and any presumption of equality. On the other hand, rights-based theory of justice argues that material benefits should in some way correspond to personal 'worth'. Under this principle, a person is entitled to have what he/she worth off. (Heywood, 2004: 299) In other words, an individual should get the labour of his/her own hard work or fruit of his/her skills or talents. In other words, any outcome of distribution, inequality, is justifiable if they are sourced from their own talent and hard work. So, a rights-based justice is simply procedural and does not concern about outcome of the distribution. It also endorses neither equality nor inequality and therefore non-egalitarian. (Ibid)

Deserts

¹ Needs may be defined as those conditions that allows people to lead a minimal descend life in the society. Needs can be categorised into two groups: 'intrinsic needs' and 'categorical or fundamental needs'. 'Intrinsic needs' are instrumental needs where as fundamental needs are non instrumental needs. If X needs a car, then X's need of car is instrumental to extent that owning a car may be said to fulfillment one's satisfaction of taste. On the other hand, non instrumental needs are those basic needs which are independent of human desire or satisfaction such need of food, shelter, cloths, etc. If X needs money to buy food, then the need of money is not condition by fulfillment of his/her satisfaction for taste. Rather it is for the purpose of meeting his/her essential needs. (Miller, 1999: 206-7.)

Desert based theory of justice is often confused with rights-based theory of justice. Both the principles of justice reject any presumption in favour of equality. However the notion of deserts suggests different basis of material distribution than a right based principle of justice. Ideologically, principle framework of justice is mostly advocated by conservative thinkers. (Heywood, 2004: 301) A desert is a just reward or punishment, reflecting what a person is 'due' or 'deserved' for his/her action. Therefore principle of deserts argues that people deserve certain share of economic benefits in accordance to their action and therefore distributions should be proportionate to that. (Knowles, 2001: 232-233.) There are certain standard norms for distribution of resources under the principle of desert. They are: 'contribution', 'effort' and 'compensation'. ('Desert' available at <http://plato.stanford.edu/entries/desert/#>, retrieved on 12/10/2014.) Accordingly, individuals should be rewarded in accordance to their contribution in the social product; they should be rewarded according to the effort that they expend in their work activity; and people should also be rewarded according to the costs they incur in their work. The underlying theme is that, people freely apply their abilities and talents, in varying degrees, to socially productive work and therefore they deserve varying levels of income by providing goods and services desired by others.

Justice in Different Political Traditions

Justice Ancient Greek Tradition:

What ought to be justice is differ from one man to another as well as one culture to another culture. Even within the ancient Greek philosophical tradition, justice is defined in many ways by different thinkers in different context. Amongst them are Plato and Aristotle. According to Plato, justice means giving 'each individual his due place in the society' (Strauss, 1987: 47). In other words, platonic justice implies 'functional specialization' of different social classes by giving individuals his due place in society. Justice facilitates each individual what he deserves to have. Therefore, the objective of platonic justice is 'ordering of society'. On the other hand, Aristotle defines justice as 'virtue' which regulates proper conducts of society. He so thinks that justice is state of character which makes man disposed to do what is just and makes him acts justly and wishes for what is just. According to Aristotle, justice has three complementary aspects: 'distributive justice', 'rectificatory justice', and 'reciprocal justice'. 'Distributive justice' implies that a just share must be given on the basis of what one deserves. He argues importance of assigning different criteria of deserving to different people. 'Rectificatory

justice' aims to repair a wrongful transaction between individuals, voluntarily or involuntarily through which one has gain unfairly. In such a state, judge tries to take away the gains, and restore it to the other party. It is a form of penalty but not necessarily a form of punishment. In such a way, equilibrium is established. On the other hand, reciprocity justice seeks proportionate reciprocity for individual action. (Aristotle, 1999, pp. 71-80.)

To be just is to be lawful and righteous. Law abides us to do what is just and rightful. In modern political vocabulary, justice often refers to the allocation of rights and benefits of citizens through established norms and institutional procedures. A theory of justice, in its simplest form, provides a reasonable ground for regulating distribution and redistribution of benefits and burdens of social co-operation.



Photo: Lady Justice. Source: Wikipedia, available at <http://en.wikipedia.org/wiki/Justice>, retrieved on 12/10/2014.

Justice in Utilitarian Tradition

Utilitarian conception of justice argues that a principle of justice should promote overall welfare of community. Utilitarianism is a 'teleological political theory' based upon the

notion- 'maximization of happiness of society'.² It argues that 'human action is guided by the principle of maximizing happiness'. Jeremy Bentham and J.S Mill were regarded as early founders of utilitarian thought. Utilitarianism advocates that government should be founded upon the principle of 'the greatest good of the greatest number'³. (Bentham, 2000; 14-15) Under this proposition, any action is morally rightful if it produces common happiness, or if it prevents 'pain' or 'mischief'. Any act is righteous only if it promotes overall happiness of society. Utilitarian proposition has two essential features: 'a principle of good (happiness)' and 'a theory of righteousness' based upon the maximization of good. However, righteousness of an act is subordinated to the happiness of the society. In other words, 'what is right' is what produces maximum happiness of maximum number. Human action is therefore judged on its consequence. It means moral worth of an action is determined by the utility which produces happiness or pleasure summed among all the human sentiments. Essentially, human action is classified into two strands depending upon its consequence. First, it argues that our moral action should be judged by its outcome. Second consequence is an analogy of the first principle and frames just criteria of outcome. (Ibid) To him, an outcome is just if it increases pleasure of the greatest number of the society.⁴ In the heart of utilitarian proposition, justice allows to subordinate individuals happiness for the overall happiness of the society. In other words, Utilitarian principles of justice allow us to override individual's rights and liberty for the welfare of community if the violation promotes overall welfare of society or it prevents maximum pain. Consequently, human beings have become impartial, neutral and benevolent.

² Jeremy Bentham is generally credited as founder of utilitarianism. Bentham formulates principle of justice from the principles of utility and then shifts to the principles of happiness. Utility, according to Bentham, has plural concept which carries different meaning for different subjects. It means property of an object which produces benefits, advantages, pleasure, good, or happiness or to prevent the occurrence of mischief, pain, evil, or unhappiness to the party whose interest is concerned. (Bentham, 2000: 14-15.)

³ Bhikhu Parekh points out that the principle of utility lays down that moral actions should be judged by their ability to promote the greatest happiness of the greatest number including the happiness of the parties affected. (Parekh, 1974: 99.) Interpretation on the principle of maximization is also subjective to reader's view which means that the proposition 'greatest happiness of the greatest number' can also be looked as 'prevention of harm caused'. Both the interpretation have their stack in happiness, however their blur area rest on which interpretation should have a priority over the other.

⁴ According to Bentham, principles of consequentialism may be put into two. The first principle argues that our moral action should be judged by its outcome. The second principle which is an analogy of the first principle sets just criteria of outcome. To him, an outcome is just if the outcome increases pleasure of the greatest number of the society. (Bemtham, 2000; 14-15.)

Justice in socialist Tradition

In the socialist society, justice implies 'end of exploitation by one class (capitalist class) to another class (proletariat class) and bringing a society that accord with the ideals of equality. In other words, the ultimate aim is to build a 'classless and stateless society'. Socialism necessarily demands seizing of wealth of those person who posses it and redistribute it evenly in the society. Under the presumptuous society, justice will be administered under the principle 'from each according to his/her ability, to each according to his/her needs'. (Heywood, 2004: 295.) The socialists have fundamental dilemmas over the distribution of social goods on the ground that not everyone can contribute labour and among the contributors also, each labour contributes in their different capacities.

Justice in Liberal Traditions

Liberalism is a world view/political doctrine which believe on the protection and enhancement of individual's freedom and equality. Liberalism essentially emphasizes on rights and liberties of individuals and how institutions can assure these rights. In the liberal tradition, strong commitment is emphasised on the idea that political and social arrangement should enable individuals to be effective agents. In other words, liberals reject both the utilitarian principle of 'maximum happiness of the maximum number' and socialist notion of 'redistribution of wealth' as they completely subordinate individual's rights and liberty to the society. On the other hand, liberals advocate that a principle of justice should guarantee individual's rights and liberty in the allocation of 'burdens and benefits' of society. They further argue that under conditions of normal states of affairs, individual's rights and liberties should not be violated for the welfare of a society as rights of individuals are sacrosanct. (Rawls 2008: 3-4) Therefore, justice liberal traditions underpins with the development of rules and institutions through which social goods can be distributed 'fairly' in the society without trespassing upon the rights and freedom of individuals.

Forms of Justice: Procedural vs Substantive Theory of Justice

An allocation of rewards and punishment may be based on two principles of justice, i.e. 'procedural conception of justice' and 'substantive conception of justice'. A conception of procedural justice will argue that principle of allocation of rewards and punishment in a society should be founded upon 'fair procedure'. It further argues that 'if procedures are

fair, then whatever outcomes which emerge through the procedures will be acceptable to all. Proceduralists concerns with fairness and transparency of the processes through which allocation of rewards and punishment is sought. For example, in Indian legal system following procedural justice may imply to adopt 'due process of law'. John Rawls distinguishes procedural justice into three forms- 'perfect procedure', 'imperfect procedure' and 'pure procedure'. (Rawls, 2000: 85-86) Perfect procedural justice has two important criteria. First there is an independent criterion for what is a fair outcome prior to procedure. Second, procedures can also guarantee fair outcome. Let us discuss how a cake can fairly be divided amongst a group of individuals. One person can cut the cake and get the last piece. It may assume the division is fair and receives an equal share to all. Unlike, perfect procedure, imperfect procedures cannot guarantee just outcome even after following fair procedures. In criminal justice, we desire to punish only guilty persons. For the purpose, we follow procedures to establish the truth but such procedures often fail to deliver the truth. Hence, innocent persons are sometimes punished while guilty persons are set free. Procedures do not guarantee fair outcome. On the other hand, pure procedural principle argues that there cannot be any criteria for what constitutes a just outcome other than the procedure itself. For example, in gambling, everybody in the bait has an equal chance to win however their baiting cannot ensure a desired outcome. (Rawls, 2000: 85-86.) In other words, proceduralist would argue that whatever outcomes which are arrived at after following procedural norms of distribution will be acceptable to all and therefore will best serve the interests of society. On the contrary, substantive notion of justice gives due weight to the outcome. If outcomes are right, then whatever procedures which are adopted to maximise the probability of augmenting just outcome will be acceptable.

Procedural and substantive principle of justice is not exclusionary to each other. At times they are complementary to each other. Rawls' *A Theory of Justice* (1971) is a good case to discuss in this regard. Though Rawls' theory of justice theory is procedural, it also contains thick notions of substantive justice. In the following section, we will discuss Rawls' *A Theory of Justice* briefly.

Rawls theory of Justice

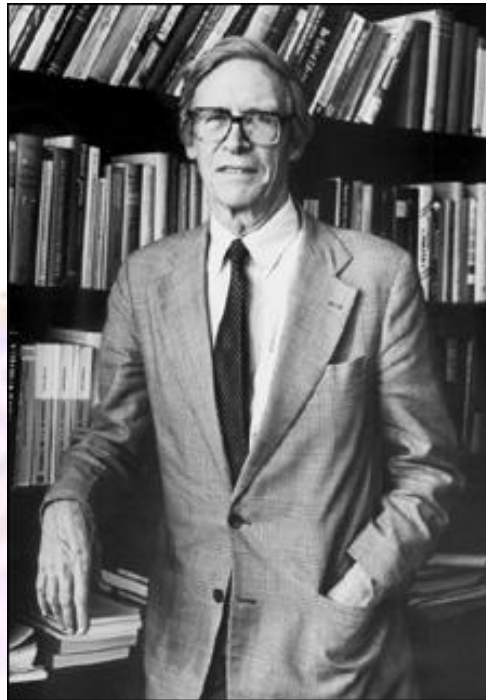


Photo: John Rawls. Source: Wikipedia, http://upload.wikimedia.org/wikipedia/en/3/3d/John_Rawls.jpg, retrieved on 12/10/2014.

Rawls' *A Theory of Justice* is one of the most influential book on liberal and social democratic theory of justice and concerns how primary goods of society are to be distributed in the society. Rawls defines 'justice as fairness'. (Rawls, 2006) To him, it implies how major institutions of society regulate the distribution of social and economic advantages. Rawls assumes that human society is 'co-operative venture for mutual advantage' and therefore they have a sense of justice which is both a source of 'moral judgment' and 'moral motivation'. (Rawls, 2000: 84) A just society according to Rawls is a society which is governed by the two principles of justice. The two principles of justice are:

1. 'Each person has an equal right to the most extensive basic liberty compatible with a similar liberty for all'.
2. Social and economic inequalities are to be arranged in such a way that they are both attached to positions and office open to all under conditions of fair equality of

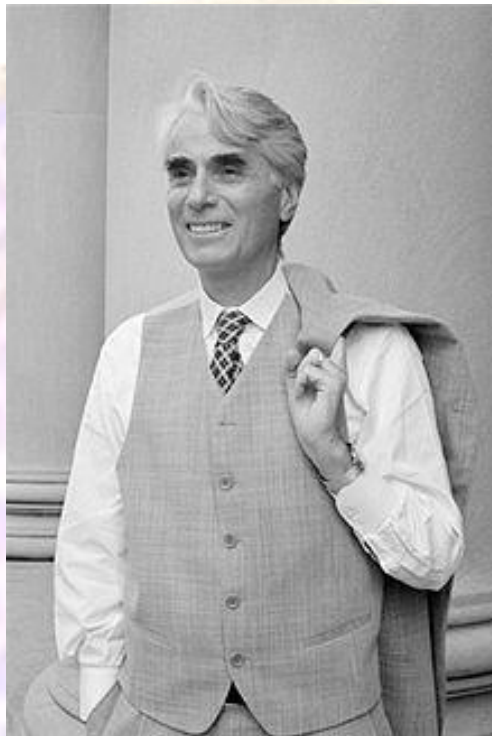
opportunity; and they are to be for the greatest benefit of least advantaged member of the society. (Rawls, 2000: 60)

These principles of justice are assigned to rights and duties of individuals in the society. The first principle states that justice means enjoyment of greatest degree of liberty consistent with the liberty enjoyed by everyone else. Rawls therefore argues for the establishment of political and civil rights in the society. After the establishment civil and political liberties, he introduces second principle of justice. The second principle states that material inequality of society is fair as long as it works for the benefit of least advantaged member of the society while they are attached to social positions open to everyone else. Shortly, the first principle of justice enforces on equal liberty for all, whereas the second principle governs the distribution of social and economic resources. These two principles of justice is put in lexical order which mean that they are listed in the order of priority. The first principle of equality must be satisfied before the second principle is invoked. Similarly, equality principle must be introduced before differential principle is invoked. (Ibid., p. 61).

Rawls' *A Theory of Justice* is a hypothetical contractual one. (Knowles, 2001: 216.) Men lived behind the veil of ignorance. (Rawls 2000: 136-142) Veil of ignorance is a hypothetical situation, which he calls 'original position', where men knew particular facts that their society is subject to circumstances of justice but did not know the particular facts about their social life- his position and status in the society, his fortune and assets, strength and intelligent, his distribution of natural assets and abilities, etc. In other words, original position is represented by both the knowledge and ignorance. The parties in the contract do not know how various alternatives will affect their own particular case. In such circumstances, the parties will select two principles. In such state of affairs, rationality of choosing alternatives will not depend upon the nature of available information, but upon one's capacity to reason from the available information however incomplete it is. (Rawls, 2000: pp. 136-37). In other words, the motivation behind the hypothetical situation is to eliminate partiality and biasness and it is assumed that under that circumstance society will be governed by two principles of justice. Under Rawls proposition, society is just only when it is governed by the two principles of justice. A rule governed society will provide basic arrangements for the assignment of basic rights and duties in the basic institutions of the society in mutually advantageous way. Justice to him is 'the first virtue of institutions' as 'truth is for the system of thoughts'.(Rawls, 2000: 3) He therefore argues that, principles of justice have to govern all the social

institutions. Briefly, Rawls theory of justice does not simply looking into the procedures of justice, rather the procedures are framed in such a way to augment desire outcome of distribution.

Libertarian Response to Rawls Justice: Robert Nozick's *Anarchy, State and Utopia*



Picture: Robert Nozick. Source: Wikipedia, available at http://en.wikipedia.org/wiki/Robert_Nozick, retrieved on 12/10/2014.

In social justice, redistribution of income is just only if it brings sustain approximate equality of opportunity and resource among people. In other word, a just state taxes income and wealth from the better off sections of the society and transfers these resources to the poor members of the society. Such a distribution is aim to sustain proximate equality in opportunity and resource among the people. If a distribution has reached this objective, then the distributive system is just. (Barry, 2005: 214-41) Libertarian rejects any end-state pattern of justice and also any presumption on equality. Rather libertarians advocate justice based on rights. Robert Nozick's book *Anarchy, State And Utopia* (1976) is an important contribution in this respect.

End State Principle of Justice

End-state principle of justice advocates a set of principles to control/regulate the process of distribution of social goods and services in our society. An end-state principle of justice operates on sequence of time slice and assesses the outcome of distribution whether they are just or unjust according to some standard norms. This principle also seeks to maximize overall outcome distribution. (Nozick, 1976: 153-55)

Patterned and Unpatterned Justice

A pattern theory of justice argues that resources or wealth in society should be distributed according to a predetermined pattern. An example of patterned principle of justice is 'giving rewards on the ground of needs or merits'. We will try to sharpen out though by studying Rawls theory of justice in this regard. On the other hand, unpatterned principle of justice argues that a particular distribution is just or not depending upon how it came about. Robert Nozick's 'entitlement theory' is an example of 'unpatterned justice', for distribution of property is not required to fit into pattern. Patterned principle of justice is egalitarian in character as it aims to promote equality in opportunity as well as benefits to all. On the other hand, unpatterned justice rises to theory of 'entitlement' advocated by libertarians. (Nozick, 1976: 153-56)

Nozick's entitlement theory of justice is historical and unpatterned. A historical unpatterned principle of justice argues that whether distribution of goods is justifiable by looking at its history of acquisition. If goods were acquired and transferred legitimately, then the resulting distribution of goods is just. According to Nozick, a distribution of wealth is rightful as long as it satisfies three conditions of exchange:

1. Principle of Original Acquisition of Holding: An appropriation of a wealth is rightful if it is un-owned earlier and the acquisition would not disadvantage others.
2. Principle of Transfer of Holdings: A property holding is just if and only if the transfer or exchange is voluntary.

3. Principle of Rectification: No person is right to hold any wealth by violating the above two principles of justice. Any transgression- injustice in acquisition is required to rectify through resettlement. (Nozick, 1980: 150-51)

Under the presumptuous theory of justice, state's power to alter the distribution of goods produced by free exchanges would violate very rights of individual who acquires it through legitimate means. Nozick's theory is entitlement at its heart and rejected the idea that there is moral basis for redistributing wealth to bring equality or social justice in the society. In other word, entitlement theory contrasts sharply with Rawls' liberal theory of justice. Rawlsian theory of justice claims that 'each person has an equal claim to basic rights and liberties, and that inequality is permissible only to the extent that if it is for everyone's advantage'. (Rawls 1999: 53). Moreover it is further argued that such inequalities are only permissible insofar as there is an equality of opportunity to benefit from these inequalities'. Nozick on the other hand argues that people who have or produce certain things have rights over them. (Nozick 1974:160). Nozick further believes that unjustly taking someone's holdings violates his/her rights. (Nozick 1974:235).

Communitarian Responds to Rawls

Communitarians criticize Rawls' universal moral standard of rights. Communitarians like Alasdair MacIntyre, Michael Sandel, and Michael Walzer criticise Rawls for undermining the fact that individual identity is constituted by virtue of their membership in community or group life. Individuals are embedded within the community. In other words, communitarians argue that individual's rights and interest are not an abstract entity but they are knitted in a web of social relations. Michael Sandal has rightfully pointed out that some of our ends are constitutive ends and often we are bound to choose though we might not want to pursue them. (Farrelly, 2004: 101) He therefore rejects Rawlsian notion of an essential 'unencumbered self'. On the other hand, Michael Walzer in his *Sphere of Justice* (1983) argues that no system of justice can be evaluated as inherently just or unjust without evaluating the social meanings attached to the goods at stake. (Walzer, 1983: 6-8.) Walzer further argues that in caste system, birth decides access to variety of goods such as water, education, land, etc. As long as the members of the society share social meaning of caste system, justice would constitute distribution of social goods which follows from it. (ibid: 27; Farrelly, 2004: 99.)

Feminist Responds to Rawls

Feminist strongly responds to Rawlsian scheme of justice as the theory was insensitive to injustice and hierarchies embedded in familial relationship. Rawls has pointed that his theory applies to 'basic structure of the society' which he implies to political, social and economic institutions of the society. It is therefore argues that 'gender' is not a subject of social justice. Susan Moller Okin in this respect argues that our society is deeply gender and only men can take part in politics. Women are excluded. Sex is omitted. Further, Okin has rightfully pointed out that the individuals in the original position choose the principles of justice but the individuals in the original position are heads or representatives of the family. As individuals in the original position are men, woman and children doesn't represent in the circumstance of justice which in other words implies principle of justice doesn't determine familial issues. (Okin, 2004: 1547-1554.) In other words, his theory fails to account injustice found in patriarchal social relation and gender divisions of labour specially in household. Thus feminists maintain that if women are to enjoy 'fair value for their political liberties' or 'fair equality of opportunity,' the family must be thoroughly reorganized on gender neutral terms. (Ibid.) Feminist on the other hand seeks to redress discrimination against women in terms of rights, representation, share in political power, etc. by restructuring patriarchy.

Amartya Sen's Responds to Rawls

Amartya Sen has observed that what ought to be justice is more a question of how to reduce injustice in the society. In this respect, Rawlsian justice only focuses on means of freedom but real freedom can be achieved by emphasising on the capabilities of individuals to realise their real freedom. In his book *Idea of Justice* (2009), Sen observes the notion of justice from two conceptions- *niti* and *nyaya*. Concept of *niti* focus on political and social institutions and how it delivers justice while *nyaya* focus on means to realise justice. (Sen, 2009, 20-22) He further argues that institutions play only instrumental role in the administration of justice and therefore the assumption, 'perfect institutions will deliver perfect justice', cannot hold the ground. He further argues that any theory of justice should focus on reducing injustice in society rather than characterization of perfectly just societies. (Sen, 2010: pp. 4-10.)

Conclusion

We have examined justice in various political traditions. What emerges from our discussion on the concept of justice is that we cannot give a uniform or universally acceptable meaning on justice. Meaning of justice is varied from people to people depending upon their social, political and economic conditions.

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