

Distributive Justice & Its Relevance in Contemporary Times

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Introduction

The requirement of practical reasonableness is not satisfied by a general disposition, in one and all, to favour the well-being of other members of the community or communities in question. Few will flourish, and no one will flourish securely, unless there is an effective collaboration of persons, and co-ordination of resources and enterprises (including always, in the notion of collaboration and co-ordination, patterns of mutual restraint and non-interference). Such an ensemble of conditions of collaboration which enhance the well being (or at least the opportunity of flourishing) of all members of a community is, indeed, often called the common good. And when we wish to consider the concrete requirements of justice, we need to consider the term 'common good' used in formulating the general principle of justice, as taking on now this more concrete meaning. A full analysis of what is for the common good is of course far behind the scope of this project, but we can at least orient ourselves on the bafflingly complex field, by observing that the problems of realising the common good through a co-ordinated ensemble of conditions for individual well being in community can be divided into very broad classes. First, there are problems of distributing resources, opportunities, profits and advantages, roles and offices, responsibilities, taxes and burdens— in general, the common stock and incidents of communal enterprise, which do not serve the common good unless and until they are appropriated to particular individuals. The theory of distributive outlines the range of reasonable responses to these problems. Second, there are all the other problems concerning what is required for individual well being in the community, which arise in relations and dealings between individuals and/or groups, where the common stock and what is required for communal enterprise are not directly in question. And the range of the responses to these problems regarding the distribution is outlined as the theory of commutative justice.

The intention of classifying is to make the concept exhaustive, in the sense that all the problems of justice, and all the specific requirements generated by the requirement of 'general justice', are intended to find a place in one or other or both of these two classes of 'particular justice'.

A disposition is distributively just, then, if it is a reasonable resolution of a problem of allocating some subject matter that is essentially common but that needs to be appropriated to individuals for the common good. Some subject matters may be common in a variety of ways.

(A) A subject matter is common, in the sense relevant to distributive justice, if it is part of no individual person and has not been created by anybody, but is apt for use for the benefit of anyone or everyone: for example, solar energy and light, the sea its bed and its contents, land and its contents, rivers, air and the airspace.

(B) Another sort of subject matter arises out of the willingness of individuals to collaborate to improve their position. For example, a set of individuals may come under attack by others or by the sea or pestilence or famine. None of them can secure his safety by his own uncoordinated efforts, but all may be saved by collaboration.

All these subject matters are essentially common, and none of them fulfils its beneficial potentialities for anyone or everyone, without some appropriation, conditionally or unconditionally, to particular persons. The basic problem in distributive justice is: to whom and on what conditions to make this necessary appropriation.

Equality is a fundamental element in the notion of justice and thus of distributive justice. In particular, all members of a community equally have the right to respectful consideration when the problem of distribution arises. This is a moral relevance of the 'formal' principle of justice: 'Treat like cases alike'. But for resolving problems of distributive justice, equality is a residual principle, outweighed by other

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criteria and applicable only when those criteria are inapplicable or fail to yield any conclusion. For the objective of justice is not equality but common good, the flourishing of all the members of the community, and there is no reason to suppose that this flourishing of all is enhanced by treating everyone identically while distributing roles, opportunities and resources.

In considering and employing criteria of distributive justice we must not lose sight of the fact that in speaking of justice we are not trying to assess states of affairs and their consequence. Rather, we are trying to assess what practical reasonableness requires of particular people. And what is thus required of a particular person depends essentially on what responsibilities he has, whether by virtue of his own voluntary commitments or by virtue of his past or present receipts of benefits from another, or by virtue of the dependence of others upon him, or by virtue of a network of relationships of actual and potential interdependencies (such as exist strongly, for one set of reasons, amongst members of a sound political community, and to a lesser but increasing extent between the communities that together make up the whole community of mankind).

BASIC UNDERSTANDING

Distributive justice is concerned with the distribution and allocation of common goods and common burdens. These benefits and burdens span all dimensions of social life and assume all forms, including income, economic wealth, political power, taxation, work obligations, education, shelter, health care, military service, community involvement and religious activities. Thus, justice arguments are often invoked in connection with minimum wage legislation, Affirmative Action policies, public education, military conscription, litigation, as well as with redistributive policies such as welfare, Medicare, aid to the developing world, progressive income taxes and inheritance taxes.¹ Since the common goods and resources of the community cannot be said to belong to any individual but are to be distributed according to the judgment of what is judged to be in the interests of the common good, a judgment which only the political institutions of the State are fit to pronounce, no individual may claim any personal right to any part of the common stock. The principles of equity, equality, and social need are most relevant in the context of distributive justice.²

The idea of a fair distribution of resources is generally linked to concepts of human rights, human dignity, and the common good, and is grounded in what civilization is said to owe its individual members in equal proportion. Governments continuously make and change laws affecting the distribution of economic benefits and burdens in their societies. Almost all changes, from the standard tax and industry laws through to divorce laws have some distributive effect, and, as a result, different societies have different distributions.³

Ultimately, this is a highly contested space, and in its practical application has individuals of all political persuasions using various arguments to defend their own perspectives. It seems that justice terminology is employed with considerable flexibility, and fairness arguments are sometimes even made by both parties on opposite ends. There are at least three reasons for this. First, a large part of the literature on justice involves *prescriptive* theories. A second source of variation in justice terminology refers to everyday usage and is more patterned than the differences in prescriptive theories of justice. Finally, justice arguments are often put forth, not to promote justice, but rather to further the interests of the party employing them.⁴

Some Important Theories

¹ *Distributive Justice* (28th September, 2013), myweb.lmu.edu/jkonow/Distributive%20Justice.pdf

² Rashmi Raman & Nisha Venkataraman, *Grafting Faith- Legal Aid Services in India*, 3rd International Conference on Therapeutic Jurisprudence (2006)

³ *Distributive Justice* (27th September, 2013), <http://plato.stanford.edu/entries/justicedistributive>

⁴ *Distributive Justice* (28th September, 2013), myweb.lmu.edu/jkonow/Distributive%20Justice.pdf

Much of the modern interest in justice can be attributed to the publication of John Rawls's major work, *A Theory of Justice*, in 1971. This book builds upon the theory of the social contract associated with Locke, Rousseau and Kant, and equality, duty and need are central to it. Rawls conceives of a hypothetical original position in which people are behind a "veil of ignorance" of their places in society. Under these conditions, Rawls claims that people would unanimously choose a particular conception of justice. The greatest attention has been paid to his so-called *difference principle*, according to which all goods are distributed equally, unless an unequal distribution is to the advantage of the least favoured.⁵ A few points that are seen here are social cooperation, terms of cooperation and difference principle, the original position and the end result principles, macro and micro situations, positive connection, negative connection and collective assets.⁶ Some economists have criticized the difference principle on theoretical grounds, but various surveys and experiments also suggest that his theory is not a good description of actual values. One can delve into the entitlement theory and see how liberty upsets patterns based on the theory of patterning seeing a contrast between the historical and end-result principles.⁷ Nozick argues that justice is exclusively concerned with rights that are determined by the historical acquisition by and transfer of property among individuals. For Nozick, individual choice trumps social choice, and he believes in a limited role for government. Individuals are held responsible for everything. At the other end of the political spectrum, individual responsibility is seen as minimal and state redistribution as necessary to remedy unjust inequalities occasioned by arbitrary factors such as birth and brute luck.

The second category of theories is consequentialist. These include *utilitarianism and welfare economics*. The most widely embraced concept in economics are the *Pareto Principle*⁸ and the *Compensation Principle*.⁹ The usual definition of equity in welfare economics, however, is the absence of envy criterion. A review of the literature on distributive preferences indicates that people care about the happiness or subjective value derived from allocations. Absence of envy, on the other hand, is at most a second order concern. Together, these studies show that people often seek to maximize surplus, sometimes at a monetary cost, and that this is regarded as "fair." Another approach that relates individual actions to desired outcomes is equity theory. Equity theorists often trace their origins to the *Nicomachean Ethics*, in which Aristotle proposed proportionality as the foundation for justice. Specifically, fair outcomes for individuals are in proportion to their inputs.

Marx regarded capitalism as unjust primarily because, as an exploitative system, it does not proportion reward to labour contribution, and because it is not oriented to satisfy human needs, least of all the needs of the producers, within its own productive possibilities. Capitalist distributive arrangements issue in a morally objectionable comparative treatment of individuals belonging to the different social classes, or in an objectionable allotment of benefits and burdens, leading to inequality and non-freedom.¹⁰ Affirmative action devices are important aspects of the policy repertoire that contemporary egalitarians use in their struggles against human stratification and the ways of life-individualism and hierarchy that persist in differentiating humans through markets and bureaucracies, respectively.¹¹ Martha Nussbaum's theory of distributive justice runs roughly as follows. The first element of her theory is an account of the essential features of human beings which turn out to be limits and certain basic capabilities for engaging in various sorts of activities. The second element is a

⁵ *Distributive Justice* (28th September, 2013), myweb.lmu.edu/jkonow/Distributive%20Justice.pdf

⁶ Robert Nozick, *Distributive Justice*, 3 Philosophy & Public affairs, Princeton University Press, 45 (Autumn 1973)

⁷ In contrast to end-result principles of justice, historical principles of justice hold that past circumstances or actions of people can create differential entitlements or differential deserts to things. An injustice can be worked by moving from one distribution to another structurally identical one, for the second, in profile the same, may violate people's entitlements or deserts; it may not fit the actual history.

⁸ Any change that makes someone better off without making anyone else worse off.

⁹ Any change in which the gains of some are more than sufficient to compensate any and all losses of others, even if the prescribed compensation does not actually occur.

¹⁰ Ziyad I. Husami, *Marx on Distributive Justice*, 8 Philosophy & Public Affairs, Princeton University Press, 27 (Autumn 1978)

¹¹ Charles Lockhart, *Socially Constructed Conceptions of Distributive Justice- The Case of Affirmative Action*, 56 The review of Politics, Cambridge University Press, 38 (Winter, 1994)

list of basic human functional capabilities on the essential providing a minimal theory or conception of the good.¹² Finally, the third part of Nussbaum's theory is a principle of distributive justice.¹³

The three forgoing elements of justice that are important are the Need Principle, the Efficiency Principle and the Accountability Principle. The fourth element of justice is *context*.¹⁴ The rapid growth of empirical research on distributive justice has provided a rich source of data. Distributive justice can no longer be considered as an amorphous or hopelessly differentiated subject matter.

Indian Perspective

In its substance the Indian notions of justice closely resemble the Western concept of fairness as a variant of the larger spectrum of justice.¹⁵ People often frame justice issues in terms of fairness and invoke principles of justice and fairness to explain their satisfaction or dissatisfaction with their state or government. However, in the Indian context, we see a strange drift away from this rather Western line of thought. The average Indian, being ignorant of his rights, does not really bother much with social policies of justice; he is content if in his own life, he sees justice being played out in acceptable terms of society; albeit tinged by shades of religion and divine intervention.¹⁶ The principles of equity, equality, and social need are most relevant in the context of distributive justice, but might play a role in a variety of social justice issues. However, because these principles may come into conflict, it is often difficult to achieve all of these goals simultaneously.¹⁷ According to the principle of equity, a fair economic system is one that distributes goods to individuals in proportion to their input. While input typically comes in the form of productivity, ability or talent might also play a role.¹⁸

A principle of need, on the other hand, proposes that we strive for an equal outcome in which all society or group members get what they need. Thus poor people would get more money, and richer people would get less. This principle is sometimes criticized because it does not recognize differences in productive contributions or distinguish between real needs and manifested needs.¹⁹ This is where reservation policies in India become academically relevant. India's policy of reservation is a daring attempt to remedy the past injustices suffered by those who are at the lower levels of India's four-tier caste hierarchy.²⁰ Before India declared independence in 1947, the British maintained separate electorates and reserved seats for these groups in Indian Parliament. Soon after Independence, by recommendation of the Kaka Kalelkar First Backward Classes Commission, the Indian government implemented the model of reservation schemes for the Scheduled Castes and Tribes in government

¹² Christopher Bobonich, *Internal Realism, Human Nature & Distributive Justice- A Response to Martha Nussbaum*, 90 *Modern Philology*, Chicago Journals, 81 (May, 1993)

¹³ Principle for the just distribution of society's goods and resources in light of the minimal theory of the good.

¹⁴ *Distributive Justice* (28th September, 2013), myweb.lmu.edu/jkonow/Distributive%20Justice.pdf

¹⁵ M. RAMA JOIS, *ANCIENT INDIAN LAW : ETERNAL VALUES IN MANU SMRITI* at page 232, (Universal Law Publications, Delhi, 2002)

¹⁶ Rashmi Raman & Nisha Venkataraman, *Grafting Faith- Legal Aid Services in India*, 3rd International Conference on Therapeutic Jurisprudence (2006)

¹⁷ Tom R. Tyler and Maura A. Belliveau, *Tradeoffs in Justice Principles: Definitions of Fairness*, in *CONFLICT, COOPERATION, AND JUSTICE*, ED. BARBARA B. BUNKER AND JEFFREY Z. RUBIN, 291 (Jossey-Bass Inc. Publishers, San Francisco, 1995)

¹⁸ Morton Deutsch, *Justice and Conflict*, in *HANDBOOK OF CONFLICT RESOLUTION: THEORY AND PRACTICE*, 54 (Jossey-Bass Inc. Publishers, San Francisco, 2000)

¹⁹ Robert Folger, Blair H. Sheppard and Robert T. Buttram, *Equity, Equality, and Need: Three Faces of*

Social Justice, in *CONFLICT, COOPERATION, AND JUSTICE*, 262 (Jossey-Bass Inc. Publishers, San Francisco, 1995)

²⁰ *State of Madras v. Champakam Dorairajan*, AIR 1951 SC 226 (invalidating under Article 15 quotas for various castes and non-Hindus for admission to state institutions of higher education).

employment²¹ The Mandal Report of 1980 suggested reserving an additional 27% of government positions for Other Backward Classes. Amidst violent protest, the Supreme Court²² validated this plan.²³

Articles 142, 144 and the Fundamental Rights enshrined in Part III of the Constitution provide for a just and fair society and ensure distributive justice as has been seen even before the enactment of the Constitution.²⁴ Many judgements originating from the Public Interest Litigation also strengthened the idea of distributive justice.²⁵ Also, all the litigation about the various environmental issues decided by the Supreme Court highlights its attitude to establish 'distributive justice' and 'corrective justice'. Whether it be the application of 'Polluter Pays Principle'²⁶ or the 'Public Trust Doctrine'²⁷, the core idea behind them is distributive and corrective justice. The huge debate that occurred in *Maneka Gandhi v. Union of India*²⁸ on the concepts of 'procedure established by law' and 'due process of law' has its source from distributive justice only. That case saw a complete shift in the attitude of the judiciary that even if there is some procedure that has been established by some statute passed by the legislature, the justice will still be done keeping in mind the 'due process of law' taking us away from the *A.K. Gopalan v. State of Madras*.²⁹ Law declared by the Supreme Court is binding on all the courts. But it also provides that Supreme Court is not bound by its own decisions and it may reverse its own decision.³⁰ Thus, where the question of public good comes and fairness³¹ is to be seen, or the need of distribution of the rights and responsibilities come, Supreme Court has always been in favour of the public, or rather, public good.

Distributive Justice in Contemporary Times

The recent years have witnessed a growth in the attention paid to the distributive effects of economic development policies. A very important question here is as to what is the distributive share to which everyone is entitled, regardless of the opportunity cost in future growth of output. The answer to this question is determined jointly by the appropriate principle of distributive justice for the present generation and a principle establishing the extent of this generation's obligation to save for the future.³²

The minimum level of welfare that a government should assure to its citizens will vary with the production possibilities of its economy. The remaining problem is to identify more precisely the needs

²¹ Nicole Lillibridge, *The Promise of Equality: A Comparative Analysis of the Constitutional Guarantees of Equality in India and The United States*, 13 Wm. & Mary Bill of Rts. J. 1301, (2005)

²² *Indra Sawhney v. Union of India*, 1992 Supp (3) SCC 217

²³ Priya Sridharan, *Representations of Disadvantage: Evolving Definitions of Disadvantage in India's Reservation Policy*, 6 Asian Law Journal (1999)

²⁴ *In Re: Llewelyn Evans*, AIR 1926 Bom 551; *P.K. Tare v. Emperor*, AIR 1943 Nagpur 26

²⁵ *Hussain Ara vs State of Bihar*, AIR 1979 SC 1360; *M.C. Mehta Vs Union of India*, AIR 1988 SC 1037

²⁶ *M.C. Mehta v. UOI*, AIR 1987 SC 1086; *Indian Council for Enviro-Legal Action v. UOI*, (1996) 3 SCC 212; *Vellore Citizen's Welfare Forum v. UOI*, (1996) 5 SCC 647; Rio Declaration, Principle 16, 1992

²⁷ *M.C. Mehta v. Kamalnath*, (1997) 1 SCC (736); *K.M. Chinappa v. UOI*, AIR 2003 SC 724

²⁸ AIR 1978 SC 597; (1978) 1 SCC 248

²⁹ AIR 1950 SC 27

³⁰ Constitution of India, Article 141; *I.C. Golaknath v. State of Punjab*, AIR 1967 SC 164; *His Holiness Keshvananda Bharati v. State of Kerala*, AIR 1973 SC 1461; *S.P. Gupta v. Union of India*, 1981 Supp SCC 87

³¹ International Covenant on Civil & Political Rights, Article 14, 1966

³² *Orissa Mining Corporation Ltd. v. Ministry of Environment and Forest and Ors.*, (2013) 6 SCC 476; *UOI v. Rakesh Kumar & Ors.*, AIR 2010 SC 3244

I have described vaguely as most urgent. The most urgent interests are those associated with survival. These interests—in food, shelter, sanitation and health, and in primary education are often referred to as basic needs.³³ Once these needs are satisfied, life expectancies lengthen and the actual causes of death become more diverse.³⁴ This is not necessarily to say that governments should not concern themselves with eliminating causes of death that are less urgent than those associated with basic needs.³⁵

The subject of reservations has exercised the public mind for some time. The subject is not only of immediate interest; it raises questions of great importance to social and legal theory that ought to be examined more fully and systematically than has been done so far. The fundamental issue in distributive justice is equality. There can be no doubt that the concern for a more equal distribution of benefits and burdens figures in our Constitution, most prominently in the part on Directive Principles of State Policy.³⁶ It is essential to keep in sight both inequalities between individuals and disparities between groups. Disparities between groups have been historically of great significance in the Indian society, although they are not unique to it.³⁷

In a world in which equality appears to be becoming the most powerful moral imperative of our time,³⁸ purely on prudential grounds it is difficult to deny the need to take seriously the problem of world poverty. There may be some debate about exactly where it ranks in the hierarchy of important issues on the agenda of international politics, but it can hardly be denied a place near the top of the list. Those who say that the peace movement must come to grips with this issue if it is realistically to deal with the sources of international conflict today have a point.

It is one thing to say this, however, and quite another to say that the industrialized nations have a duty founded on distributive justice to secure a minimum standard of living for the world's poor, or that distributive justice defined in this manner will yield peace. That as a matter of justice the industrialized nations have some obligation to help the developing nations secure food, clothing, shelter, and medical care for their people is not disputed. The obligation which they have in this regard is probably much greater, in fact, than most of them are presently willing to acknowledge. But the range of this obligation is far from universal. Development is at least one of the names for peace. But in the short run, the prospect in the developing nations is not a peaceful one; and this is not likely to be changed by the attitudes taken toward distributive justice in the industrialized nations.³⁹ Distributive justice is generally associated with the goal of alleviating economic deprivation and with the methods of policy-making and social reform. The role of psychotherapy in such a profession seems to be indirect and severely limited at best. As a result, social workers who see justice-related goals as the mission of social work may reject psychotherapy as a legitimate or significant part of the profession's task.⁴⁰

A Rawlsian approach to distributive justice has the power to make sense of the social work profession and its disparate activities in ways not yet generally appreciated. Social work can be conceived as a profession engaged in alleviating deprivation in all its varieties, from economic to psychological; social workers identify people who fall below the social minimum in any justice-related good. Although health

³³ ROGER D. HANSEN, *BEYOND THE NORTH-SOUTH STALEMATE* at Page 321 (New York: McGrawHill, 1979)

³⁴ *Charan Singh, etc. v. State of Punjab & Ors.*, AIR1997SC1052; *Dalmia Cement (Bharat) Ltd. and Anr. v. UOI*, (1996) 10 SCC 104

³⁵ Charles R. Beitz, *Economic Rights & Distributive Justice in Developing Societies*, 33 *World Politics*, Cambridge University Press 345 (April, 1981)

³⁶ *Childline India Foundation and Anr. v. Allan John Waters and Ors.*, 2011 CriLJ 2305

³⁷ Andre Beteille, *Distributive Justice & Institutional Well Being*, 26 *Economic & Political Weekly*, 295 (March, 1991)

³⁸ Zbigniew Brzezinski, *U.S. Foreign Policy: The Search for Focus*, *Foreign Affairs*, July, 1973, p. 717. In the same paper Brzezinski also said that the problem of the less developed nations is the moral problem of our time.

³⁹ R. Bruce Douglass, *Is Distributive Justice the New name for Peace*, 141 *World Affairs*, Heldref Publications, 161 (1978)

⁴⁰ DAVID BEVERLY AND EDWARD MCSWEENEY, *SOCIAL WELFARE AND SOCIAL JUSTICE* at page 239 (Englewood Cliffs, Prentice-Hall, 1987)

is not a social primary good, the opportunity to be served by those who are expert in preventative or curative health care is a social good, and the fair distribution of such health care opportunities is a part of distributive justice. The distributive justice tells us that social work takes place at the interface between individuals and institutions. The essential and ineradicably social nature of distributive justice is what puts the social in social work.⁴¹ Developing countries base much of their demand for global redistribution on the assertion that they have been exploited by past imperialism and in the present by globalization and the core-periphery structure of the world economy and for resource and environmental issues. A third source of claims is global poverty and relative inequality, a concern because of moral reasons or undesirable consequences (e.g. political instability).⁴² Distributive justice theories can be used to evaluate the equity in a tax system.⁴³ These theories can be classified into two broad categories: purely economic approaches and social interaction approaches.⁴⁴ A social interaction approach has not been used to analyze the fairness of a tax system. If such an approach is used, then it is inappropriate to use equity theory in determining whether a distribution system (tax system) is just. Distributive justice requires a determination of one's deservingness and is multidimensional. It is more appropriate to use a theoretical foundation; distributive fairness is one such theory.⁴⁵

Keeping in mind the above significant areas, it is pretty evident that Distributive Justice in today's world is important. All key areas like industrialisation, poverty, education, etc. are seen in this light. Further attempts to specify the cultural, social, and economic determinants of the perceived fairness of distribution schemes will facilitate linking equity theory and theories of distributive justice to the analysis of social change more generally. The politics of scarcity may well involve the strategic use of distribution rules, conflict over distributional policies, and the mobilization of collective reactions.⁴⁶ Thus, the potential exists for integration of justice theories with more traditional theories of conflict, power, and coalition formation.⁴⁷

Conclusion

In his work *A Theory of Justice*, John Rawls used a social contract argument to show that justice, and especially distributive justice, is a form of fairness: an impartial distribution of goods. Rawls asks us to imagine ourselves behind a veil of ignorance. Instead, we should endorse Rawls's two principles of justice.⁴⁸ The principles of equity, equality, and social need are most relevant in the context of distributive justice, but might play a role in a variety of social justice issues. These principles all appeal to the notion that fair treatment is a matter of giving people what they deserve. It is not as though there is some single determined outcome reflecting them.

⁴¹ Jerome Carl Wakefield, *Psychotherapy, Distributive Justice & Social Justice*, 62 *Social Service Review*, Chicago Journals, 203 (June, 1988)

⁴² John A.C. Conybeare, *Entitlements and Deservingness: Perspectives on International Distributive Justice*, 14 *Review of International Political Economy*, Taylor & Francis, 401 (August, 2007)

⁴³ *Samatha v. State of A.P. & Ors.* AIR 1997 SC 3297, *Welfare Assn. A.R.P., Maharashtra and Anr. v. Ranjit P. Gohil and Ors.*, AIR 2003 SC 1266

⁴⁴ In general, research in this area has used the economic approach. For example, Varian [1976] and Hochman and Rodgers [1969] suggest that a just distribution (tax system) is one that results in a Pareto-efficient allocation. However, Ericsson [1976] indicates that distributions based on utility do not always lead to just distributions.

⁴⁵ Thomas M. Porsano, *Distributive Justice & Tax Policy*, 59 *The Accounting Review*, 623 (October, 1984); *Mafatlal Industries Ltd. and Ors. v. UOI and Ors.*, (1997) 5 SCC 536

⁴⁶ *Akhil Bharatiya Soshit Karamchari Sangh v. UOI & Ors.*, AIR 1981 SC 298

⁴⁷ Karen S. Cook and Karen A. Hegtvedt, *Distributive Justice, Equity & Equality*, 9 *Annual Review of Sociology*, 239 (1983)

⁴⁸ Each person is to have an equal right to the most extensive total system of equal basic liberties compatible with a similar system of liberty for all; Social and economic inequalities are to be arranged so that they are both to the greatest benefit of the least advantaged, consistent with the just savings principle, and attached to offices and positions open to all under conditions of fair equality of opportunity

The attempt to pin down the exact modalities of a state of just distribution is a here and now exercise, essential enough, but transient. It is much more useful, as a long term position that one can adopt and maintain, to understand by just distribution the full reflection of the operative virtue of justice in its various forms in individual, community and governmental actions. In the same way, an ideal human life is best understood as the reflection in diversity of such criteria as one chooses to apply, say righteousness or genius. After all, human behaviour is the first target of moral assessment, with external facts and institutions a secondary, though essential, concern. Be it poverty, education, development, peace talks, every important aspect in today's world can be seen in light of Distributive Justice and the need today is to take significant steps to ensure the same.

Supremacy of Justice in India and has a wider connotation in the socio-legal sphere. It upholds the sanctity of the legal system in meting out justice to whoever knocks on its doors. 'Satyameva Jayate'- this one phrase highlights the essence of the visions and ideals of the judicial system in India. Therefore, we must not allow ourselves to be diverted by the declaration that what we should have in India is not just equality of treatment or even equality of opportunity, but equality of result. The access to justice movement recognises the structural inequalities in our society and seeks to implement policies that will assist the poor in achieving effective "equal" access to the law.
