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The Theoretical and Conceptual Framework at Par Justice

SOCIAL SCIENCE

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ABSTRACT

This paper aims to address the insufficiency of options among those neophyte social science writers and even in the field of governance in its condition to immortalize their masterpieces by theoretical and conceptual framework, thus, giving life to the language of practice at par perspectives about justice. This will help researchers to decipher theories/thoughts that will serve as backgrounds of their chosen fields of study.

INTRODUCTION

The famous political philosopher Voltaire during the Enlightenment Period about 17th to 18th century C.E. mentioned, "It is dangerous to be good when the government is wrong (Sun.Star, July 26, 2006)." This line may be construed in two ways. It is very hard to run counter against the government when critics believe that the government is anomalous or else the government is really anomalous. This is where people may negatively interpret the actions of government, thinking of their lives and the spirit of democracy (if one practices it) and the laws if it is properly implemented to all citizens of a state. This is vital in the interpretation of justice.

In a state where the government exercises its mandate coming from the people regardless of any political systematic orientation and ideology one adopts, it should compensate justice in such a way that social, economic and political equality is observed by all means.

In the Philippines, a democratic and republican state, where sovereignty resides in the people, socio-economic and political inequalities exist despite the preventive and corrective measures of the government to alleviate problems like corruption, unemployment, inflation or stagflation, the scarcity or shortage of food (rice), criminalities, political dynasties and any kind of exploitation to mention a few are some of the causes of the wide disparity between the rich and the poor.

This paper aims to address the insufficiency of options among those neophyte social science writers and even in the field of governance in its condition to immortalize their masterpieces by theoretical and conceptual framework, thus, giving life to the language of practice at par perspectives about justice. This will help researchers to decipher theories/thoughts that will serve as backgrounds of their chosen fields of study.

THE THEORETICAL AND CONCEPTUAL PERSPECTIVES

Justice is the concept of moral rightness in action or attitude; it is closely linked to fairness. A conception of justice is one of the key features of society (Wikipedia) that is notable in any political entity. In 1971, Rawls published his magnum opus entitled, A Theory of Justice and his Justice as Fairness: A Restatement in 2001 respectively. Wenar (2008) states that Rawls constructs justice as fairness around specific interpretations of the defining liberal ideas that citizens are free and equal and that society should be fair. He holds that justice as fairness is the most egalitarian, and also the most plausible, interpretation of liberalism's fundamental concepts.

In line with the aforementioned citation, John Rawls mentioned two principles from his A Theory of Justice as cited by Ebenstein and Ebenstein (2000) as:

First Principle

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.

Second Principle

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 first principle is also known as the Principle of Equal Basic Liberties and the second, Fair Equality of Opportunity and Difference Principle (Faiz, 2007). Being one a pre-requisite to the second, the two principles are in chronological order of importance. Elaborately, Rawls' principles of justice are in lexical or serial order, meaning that the first principle is more important than the second and one, more importantly, that equal basic liberties cannot be sacrificed for the greater social or economic benefits. Rawls values rights such as freedom of speech and expression, and political participation rights, above economic opportunities (Ebenstein and Ebenstein, 2000)."

The first principle stipulates equality of rights for all citizens in a state. It means, for instance, that "liberty can be restricted only for the sake of liberty", and not, say, for the sake of income or wealth (Faiz, 2007). If the former principle has been satisfied, the second principle focuses on the equality of the socio-economic opportunities of the citizens of a state being beneficial to the greatest of the least advantaged in society. Specifically, the first part of the second principle stresses on fair equality of opportunity among citizens... and the second part of the second principle is the difference principle or "maximin" (maximizing the minimum) (Ebenstein and Ebenstein, 2000). The difference principle requires that social institutions be arranged so that inequalities of wealth and income work to the advantage of those who will be worst off (Wenar, 2008).

Stumpf, S.E and Fiese, J. mentions Plato's interpretation of justice in his Republic which both authors mention, "A fourth virtue, justice is attained for justice means giving to each its own due. Justice, then, is the general virtue, which reflects a person's attainment of well-being and inner harmony, which in turn, is achieved only when every part of the soul is fulfilling its proper function." This holds true with St. Augustine who accepted Platos' formula that "justice is a virtue distributing to every one his due." Hence, he said that justice is "the habit of the soul which imparts to every person the dignity due him... Its origin precedes from nature... and this notion of justice... is not the product of personal opinion but something implanted by a certain

innate power (Stumpf, S.E and Fieser, J.: 2005.)"

Velasquez, M. et. al in *Issues in Ethics* V3 N2 (Spring 1990) mentions that, "The most fundamental principle of justice—one that has been widely accepted since it was first defined by Aristotle more than two thousand years ago—is the principle that "equals should be treated equally and unequals unequally." In its contemporary form, this principle is sometimes expressed as follows: "Individuals should be treated the same, unless they differ in ways that are relevant to the situation in which they are involved (www.scu.edu)." For example, if Jack and Jill both do the same work, and there are no relevant differences between them or the work they are doing, then in justice they should be paid the same wages. And if Jack is paid more than Jill simply because he is a man, or because he is white, then we have an injustice—a form of discrimination—because race and sex are not relevant to normal work situations (www.scu.edu.)

Cicero put emphasis on the rule of law. As cited in the book of Ebenstein and Ebenstein, he said that although "we cannot agree to equalize men's wealth, and equality of innate ability is impossible, the legal rights at least of those who are citizens of the same commonwealth ought to be equal (2000)."

St. Aquinas has contention of justice as distributive, which "concerns the way in which collective goods and responsibilities 'are (fairly apportioned among people who stand in a social community' (*In NE* V.927). Yet with respect to distributive justice, what a person receives is not a matter of equal quantity but "due proportion" (*ST* IIaIIae 61.2) (Floyd, Shawn:2006).

In line with John Rawls' socio-economic principle, the prioritarian view as mentioned by Jonathan Wolff states that "governments have a special responsibility to improve the opportunities of those with the least opportunities and inequalities can be tolerated if they are genuinely to the benefit of the worst off (McKinnon, Catriona: 2008). Some theorists of social justice argue that the most important goods fall into this category, within which, in (Richard Henry) Tawney's words, 'to divide is to take away'. From this perspective, the goal of social justice is not so much to achieve an equal distribution of material goods, but to create a society in which each individual can think of themselves as valued as equal (McKinnon, Catriona: 2008). In addition, Richard Normann points out that a society might decline to follow a path of economic growth if it suspects that high economic development might lead to alienation of people from each other (McKinnon, Catriona: 2008).

In the 1987 Philippine Constitution, the rights of its citizens are safeguarded and protected against encroachment. The following are some of its (Constitution) provisions, to wit: Article II, Declaration of Principles and State Policies; Article III, Bill of Rights; and Article XIII, Social Justice and Human Rights.

Rolando Suarez (2005) mentioned three essential parts of a written constitution. One of which is the Constitution of Liberty, which "contains the fundamental civil and political rights of the citizens as well as the limitations of the powers of the government to see to it that the said rights are guaranteed by the Constitution to every citizen but also prescribes the limitations whenever such rights are violated.

According to Dannug and Campanilla (2004), the Bill of Rights is a statement of individual liberties, freedoms and rights which residents and sojourners in the Philippines, Filipino or foreigner, enjoy against exertion of government power.

On the other hand, Hector S. De Leon (1999) in his book mentioned that Social Justice is not a mere catchy slogan to express concern for the plight of the poor and the downtrodden. As a mandate imposed by the Constitution, it requires the adoption by the State (Government) of measures that guarantee the right of all people to equality of opportunity in all fields of human endeavor and to equitable sharing of the fruits of social and economic development with special emphasis to such measures that ameliorate the standard of living of the unprivileged groups. (Cont. in the next paragraph) The end of social justice measures or programs should be to assure that "those who are less favored in life be more favored in law." The Constitution (Article XIII) has also emphasized on Labor, Agrarian Reform and Natural Resources Reform, Urban Land Reform and Housing, Health, Women, Roles and Rights of People's Organizations and Human Rights. The aforementioned lines hold true under the two principles that have been espoused by John Rawls.

CONCLUSIONS

The dichotomy of theories and practice in practice cannot be undermined but could be discerned according to the mindset of the recipient(s). The mismatch between the people's beliefs and expectations in theories and perspectives on how a government ought to operate and the actual conditions of governance and the society make both (theory and practice) irreconcilable. Thus, no matter frames of ideas to justice becomes a utopia, it is still the actual condition that makes theories pervasive if invoked through practical means to combat it. In the end, justice is a condition where it may only work depending on the kind of people that shall espouse the veracities of truth within it.

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