

Distributive Justice through Constitution

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Abstract : Academically, the concept of Justice in the literature is vast, and theories are voluminous and definitions are numerous but it is very difficult to define. Through the ages, justice has been evolving and developing reasoning that how individuals and communities do the right thing that is just and fair to all in that society. Justice is a relative and dynamic concept, not absolute one. It is different in different societies based on their morality and ethics. The idea of justice cannot arise from a single morality but interaction of competing moralities and contending perspectives. Justice is the conditional and circumstantial term. Therefore, justice takes different meanings in different contexts. Justice is the application of the Laws. It is a values-based concept in order to protect the rights and liberties of the people. It is a socially created concept that has no physical reality. It exists in society on the basis of the spirit of sharing by the communities and members of society. The conception of justice in society or among communities and individuals is based on their social coordination. It can be effective only when people's judgments are based on collective reasoning. Their behavior is shaped by social values, norms and laws. People must accept, share and respect the set of principles for delivering justice. Thus justice can be a reasonable solution to conflicts and to coordinate behavior in society. The subject matter of distributive justice is the Public Good and societal resources that should be evenly distributed among the different sections of society on the principles developed and established by the State through legislation, public policy and Executive orders. The Socioeconomic transformation of the society is adopted by the constitution within the limit of its morality and gives a new dimension to transformative justice. Therefore, both Procedural and Transformative justice is part of Distributive justice. Distributive justice is purely an economic phenomenon. It concerns the allocation of resources among the communities and individuals. The subject matter of distributive justice is the distribution of rights, responsibilities, burdens and benefits in society on the basis of the capacity and capability of individuals.

Keywords : distributive justice, constitutionalism, institutionalism, constitutional morality

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