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Trawsnewid Addysg, Trawsnewid Bywydau
Transforming Education, Transforming Lives

Other Normative Political Concepts

Justice

Justice

- One of the oldest concepts in Western political theory (e.g. Plato's Republic circa 375 BC).
- Plato asked the question “What is justice”?
- For him, it was to be found in ‘good and orderly government’ by those **who are the wisest and best suited for government** (Smits, 2016)

*What are your thoughts on the last point
(in terms of the value laden nature of
normative political concepts)?*



Justice

- It is generally held that there are two forms of justice, firstly;
- **Criminal justice** – referring to the establishment and maintenance of order in society
- Usually, in contemporary society, this is through the system of law enforcement, involving police, lawyers, courts, and sanctions, punishments & rehabilitation (Smits, 2016)
- The values and norms of those in power / government will necessarily have a direct effect on the laws passed, levels of policing and the balance between sanctions and rehabilitation (see for example Allen, 1959)

Justice

- The second form of justice is;
- **Distributive justice (or Social Justice)** - Distributive justice is concerned with how capital, goods, honours, and obligations are distributed within a community.
- Claims on distributive justice can be (and have been) justified on the basis of need, moral standing, precedent, rights (especially property rights), and aggregate social welfare, among others. (Calhoun, 2002)
- The values and norms of society will necessarily have a direct effect on the distribution of welfare, honours, status etc. (e.g. the concept of the deserving and undeserving poor)
- The key question is.....

Who decides who deserves to receive welfare?



Justice

What different 'values' of justice from around the world can you think of?



- A brief exploration of justice systems from around the world and through history shows that the notion of justice varies
- Thus, we can see that 'justice' is a **normative concept** in that it is shaped by the dominant culture of a time or place
- E.g. What is illegal in Saudi Arabia may not be illegal in the USA

What might influence the differences between systems of 'justice' ?



Justice Around the World

- The U.S. Federal Judicial Center [sic] (No date) has compared judicial (legal) systems around the world
- With the caveats that this too can be seen to be biased gives us the following examples (among others);

Restorative Justice (New Zealand – Māori Tradition)

- Focus: Healing and reconciliation rather than punishment.
- Practice: Involves victims, offenders, and community members in a process to repair harm.

Islamic Justice (Sharia Law – Middle East, North Africa, parts of Asia)

- Focus: Divine law based on the Qur'an and Hadith.
- Practice: Emphasizes moral behaviour, restitution, and community welfare.

Justice Around the World contd.

Scandinavian Justice (Norway, Sweden, Finland)

- **Focus:** Rehabilitation and reintegration.
- **Practice:** Humane prisons, short sentences, and strong social support.

Hindu Justice (Dharma – India)

- **Focus:** Duty, righteousness, and cosmic order.
- **Practice:** Justice is tied to one's role in society (or caste) and karma

Ubuntu Justice (Southern Africa)

- **Focus:** Community harmony and interconnectedness.
- **Philosophy:** “I am because we are.” Justice is about restoring relationships.

The Meaning of Justice

- The traditional 'structuralist' view of meaning was outlined by Ferdinand de Saussure
- He saw meaning as consisting of the following:
 - The **Signifier**: The form of a word or expression (e.g., the sound or written word "tree").
 - The **Signified**: The concept or mental image the signifier refers to (e.g., the idea of a tree).
 - They combine to form a **Sign**—a stable unit of meaning (see Matthews, 2014)
- However, for the reasons outlined on the previous slides, it can be argued that there is no such thing as an 'essential' meaning (or sign) of concepts such as justice; unchanging through time or place
- In each case the notion of justice is a **social construct** influenced by the history, religion, culture etc. of a nation or people

The Meaning of Justice

- Because of this, Postmodernists such as Jacques Derrida have argued that there is therefore no 'true' sense of justice merely a notion of justice that is constructed from cultural **signs** or symbols
- He introduces the concept of **différance**—a play on the French words différence (difference) and différer (to defer).
- This term captures how meaning arises through: Difference: A sign obtains meaning only in contrast to other signs (e.g. honour, fairness, deserving)
- Deferral: Meaning is postponed, never fully grasped in the moment as it is constantly being negotiated as people's values change
- They argue that concepts such as justice need to be **deconstructed** (that is taken apart to see what values etc. they represent) in order to be understood
- Deconstruction is, in this sense an act of understanding and not destruction as is often thought (Derrida, 2016)

Anything we need to clarify here?



Examples of Justice?



We will look at three examples of 'justice' from around the world and discuss what they tell us about concepts of justice, in your opinion.

Please remember to be respectful of other cultures in your discussion.



1. Iran's Guidance Patrols
(Rajvanshi, 2023)



2. China's Treatment of the Uyghurs
(BBC News, 2022)



3. Russia's LGBTQ+ Laws
(Pavlova, 2025)

Other Normative Political Concepts

Rights

Rights

- Usually taken to refer to entitlements that are given particular weight or importance by a society or system
- A right entitles a person to act or be treated in a particular way
- As a concept rights have been with us for centuries
- For example, the Magna Carta (1215) which, among other things, established the rights of all free citizens to own and inherit property and to be protected from excessive taxes (see for example [What is the Magna Carta? | BIHR](#))
- Rights is a concept that we use and hear often in political discourse and we will now explore the concept further.

Rights

- Other historic examples of the concept include;
- [The Bill of Rights](#) – the first 10 amendments to the US Constitution which includes the ‘Right to keep and bear arms in order to maintain a well regulated militia’.
- [The Rights of Man](#) (1791) in which Thomas Paine argued that popular political revolution is permissible when a government does not safeguard the natural rights of its people
- [A Vindication of the Rights of Woman](#) (1792) in which Mary Wollstonecraft argued that women were of equal value to men and therefore deserved equal rights
- [The Universal Declaration of Human Rights](#) which was drawn up in response to the atrocities committed before and during WWII

Rights

- There are generally considered to be two types of rights in society
- **Socio-legal** rights which are based on social norms and enshrined in law
- **Moral rights** which are based on codes of practice established by a group or society (e.g. a religion)
- They can be one and the same thing (e.g. Thou Shalt Not Kill and the crime of murder)
- But they can also clash (e.g. [polygamy](#))
- There is also a debate regarding the inalienable nature of rights (i.e. is it possible to 'give away' your rights because of your actions or are they a way of asserting individual freedom because individual rights 'trump' those of the state (see for example Brown *et al*, 2018)

Rights

- Individuals can assert their rights against the state or other individuals or organisations
- As we have seen, two rights (either legal or moral) can also come into conflict with each other

For example:

- Right to life / right to choose
- Freedom of speech / right to be free from hatred
- Right to privacy / ‘the right to know’

Other Normative Political Concepts

Liberty

Liberty

The Shorter Oxford English Dictionary tells us that liberty is;

1. Exemption or release from captivity, bondage or slavery
2. Exemption or freedom from arbitrary, despotic, or autocratic rule or control
3. The condition of being able to act in any desired way without restraint; power to do what one likes
4. Free opportunity, range, or scope to do something, and
5. A privilege or exceptional right granted to a subject by the sovereign power.

But a dictionary can only give us the way in which a word is used and does not explore the contradictions.

Can you see any contradictions in the definitions above?



Liberty

- Political Theory is concerned with the liberty or freedom of individuals from state action
- ...it is a fundamental concern of liberal political philosophy
- Defending individuals against the state and church
- But also defending individuals' liberty from the actions of other individuals
- This dichotomy has given rise to the concepts of 'negative' and 'positive' liberty
- This division of liberty can be traced back to the writings of Immanuel Kant (1724-1804)

Negative Liberty

- The concept of 'negative' liberty is closely linked to the idea of libertarianism that we have already looked at
- It relates to the freedom of the individual from being constrained by an over-oppressive state
- It grew out of the struggle of 'liberalism' to defend the rights of individuals against authoritarian monarchs and governments (e.g. the American and French Revolutions)
- It has at its centre the principle that the 'state' should be prevented from having too much control of individual freedoms

(Based on Carter, 2019)

Can you think of any examples for current political debate?



Positive Liberty

- ‘Positive’ liberty refers more to the ability of individuals to act and to take control of life
- It is often taken to mean the ability to achieve self-realisation, self-determination or self-actualisation (e.g. Maslow)
- In this sense it can be seen to be related to the concepts of ‘autonomy’ and ‘agency’
- Proponents argue that, as some people are prevented from achieving their potential by ill-health, disability or prejudice the state needs to intervene in order to guarantee their liberty
- Some, such as Isiah Berlin, have argued that, even in a democracy, this can still lead to inequality if the needs of the majority are considered as superior to those of minority groups
- That is to say, if one is prevented from achieving what other, achieve due to social bias then this is a lack of positive liberty

(Based on Carter, 2019)

Other Normative Political Concepts

Individual Autonomy

Individual Autonomy

- Smits (2016) defines 'Individual Autonomy' as:

...'the ability of individuals to act freely as agents, making their own decisions and shaping their own lives'.

How does autonomy as a concept relate to liberty?



Is positive liberty necessary for autonomy?



Individual Autonomy

This lies at the heart of much contemporary political debate regarding freedom of choice and freedom of action

- For example, there may well be legislation that allows me to choose which school to send my children to....
- There may also be a number of schools from which to choose....
- But, if I can't afford to pay the fees, what freedom of action or 'autonomy' do I have?

It is a concept that underpins much of our discussion of equality and equity in society (the next concepts we will look at).

Liberty and Autonomy

- However, one can also lack liberty or autonomy because of emotional and psychological barriers within the individual themselves
- These barriers can be placed there by others (though psychological or emotional means) or be the result of experience and socialisation
- These issues were a focus of the work of the philosopher Isiah Berlin

Other Normative Political Concepts

Equality and Equity

Equality

- As with other concepts we have looked at, the concept of equality was a key feature of the ‘liberal’, ‘enlightenment’ rebellion against hierarchical and absolutist rulers
- For example, [The American Declaration of Independence](#)

“We hold these truths to be self-evident, that **all men** are created equal, that they are endowed by their Creator with certain **unalienable Rights**, that among these are **Life, Liberty** and the **pursuit of Happiness.**” (National Archives [U.S.], 2025)

Any thoughts regarding the statement above?



Equality

- Equality is a fundamental **normative** concept of modern politics and related to the concepts of **legal justice** and **distributive justice** that we have already discussed.
- In terms of **legal justice**, we have the idea of ‘equality before the law’ which has been described as the idea that;

‘the law should apply to all people equally, regardless of their status in society – rich or poor, young or old, regardless of their gender, race, culture, religion, or any other attribute’ (Rule of Law Education Centre, No Date)
- In terms of **distributive justice**, it has been argued that equality means;

‘to redress disadvantage; to address stigma, stereotyping, prejudice and violence; to enhance voice and participation; and to accommodate difference and achieve structural change’ (Fredman, 2016)

Equality - Equal Consideration

- Equality can be seen to be made up of four interrelated concepts, the first of which is;
- **Equal consideration within a scheme of (moral) decision-making**, (N.B. this concept has links with [Utilitarianism](#))
- In this sense equality means that access to a good or service is **open to everyone** equally (within practical constraints)
- However, this does not guarantee **equality of access** (Based on Brown, *et al*, 2018)

Why might this be the case?



Gender and Social Inequality at Oxbridge: Measures and Remedies (McCrum, 1998)



Universities pledge to reduce equality gaps dramatically within five years (Office for Students, 2020)

Equality - Even Handed Treatment

- The second concept is;
- **Even-handed treatment**
- In this sense equality means that cases that are alike are treated in a similar way
- However, this does not guarantee that people in a similar situation will receive equal treatment (i.e. it is only contingent on those in a position of power or responsibility recognising the similarity)
- This can result in **indirect discrimination** (Based on Brown, *et al*, 2018)

Why might this be the case?



Equality – Equality in Distribution

- Third concept is;
- **Equality in distribution**
- In this sense equality means that equality is achieved by distributing a good or service equally to everyone
- This has links with the concept of 'universalism' in welfare (Blomqvist & Palme, 2020)
- Examples would include the state pension and free access to the NHS for all
- This type of equality is most often used when little is known about the circumstances of individuals (Based on Brown, *et al*, 2018)

Why might this be the case?



Equality – Equality in Outcome

- The fourth concept is;
- **Equality in outcome.**
- ‘The claim that equal treatment requires that persons should end up in the same conditions, taking account of their situation before distribution and adjusting the amount to be distributed to each accordingly’ (Brown, *et al*, 2018)
- This may be compared with **equality of opportunity**, which requires that individuals should be equally placed with respect to opportunities to compete for a good or service (based on Brown, *et al*, 2018)

Equality of Opportunity - Legal

- As we have seen in our discussions, some people have been disadvantaged by social values and customs
- For many years there was no legislation in place to protect different groups from discrimination or unfair employment practices
- Governments began to introduce protection from the 1970s onwards
- In 2010 the UK Government passed the **Equality Act** to try to ensure equality for all.
- This act brought together over 116 different pieces of legislation which sought to establish equality for different groups (Equality & Human Rights Commission, 2016)

Equality of Opportunity - Legal

Previous Legislation Included:

- the Equal Pay Act 1970
- the Sex Discrimination Act 1975
- the Race Relations Act 1976
- the Disability Discrimination Act 1995
- the Employment Equality (Religion or Belief) Regulations 2003
- the Employment Equality (Sexual Orientation) Regulations 2003
- the Employment Equality (Age) Regulations 2006
- the Equality Act 2006, [Part 2]
- the Equality Act (Sexual Orientation) Regulations 2007

(Equality & Human Rights Commission, 2016)

Equality of Opportunity - Policy

- UK Governments have continued to try to address such issues as the under-representation of women, people from ethnic minorities and people with disability in employment and particularly in positions of responsibility. For example;
- UK Government (2011) *Women on Boards* Available at: [Women on boards](#)
- Ethnic Minority Employment Stake Holder Group (no Date) [Ethnic Minority Employment Stakeholder Group - GOV.UK](#)
- Department for Work and Pensions (2025) *Employing disabled people and people with health conditions* [Employing disabled people and people with health conditions - GOV.UK](#)

Equity or Equality

- Some argue that equity is linked to the concept of equality being **even handed treatment**
- In this sense it relates to the idea that two people doing a similar job should get similar rates of pay for doing that work (distributive justice)
- It also relates to the expectation that two people who have committed similar crimes will receive similar punishments from the justice system (criminal justice)

Can you think of examples of situations where this is not the case?



Ethnicity and the criminal justice system: What does recent data say on over-representation? (Yasin & Sturge, 2020)

Equity not Equality

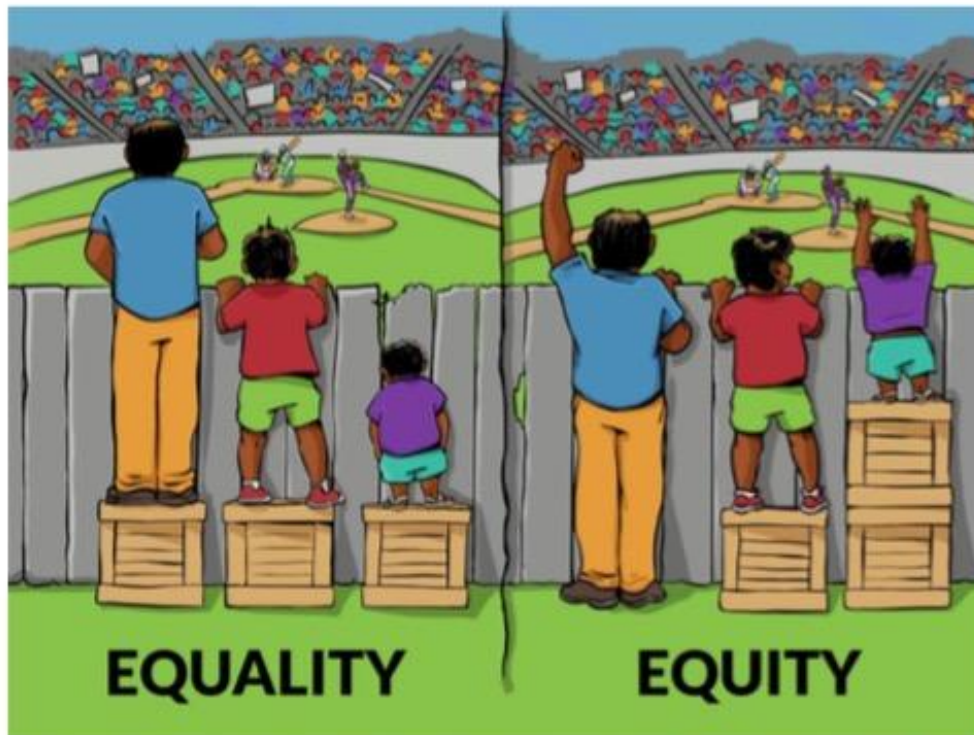
- However, equity has another sense from an 'older meaning of equity referred to the need to modify the consequences of a strict application of the law to avoid unfair or unconscionable outcomes' (Brown *et al*, 2018)
- George Frederickson, (2015) has argued that this interpretation of equity places a responsibility on those in government not to assume that person A is the same as person B
- In this sense **equity** can be seen to be an attempt to address the inequalities set up by the **even-handed treatment** approach to equality that we have looked at previously
- It places the focus on the individual rather than on a 'one size fits all' approach

Equity not Equality

- This point was made by economist and academic Ha-Joon Chang (2010), when he stated;

"Equality of opportunity is not enough. Unless we create an environment where everyone is guaranteed some minimum capabilities through some guarantee of minimum income, education, and healthcare, we cannot say that we have fair competition."

Equity not Equality



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