

Unit 4

Justice

Introduction

This unit introduces the basic concepts of justice. It deals with the definitions of justice and equity. It looks at justice in social services and the justice system and also introduces the idea of justice in social services.

Lessons

1. Justice and Equity
2. Justice in Social Services
3. Struggling Against Injustice
4. The Justice System
5. Justice in Taxation

Key words and concepts

- Constitution
- Court
- Education
- Equity
- Fairness
- Health care
- Human Rights Commission
- Judges
- Justice
- Social Services
- International Convention
- Legal Instruments
- Ombudsman
- Traditional Instruments

What you will learn

You will:

- recognize the essence of justice for democracy to prevail.
- know the foundation of the justice system.



1

LESSON

Justice and Equity

By the end of this lesson, you should be able to:

- define justice and equity.

➤ What do you think justice is?

➤ What do you think equity is?

Discuss these issues in the class.

You have heard people say, “This is not right.” You may also have heard other people say, “This is not fair.” **Justice** is related to the idea of fairness. Sometimes you see unfair things being done to someone you know. In order to understand justice you need to have some way of differentiating what is right or wrong. When you differentiate between right and wrong you will be able to tell what is fair or what is unfair. You may see your teacher making a decision about the class. You may say that the teacher is right or wrong based on what you believe is right or wrong. So

justice is concerned with fairness that governs the relationship between people.

At a higher level, justice involves the relationship between the government and the citizens. You may see cases where the government does unfair things to its citizens. Some policies of the government may not be fair to the people. In this case you judge the actions of the government to be unjust. You may also see some citizens being unfair to each other. You see some people hurting others to enhance their own benefits. You also judge the actions of these people to be unjust.

When unjust actions occur they have to be corrected. In order to correct the unjust actions people need to agree on what is fair and what is unfair. After they agree on this, people could decide whether an action is just or unjust based on their agreement.

CASE STUDY

Akalu is a student who has a permanent physical disability. He cannot walk and uses a wheel chair to move about. Like all his classmates he has to attend all subjects including physical education. At the beginning of the school year the physical education teacher explained that the physical education class is both theoretical and practical. In order to pass the exam the teacher told Akalu that he had to do physical exercises and take the class written exams. He also told the students that attendance of field exercises and field exams make up 75 percent of the mark and

the theoretical exam constitutes 25 percent.

Akalu went to the teacher and asked if he also has to attend field classes and exams like the other students. The teacher said that the rule applies equally to all students and suggested that he talk to the principal. Akalu became disappointed with what the teacher said. He thinks he is being treated unjustly and unfairly.

? Do you think Akalu should do physical exercises or he should be exempted? Why?

Justice and Equity

In the last unit, you discussed equality. A term that is related to equality but has a slightly different meaning is equity.

Equity means trying to think of basic principles in order to correct unbalanced relationships. Sometimes there may be unbalanced relationships between groups or people. This means some groups may be excessively benefiting from

some relationship and others may be hurt by that relationship. In this case, you say that the relationship is unbalanced.

Sometimes even the law may create such imbalances. In order to correct such imbalances you have to think of basic principles that balance the relationships between the two groups.

CASE STUDY

Land Distribution in Ethiopia during Emperor Haile Selassie's reign

During the reign of Emperor Haile Selassie I officials who governed the different parts of the country were linked to his family. These rulers controlled all land and gave plots of land to the people who were close to them. Only the people who were close to the rulers benefited from the land distribution. Those people who worked hard but were not close to the ruling family did not have a chance to get land. Since most people in Ethiopia were farmers, getting land was very important to produce more and to get rich. Because of this the people worked hard but those who had no land remained very poor; yet those who did not work, but were close to the rulers, benefited by getting more land.



The Ethiopian farmer led a miserable life under the monarchy

? Discuss whether the land distribution during the reign of Emperor Haile Selassie I was equitable or not. What would have been a better method of land distribution?

REMEMBER

- Justice is related to the idea of fairness.
- Justice is concerned with the relationship between people.
- At a higher level justice determines the relationship between the government and citizens.
- Equity is to think of basic principles to correct unbalanced relationships.

LESSON

2

Justice in Social Services

By the end of this lesson, you should be able to:

- explain what social services are.
- describe the importance of equality of access in social services.

What do you think *social services* are?

Do you think it is important to have equal access to social services? Why?

Discuss these issues in the class.

In the previous lesson, you understood what justice means. You also saw that justice deals with fairness. In this lesson, you will look at fair distribution of social services. Social services are services that are given by the government to benefit the people. These services include education, health and public facilities. The government gives these services because they are very basic things that human beings need; everyone deserves to have access to these services. The government is able to deliver these services by getting the money from collecting taxes. All citizens pay taxes.

Sometimes there is lack of equity in the distribution of social services. Some groups are given more social services than other groups. This is not fair because all citizens pay taxes and they deserve to get equal access to the social services that the government provides.

However, in some places more schools are built and students get better access to education. In other places students have to walk a long distance to get access to education. Some students have desks to sit at when they learn while others sit on the floor. Some people are able to get better health care from the government while others die because of lack of even the most basic health care.

Yet all these groups pay taxes to the government and expect to get the services they deserve. If they don't get equal access to these services it is not fair. Since all citizens pay taxes they should get equal access to social services. This is justice in social services.

CASE STUDY

Ibsa's Complaint

Ibsa and Jalele were in the same class and both took the Grade 10 examination in 1999. When the results came Ibsa scored 2.4 and Jalele scored 2.0.

The minimum requirement to be admitted to

the preparatory school was 2.0 for girls and 2.5 for boys. Because of this Jalele passed and Ibsa didn't. Jalele was very happy that she passed the exam. Ibsa is a hard working student. His friends and

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family expected him to pass the exam. He was very disappointed because he failed the exam. He blamed the government for allowing students like Jalele to pass while better students like himself failed.

He discussed this issue with his father who is a member of the House of People’s Representatives. Ibsa told his father that the reason for his failure was that he was discriminated against by the government. He said that, allowing Jalele and other students to pass with lower grades while rejecting boys with equal and higher scores is discrimination against boys. He

added that, if the government hadn’t done this, more boys could have gone into preparatory school.

Ibsa’s father tried to explain to him that in the past, and also partially in the present, there was discrimination against girls. In order to correct this past discrimination, girls should be given the chance to learn. This gives them equal opportunities with boys to enjoy social services equitably.



Which one would you support, Ibsa or his father? Why?

As discussed, there are different types of social services. The main social services are **education**, **health** and **public administration** services. It is important to give all citizens equal access to these social services because all these services are basic to all citizens.

It is important to have equal access to **education** within a country. This is because when people have equal access to education they will have equal chance to change their living conditions. When all citizens have equal access to education they should have a better life and this further promotes equality among citizens. In addition to this, when citizens get equal access to education they will contribute equally to the development of their country. This creates the feeling of belonging and achievement among all citizens. This further strengthens the relationship among citizens since there will be equality of living standards.

Another important social service that all

citizens deserve to get is **health care**. Some say that it is the right of everyone to get basic health care services. Having access to health care is very important since without health you can’t work or live. There are some people who have access to very sophisticated health care while others die because they are not able to get even the most basic health care. This is not fair; since all citizens pay taxes they should have equal access to health care services.

Other than the above two social services there are other different **public administration** services that the government gives. These include giving licenses to businesses, keeping the security of the people and many of the services you get when you go to your kebeles and woredas. These services are also very important to all citizens. When a person wants to build a house for example, he has to get permission from his kebele to do that. These services have to be equally accessible to all citizens since all citizens deserve them.

REMEMBER

- ❑ Social services include education, health and public administration services.
- ❑ It is important to give all citizens equal access to social services.

LESSON 3

Struggling Against Injustice

By the end of this lesson, you should be able to:

- explain the role of citizens in the operation of justice.
- struggle against acts of injustice within the limits of your capacity.

What do you think your role as a citizen is in upholding justice?

Discuss this issue in the class.

You have discussed justice in the last two lessons. When you see unfairness in life, you have to say, “this is not right,” and you have to reasonably explain why it is not right. When you do this it means you are opposing injustice. Struggling against injustice also means acting in such a way that your act promotes fairness and justice to you and others. This can be done by respecting the laws of your country, by supporting social procedures that promote justice and by supporting the fair and just distribution of economic and social benefits in your country.

Struggling against injustice means becoming sensitive to acts of injustice. When you see an act of injustice you shouldn’t just let it pass — you have to try and correct it. You may see some students bullying and beating up other students. Even if the injustice is not happening to you, you have to go and tell your teacher about the unjust acts of such students. When you do this it means you

are struggling against injustice. This means you shouldn’t be silent about an act of injustice that you observe. You have to care for the prevalence of justice. So you have to oppose acts of injustice on others, not just on yourself.

The other way you could oppose injustice is by demanding your rights and by protecting them. In the previous lesson, you discussed equal access to social services. If you see that you are not getting equal access to social services you have to ask for the social services that you deserve. You have to argue that, as a citizen, you pay your taxes and you deserve to get equal access to all social services that the government provides.

It is important to note, however, that opposition to injustice should not be through violent means. If necessary you may have to take your case to court. In doing so, you will be able to ensure your rights peacefully and lawfully.



Courts are instruments to rectify injustice

Struggling Against Injustice

CASE STUDY

Nelson Mandela

Nelson Mandela is a Nobel Prize winner and the first black President of South Africa who spent most of his life struggling against injustice. Born in 1918, Nelson Mandela became involved in a movement struggling against racial discrimination at a very young age. He initially struggled peacefully against the apartheid racial rulers of South Africa. In 1962 Mandela was arrested and in 1964 was sentenced to life time imprisonment. While in prison he communicated with his friends who were also struggling against racism. With international pressure he was released from prison in 1990 after 26 years of imprisonment. Because of his relentless effort to fight against racial injustice he was elected as the first black President of South Africa.



? Discuss how Nelson Mandela struggled against injustice.

REMEMBER

- You have to be sensitive to acts of injustice.
- You have to respect the laws in your country.
- You have to support social procedures that promote justice.
- You have to support fair and just distribution of economic and social benefits in your country.
- You have to demand your rights and protect them.

4

LESSON

The Justice System

By the end of this lesson, you should be able to:

- explain the foundation of justice.
- enumerate the instruments of justice.
- describe the role of courts and judges in the administration of justice.

- What do you think is the foundation of justice?
- Why do you think we need to have courts and judges?

Discuss these issues in class.

You have seen in the previous lessons that justice should prevail. In order for justice to prevail it is important to have a system. The system that is designed to ensure the prevalence of justice is the justice system. Again, in order to have a good system for justice it is important to build it on the right foundations. For justice there are two foundations; a moral foundation and a legal foundation.

The moral foundation for justice is based on the moral **values and norms** of the society. These values and norms are those informal social laws that govern society. They may not be written as a formal law of the country but people follow these values and norms of society. These values and norms create a harmonious living situation in the society.

For example, in Ethiopia, it is important for society to respect its elders. Society has this value because elders have more experience in life and you learn a lot from them. For this reason, although it is not written in law, respecting elders is a valuable part of the Ethiopian society.

These values that society upholds are good foundations for justice. This means, based on these values and norms, we decide what is fair and unfair. Based on these values we agree on what is right and wrong.

The other foundation for justice is the legal foundation. The legal foundation includes legal principles that are considered important to a given country. These principles are expressed in the **constitution** and other laws of the land (domestic laws) and **international conventions**.

You saw what a constitution is in Unit 2. The constitution is a document that contains the principles with which a country governs the actions of the individuals and institutions in that country. Primarily, it sets the level of authority of the government, the transfer of power and the rights of citizens.

Domestic laws (penal and civil laws) are rules made on the basis of a constitution and govern peoples' relations in a country. For example, the Ethiopian Penal Code Article 23 on crime states:

1. *A crime is an act, which is prohibited and made punishable by law.*

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4. *A crime is punishable where the Court has found the crime proved and deserving of punishment.*

The Ethiopian Civil Code Article 14 on freedom of thought states:

1. *Every person is free to think and to express his ideas.*
2. *The only restrictions which this liberty admits are those which are imposed by the respect for the rights of others, morality and the law.*

International conventions, on the other hand, are rules that are agreed and accepted by nations as binding rules. These international conventions are principles that most countries of the world consider important and are usually related to issues that affect all mankind. These conventions are usually interpreted to the situation of the individual country.

The International Convention on Human Rights adopted by the World Conference on Human Rights in 1993 includes the statement:

The human rights of women and of the girl-child are an inalienable, integral and indivisible part of universal human rights. The full and equal participation of women in political, civil, economic, social and cultural life, at the national, regional and international levels, and the eradication of all forms of discrimination on grounds of sex are priority objectives of the international community.

In the Convention on the Rights of the Child adopted in 1990, Article 13 states:

1. *The child shall have right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of the child's choice.*

These conventions are part of the Ethiopian legal system because in the FDRE Constitution, Article 9, it states:

All international agreements ratified by Ethiopia are an integral part of the law of the land. (sub-article 4)

CASE STUDY

One of the well known international foundations of justice is the **Universal Declaration of Human Rights**. This is the first international statement that guarantees the rights of human beings. It is a convention signed by member countries of the United Nations to respect human rights. These principles are foundations of justice since they hold the idea of fairness in them. These declarations state that all humans are born

equal in rights and dignity. It says that all humans are equal without regard to race, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.



Why is it important to adopt international conventions as part of the Ethiopian legal system? Discuss this in your class.

After building justice on moral and legal foundations it is important to have instruments by which we implement the principles. In many countries there are different types of instruments. The two broad categories are **legal** and **traditional**

instruments of justice.

The **legal instruments** of justice include the courts, the Ombudsman and the Human Rights Commission. The **courts** are legal institutions that interpret the law. Courts take on cases and then

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decide whether or not that person or institution broke the law. In democratic countries the courts protect the rights of citizens. In non-democratic countries they may protect the interests of the rulers. In order to protect the rights of citizens the courts need to be independent of the influence of the government.

You have seen in Unit 1, the different rights that humans have. The **Human Rights Commission** and the **Ombudsman** protect the human and democratic rights of citizens from abuse by the government. The Human Rights Commission and Ombudsman are different in that the Ombudsman is a government body that looks for and collects complaints from citizens and looks into any maladministration. The Human Rights Commission, on the other hand, is an institution that collects cases of rights' abuses and reports them to the body concerned. It also exposes abuse to the public through the mass media.

The **traditional instruments** of justice are those institutions that are traditionally established by the people. When the legal instruments don't reach all the people in every area, people use the traditional institutions as instruments of justice. For example, in Ethiopia the Constitution recognizes religious and customary courts. Such traditional instruments include the **Sharia Court** and the **court of elders**. The Sharia Court is an Islamic court that operates along with the modern legal system. The court is based on Islamic principles and mainly governs social issues like marriage and inheritance. The court of elders is also another institution that serves as an instrument of justice. This court deals with settling disputes and resolving conflicts. The ruling of the courts is based on the values and norms of the people in that area. There are different courts of elders in different parts of Ethiopia.

CASE STUDY

Jaarsummaa: Conflict Resolution Institution

There is an institution called jaarsummaa among the Arsi-Oromo. Jaarsummaa means conflict resolution through the use of elders. The elders who run the jaarsummaa institution are known as jaarsa biyyaa, which means 'elders of the nation'. The elders settle disputes, either on the request of the disputant(s) or on their own initiative. They deal with all types of conflicts on the basis of Oromo customary laws, which are known as *seera* or *aaloo*. Disputes are settled through compensation offered to the right claimant. This is done on the basis of the advice given by the elders or just by a verbal apology. However, the most important focus of the elders is finding out the truth, rather than punishing the wrong-doer. In the process of dispute settlement, the elders use their persuasive skills. The final resolution of the conflict comes only after reconciliation whereby the disputants give a kiss to the back of each other's hand.



If there is a court of elders in your area, visit it with your teacher and describe to the class how the process is carried out.



Court of elders could be used for conflict resolution

The Justice System

As described, generally the courts are responsible for interpreting the laws. Therefore, it is important to set up the courts according to the Constitution to ensure proper interpretation of the law.

The people who administer justice in the courts are called **judges**. It is also important to be fair when appointing judges. Different countries have different ways of appointing judges. In some countries judges are elected by the people. In others, the federal or state president appoints judges. In Ethiopia, the appointment of judges for the federal and regional states is different. For the Federal Supreme Court the Prime Minister nominates candidates and presents them to the House of Representatives which evaluates the candidates and approves the one selected by majority vote. Similarly, for the State Supreme

Courts the President of the state nominates some candidates and the State Council approves those who get the majority vote in the council.

The court and judges then serve as instruments of justice by interpreting the law and deciding who was right and wrong. The judges who are appointed should know the law very well. In addition, the procedure by which they make their decisions should be clear and transparent to the people involved.

Visit to a Court



Your teacher may arrange a visit to a court near your school. When you reach there silently observe the process of the court and take notes. Organize your notes and present them to the class.

REMEMBER

- ❑ There are the moral and legal foundations of justice.
- ❑ The moral foundation is based on the values and norms of the society.
- ❑ The legal foundation is based on the constitution, domestic laws and international convention.
- ❑ There are traditional and legal instruments of justice.
- ❑ Legal institutions include courts, the Human Rights Commissions and Ombudsman.
- ❑ Traditional instruments include court of elders and Sharia courts.
- ❑ People who administer the courts are called judges.

5

LESSON

Justice in Taxation

By the end of this lesson, you should be able to:

- explain the history of taxation in Ethiopia.
- identify who should pay tax.

➤ What is taxation?
 ➤ Why do people pay taxes?
 Discuss these issues in class.

You may have heard that people pay taxes. Tax is a payment by citizens of a country to the government. This payment is made because people receive services from the government. The government provides security and social and economic services to the people. Therefore, the government requires money, so people pay a portion of their income in taxes. In levying taxes the government has to be fair as in all other things. People with a low income pay relatively lower taxes compared to people with higher incomes, who have to pay more.

Taxation started a long time ago in Ethiopia. Until the late 20th Century the country was ruled by kings who considered themselves elect of God. Because of this they exercised absolute power and did whatever they wanted. They took most of the

produce from the farmers as taxes as a result of which they only retained a small portion. Because of this, farmers and their families led miserable lives while the nobility got richer. They exploited the farmers under the notion that God elected them and they could do whatever they wanted.

After 1974 the socialist government took power and declared a command economy. In that regime there was a lot of corruption and favouritism. Therefore, the collection of taxes was inefficient. In addition, since private initiative was suppressed, there was low production and hence, fewer taxes collected. Since 1991, a free market economy has been set in place and there has been an expansion of businesses all over the country.

With the expansion of businesses and the increase in people's income the amount of tax collected has also increased significantly. This has helped the government to expand the services it gives to citizens and engage in development work. Although the collection of taxes has improved significantly, it still needs improvement since all eligible tax payers are not paying their share.

Justice in Taxation

CASE STUDY

Ethiopian Revenue and Customs Authority

The Ethiopian Revenue and Customs Authority works under the Ministry of Revenue and is in charge of setting tax rates, collecting taxes and generally gathering government revenue. This authority has experts all over the country engaged in collecting taxes. In addition, the authority has many departments that are engaged in developing the tax system. It has a planning and research department that does the

research on tax issues. It also has a legal department that organizes cases brought to court for tax crimes. It has a tax investigation and intelligence unit that investigates people who are trying to evade taxes.



What is the importance of the Ethiopian Revenue and Customs Authority for the development of the country?

As previously described, tax is a portion of citizens' income paid to the government for the services that the government provides. Accordingly, every citizen who enjoys the services from the government should pay taxes. Paying taxes is a way for everyone to contribute to the development process of their country and a way through which they could develop a sense of belonging in their country.

This doesn't mean, however, that all citizens pay the same amount of tax. People who earn more will pay a bigger percentage of their income.

Evasion of taxation is a major problem; and if the country is to proceed with its development, all citizens with income have to pay the right amount of their share of taxes.

Besides taxes, contraband is another problem that affects the economy of the country. Contraband is an attempt to bring in or take out of the country

commodities without paying the required taxes to the government. People engaged in contraband carry out an illegal trade and avoid paying taxes, hiding the goods from the government and passing them through borders. Sometimes they engage in corruption and bribe the border officials to let them pass without paying taxes. As this affects the country's well-being, any concerned citizen has to avoid activities of contraband and expose those engaged in this malpractice.

Debate

Divide yourselves into two groups and take sides to debate the following issue.



- People in a country should pay equal amounts of taxes irrespective of their income;
- People of different incomes should pay different amounts of taxes.

Present your arguments to the class.

REMEMBER

- ❑ Tax is a payment by citizens of a country to the government.
- ❑ Tax is paid because people receive services that government gives.
- ❑ Contraband is an attempt to bring in or take out of the country commodities without paying the required taxes to the government.

UNIT SUMMARY

In this unit, you have discussed the basic definition and idea of justice and equity. You have learnt that justice is related to fairness and is concerned with the relationships between people. You have also seen that equity is related to the idea of balanced relationships. You have seen that social services are services provided by the government for the benefit of the people and that there should be equitable and fair distribution of social services. You have observed three types of social services; education, health care and public administration.

Lesson 3 dealt with the idea of struggling against injustice. This means you have to be sensitive to acts of injustice in your surroundings. You have discussed how you can struggle against injustice by demanding your rights and protecting them. Also you know you shouldn't use violent means to struggle against injustice.

Lesson 4 dealt with the justice system. You have seen that there are moral and legal foundations of justice. The moral foundation of justice depends on the values and norms of the society while the legal foundation depends on the constitution, domestic laws and international conventions. You have also discussed the legal and traditional instruments of justice including the courts, the Sharia and the court of elders.

Finally you looked at taxation which is a payment made by the people to their government for services rendered.

GLOSSARY

Constitution:	A document that contains the general directives and principles of a country.
Courts:	Institutions that interpret laws.
Equity:	Balanced relationships among people.
Human rights commissions and ombudsman:	Institutions that are legally organized to watch over the abuse of human rights and maladministration.
International conventions:	Rules that are agreed and accepted by nations as binding rules.
Judges:	People who administer the courts.
Justice:	Fairness in the relationship among people.
Social Services:	Services provided by the government for the benefit of the people.
Traditional instruments of justice:	Institutions that are traditionally established by the people to deal with the moral foundation of justice.
Values and Norms:	Social laws that govern the behaviour of people in a society.

UNIT REVIEW EXERCISES

Do these review exercises in your exercise book.

Part I – Multiple choice

- is fairness in the relationship among people:
 - equity
 - values
 - justice
 - norms
- Social services include:
 - education
 - health care
 - public administration
 - all
- Which of the following is a good means of struggling against injustice:
 - being sensitive to acts of injustice
 - demanding rights and protecting them
 - being violent to those doing injustice
 - all
- The moral foundation of justice depends on:
 - values of the society

(b) education

(c) norms of the society

(d) (a) and (b)

- Which of the following is not a legal instrument of justice?
 - court
 - court of elders
 - Human Rights Commissions
 - (a) and (b)

Part II – Short answers

- Briefly describe the difference between justice and equity
- What is the benefit of equity?
- What is the difference between the legal and traditional instruments of justice?
- Explain the moral and legal foundations of justice.
- Briefly describe why citizens pay taxes.
- How does contraband affect the economy of a country?