CHAPTER VI

CONCLUSION
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The purpose of this chapter is to provide a synoptic view of the work presented in the preceding chapters, and also to arrive at certain conclusions with regard to the subject matter in question.

The examination of Heller's notion of justice as expounded in her work Beyond Justice reveals us that her work is descriptive, informative, and analytical. Her work is a sincere attempt to synthesize the best from the pre-modern and the modern era. This attempt stamps her work as distinctly important. In the pre-modern period, justice was not divided into social, political, and moral justices. Every social philosopher tried to interpret the notion of justice in his or her own way. On account of this fact there is no general agreement among them as regards the criteria of justice. Taking the advantage of this disagreement, Heller tries to provide an agreeable solution to bring all the particular justices into the fold of the formal concept of justice which is otherwise considered to be substantive or static notion of justice. This notion of justice, according to Heller, needs much higher level of abstraction.
Heller firmly believes that the notion of justice is located where the social, the political, and the moral justices meet. This meeting point, claims Heller, is nothing but "beyond justice". We can understand from her analysis of the notion of justice that Heller tries to reconsider the notion of justice as considered in the pre-modern period. But she provides us with a new interpretation of it. Not only that, she ventures to go beyond that level wherein, the notion of justice has neither justice nor injustice. This notion of justice is possible only in a classless society. But the question that confronts us is; can there be a society without class distinctions? It appears that in the modern period, it is unimaginable to think of a society which is free from class contradictions. If it were the case, then we cannot think of the notion of justice which can be applied to entire humankind as class distinctions result in different social clusters. Of course, Heller is aware of this problem.

According to Weber, social acts constitute justice, whereas, for Perelman, rules alone constitute justice. But Heller says that both norms and rules constitute justice. But her suggestion appears to be redundant because rules are inherent in norms. For example, take the statement 'help the poor'. This is an example of
concrete norms. One may ask that how do we help the poor? We will get many answers to this question. Each answer will be a rule. To help the poor, there are several ways that one may help the poor either by giving food, money or by giving job, etc. When rules are inherent in norms by nature, we need not say that rules are also necessary to constitute justice. So, it is better to say that norms alone constitute justice.

In chapter III, Heller recognizes two types of affirmative action, namely, (1) a righteous person (or action) can will that everyone else should be righteous, and (2) everyone should observe moral norms irrespective of social sanctions. Here, Heller's assumption is logically possible but practically impossible in this modern society. Now, people are living in different categories in different clusters. How can everyone observe moral norms irrespective of social sanctions? Their moral norms differ from one another. Another important thing is that one cluster's moral norms may not be moral to another cluster. When there are different clusters there will be different moral norms. For instance, what is right to one cluster may not be right to another cluster. Thus, the concept of "righteousness" acquires different meanings in different clusters. It is
not that easy to arrive at an universally acceptable definition of "righteousness". Heller is only optimistic in her approach.

Heller gives more importance to incomplete ethico-political concept of justice than the complete ethico-political concept of justice. Incomplete ethico-political concept of justice aims at a common normative foundation for different ways of life. We can say that Heller's incomplete ethico-political concept of justice is logically possible but practically impossible. She presupposes many things to arrive at this notion. For example, is it possible to make certain norms common to all the people belonging to different clusters? The answer will be 'no'.

In chapter II, we observed Heller's notion is that norms and rules constitute justice, whereas in chapter III, we observed that a just society beyond 'justice' must be one where the formal concept of justice does not apply since the formal concept of justice is the maxim of justice. To Heller, a complete just society is possible but it is undesirable. Will this idea of society be possible in this world? Here, we disagree with Heller's view that a complete just society is possible. If it is possible, then it is desirable too.
In chapter IV, Heller rejects Kaufmann's statement that 'punishment can never be just' (or distributions can never be just). Here, we disagree with Heller because if one gets punishment, then it will not be just according to moral code. But we can agree with Kaufmann that punishment can never be just (or) distributions can never be just. We cannot distribute anything equally because the needs of the people are different. In this context, it is difficult to generalize the things. Like Marx, Heller always looks at the positive side only, but she completely ignores the negative side which is the back of the positive side.

In chapter II, we observed Heller's construction of the notion of justice (the formal concept of justice) which is constituted by norms and rules. She gives more importance to norms and rules. But in chapter IV, she devalues norms and rules by holding the view that equality and inequality are not universal values because they are created by norms and rules. Thus, her statements result in self contradiction.

In chapter V, Heller tries to characterise a righteous person by suggesting certain qualifications, but she fails to explain them distinctly. Simply, she says that
righteous persons are not in need of proof precisely because they are righteous. This argument of Heller is not that convincing.

To conclude, Heller's work starts with a Marxian spirit by distinguishing the formal concept of justice (substantive justice) from the concept of formal justice (dynamic justice). This segregation is essential as Heller believes that the notion of justice in modern period is haunted by Weberian ghost, namely, the affluence or material comforts of life are bought at the price of a diminution of morality. This view of Weber carries the implication that traditional discourses on morality may be suffering from a terminal complaint. It is true that the social philosophers like Jürgen Habermas, Alasdair MacIntyre, Richard Rorty, etc., are against the 'disenchantment thesis' advocated by Weber. These thinkers argue that some sort of collective identity is both desirable and achievable. To put it in other words, that the twentieth century industrial society can have values that are free from superstitious error. What is to be stressed here is that these social philosophers are extremely liberal in their attitude. The trouble with such liberalism is that it raises a spectre of relativism. If
radical tolerance is recommended, then it is very difficult to reach any final agreement. Heller's work Beyond Justice is an attempt to solve this dilemma.

Heller begins her analysis by concentrating on the Hebrew and Greek views of social justice and their integration of the individual into a community. But the development of modernity results in the break up of the traditional ethico-political concept of justice into its two modern forms: Moral and political philosophy. The moral aspect of justice is best represented by the utilitarianism of Hutcheson, and the moral philosophy of Immanuel Kant. In both cases, moral philosophy is permanently separated from politics. Thus they are called philosophies "beyond justice" according to Heller. On the other hand, the modern variations of political philosophy stress different aspects of the issue of justice from a theory of retributive justice (Beccaria and Foucault) and the theory of distributive justice (Rawls, Nozick, and Dworkin); and a theory of redistributive justice (Walzer).

Heller finds above said theories inadequate for a complete ethico-political concept of justice. She moves in the direction of developing an "incomplete ethico-political concept of justice". This aspect can be viewed at in two ways. The first is a re-evaluation and development of
Habermas' theory of discursive ethics founded on the universalization of the procedures of rational discourse (Diskursethik). This provides Heller with the foundations for her theory of social justice in a theory of the just procedure. The second aspect of her theory, according to Heller, is "beyond justice", which incidentally includes her theory of the good life, which is the ultimate aim of the justice. The constitutive components of the good life include moral righteousness, self-realization, or the development of endowments into talents, and the formation of a society with strong emotional interpersonal ties. Thus, we have the foundations of the good life based on the development of virtue, the self, and the community.

At times, Heller's theory is complex and difficult to understand. But her theory provides us with a subtle appreciation of intellectual history. She covers a great range of thinkers such as Aristotle to Habermas, Trasymachos and callicles to Rawls. The difficulty in dealing with the issues related to justice in modern thought is largely due to the ambiguity of the meanings of the terms such as "morality", "ethics", "politics", and "justice". These terms have not been defined in clear terms. The modern usage of these terms does not correspond to the traditional uses of these terms. Hence, there is no general agreement.
with regard to their meaning today. Under these circumstances, what exactly does the issue of justice entail? Heller approaches the problem by viewing justice within the context of its philosophical history, its own political prerequisites, its structural forms, and its own social goals. She broadens the area of debate and includes a wide range of topics while discussing the question of justice. Justice then becomes only a component in her broader theory of the end of society—the good life for all.

Heller's theory of good life incorporates the concepts of freedom, equality, life chances, social justice, public dialogue, social consensus, realization of the self, private and public happiness, and togetherness. Many thinkers who are involved in the discussion about a theory of justice today usually define justice in such a way as to include only one or two categories. Some thinkers argue that justice refers only to distributive justice. They reject the view that freedom and self-realization are the issues of justice. Heller, on the other hand, has transcended much of the debate and difficulties by incorporating these categories and distinctions into a theory of the good life with justice as a central component, but not the only one. She has rejected the narrow approaches in her analytical and historical approach. Her
social theory of justice is characterized by the following components: a theory before justice (analysis of freedom and life as the necessary prerequisites to a just society), a critique of modern theories of justice (critique of retributive, distributive, and redistributive justice), a theory of justice based on Habermas' theory of discourse ethics, and a theory beyond justice. Heller's work does not contain the proper introduction for various topics in her book. This hampers the reader to have an overall argument and logic, or even in seeing the connections from one chapter to the next. This is one of the limitations of her work.

Heller tries to synthesize the best from the ancients and the moderns, and it is this attempt which makes this work distinctively important. This work is an important exercise and the expansion of the category of justice, an examination of the metatheory of justice and the good life, and presentation of possible avenues for further research. However, the general but critical acceptance of Habermas' analysis, the assumptions of his philosophy of language, and the resulting failure to incorporate social theory, history, and political economy into a study of the nature of justice and the good life limits the significance of the work.