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JUSTICE AND ITS AIMS IN INTERNATIONAL AFFAIRS

Abstract: Justice is one of the core humanistic values and behavioral model in societal life. In the mythology of the ancient Roman civilization, *Veritas* refers to an ultimate moral ideal, whereas in Greek tradition fairness and equity essentially define *Aequitas*. Hence, political theory determining the inner interpretation of *Veritas et Aequitas* finds justice in truth as truth is just. While people are naturally inclined to justness, different cultures differently understand its internal norm of correctness and power of apprehending justice appears as either human-created or what came into being itself. However, what is potentially ambiguous is whether it belongs to all or only to some. The often conflicting interpretations of justice made the study unfold the notion through the basic features of its transitional, retributive and distributive inner, show what the *Original Position* evolved into, reveal (in)conformity between fundamentals of liberty, individual and general, and point to exaggerating complexity in defining the core of the notion.

Key words: Justice, aims, distributive, affairs, transitional, criminal, retributive.

INTRODUCTORY NOTE

Justice is a general notion that pertains solely to alternate-oriented human actions. The issue between the concept and its counterpart emerges only in a setting that embraces individuals and pragmatic reflections referring to how they interact with one another. On the one side, justice is the unequivocal, unbiased and notable criterion that in its core recognizes adherence to moral or ethical rule securing in that way the ground for a free community. It is, in other words, the wider meta-normative context defining justice as what values and guards free choice; only being free is understood as a precondition for being just. Plato believed that genuinely interpreted justice is indivisible projecting the perfect

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equality as what materializes when all who make up a society are unconditionally convinced that what they experience is just and that makes them comply with a socially established direction not to endanger position in life. Deficient would be the meaning of the notion without pointing to consistency with ethics or logic being of paramount note in the definition of both intention and purpose justice efforts are directed towards. In other words, justice refers to comprehension or judgment of the system of thought that critically enables administering those efforts in different spheres of human reasoning. The former essentially frames determining aims of justice formulated through the administration of the rational judgments or fairness as the quality of forming an opinion. These goals, in the context of international affairs, emerge as what significantly features:

The Transitional Form of the Notion

In the contemporary time, for the most part, transitional justice pertains to a series of methods through which societies oppose inheritance of extensive or punctilious violation of human rights while moving from when violence or torture came into being towards the time of venerating human values. The ground of human rights defense of transitional justice imposes within the pressure of law on the fundamental units of the international order going through a transition. It generates social striving for circumstances perceiving human rights as the essence of accountability. In the context of attaining these conditions, aims that permeate transitional justice refer to discontinuance of human rights violations, inquiring into abuses and crimes that have already been committed and naming and punishing the perpetrators. The objectives further point to anticipating and stopping future abuses, providing victims with the support and satisfaction and security policy reformulation as well as supporting the overall reconciliation. On the other hand, having in mind these methods Clara Sandoval writes that

‘...The establishment of transitional justice mechanisms such as truth commissions, commissions of enquiry, civil and criminal tribunals as well as reparation programmes could be seen as structural changes. While often they have such a nature, this is not the case in all situations, given that some of these mechanisms are established not to achieve the aims they seek—truth, justice and reparation or prevention—but to give the illusion that things are changing, when in reality, the objective of those in power is to maintain the *status quo*’ (Sandoval, 2014, p. 184).

Criminal Justice

Several aims emerge as what the criminal justice system attempts to reach. Of course, the goals have distinct characteristics of societies differing from one

another and forming their views of the criminal justice pattern. Some of the goals appear as:

- Fairness through due proceedings egalitarianism features assuming that *Ei incumbit probatio qui dicit, non qui negat*.²
- Punishment framing, through a model of crime control, disregard of statutory limitations, and implicit postulation of culpability.
- Rehabilitation as the aim of medical model determining separate (individual) sentencing, treatment and discretion.

Conflicting views on distributing social sanctions for long have permeated philosophical discourses. Defining the intensity, as well as against whom the punishment is directed in the circumstances, inevitably generates misunderstanding, if not an open conflict, between the aims of materializing justice and objectives of societal standing up against crime. According to utilitarian proponents of crime control and their retributivist counterparts, the conventional crime-limitation standards of dissuasion and paralyzing the sources of crime would to an extent undermine rectitude of distributing penalty and penal offense although their attitudes³ are unappeasable. In a sense what has been known in theoretical sources as how community defined justice (empirical desert) or ‘moral credibility’ and ‘moral authority’⁴ has suggested that having been reformulated these two fundamental objectives⁵ of criminal justice might not clash with one another. In malefaction or an evil deed, one loses benefits although worthy of them while others who are not entitled to some form of compensation reach the satisfaction in either material or moral form. Imposition of a penalty eliminates unjustifiable or unfairly attained contentment generating so annihilation of influence the offense produced. In other words, a society compels the perpetrator to give up what they owe community.

Retributive Justice

The setting illustrates the aim of retributive justice to re-establish the original setting both the victim and the offender subsequently emerged from. What might adversely affect the offender is not the focus of retribution as this form of justice looks primarily at the appropriate punishment for violating social norms. Essentially,

² The burden of evidence rests with who declares, not who denies.

³ Attitudes of utilitarian and retributivist advocates of crime limitation.

⁴ Standing of the criminal law to impose the penalty against the wrongdoer, prevent its imposition against the innocent and determine the penalty intensity in cases where such societal response is defensible.

⁵ Aims of materializing justice and objectives of societal standing up against crime.

distributive justice points to benefits and burdens as the inherent parts of societal being and their fair and reasonable distribution. These integral elements emerge in the form of returns or revenue, the value of assets and liabilities, erudition, political influence and taxation and employment policy. The aim of being fair refers to finding the equilibrium of allotting both burden and benefits. Unfolding the inner of the aims of distribution, Robert Nozick points to instituting governing power of regulation that individuals should comply with while coming into possession of and transferring the resources and gains ownership.

Distributive Tenet

The objectives of distributive form do not principally refer to the precisely determined consequences of allotting but rather creating favorable conditions for reciprocity being materialized in consistency with ethics, rules or logic. On the other hand, not rare are opinions that distributive justice inevitably loses its adjective if either process or outcome is not a part of the definition as the fairness itself, in the end, the proponents argue, cannot be reached without fairness of the distributive process. The significance of distribution imposes inquiry into finding the objective inner of distributive justice theory. In the paper *Equality of What* Amarta Sen looked first at the hypothesis that the definition of this form is not defensible without referring to equity. In unfolding the issue, he pointed to the philosophical principles of distributive justice aiming at constituting the balance of:

- Individual utility
- Resources and
- Potential

Defending the concept of justice, Miller points to the darker side of a human soul that, while ignoring the established social norms, assumes barbarian features and falls into viciousness (Miller, 1997, p. 67) being unable to justify the existence. Similarly, in his interpretation of the *privatio boni* theory, Admirand writes on this inhumanity and morally wrong achievements ruining the personality (Admirand, 2009, p. 41). Examining the wider foundation opens questions of what makes up justice, what theoretical value some of its structural parts generate and where, among other perceptions, the concept of justice could be positioned. Methodology, through these questions, points to the complexity of the search for information. It further structured the contemplation leaning against grounded theory as a qualitative mode of inquiry endeavoring to formulate new knowledge (theory) rooted in coherently compiled and dissected fundamentals (Glaser and Strauss, 1967, p. 114; Martin and Turner, 1986, p. 141-157). This methodology, being widely used in philosophical research, stands out for its uninterrupted reciprocal influence between data compilation and analysis stressing the core

significance of information materializing the move towards developing the new contextualized knowledge. Currently, grounded theory is 'the most comprehensive qualitative research methodology available' (Haig, 1995). It refers to advancing the recognition and fusion of categories of meaning from fundamentals and represents the apprehension of a phenomenon or phenomena the research dissects. Worth noting is that the methodological essence of this research looked primarily at the analysis rather than the narration that potentially could generate what does not fit. It is these circumstances, once identified, that enable a closer determination of producing the new knowledge.

The overall complexity of iteration is a fundamental mark of grounded theory, and the inquiry starts initiating procreative questions whose aim is stabilization of the research although they are not confining in nature. The researcher, simultaneously with compiling the fundamentals, identifies the core theoretical perceptions and develops the tentative linkages between them. Methodological challenges appear in the form of scarce data, questioned accessibility, whether data are comparable and whether all this affects the inquiry. The primary concern of the research was thorough apprehending of incoming information, diagnostic examining, and overall analysis; it is certainly one of the crucial points being required from the methodological *modus operandi*. Balancing the effect of who conducts the inquiry as well as the organizational flow and the equilibrium between the analysis findings and the researcher interpretation are all aspects influencing the validity of the result. The complexion and expanse of what the data present identify which conviction can be derived from what. It is not only the research and study perspective that does matter, but both the objective and intent of the inquiry should be producing information that, as applicable, transcends the research scene. If data accessibility is not disputable, then the researcher easier generates modes compatible with their epistemological anticipation. A more general comparative examining preserving the quality of information is certainly feasible and enhanced in collaborative research. More information is possible to collect thereby conducting a wider parallel investigation and, more importantly, use more methodological approaches. An individual conducting the research cannot lean against the assistance of collaborators who invest less to reach more through their mutual methodological intelligence.

TRANSITIONAL JUSTICE

Interpretation of the term involves praxis and a series of approaches endeavoring to reconcile community with a complex heritage of repression. Different practical forms of implementing transitional justice only as the whole adhere to *sui generis* reality of society losing the coercive power of governance in

the transformation into the world of social values. Its effecting⁶ primarily points to the importance of helping victims survive trauma but forgiveness, on their part, may also play a significant role. However, Saunders writes that ‘...transitional justice should not consider forgiveness an a priori good or as commensurate with either reconciliation or peacebuilding’ (Saunders, 2011, p. 119). On the other hand, remodeling the roots of past injustices (which characterize different ethnic conflicts, military government authority, or autocratic regimes in which ruler has unlimited power) embraces some essential principles of reconciliation and key components of transitional justice emerge in the form of:

Criminal Justice and Reparations

Having in mind that transitional justice is a more inclusive approach to different consequences denying the fundamental rights and freedoms, criminal justice as one of its core mechanisms refers primarily to prosecutions of the most severe offenses against humanity. Given that very often complexion of a crime calls for more than what in normal circumstances judicial system can offer, prosecution planning concentrates not only on immediate executioners but rather on who the organizers are. Such problematic conditions appear particularly in a post-conflict setting in which remaining political influence is still influential but not determined to cope with the social weakness.

Legal proceedings hardly reach a fair and an efficient outcome if separated from well-organized and well thought-out approach. That certainly requires coordination of all elements of the whole: ‘the police, the courts, and the correction agencies’ that ‘make up the criminal justice system’ (Purpura, 1997, p. 4). However, this system is occasionally affected by wrongful convictions, and that (in the form of capital punishment for instance) gravely undermines the power of primarily the state. Gould, while stressing the seriousness of the problem, writes that even in the early 1930s science was concerned with ‘imperfections’ of this sort impairing criminal justice methodology. Among different measures, Borchard’s was that defendant’s confession in court should not be acceptable if given in the absence of a magistrate and witness. Another recommendation of his was establishing external bodies that would review disputable decisions (Gould, 2008, p. 2). Nevertheless, bitter sense remains after execution of capital punishment. Who could then bring the innocent back to life? Another mechanism focuses particularly on the identification of and attending to the causes of human suffering. Reparative Justice (also known as Restorative, Communitarian or Relational Justice) does not primarily stress complying with those stipulations of law which give *exaggerated* importance to

⁶ Effecting transitional justice.

the imposition of a penalty upon a criminal. It, in the first place, attempts to influence conscience of one who transgressed the norms of moral or ethical conduct. Coming into being of such an awareness of responsibility would then make the sinner ask for forgiveness, return what is not theirs or voluntarily help the needy and so at least partially alleviate or perhaps eliminate the transgression (Webber, 2009). Besides these hallmarks several more features could emerge as a prerequisite to dialogue reparative justice focuses on:

- Creating favorable surrounding in which the parties would not feel imposition of pressure forcing them to participate. Responsibility, to a significant degree, rests with the community that should create an atmosphere without fear of blame, intimidation or concern.
- Will of the involved to overcome internal resistance to the healing course. Some emotional or physical suffering could certainly be beyond healing, but the mutual effort does narrow down the likely source of another offense.
- Unambiguously defined purpose sets the stable social opportunity for both the victim and offender who are to return to the community facilitating the healing.

Remodeling Institutions and Truth as Determinant of Justice

Institutional reform of repressive societies and universal civilization values featuring democratic governance in practice mean the transformation of oppressive elements of the state apparatus such as the service, law enforcement agencies, and the judicial authority. Indeed, constitutional structure of the institutions then becomes less likely to manipulate people in favor of governing elite and more inclined to give up the practice of breaching different freedoms gradually. Remodeling the institutions assumes forms of distinguishable measures one of which is undoubtedly *vetting* or as Fionnuala Ní Aoláin puts it *lustration*, *screening*, and *administrative justice*. In her interpretation, pointed to in this justice mechanism, is removing remaining elements of the abusive regime from public life and preventing all those who in any way violated inherent rights to influence human destiny further. When mentioning vetting as administrative justice, she refers to Duthie's qualification pointing out interconnection between this (administrative) justice and institutional reform that further influences processes of societal transformation.

Aoláin suggests the role, *vetting* as a part of the institutional change plays, was deeply incorporated into how international organizations, assisting societies in transition, formed their thought and conduct which to an extent empowered influence of these organizations. She further argues that regardless of indisputable significance vetting has not yet fully materialized or reached social

recognition as, for instance, criminal accountability or truth commissions. The potential elucidation is opinions that vetting does not generate sufficient interest for those who financially can support its practices (Aoláin, 2008, p. 215). *Reintegration* of ex-combatants into post-conflict society emerges as another, but certainly not a less important factor of restructuring institutions. It, however, requires first disarmament and demilitarization that should create preconditions for the inclusion of these people in an atmosphere of personal safety and confidence in the social ability to protect its values. These values would mean that ‘ex-combatants should receive support sufficient to help them attain the standard of living of the communities into which they are being reintegrated’ (Colletta *et al.*, 2004, p. 176). Many see *truth and reconciliation* as one of the core elements of transitional justice policy that through establishing constitutional bodies attempts to apprehend interior genesis of infringement of civil liberties. Unfolding what happened is the unalienable right of all and many societies with due respect treat grief or sorrow in the course of healing soul pain. On the other hand, autocratic governance portrays contorting image of *yesterday* nullifying thus its (yesterday’s) truth and their accountability. The importance of truth-seeking bodies cannot be disputable, and these commissions remarkably help victims come to terms with what they experienced or understand the background of the occurrence. These missions call for the effort and resourcefulness of people looking for information at hardly accessible places or protecting data they have already reached. It is only an indication of complexity accompanying inquiry into human rights abuses. Howard Ball, in several words, stresses all the weight of the issue when writing that

‘Truth and Reconciliation Commissions (TRC) are a dramatic alternative to national and international tribunals. These hear testimony from both victims and perpetrators in order to provide the nation with an accounting of the events that occurred during the genocide. They are not courts of law, and the commissioners do not have the power to imprison anyone. The final report presents recommendations to the new government that, hopefully, will repair the social fabric of the community and promote national reconciliation – without retribution against the perpetrators’ (Ball, 2011, p. 44).

The concept of truth as such is to an extent hardly explicable in whole having more interpretations crucially standing between fairness and belief in, if not camaraderie, then certainly in tolerance.

RETRIBUTIVE JUSTICE

Fairness, embracing merit, essentially defines retributive justice as both hard work and breaking the rules should have consequences in the form of recognition or punishment. What features war is emotional suffering, abuse of rights and

infringement of morality as a norm of societal behavior. In the circumstances, violation of liberty and the right to life transform themselves into mass murder, sexually related crime, the Holocaust or ethnocide. Unforgivable is a transgression of armed conflict rules and *ius in bello* principle, for instance, stresses the need to protect civilians or use force proportionally. Retributive justice in war doctrine prohibits, particularly, *malum in se* conduct in a battle that is in nature inhuman, such as poisoning people, rape or other evils. The consequences of such conduct are that accepted principles of justice, only, determine what form and degree of punishment the offenders should confront and this is why retributive justice matters. Stover argues that ‘the retributive approach views justice as largely a means of *taming* vengeance (but not necessarily *excising* it) by transferring the responsibility for apportioning blame and punishment from victims to a court that acts according to the rule of law’ (Stover, 2005, p. 119). The theory essentially suggests that legal response, if well-grounded, should be understood as a principled counterweight to committing a criminal offense. The balanced punishment, on the other side, is a societal defense of victim’s emotions torn apart in what they have gone through. That is, to an extent, the reflected light of ‘let the punishment fit the crime’ creed pointing out the importance of equilibrium between sin and rational social verdict. Apart from it *lex talionis*, as well as the Hebrew Scriptures, also refer to ‘an eye for an eye’ principle.

An ancient Israel village was minuscule and given cohesion of such community the principle was not widespread in the homeland of the Jewish people. The *lex talionis* spiritual message, in the beginning, was evident; the maxim does not conceive of unrestrained retaliation as what has anything in common with its core but stresses the need to protect the victim sincerely. Some argue that this is proper understanding, but rabbinic thought seems to be wider, and some Jewish sages would probably have a different interpretation of what the ruling entails. However, Stephen M. Wylen writes that the Rabbinic writings of the ancient times do not recognize capital punishment and the Jewish scriptures hold an individual in high regard. What mainly preoccupies Judaic teaching is liability and remorse for past conduct. Jewish law defines foundations of the principle as what emphasizes the rules of conduct which are the same for everyone irrespective of position in the social hierarchy (Wylen, 2000, p. 24). Even forty years before Titus and Tiberius Julius Alexander besieged Jerusalem and destroyed the Second Temple rabbins, according to the Talmud, have nullified capital punishment.⁷ Many of them saw canon cruelty, even in theory, as a theological-philosophical setback and tried by different interpretations to adapt it to the more human spirit of the new time. Having the preceding in mind, at least a partial clarification of the relationship between utilitarian ethical theory

⁷ The Babylonian Talmud: Tractate Sanhedrin-Folio 27a, note 36.

and retributivism would be worth noting. While the former conception looks primarily at what naturally follows from sanction rather than at the very injurious act, retributivism stresses the source of crime happens first, and the wrongdoer deserves both *poena aeterna* and *poena forensis*.

DISTRIBUTIVE FORM

Different standards influence the distribution of commodities, and those that frequently determine allocation are certainly a balance, impartiality, and demand. Seeing the first principle as what conclusively affects equal shares for all might in some instances bring about ambiguity. Namely, what *equal shares for all* generate if individual needs differ from one another? Principles of distribution, nonetheless, are both opportune and irrelevant; writing on the former Charles R. Beitz argues that they, broadly speaking, produce certain equilibrium which as he says relatively affects who achieves gain from taking part in the cooperative program. He further points to those societies that suffering from lack of *esprit de corps* have no benefits that this cooperation creates. However, it at the same time means that there is “...no problem of compensation for relative disadvantage” neither and “this is why a world of self-sufficient national societies is not subject to something like a global difference principle” (Beitz, 1975, p. 370). Cooperation between states assumes the form of importing or exporting services or goods and borrowing or lending financial and physical assets. Kant in *Metaphysical Elements of Justice* refers to economic *esprit de corps* between fundamental political entities leading to the foothold of international integrity (Kant, 1965, p. 125 ff.) as ‘all nations...originally...’ belong to ‘...a community of the land...’ assuming the form of ‘...a community of possible physical interaction (commercium) that is in a thoroughgoing relation of each to all the others of offering to engage in commerce with any other.’ Justice imposes a right of ‘...each...to make this attempt without the other being authorized to behave toward it as an enemy...’ (Kant, 1996, p. 489). Having it in mind, it is worth noting that the principal hallmarks of the present-day interconnection between states and societies pertinent to what makes up the core of justice emerge in a form that follows ongoing expunction of the constraints of the world exchange of goods and services. Investment of wealth does not necessarily happen in where it came into being but depends on circumstances promising the most favorable returns of capital. Large businesses, for instance, have been transferred from affluent to less developed or underdeveloped areas offering more promising conditions. However, the real cooperation is not the only feature of international economic relations; what also characterizes this form of correlation is an unjust deepening of the division as the capital does not stay in areas where cheap workforce produces new value making at the end affluent more affluent. Apart from that,

‘Oxfam – which published its own report. says that corporate tax avoidance in the form of trade mispricing. cost Africa \$6bn in 2010 alone. According to the NGO, the sum is more than three times the amount needed to improve the healthcare systems in the Ebola-affected countries of Sierra Leone, Liberia, Guinea and at-risk Guinea-Bissau’ (Jones, 2015). Just?

Justice as fairness

As Rawls puts it ‘the principle of equal basic liberties’ essentially means that freedom in the widest sense of the term should be what every individual is unconditionally entitled to. When mentioning these liberties, Freeman bears in mind for the most part free moral and ethical sense, the right to free opinion and speech and supremacy of law. The principle also includes political freedom whose significance, however, would be questionable if the conception of fairness would not be a part of that whole. In other words, an opportunity to wield political authority should not in any way be conditioned by societal or material status.

On the contrary, people’s creativity, inspiration, and competence are prerequisites of holding an office. Samuel Richard Freeman further writes that Rawls through human morality explains why freedoms of his first principle are ‘fundamental’ or why their value is heavier than that of non-basic liberties such as reaching all sorts of settlements, owning firearms or managing what generates goods and services (Freeman, 2003, p. 4,5). As was already referred to the difference principle in conditions of communal or material unevenness could be a defensible conception only if that leads to higher living standards of the most vulnerable layers of society. The link between the *Original Position* and this principle becomes distinguishable through equal opportunity as the core of apprehension. In *the Original Position*, it is assumed that no party, in the beginning, has an advantage over the other and in the conditions they will be able to understand better and agree with fair allocation of resources. The parties involved are likely to accept that society, due to different causes, might have to generate tenets benefitting more those who produce more, but these principles also benefit the worst-off members more than principles of sheer equality. This form of distribution is what difference principle is inclined to and where all are better-off, one more and one less. Rawls’ *magnum opus* the Theory of Justice, as well as Sen’s Entitlement approach, deeply permeate prone-to-justice academic fields of study in the Western theoretical inheritance that, indeed, intertwine with affairs amongst basic political entities in the same way that this legacy influenced building up institutions in the Western democracies. However, the prevailing current of erudition thought within international affairs has barely determined the worth of the field. Similarly, in the Orient contemplation concern for the principle of moral rightness and liberation has prevailed against the view of knowledge

coming into being only through experience. In the main, it reflects the essential features of Confucius philosophy, social relationship and justice as well as the message of ancient Indian epic poems universal ideals of society and decency profoundly influence. It is worth noting that the purpose of these ideals, thinking of the actuality politics, is the closer account modifying political reality strives towards. Rawls' philosophy ascribes authentic responsibility to the legitimate role of justice that calls for submission to '...just institutions that exist...' and fostering '...just arrangements not yet established...' (Rawls, 1971, p. 99).

Libertarian thinking

Importance, in political terminology, belongs to a single human and not political entity. Hence the conviction that affairs of states are what individuals are responsible for and this is where the *minimal state* theory of Robert Nozick appears. In his work *Anarchy, State and Utopia* the attributes that justify the existence of the state refer to only several obligations: physical defense of subjects, protection against the deliberate misrepresentation of truth and forcible implementation of, as he says, contracts. On the other hand, it becomes more apprehensible that reinforcement of the statehood in any form indeed refers to the desecration of fundamental human liberties (Nozick, 1974, p. ix). Buchanan similarly argues that libertarian teaching could emerge from different sides, but an interactive feature of all these approaches is that compelling is applicable only as a deterrent to a physical threat. He suggests that in libertarian school of thought, Nozick's elementary theory of justice belongs to, private property is not questionable but fundamental; the entitlement to this property ascertains both the proper state conduct as well as tenets of individual orientation (Buchanan, 1989, p. 170). What perhaps is worth noting is that libertarian thinking, in general, is against attitudes that only fully equal allocation of goods is fair; it particularly opposes the difference principle defending unequal distribution if the worst-off benefit from it and this is where Nozick and Rawls disagree.

INSTEAD OF THE CONCLUSION

The critical direction of justice in international affairs, Hobbes believed, freedom from danger as the collective security of individuals comes effectively into being through separate basic political units. He points to the absence of any instance in the past in which peculiar men were in a state of, as he writes, the war against each other. However, due to self-sufficiency sovereign rulers are permanently in close vigilance, prepared for mortal combat and the use of their weapons in nothing flat looking watchfully at one another's strongholds and secretly observing the neighbors. That is the state of open hostility '...but because

they uphold thereby, the Industry of their Subjects; there does not follow from it, that misery, which accompanies the Liberty of particular men.’ (Hobbes, 1904, p. 85) In other words, non-existence of supremacy of authority all around the world does not represent a worrying barrier to justice within communications between subjects of a sovereign entity and that is of paramount importance. A variety of conceptions and interpretations of the term is to an extent complex to elaborate, but those that deserve mentioning are transitional justice referring to an attempt to reach fairness in a post-conflict society. Its distinguishing elements are seen in the form of criminal prosecutions, truth and reconciliation commissions, removing institutional deficiencies and reparations. Retributivism appears as another significant feature of justice in international relations with its ‘an eye for an eye’ principle establishing equity between sin, and *the price* society imposes on the wrongdoer. The *lex talionis* is not a desire for revenge but rather a need to protect the innocent. Fairness is a term that essentially defines the core of distributive justice, bearing in mind allocation of material resources. Its opposing principles of equality and difference argue for and defend what they respectively understand to be a just distribution of material values. In Rawls’s Justice as Fairness, for instance, importance is given to *the Original Position* and subsequent circumstances that potentially bring about *acceptable* societal inequality.

Furthermore, Nozick’s theory of the minimal state looks at only the defensible essential functions of a political entity. He suggests that the state authority beyond physical protection of its subjects, preventing fraud and compelling observance of Nozick’s contract would be everything but respecting human liberties. Nozick argues that the crucial moment happens in how the allocation arose while in Justice as Fairness model of distribution is of fundamental importance. His reasoning is where libertarian theory differs from Rawls’s acceptable principle of inequality in distribution. These are only some views of justice in international relations, but the very term is of much broader note. Indeed, determining what justice is or seems to be is pretty demanding and is frequently a focus of discourses in not only the philosophical world.

REFERENCES

- Admirand, P. (2009). Destructive, Concrete Evil as Absence: A Reevaluation of *Privatio Boni* in the Context of Mass Atrocity. in Balmain, C. and Norris, N. (eds.) *Uneasy Humanity: Perpetual Wrestling with Evils*. Inter-Disciplinary Press, Oxford.
- Aoláin, F. N. (2008). Expanding the Boundaries of Transitional Justice. *Ethics & International Affairs*, Vol. 22, Issue 2.

- Ball, H. (2011). Problems, Controversies, and Solutions. *Genocide: A Reference Handbook*, ABC – CLIO, LLC, Santa Barbara-California.
- Beitz, C. R. (1975). Justice and International Relations. *Philosophy and Public Affairs*, Vol. 4, No 4.
- Buchanan, A. (1989) Justice: A Philosophical Review. in Veatch, R. M. (ed.) *Cross Cultural Perspectives in Medical Ethics*. London: Jones and Bartlett Publishers.
- Colletta *et al.* (2004). Disarmament, Demobilization, and Reintegration: Lessons and Liabilities in Reconstruction. in Rotberg, R. I. (ed.) *When States Fail: Causes and Consequences*. Princeton University Press, Princeton-New Jersey
- Freeman, S. R. (2003). Introduction: John Rawls–An Overview. in Freeman, S. R. (ed.) *The Cambridge Companion to Rawls*. Cambridge: The Press Syndicate of the University of Cambridge.
- Glaser, B. G. and Strauss, A. L. (1967). *The Discovery of Grounded Theory: Strategies for Qualitative Research*, Aldine Transaction. London: New Brunswick.
- Gould, J. B. (2008). The Lessons of Wrongful Convictions. *Criminal Justice Ethics*, Vol. 27, Issue 1.
- Haig, B. D. (1995). Grounded Theory as Scientific Method, [online]. Accessed November, 05, 2016, from <http://jan.ucc.nau.edu/~pms/cj355/readings/Haig%20Grounded%20Theory%20as%20Scientific%20Method.pdf>
- Hobbes, T. (1904). *Leviathan or the Mater, Forme & Power of a Commonwealth, Ecclesiasticall and Civill*. Cambridge: Cambridge University Press.
- Jones, S. (2015). Tax Dodging by Big Firms ‘robs poor countries of billions of dollars a year,’ *The Guardian*, [online]. Accessed January, 19, 2017, from <https://www.theguardian.com/global-development/2015/jun/02/tax-dodging-big-companies-costs-poor-countries-billions-dollars#top>
- Kant, I. (1965). *The Metaphysical Elements of Justice*. Indianapolis: Hackett Publishing Company, Inc.
- Kant, I. (1996). The Metaphysics of Morals. in Gregor, M. (ed.) *Immanuel Kant: Practical Philosophy*. Cambridge: Cambridge University Press.
- Martin, P.Y. and Turner, B.A. (1986). Grounded Theory and Organizational Research. *The Journal of Applied Behavioral Science*, Vol. 22, Issue 2.
- Miller, F. D. Jr (1997). *Nature, Justice and Rights in Aristotle’s Politics*. Oxford: Calderon Press.
- Nozick, R. (1974). *Anarchy, State and Utopia*. New York: Basic Books-Inc.
- Purpura, P. P. (1997). *Criminal Justice: An Introduction*. Butterworth-Heinemann, Newton-MA.
- Rawls, J. (1971). *A Theory of Justice*. The Belknap Press of Harvard University Press, Cambridge, Commonwealth of Massachusetts.

- Sandoval, C. (2014). Transitional Justice and Social Change. *SUR – International Journal on Human Rights*, Vol. 11, Issue 20.
- Saunders, R. (2011). Questionable Associations: The Role of Forgiveness in Transitional Justice. *The International Journal of Transitional Justice*, Vol. 5, Issue 1.
- Stover, E. (2005). *The Witness and the Promise of Justice in the Hague*. Philadelphia: University of Pennsylvania Press.
- Webber, R. (2009) A New Kind of Criminal Justice, *Parade*, [online]. Accessed November 14, 2011, from <http://parade.com/38506/parade/091025-a-new-kind-of-criminal-justice/>
- Wylen, S. M. (2000). *Settings of Silver: An Introduction to Judaism*. Mahwah-New Jersey: Paulist Press.