

Unit 4

Justice

Introduction

In the previous unit, you learnt the meaning of equality and its importance to democracy in Ethiopia. In this unit, you will learn about the relationship between equality and justice. You will also discuss the effects of lack of justice which include civil wars, instability, famine and poverty.

Lessons

1. The Effects of Lack of Justice
2. Equal Provision of Social Services
3. Categories of Justice
4. Organization and Functions of the Judiciary
5. Equity of Taxation

What you will learn

You will:

- recognize the effects of lack of justice.
- appreciate the importance of equal provision of social services.

- understand the different categories of justice.
- realize the workings of the judiciary.

Key words and concepts

- Civil war
- Corrective justice
- Distributive justice
- Equity
- Famine
- First Instance Courts
- Higher Courts
- Instability
- Judiciary
- Justice
- Poverty
- Procedural justice
- Supreme Court



1

LESSON

The Effects of Lack of Justice

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

- describe the effects of lack of justice.
- explain how to react to acts of injustice.

What is justice? What is injustice?

Discuss these words in brief.

You have learnt what justice means in Grade 9. In this lesson, you will learn the impact of the lack of justice, which includes civil war, instability, famine and poverty.

Justice, in simple terms, means to be fair; for instance, the fair distribution of benefits such as education, health-care services and job opportunities. Everybody should pay the correct amount of tax and be treated in the same way by the legal system.

Lack of justice leads to many problems. You know that citizens have to pay taxes. The government collects taxes from all citizens who live in urban and rural areas. The taxes are given back to the people in the form of services and benefits. These may not always be fairly distributed among the different groups who live in the same country. It is not fair if a government constructs schools, universities, clinics and hospitals in big towns and cities while forgetting about the rural areas. This happened in Ethiopia in the time of earlier governments.

Transport, electricity and telephone services were only available in some parts of the country. Universities and colleges were only found in the some major cities. The unfair distribution of services and benefits show how common injustice was. People were not treated fairly.

People do not keep quiet when they are continually treated unfairly. If people do not get their fair share of resources and other benefits, they will first seek to get their fair share by peaceful means. If this does not work, they will seek justice in other ways. This is why injustice often leads to problems such as civil wars and social instability.

Many civil wars occurred in the past in Africa and other parts of the world. The American Civil War and the English Civil War are important examples.

There was also a civil war in South Africa in the period of apartheid. This war was between black Africans and the apartheid government led by white minorities. The black population revolted against the apartheid government which treated them unfairly. They fought against it because of racial discrimination, the violation of rights, such as the right of free movement, and the lack of job opportunities. The civil war came to an end when the black people gained victory over the apartheid government. This was followed by elections and the formation of a democratic government.

The Effects of Lack of Justice

Injustice based on racial discrimination gave way to a democratic system in which all citizens, black and white alike, are treated fairly and equally.

Injustice led to civil wars in Ethiopia. It led to a number of revolts in the period of Emperor Haile Selassie I. Examples include the peasant rebellions which took place in Gojam, Bale, Tigray and other parts of the country. These injustices were some of the major causes of the 1974 Ethiopian Revolution.

But the 1974 revolution did not bring about a democratic system. The Derg controlled and exercised power without considering the will of the people. It did not recognize the rights and equality of the nations, nationalities and peoples of

Ethiopia. It violated the rights of individuals and groups in the name of unity. It denied the citizens the right to use their languages in schools and the law courts, to elect their representatives and to rule themselves. The peoples of Ethiopia rose and fought against the Derg. This led to civil wars and lack of stability which retarded the development of our country. Lack of economic development paved the way for famine and poverty.

We can therefore say that injustice may lead to civil war and instability which are obstacles to development. It is very difficult to promote development in the absence of peace and stability. Civil war and instability retard development which, in turn, aggravates famine and poverty.

CASE STUDY

The Bale Peasant Rebellion (1963, 1970)

The Bale peasants revolted against the government in 1963 and 1970. They did this because the feudal lords had been treating them unfairly. The major cause of the rebellion was injustice related to the distribution of land. The government forced them to pay more tax. But the peasants failed to pay. Next the government officials took land from the local people and distributed it to their followers. As a result, the local farmers became landless and tenants on what had been their land. Government officials treated the local peasants badly so the peasants revolted. They fought against the government armed forces because

of injustice and discrimination.

Source: Adapted from Bahru Zewde, 2005

Make groups and discuss these questions.

- Is it fair to take land from one group of people and give it to another?
- Is it fair to treat one group of people well while treating others badly?
- Do you think that injustice usually leads to conflict and civil war?

REMEMBER

- ❑ Justice means treating people equally and fairly.
- ❑ Lack of justice can lead to many problems such as civil wars and instability.
- ❑ Lack of justice led to civil wars and instability in Ethiopia.
- ❑ Civil wars and instability hold back development which, in turn, causes famine and poverty.

LESSON 2

Equal Provision of Social Services

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

- explain the importance of the fair distribution of social services.

- Can you give some examples of social services?
- How do you explain equal provision of social services?

You learnt about the meaning of justice in the previous lessons. Equity and justice are closely related. Equity means just or fair treatment. Similar cases should be treated in similar ways. For example, education, health-care services and job opportunities should be fairly divided among all people. Burdens such as taxes and responsibilities should also be divided equally or fairly.

The government and other organizations provide social services and facilities. These include water and electricity services, education and health services, as well as telephone and transport services. The fair distribution of social services is necessary to promote democracy. This is important because all citizens of our country pay for social services, so we all deserve to get equal services. In addition to this, treating all citizens equally creates a peaceful way of life. It is only in peaceful situations that democracy can be

consolidated and the lives of people improved.

This did not happen in Ethiopia in the past. The nations, nationalities and peoples of Ethiopia were not permitted to administer themselves. As a result the distribution of social services like education and health was regulated from the centre. But they were not equally distributed to different regions.

When all people get access to education they will have better participation in the political, economic and social development of their country. A fair distribution of social services is one of the ingredients necessary for democracy to prevail.

Now things are being changed in Ethiopia. The democratic system has enabled the nations, nationalities and peoples of Ethiopia to rule themselves. Unlike the previous system, the nations, nationalities and peoples of Ethiopia, through their representative governments, now decide on the distribution of social services. As a result, primary and secondary schools, colleges and universities, health centers and hospitals are emerging in the different states.

There are mobile schools and health centers for the pastoralists as well. The self-rule and the prevalence of equal distribution of social services will further strengthen the democratic system.

Equal Provision of Social Services

CASE STUDY

Mobile Schools for Pastoralist Communities

Afar is one of the regional states in Ethiopia. The Afar people live in the lowland areas of Ethiopia. Most of them are livestock herders. They move from one place to another to get pasture and water for their animals. Most of the Afar people did not have access to education and health-care services. Permanent schools do not help them because they do not settle in one area throughout the year. So the government and non-governmental organizations have introduced mobile schools to give a basic education to Afar children. There are more than 110 mobile primary schools in the Afar Region.

The picture shows Afar girls near their mobile school. These students learn in their own language.

Source: <http://www.telegraph.co.uk/news/1576561/Ethiopia-New-future-for-African-girls.html>

Discuss these questions as a class.



- Do you think that mobile schools and clinics are good ways of providing equal social services?
- Do you think enough has been done to equally distribute social services among the nations, nationalities and peoples of Ethiopia.



Female students in the Afar Region



Development unfolding — the result of equality — government buildings in the Afar Regional State

REMEMBER

- ❑ Equity is impartial and just treatment.
- ❑ Maintaining fair distribution of social services is necessary to promote democracy.
- ❑ All citizens deserve to get equal social services.

LESSON 3

Categories of Justice

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

- differentiate the various categories of justice.

Have you heard of the different types of justice?

Discuss this issue in the class.

You have seen in Lesson 1 of this unit that the absence of justice has bad consequences. It is also important to understand that there are different categories of justice. All types of justice are important and should be fully in place. There are three types of justice: **distributive justice**,

corrective justice and **procedural justice**.

Distributive justice deals with fairness and equality in the distribution of benefits to the people. In Lesson 2, you have seen that social services should be distributed fairly and equally. This is part of distributive justice. If there are economic resources that are to be distributed, the distribution should be made fairly and equally. Sometimes some of the benefits go only to certain groups of people. The rest, who do not get that benefit, will feel angry. This violates distributive justice.

CASE STUDY

Land Distribution by the Kings in Ethiopia

During the time of Emperor Haile Selassie I it was only the family of the kings and the noblemen who owned large plots of land. Therefore, a man in a noble family could hold land which was so big that it would take many farmers to till it. On the other hand, the vast majority of farmers did not have plots of land to produce their own food so they had to either work for the noblemen or rent a small plot of land from them. The rent was paid by giving the noblemen most of their produce. Because of this, the farmers became poorer and poorer and the nobles, richer and richer. At some point the farmers could not

bear the misery and they rebelled against the kings and noblemen.

Students also started to complain that land should be given to the farmers. The result was the overthrow of the imperial regime.

? Do you think it is justifiable to take all the land from the farmers and give it to the noblemen and kings? Discuss. Did the workings of Haile Selassie's government violate the notion of distributive justice? Discuss.

Categories of Justice



The Federal Supreme Court is one of the instruments of justice

Another type of justice is corrective justice. As the name implies, corrective justice deals with correcting unjust acts. Correcting wrong-doings includes two options. First of all, it is important to take back the situation to what it was before. Secondly, the wronged person or group should be compensated for the wrong done.

This type of justice is important to remove the feeling of vengeance from the wronged person. In the absence of corrective justice, people who have been wronged feel bad and start thinking of ways to correct it themselves. Some people may become violent, taking matters into their own hands. This is not a good way of correcting wrong-doings. Democracy, as a system, suffers when people take justice into their own hands.

The right thing to do is to go to the court and present the situation. Then the court will do the corrective justice and will decide whether the person or group that suffered should be compensated.

CASE STUDY

Abduction

Woinshet, a 15 year old girl, was abducted and raped. She was covered in blood when the police found her. The police arrested the suspect. The community around was outraged by what happened. Unfortunately, the abductor was released on bail the next day. People were even angrier that he was released. Her father hired a lawyer to oversee the case.

Woinshet's abduction was debated in court and finally the abductor was sentenced to 10 years in prison.

? Do you think justice has been served in the case of Woinshet? Discuss.

The third type of justice is procedural justice. Procedural justice deals with fairness and equality in the process of serving justice. This means everyone should pass through the same process to get justice.

This is an important part of justice. It includes clear steps of decision making. When a certain decision is to be made, all the parties should know what steps are to be taken and these steps have to be equally applied to all. An example of procedural justice is that both sides should be heard before

a decision is made. This is an important step in decision making.

In a court both sides have a chance to present their arguments and beliefs. They also have a chance to present evidence to support their arguments. These steps should be followed by all courts in every case. For example, in the Constitution, Article 19, sub-article 4 states:

All persons have an inalienable right to petition the court to order their physical release where the arresting police officer or the law enforcer fails to bring them

Categories of Justice

before a court within the prescribed time and to provide reasons for their arrest...

Article 20 states:

1. Accused persons have the right to a public trial by an ordinary court of law within a reasonable time after having been charged. The court may hear cases in a closed session only with a view to protecting the right to privacy of the parties concerned, public morals and national security.

3. During proceedings accused persons have the right to be presumed innocent until proved guilty according to law and not to be compelled to testify against themselves.

In the absence of procedural justice the steps could not be followed or equally applied. Because of this, people may disagree on the process by which the decisions are made and this could create grievances among citizens. Since, in the absence of justice judges could give arbitrary decisions, they would not be trusted by the people.

CASE STUDY

The Case of Ato Kibru

Ato Kibru was a well known and respected man in a small town. Although he was a well respected person in the town, Ato Kibru behaved badly at home. He beat his wife and his two children in the house. No one in the surrounding area knew about this behaviour of Ato Kibru until one Monday evening when Ato Kibru's neighbours heard shouting coming from his house. Several minutes later the police arrived and took Ato Kibru to the police station.

After two days Ato Kibru was taken to court and everyone in the neighbourhood heard that he was

suspected of killing his wife. Since he was such a well respected man, people started saying that he should be freed and should not be taken to court. However, others said that, even if Ato Kibru is well respected in the community, procedural justice demands that he has to pass through due process of law just like everybody else.

? Which side do you think is right? Discuss your views in the class.

REMEMBER

- There are different types of justice.
- Distributive justice deals with fairness and equality in the provision of justice.
- Corrective justice deals with correcting wrongs and compensating the wronged person or group.
- Procedural justice deals with having a justice process that is known and applied to all.

4

LESSON

Organization and Functions of the Judiciary

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

- explain the organization, structure and functions of courts under the different political systems of Ethiopia.

What do you think are the functions of the judiciary?

Discuss this issue in the class.

In the previous lesson, you have seen the categories of justice. In order for these to be properly carried out it is important to have a system and organization. If the judicial system is properly organized it can properly take responsibility for ensuring justice. Depending on the type of government, there are different ways of organizing the **judiciary**. The way the judiciary is organized in a unitary government is different from that of a federal government. This also means that the functions of the judiciary at the different levels differ in unitary and federal governments.

In Ethiopia, under the unitary government, the judiciary was organized in a centralized way. The highest body of the judiciary was the **Supreme Court**. The Supreme Court was the final decision making body for all legal problems. Besides the Supreme Court there were courts with lower decision making powers. The smallest of the courts were **First Instance Courts** that handled cases at the lowest levels. In these courts, cases

that involved less serious crimes or lower financial value were settled. The cases that involved more serious crimes or higher financial value were then transferred to **Higher Courts**. In addition, those cases that were not settled in the First Instance Courts were taken to Higher Courts.

A person whose case had already been ruled but who thought the judgement was not right, could appeal to Higher Courts. Similarly, those cases that were not settled in Higher Courts were taken to the Supreme Court.

During the monarchical period there was the Imperial Court, the Zufan Chelot, presided by the Emperor. The Imperial Court was the last appeal court.

Generally you can see that under a unitary system, the final decision making power is given to the Supreme Court for all cases that come from all parts of the country.

? When you go home ask your parents/guardians how the courts were organized in previous regimes. Also ask them to tell you how cases were taken from First Instance courts to Higher Courts and to the Supreme Court.

The organization of the judiciary system under a federal government is different from that of the unitary system. In Ethiopia under the federal type of government both the federal government and

Organization and Functions of the Judiciary

the regional governments have their own system of organizing the judiciary.

At the federal level there is a Supreme Court. The Federal Supreme Court has the power to make decisions for federal cases, that is cases that concern the federal government.

There are also Federal First Instance Courts and Federal Higher Courts. The federal cases are first seen by the Federal First Instance Courts and, if not settled there, then go to the higher and then to the Federal Supreme Court. Those cases that have higher value and involve federal issues are seen by the higher courts and, if not settled there, go to the Federal Supreme Court.

Regional states also have their own State Supreme Courts, Higher and First Instance courts. These courts are responsible for the settlement of regional issues and cases. The Ethiopian Federal Constitution in Article 78, sub-article 2, stipulates the power of establishment of the State Supreme Court, State Higher Courts and State First Instance Courts. The power of each type of court is just as

described in the federal judiciary system. More serious crimes and high value cases are settled in Higher Courts and the state Supreme Courts while smaller cases are settled in state First Instance Courts.

The states' Supreme Courts are the highest judicial power and no appeal is possible after the states' Supreme Courts. However, as stated in Article 80, sub-article 3b, of the Federal Constitution:

The State Supreme Court has power of cassation over any final court decision on State matters which contains a basic error of law.

The organization and function of the judiciary under the Ethiopian federal system gives more power to the states in governing themselves. In addition they could have their own means of settling their cases which may differ from state to state.

? Discuss the structure and organization of the Ethiopian judiciary under the unitary and the federal systems.

REMEMBER

- ❑ Proper organization of the judiciary is required to ensure justice.
- ❑ There are different ways of organizing the judiciary depending on the type of government.
- ❑ Organization of the judiciary in a unitary government is more centralized.
- ❑ In a federal government the organization of the judiciary is more decentralized.
- ❑ Both federal government and regional states have their own supreme, higher and first instance courts with their respective judicial power.

5

LESSON

Equity of Taxation

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

- identify the types of taxes collected in Ethiopia.
- explain the principles of taxation.

- How many types of taxes can you list?
- How do you think taxation should be conducted?

Discuss this issue in the class.

You know that you need a lot of services from the government. This is because there are services that only the government can provide. These include the police force, the services you get when you go to kebeles, the medical services you receive when you go to health institutions, the roads you

use to come to school, even the school you go to (if it is a government school). In order for the government to provide these services it requires money. Therefore, it collects this money from the people through taxation. If you do not pay taxes, the government will not have the money to provide all the services mentioned above.

There are different types of taxes. When you work and get an income, part of it goes to the government as income tax. If you have a business and make a profit, part of the profit goes to the government as a business profit tax. If you possess land, you pay land use tax to the government. If you import things from other countries, you pay money to the government as import tariffs and duties.

CASE STUDY

Taxes in Ethiopia

In Ethiopia, the tax that is collected each year is not enough to cover all the payments. For example, in the year 1998 EC the total amount of taxes covered only 50 percent of the total payments. This means only half of the money needed was collected through taxes. The rest was paid using grants from other countries and by borrowing. The collection of taxes is low for many reasons. Sometimes it is because some people do not pay the amount of tax they are

supposed to pay. They cheat the government and they do not fulfill their responsibilities.

Discuss

- Why do you think some people do not pay taxes?
- What do you think should be done to solve this problem?

Equity of Taxation



Hospitals are in place through money collected from taxes

All the activities that you do that are subject to taxation are called the tax base. For example, if you get income from doing work and that income is taxed, then your income is called the tax base. A part of the tax base is taxed and the percentage is called the tax rate. If the tax rate is high, more tax will be paid. If the tax rate is low, the tax paid on your earnings will be less. The tax rate is determined by the government. For example, here is Biftu's income and the tax collected.

Name	Income (tax base)	Tax Rate	Tax Amount
Biftu	100 Birr	5%	5 Birr

Devise an equitable tax rate for personal income then use it in a copy of the table below and calculate the tax amounts.



Name	Income (tax base)	Tax Rate	Tax Amount
Bulcha	1000 Birr		
Amare	650 Birr		
Agazi	2000 Birr		
Hassan	5000 Birr		
Nati	300 Birr		

Collection of taxes has principles. Principles of taxation should be followed because they make taxation more effective and appropriate. One of the principles of taxation is that it has to be equitable. That means those who have more money should pay more taxes and those who have less money should pay less tax. In this way, equity of taxation will be maintained.

However, the issue of equity of taxation would be affected if some citizens are engaged in contraband activities. When trade is conducted in contraband it means that the people are engaged in illicit activities and avoid paying taxes, thus enjoying the social services without paying their due. Therefore, it is evident that contraband is an illegal trade that creates an imbalance between citizens' rights and obligations.

REMEMBER

- There are different types of taxes.
- Any activity that is subject to taxation is called the tax base.
- The tax rate is the percentage set by the government to tax citizens on the basis of their income.
- Contraband is an illegal activity manifested through smuggling commodities in and out of the country.

UNIT SUMMARY

In this unit, you have discussed about justice. In the first lesson you saw what happens when there is no justice. You saw that it is difficult to maintain peace and stability when there is no justice.

In Lesson 2, you discussed justice in the provision of social services. You saw that social services included education, health and public administration and that it is important to provide these services fairly.

In the third lesson, you saw that there are three categories of justice, namely distributive, corrective and procedural justice.

In Lesson 4, you discussed the organization, structure and functions of the judiciary in unitary and federal governments.

Finally, you have seen the importance of taxation and the need for a fair and equitable means of calculating personal income tax; and how fairness in taxation may be affected by trade in contraband.

GLOSSARY

Corrective Justice:	Deals with correcting the unjust acts.
Distributive Justice:	Deals with fairness and equality in the distribution of benefits to the people.
First Instance Court:	Courts that settle smaller cases.
Higher Court:	Court that settle more serious and high financial value cases that are not settled by First Instance Courts.
Procedural Justice:	Deals with fairness and equality in the process of serving justice.
Supreme Court:	The highest body of the judiciary.
Tax base:	The total income on which the tax is calculated.
Tax rate:	The percentage to be paid from an income.

UNIT REVIEW EXERCISES

Do these review exercises in your exercise book.

Part I – Multiple choice

- Which of the following is not a result of lack of justice?
 - civil war
 - poverty
 - instability
 - none
- Which of the following is not a category of justice?
 - social services
 - corrective justice
 - procedural justice
 - distributive justice

3. The Federal Supreme Court:
 - (a) is the highest body of the judiciary
 - (b) is the smallest body of the judiciary
 - (c) is responsible for settling regional cases
 - (d) is the same as a higher court
4. Procedural justice deals with:
 - (a) the way benefits are distributed to the people
 - (b) correcting acts of injustice
 - (c) the process of serving justice
 - (d) procedures for serving people

Part II – True or false

1. The organization of the judiciary is

more centralized in a unitary form of government.

2. The First Instance Court is the highest decision making body under a federal form of government.
3. In a federal government the Federal Higher Court deals with regional cases.
4. Procedural justice is more important than corrective justice.

Part III – Short answers

1. What is the tax base?
2. What is the difference between a tax base and a tax rate?
3. What is a fair and equitable tax rate?
4. Why is contraband an unwanted activity?