

Unit 4

Justice

Introduction

In Grade 10, you studied the basic ideas of justice and equity. Here you will further discuss equity from the perspective of benefits and burdens. You will also look at the historical background of equitability in Ethiopia. With regards to justice you will examine the components of the justice system where you will learn to appreciate the working of the courts in Ethiopia.

Lessons

1. Fairness
2. Analysis of Equitability
3. Components of the Justice System
4. The Workings of the Court
5. Fairness in Taxation

What you will learn

You will:

- realize the essence of equity of benefits and burdens.
- recognize the history of equitability in Ethiopia.

- understand the components of the justice system.
- appreciate the working of the courts in Ethiopia.

Key words and concepts

- Benefits
- Burdens
- Courts
- Judges
- Law
- National Resources
- Non-partisanship
- Social Services
- Stereotyping



1

LESSON

Fairness

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

- explain what is meant by equity of benefits and burdens.

What do you think are some of the benefits and burdens for an individual?

You have learned in Grade 10 that justice should prevail in the distribution of social services. You have also seen how social services are provided by the government for the benefit of the society. Here you will discuss more about what benefits and burdens an individual has and how these may be fairly allocated to people.

In order to understand fairness in the distribution of benefits and burdens, it is important to understand what benefits and burdens are. Benefits are services or commodities that are believed to be good for an individual or group. Sometimes benefits are provided by the government to help the people. These kinds of benefits include welfare payments paid to people who don't have a job or welfare activities done for street children.

People also do things that are beneficial for themselves. When you work hard you know that it benefits you by making you happy and earning you money. So the word benefit has a broader meaning. However, in most countries it is a service that supports those people in need and usually the government provides these benefits. In the United Kingdom, for

example, the word 'benefit' refers to welfare payments from the government to the people.

Apart from this, people engage in most activities because they have a benefit. Also if the activity involves more than one person it involves dividing the benefits among all who are involved in the activity so that everybody benefits. It is important to acknowledge that these benefits should be distributed fairly.

Burdens are the responsibilities that you have. In order to get benefits, there are expectations that are required of you. Activities that require more than one person, involve sharing the responsibility when undertaking the activities. This means people are sharing the burden in order to achieve something.

A burden could also be seen as the contribution of each individual in the achievement of something. If only certain people are doing everything yet everybody is sharing the benefits, it is not fair. The people shouldering the entire burden will be exploited and the people who didn't participate are unfairly being benefited. Everybody should benefit according to his/her contribution to an activity. The exceptions should be those people who are unable to contribute like the elderly and sick or disabled people.

If the burden falls on just a few people or one person, they may get fed up of benefiting others and there won't be a harmonious relationship among the

Fairness

people involved. Therefore, all the people involved should take the responsibility.

The fair distribution of benefits and burdens can be fair only if a person or a group could earn according to their contribution in an activity that brings benefits.

If there are four people involved in an activity and only two of these four bear 90 percent of the burden, they should be entitled to 90 percent of the benefits. It is usually good to contribute equally to any activity and share the benefits equally.

This idea also works at a national level. The distribution of benefits and burdens should be fair across the country. This means people from every part of the country should feel the responsibility of development equally and should make their best effort. Similarly everyone in the country should share the benefits according to his/her effort to promote the development of the country. If there are only certain parts of society shouldering the burdens while others reap the benefits, the people

shouldering the burden will get angry. This may cause instability.



Two boys cleaning a compound

CASE STUDY

Teshome's Share

Teshome and Abdi are very good friends. One Saturday while they were out playing, Ato Gadissa came and asked them to clean his compound. Teshome and Abdi are very respectful and hardworking boys, so they immediately agreed to clean the compound. Ato Gadissa's compound is a big compound so the boys divided it in two and started cleaning. It took them half the day to complete the work.

Finally, the compound became so beautiful that Ato Gadissa was very happy. He cooked some food

and called Abdi to his home. He gave Abdi some food to eat but said that he didn't like Teshome and didn't want to give him any food. But Abdi felt sad because he knew that he and his friend had both worked hard and they both deserved to get some food.



Was Ato Gadissa fair in his treatment of Teshome? If you were Abdi how might you respond to this situation?

Fairness

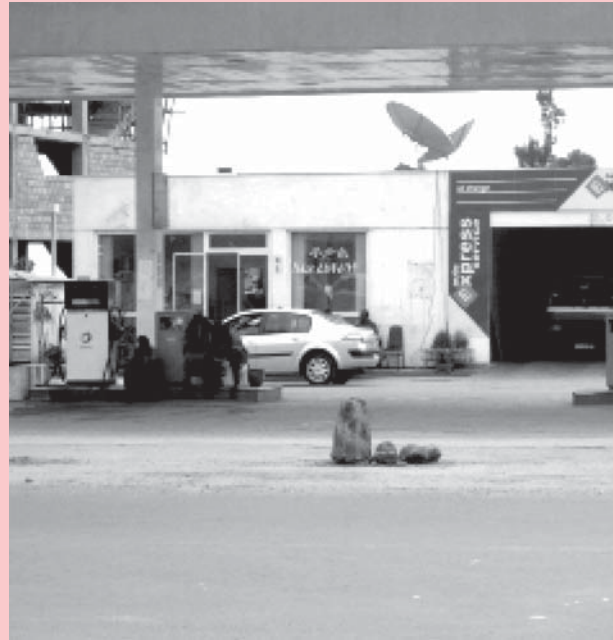
CASE STUDY

The Benefits Principle of Taxation

The benefits principle of taxation states that the beneficiaries of a particular government program should pay for it. This is a good example of how benefits and burdens should match. Sometimes there are special programs intended to benefit certain section of the society. In order to pay for these programs the government collects a specific type of tax. This tax will only apply to those people who are to benefit from the program.

For example, the government charges fuel tax for diesel and petrol. The burden of this tax is carried by people who use this type of fuel for their vehicles. The government collects tax on fuel and this is then used towards constructing the roads. Therefore, the benefit primarily goes to those people who use vehicles on the roads.

? Where else does the benefits principle of taxation exist? Where could it be used?



A fuel station

REMEMBER

- Benefits are material or non-material advantages that are given to an individual or group.
- Burdens are requirements or responsibilities undertaken in order to gain benefits.
- Both benefits and burdens should be distributed and shouldered fairly.

LESSON 2

Analysis of Equitability

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

- describe the history of distribution of social service and national resources in the country.

- What are social services? Give examples.
- What are national resources? Give examples.

In Grade 10, you discussed justice in the distribution of social services. You know that the distribution of social services should be fair within a country and everyone deserves equal services. This comes from the idea that all people are equal and deserve the same treatment from the government. Therefore, the provision of social services, including education, health and public administration, should be fairly distributed. In the absence of fair distribution of social service some parts of society would be benefit more than others.

National resources are the wealth of a nation. These resources are owned by all the people and everyone should benefit from them. These include both natural and other resources. So using these resources for the benefit of the people should be done in such a way that everyone can benefit. In order to have a stable and peaceful country, people should feel that the use and distribution of national resources is done fairly.

Ethiopian history is also filled with such type of events. As you have discussed in Grades 9 and 10,

the country was ruled by a monarchy before 1974. The monarchy controlled all resources and the people had very little chance of benefiting from them. The distribution of social services was biased towards close family and friends of the monarch. In addition, there was an imbalance in the distribution of social services between the different regions of the country. Some regions were very much neglected while other regions enjoyed many benefits. For this reason the deprived regions remained backward and could not develop. There was also an imbalance among the different social groups. The monarch and family, who were believed to have absolute power vested in them by God, enjoyed the produce of the poor farmers. There was no equitable distribution of resources at that time.

After 1974 the Derg came to power overthrowing Haile Selassie I's monarchy. This government was totalitarian with a socialist ideology. Although the government claimed that all the people own the national resources, the few people who were in power engaged in corruption and amassed great wealth. This resulted in the misuse of resources and the people and country remained poor. Therefore, the efforts of a lot of people went into a few peoples' pockets. During this period the distribution of social services was also not fair. Again some regions got the chance to benefit from the resources while other regions didn't.

Analysis of Equitability

CASE STUDY

Landlords and Tenants

During the time of Haile Selassie I, the landlords owned huge areas of land and exploited the tenants who were working on the land. They took most of the crops produced and left a very small amount for the farmers to feed their families. Because of this the landlords became richer and richer while the farmers became poorer and poorer. In this system the people who worked hard did not get the worth of their efforts while people who did not work took most of the benefits. Here the benefits didn't match the burdens.



A landlord's family and tenant



- How do you think the landlords felt in this situation?
- Do you think that the system today is fair? Explain your answer.



Emperor Haile Selassie I with one of his subjects

REMEMBER

- Social services should be fairly distributed.
- National resources are the wealth of all the nation.
- Historically the distribution of social services and national resources were not fair in Ethiopia.

3

LESSON

Components of the Justice System

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

- explain the agencies of justice.

What is justice? Have you ever seen justice in action?

In Grade 9, you discussed the legal and traditional instruments of justice. You saw that legal instruments of justice include courts, ombudsman and human rights commissions. In Grade 10, you saw the structure and functions of the judiciary.

In this lesson, you will discuss the agencies of justice. You already know that courts are places where the law is interpreted and judges are the people who administer the law in the courts. You have examined the sources of law in Unit 2 and know that the law emanates from the Constitution and international conventions that the country signs. There are principles that are universally followed like the principles of human rights that are enacted as law in a country. The laws are enacted for the protection of human rights and for the benefit of everyone in the country. Based on these laws, it is easier to ensure the existence of justice since we can all refer to the law when there is some kind of disagreement.

Courts are agencies that interpret law. When people disagree on issues related to law, they go to court and present their cases. They try to show the facts along with the existing law of the country and argue that they are acting in accordance with the

law. The courts then examine both sides and study the facts so they are as objective as possible to give a verdict on who has acted in accordance with the law.

Judges are well trained in interpreting and understanding the law. After reviewing the facts presented on both sides they interpret it according to the law and make a judgment. The House of Peoples' Representatives appoint judges to the Federal courts after being recommended by the Prime Minister. Similarly, the state council appoints judges in the state courts after being recommended by the state judicial administration council.

? Judges are appointed by the House of Peoples' Representatives. In view of this appointment, are judges free from influence by the government? Explain your answer.

You have seen above that judges interpret the law. In order for the law to be the governing body of the country it has to be properly interpreted without interference. Sometimes people interfere in the process of law and try to win decisions through different measures.

For this reason the judiciary system should be independent from all interference. Sometimes government officials who have violated the law want to avoid punishment. They may try to interfere in the fair judgment of the courts. This interference goes against the prevalence of justice. Therefore, the

Components of the Justice System

judiciary should be independent of the government or any other interference so that justice can be served.

In a totalitarian government the judiciary is not independent; it is controlled by the government. It becomes easier for government officials to abuse the legal system. When they commit a crime they could abuse the system so that they will not go to prison. To avoid these types of interference the judiciary system has to be independent. To this effect the FDRE Constitution, Article 78, states:

1. *An independent judiciary is established by this Constitution*

and Article 79:

2. *Courts of any level shall be free from any interference of influence of any governmental body, government official or from any other source.*

3. *Judges shall exercise their functions in full independence and shall be directed solely by the law.*

CASE STUDY

Summary Execution during the Red Terror

In the early 1970s during the Derg regime, there was a massacre by the government of people whom it considered “Anti-revolutionary”. These summary executions occurred without any court proceedings. The people who ordered the killings and those who executed the order were not tried in a court. The court was not independent of the government and was a means to implement what the government wanted.

? Why should what happened during the Red Terror not be able to happen in Ethiopia today?



Red Terror victims

In your Grade 9 studies, you saw what traditional and legal instruments of justice are. Here you will see the major similarities and differences of the courts in these two instruments of justice.

Traditional courts are those instruments of justice that are locally established by the people and are different from place to place. These courts function side by side with conventional courts. The values and norms of society are reflected in these

courts. Usually elders, who are considered to know the values and norms of society, are trusted to make the right decision. Some of the traditional courts operate based on their religion. For example, Sharia courts operate based on the principles of Islam and decisions are made based on the Holy Qu’ran and Hadith. However, in other traditional courts the elders or respected people are trusted to make the right decision without any written documentation.

Components of the Justice System

? Divide yourselves into two groups in the class. One group will go and visit a traditional court. The other group will go and visit a conventional court. Present what you have observed in the class. After the presentation, point out the similarities and differences between the two types of courts.

REMEMBER

- Courts make judgment after examining both sides of a case.
- The judiciary system should be independent of all interference.
- Conventional courts are established by the Constitution.
- Traditional courts are those instruments of justice that are traditionally established by the people and are different from place to place.

LESSON 4

The Workings of the Court

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

- describe the duties of courts.

What are the duties of courts?

You have seen in the previous lesson that courts are agencies of the law and they should be independent without any interference. It is when the courts perform their duties independently that they could truly serve justice. In this lesson, you will discuss the judicial protection of human rights.

It is only when there is an independent and properly functioning judiciary that the rights of individuals can be protected. This is because it is primarily the law that guarantees human rights. This law can be properly implemented when there is an effective institution to interpret the law in day-to-day lives of individuals. If the right of an

individual is violated that individual has no other legal choice than to come to court for justice. If the courts are doing their work properly he or she will be able to get a fair judgment and justice will be served.

FDRE Constitution Article 37

- Everyone has the right to bring a justiciable matter to, and to obtain a decision or judgment by, a court of law or any other competent body with judicial power.*

The Constitution is the only guarantee individuals have that protects their rights. The Constitution clearly states the different rights of individuals such as the right to life and right to privacy. The courts are there to see that these rights are respected. In the event of violations of these rights of individuals, the courts have a stated system by which they will correct the injustice.

CASE STUDY

The Case of Ato Worku

Ato Worku works at a government office as a store manager. His boss wanted to give the job to his relative and without proper reason he fired Ato Worku. Ato Worku then appealed to the general manager but couldn't get any response. After a month, he sued the office at a local court. The court carefully viewed his case and after two months gave the verdict that

he should be reinstated in his job and that the office should pay his salary for the past months along with the payment he made to his lawyer. His boss was sentenced to pay for the damages that occurred.

? Was this a good verdict? Explain your answer.

The Workings of the Court

CASE STUDY

Looting During the Change of Government

During 1991 the government changed and, for a small period of time, the courts and police were not functioning. Because of this the rights of people were not protected. There was a lot of looting and stealing from people's houses. The thieves felt confident that they would not be tried so they took the opportunity

to have what they wanted. The streets were not safe. There were many crimes and human rights abuses during that time. Once the new government was established then many of the criminals were brought to account and forced to return the property that they stole.

In the absence of the judicial protection of human rights, there may be human rights abuses. Big institutions or people in government offices could abuse the rights of others and injustice would prevail.

Human rights' abuses take place in different forms. In some cases government officials become corrupt using their positions for their own benefit. They could also use military power to take advantage of individuals or groups without the presence of judicial protection.

Individuals could abuse the rights of others by using their money or power. In the absence of an effective judicial system there is no guarantee that human rights will be respected. Under these conditions people feel insecure about their lives and property. Those who are capable may protect themselves with their power.

The protection of human rights by the judiciary is very important. There are other elements that are required from the courts in order for them to function properly. One of the requirements is that the courts should treat every person as an individual and provide equal treatment. This means they have to be impartial and non-discriminating.

One way to avoid discrimination is to become non-partisan. Non-partisanship means being objective. The courts and public officials should provide services free of any political, racial, ethnic,

religious or any other prejudice. This means the courts and public offices should not represent any political views and people who have different opinions should be treated equally in these places. Similarly people from different races and religious beliefs should be treated equally. This further ensures equality of the people and guarantees that the law treats people equally.

Another requirement is for the courts and public servants to be objective and not stereotype citizens. Stereotyping is based on a set of factual and fictional beliefs, about a certain group. It assumes that all members of a certain group will possess certain traits, often negative. Stereotyping leads to a bias against a certain group and their members. Bias leads to injustice and brings anger, frustration and hatred.

FDRE Constitution Article 33

2. *Every Ethiopian national has the right to enjoyment of all the rights, protection and benefits derived from Ethiopian nationality as prescribed by law.*

Write down ways in which you might be stereotyped.



Why might people say these things about you?

Would it be fair for people to say these things about you before they got to know you?

The Workings of the Court

REMEMBER

- ❑ In the presence of a properly functioning judiciary the rights of individuals will be protected
- ❑ In a society where there is no judicial protection of rights of individuals there cannot be peace and stability.
- ❑ The courts should be free of partisanship and stereotyping to make fair judgments.

5

LESSON

Fairness in Taxation

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

- explain the rights and duties of tax payers.
- describe methods of tax assessment in Ethiopia.

What rights and duties do you think tax payers have?

Discuss this issue in the class.

You have seen the different types of taxes in Grade 10. Here you will discuss the rights and duties of tax payers. As discussed in Grades 9 and 10, the government requires money to provide different services to its people. They have to pay their dues and demand that social services be provided for them from the government. Hence, citizens have a number of rights and responsibilities as tax payers.

The services that citizens demand from their government include education, health and other services such as licenses, identification cards, security services from the police and fire department etc. In addition to demanding these services, tax payers also have the right to information on the government budget. Annually the government presents a budget to the legislative body. After careful deliberation, the legislative body improves the budget and approves it.

This information and process has to be accessible to the public since the tax payer has the right to understand and comment on the budget. Similarly, at the end of the fiscal year, the government presents the performance of the different government institutions. The government also reports on how it spent the money it collected from tax payers.

Just as tax payers have rights they also have

duties. The primary and major duty of tax payers is to pay taxes. In doing so there are other duties they have to fulfill. First of all they have to honestly and exhaustively give all the necessary information for the finance authority. They have to explain what type of work they do, their income, who their employer is and how frequently they are paid. This enables the finance authority to levy the appropriate tax that should go to the government.

Some people do not disclose their income and so pay a smaller amount of tax. This is both illegal and unethical. They are denying the government the financial resources it needs for various activities. Evasion of tax means citizens are not fulfilling their civic responsibilities and are stealing from the government. Therefore, one of the duties of tax payers is to reveal their proper income. The other duty of a tax payer is to pay the appropriate amount promptly. It is important that the government gets the tax on time to engage in development activities and provide public services as planned.

Since all citizens benefit from the activities of the government, they should pay tax. Of course there are international principles that guide the collection of tax.

1. The “ability to pay” principle. This principle says that payment of taxes should be based on people’s ability to pay. It is only when a person has the capacity that he or she has to pay taxes. Those who do not have any income will not be able to pay taxes. In addition, in most cases, people earning a small income up to a certain threshold do not pay any tax.
2. The ‘Horizontal Equity’ principle. This principle says that people earning the same amount of income should pay the same amount of tax. For instance, two people

Fairness in Taxation

earning 5000 Birr each should pay the same amount of tax. This principle is put in place to preserve fairness.

- The 'Vertical Equity' principle says people who earn different amounts should be taxed differently. This means people earning more income should be taxed more than people who earn less. In Ethiopia the progressive taxation system follows this principle.

Maintaining the above mentioned fairness

principles is very important. If the taxation system is not fair people will want to avoid paying taxes and will engage in contraband and similar tax fraud. As you have discussed in Grade 9 contraband is a case where people cheat the government and avoid paying trade taxes. This harms the country in many ways. First of all it denies the government of money it needs for the provision of different services. Also the government will not be able to finance development activities without the proper collection of taxes.

CASE STUDY

Value Added Tax System (VAT)

Value added tax is a consumption tax assessed on all kinds of business activities including the production and distribution of goods and services. It is a modern system of levying taxes on consumers for their purchases. It avoids double taxation so it preserves fairness. This is

because the service giver only pays the tax once to the government; that money is then reimbursed by the consumers in the tax they pay on the service or product. VAT was first introduced in France in 1955 and today about 128 countries use this system.

Debate

Horizontal Equity: Mr. X and Mr. Y both earn 4000 Birr. Mr. X has to support a family of 7 with his income while Mr. Y doesn't have any family. In addition Mr. X has a serious illness that requires expensive treatment that he pays from his income. Monthly both Mr. X and Mr. Y pay the same amount of tax to the government.

Divide yourselves into two groups.

- One group will argue it is fair that they pay the same amount of tax.
- The other will argue that it is not fair that they pay the same amount of tax.

REMEMBER

- ❑ Taxpayers have rights they could exercise with regards to the actions of the government.
- ❑ The primary and major duty of tax payers is to pay taxes.
- ❑ Ability to pay principle says that payment of taxes should be based on people's capacity to pay.
- ❑ Horizontal Equity principle says that people earning the same amount of income should pay the same amount of tax.
- ❑ Vertical Equity principle says that people who earn different amounts should be taxed differently.

UNIT SUMMARY

In this unit, you have focused on many ideas regarding justice. You saw the meanings of benefits and burdens and how they should be distributed fairly. You explored justice in the distribution of social services and national resources. The components of the justice system, courts, laws and judges were also discussed. You looked at the working of the courts and saw how they are essential for the protection of human rights. Finally, you have seen the purpose and the principles of levying taxation.

GLOSSARY

Benefit:	A service that supports those people in need.
Burden:	The contribution of each individual in the achievement of something.
Court:	An institution where the law is interpreted.
Judges:	People who administer the courts.
National resources:	The wealth of a nation.
Non-partisanship:	Being free from political, racial, ethnic, religious or any other leanings.
Social services:	Those services provided by the government for the benefit of the people.
Stereotyping:	A combination of factual and fictional beliefs about a certain group.

UNIT REVIEW EXERCISES

Do these review exercises in your exercise book.

Part I – Multiple choice

- Which of the following is a national resource?
 - gold and minerals
 - the money in the Bank
 - the people
 - all
- Which of the following is a benefit for an individual?
 - welfare payments by a government
 - earnings from doing work
 - doing house work
 - (a) and (b)
- In Ethiopia the appointment of judges for the Federal Supreme Court is made by:
 - the Prime Minister
 - the State Judicial Council
 - the House of Peoples' Representatives
 - all

- Stereotyping:
 - is a combination of factual and fictional beliefs about a member of a group
 - leads to bias
 - leads to frustration and violence
 - all

Part II – True or false

- Non-partisan means discrimination based on political, racial and religious views.
- A person should be benefited according to the burdens he or she is shouldering.
- The courts should have non-partisan belief but should use stereotyping in their decision-making.
- Without judicial protection the rights of individuals could be guaranteed.
- Progressive taxation is part of the principle of vertical equity.