

Interpretations of the Justices and Implementation of Social Justice

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Abstract

This article aims at clarifying the role of the Justices with regard to the institutional implementation of social justice. Due to the fact that implementation of social justice to a large extent relies on redistribution of social resources and therefore basically falls within the competence of the political branches who possess the direct democratic legitimation, it is said that Justices should show deference to the decision-making of the political branches. This article points out the fallacy of this viewpoint and tries to prove the important influence of the Justices regarding the implementation of social justice. This article is divided into two parts. The first part is qualitative analysis of the relevant Interpretations of the Justices, and aims at reviewing the contributions and deficiencies of the Justices regarding the implementation of social justice. The second part is mainly quantitative analysis. In this part this article finds that the relevant Interpretations of Justices, as a whole, basically conform to the demand of social justice. Additionally this article also finds that Justices incline to take an attitude of judicial activism especially in the cases the reviewed legislative acts are not in favor of the disadvantaged groups, which subverts the traditional intuitive knowledge of Justices' passive role regarding the implementation of social justice.

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