

Justice

Meaning of Justice:

Whenever one thinks of the term 'justice', it reminds that person of being just or right or reasonable. It is opposed to what is unjust, wrong or unreasonable. As the word just, right or reasonable are primarily moral attributes, so justice is primarily a concept of morality. As a concept which is inherently related to morality, justice is a dynamic idea; it embodies an ideal and symbolizes perfectness. It is considered dynamic because the realization of the ideal is a continuous process. As circumstances changes, the understanding of justice changes with it. In India, for a longer period of time, the Brahmins had practiced Sati, which they preached as a just practice but when the situation changed that practice became an unjust one. Many wrongdoings in the society have continued in the name of being just though they have always remained contradictory to human rights. It then moves to the question whether justice is a moral concept.

Is Justice a Moral Concept?

Justice is a core concept in the moral philosophy as it fundamentally concerns what is right and fair. Philosophers like Plato and Aristotle treated justice as a virtue essential to both individual character and societal harmony. Plato like his mentor Socrates viewed justice from the concept of residues, as one of the four cardinal Greek virtues. The other three virtues were wisdom, courage, temperance and self-control. The last three virtues were found in three classes (philosophers-auxiliaries-artisans) in the state. The philosophers ruled with wisdom, auxiliaries fought with courage and artisans produced with self-control. For Plato, justice was a structural principle of balance where each part of the soul and society performs its proper role, producing a well-functioning individual and community. Aristotle had refined the theory of his mentor, distinguishing between distributive justice (fair allocation of resources) and corrective justice (rectifying wrongs), connecting justice directly to fairness and moral rightness.

Even in modern philosophy, justice continued to be framed as a moral concept. John Locke connected justice to natural rights, emphasizing life, liberty and property as a morally grounded entitlements. Immanuel Kant argued that justice is rooted in moral autonomy, asserting that every rational person deserves respect and must not be treated merely as a means to an end. Karl Marx decried the talk of justice in a capitalist society. He criticized socialists like Proudhon who preached social justice because they failed to realize the irrelevance of the idea of justice to the social problem. Marx believed the concept of distributive justice in a capitalist society was irrelevant. Marx stressed on the capitalist mode of production and the capitalist relations of production. The result is that justice is only meaningful to those who control the means of production while the working classes this form of justice is an injustice in reality. Thus, Marx had pointed out that in a capitalist society, justice was never a moral concept. John Rawls in his

theory of justice analyzes justice as fairness and also frames justice morally, proposing principles chosen under a 'veil of ignorance' to ensure equality and protection for the least advantaged.

Justice is not only a legal or social construct but also a moral standard guiding human behavior. It addresses conflicts over scarce resources, rights, and duties, providing ethical criteria for determining what individuals deserve. Natural justice, for example, is based on universal moral principles inherent in human nature, independent of laws or conventions, emphasizing fairness and ethical treatment.

But as it has been pointed out that implementation of justice varies in the capitalist society. The implementation is often class oriented and so even though it is a moral concept in theory but in practice it often becomes immoral. Rather, justice can be understood as 'amoral', which transcends the limits of morality and immorality.

Dimensions of Justice

The modern concept of justice is different from its traditional form. The traditional concept of justice put emphasis on the idea of just man. It was primarily concerned with the virtues which enhance the moral worth of a man. It remained in the performance of the duties attached to its status determined by the prevalent law, social customs and the mode of thought. An example of the traditional approach can be understood from Plato's theory of justice where he prescribed the duties of different citizens and required them to develop virtues befitting those duties. Plato believed in order to achieve perfect harmony which symbolizes justice, reason must rule within humans as well as within the state apparatus. In order to have a just state, it is imperative to hand over the reins of the government to the philosophers.

While the traditional view insisted on individual conforming to pre-conceived image of society; the modern view of justice seeks to transform society itself for the realization of certain human values. The idea of social justice stands in sharp contrast with the traditional form as it acts as a force behind social change. When the people find the existing social order to be oppressive, faulty and corrupt, they raise demand for social justice and demand changes in the existing social order. Social justice is the voice of the oppressed against the excesses of the social system.

When the modern idea of justice is applied to the various aspects of social life, we get legal, political, social and economic notions of justice.

Legal Justice

Legal justice refers to the systematic and ethical enforcement of laws, ensuring that all individuals are treated equally before law and their rights are protected. It is based on both *substantive law*, which defines the rights and duties of individuals and *procedural law*, which governs the processes and rules for enforcing those rights.

Legal justice is about rationality of law which states that law is for the well-being of the whole community and hence law should be equal for all. It demands that every individual irrespective of its class, caste, creed, gender etc. should be able have impartial justice under the existing judicial system. There should equal protection of law and no one will above or beyond the control of law, which is the essence of the concept of 'rule of law'. Law should serve the poorest of the poor and it should be independent and impartial.

Legal justice is broadly applied in two contexts: justice according to law and law according to justice. In the first case, the validity of law is not questioned and the focus is on the principles of administration of justice according to the prevalent law. In the second case, the substance of law itself is examined to ensure that it conforms to the requirements of justice. Ernst Barker deals with the concept of legal justice as law according to justice and he draws a distinction between positive law and natural law. Positive law is a particular law, but natural law is a universal law which is based on what is just everywhere and at all times, for all mankind. The view of Barker is that ideally, law should have both validity and value. Law will be most effective if it conforms to the principle of justice and the authority of the state.

In short, the concept of legal justice is based on principles fairness and impartiality, equality, accountability, due process, redress and remedy and transparency and consistency. As the ultimate goal of legal justice is to maintain social order, uphold the rule of law, protect individual rights, and promote accountability.

Political Justice

The term political justice is often applied in a comprehensive sense in which it embraces a restructuring of the entire fabric of social, economic and political relations. It means the fair and equitable distribution of political rights, power, and opportunities, ensuring all individuals can participate equally in governance and are protected by transparent and accountable institutions.

William Godwin used the term political justice to denote a moral principle whose object was the general good and which was invoked to evolve a genuine system of property. In his book *Political Justice*, Kirchheimer described political justice as 'the search for an ideal in which all members will communicate and interact with the body politic to assume its highest perfection.' A specific use of the term refers to the reorientation of political institutions, political process and political rights according to the current conceptions of justice. The Liberals viewed political justice as equal right to vote and equal share in government services. In this sense, political justice is associated with political rights and equality. It also means political power which should be exercised by the representatives of the people which portrays that it can only be possible in a democratic state.

The essence of political justice is political equality within the state. The political equality does not mean equality in absolute sense, it means the equality to that sense that injustice is not meted out on basis of class, caste and other discrimination. It is the duty of the state to provide justice

without any favor or biasness. The idea of political justice and equality is explained in Article 1 of the Universal Declaration of 1948. It states: ‘All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.’

Social Justice

Social justice is the principle that all people deserve equal rights, opportunities, and protections focusing on fair distribution of wealth, power and resources within the society. It emphasizes removing barriers to social mobility, creating safety nets and promoting economic fairness. No person should be deprived of those social conditions which are essential for his development. It is associated with social equality and social rights. In actuality, social justice is the offspring of political justice; a political unjust society can never be socially just. According to the United Nations, social justice is essential for peaceful and prosperous coexistence and is grounded in the principles of equity, solidarity and human rights.

Economic Justice

Economic justice is a framework that ensures opportunities, resources, and outcomes are fair and accessible to all members of society. It addresses how wealth, income, power are distributed aiming to mitigate disparities that undermine human dignity and equal rights.

Economic justice can be viewed from two angles: the Liberals refer to the satisfaction of economic needs of the people in society as justice. The Marxists view is that economic justice prevails only after the abolition of private property and capitalist system of production. While the Liberals have argued for a welfare model to determine economic justice, Marxist have argued that there cannot be economic justice if the society remains divided as rich and poor, exploiters and exploited.

Broadly, the core principles of economic justice include: fair opportunity, fair share of prosperity, basic needs and security, participation and dissent, accountability and rule of law and sustainability. It has to be understood that economic justice is not a single policy but a comprehensive concept that combines fairness and practical remedies. It is a topic of normative economics and philosophy, and it remains a crucial consideration for policymakers and a society as a whole.

Relationship between Liberty, Equality and Justice

The concepts of liberty, equality, and justice are interrelated core values that guide democratic societies, yet balancing them often involves complex trade-offs between individual freedom, social fairness, and equitable treatment. Barker had mentioned that justice is the synthesis of liberty, equality and fraternity. It is the thread which runs through all these values and makes

them parts of an integrated whole. It reconciles their conflicts and contradictions. It is the final goal to which liberty, equality and fraternity should conform.

It is our sense of justice which compels us that human relations should be regulated by reason. Justice recognizes the dignity of the human being which comes from his/her rational nature. It demands that every individual should be treated as an end in itself and not a means to an end. All individuals should be treated alike and none should be superior to others irrespective of all forms of differences. Though equality may not be the final principle of justice yet it is one of the significant principles which determine justice. The equality in front of law provides justice for the unprivileged and equality in front of the government guarantees livelihood and protection which indirectly strengthens the concept of justice.

Liberty is the first condition of justice as bondage is unjust and it also does not allow equality. A government which attacks the liberties of people cannot provide justice. Here, the courts play a significant role to protect the liberty of the people and thereby establishing justice.

On the contrary, efforts to maximize can exacerbate inequality while attempts to enforce equality may restrict individual freedom. Historical and social contexts, such as civil rights movements, women's suffrage, and labor reforms, demonstrate the challenges of balancing these values. Ross Evans Paulson notes that in American history, prioritizing liberty for some often came at the expense of equality and justice for others, highlighting the ongoing struggle to achieve democratic mutuality.

In modern governance, policymakers must navigate these tensions. Ensuring liberty involves protecting individual rights and freedoms; promoting equality requires addressing systemic disparities; and upholding justice demands fair treatment and proportional outcomes. The interplay of these principles shapes laws, social policies, and institutional frameworks, influencing debates on taxation, healthcare, education, and civil rights. In summary, liberty, equality, and justice are foundational yet sometimes competing ideals. Understanding their distinctions and interactions is essential for creating societies that are both free and fair, where individuals can exercise their rights while ensuring that all members have equitable opportunities and protections.

