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CONCEPT OF JUSTICE

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ABSTRACT

Since ancient times, the idea of justice has been discussed from a philosophical, legal, and political perspective. The philosophical basis and definitions of justice offered by famous intellectuals are the first steps in investigating its various aspects. John Rawls' theory of justice, which emphasizes equality, liberty, and fairness, is given much attention. Along with examining the relationship between justice and law, the study also looks at many forms of justice, such as distributive, corrective, political, social, and economic justice. The Indian constitution, which upholds fairness as a fundamental principle, receives particular consideration. Social injustices, the complexity of the law, and political pressures make it difficult to achieve justice even with legal achievements. This study aims to give readers a thorough grasp of justice, including its applications and the challenges of defining and enforcing it within social and legal frameworks.

INTRODUCTION

The basic idea of justice must be understood before entering into individual viewpoints. Originating from the Latin word *Jungere*, which means to bind or tie together, the term "justice" refers to its function in balancing social connections. It has prompted a lot of scholarly discussion and is closely related to human morality. Despite different interpretations, a definition that is widely agreed upon is still unclear.

The Latin word "*jus*," which means right or law, is where the term "justice" originates. According to the Oxford English Dictionary, a "just" person is one who "usually does what is morally right" and has a desire to "give everyone his or her due," using the term "fair" as a synonym.²

Philosophers including Aristotle, Kant, Rawls, and Amartya Sen have all examined the dynamic idea of justice. Aristotle characterized justice as treating equals equally and unequals unequally, but Rawls popularized the notion of "justice as fairness." Gautam Buddha stressed justice beyond merely following the law, while Karl Marx saw justice as influenced by economic class interests. According to the utilitarian viewpoint, justice is about increasing happiness for all.

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² <https://www.iep.utm.edu/justwest/>

A complex link exists between justice and law, with legal scholars arguing over whether justice is a moral judgment about the law or a fundamental part of it. As historical, cultural, and legal circumstances change, the idea stays flexible. Even after centuries of discussion, justice is still one of the most engaging and difficult concepts, justifying ongoing research in modern society.

THE CONCEPT OF JUSTICE

For ordinary individuals, justice might mean that a crime has been properly punished. Justice could be interpreted by a philosopher as morality. Applying the rule of law may be what a lawyer considers justice. The idea of justice is a dynamic one that changes over time. According to common belief, justice is the concept of equality, fairness, moral righteousness, and receiving what one deserves. It is possible to approach the issue "What is justice?" as broadly or as narrowly as desired.

Punishments for "immoral" acts are part of receiving what one deserves. Treating everyone equally is the concept of fairness. Recognizing and redressing historical injustices may also involve treating individuals unfairly. For example, if women or members of racial minorities have historically been excluded from some reasonably well-paying occupations, there may be reasons for employment equity measures that prioritize selecting qualified applicants from the minority group.³ Equality in the form of equal citizenship rights is another popular definition of justice. Moral righteousness, which is the definition of justice, refers to personal virtues and moral behavior.

Harper Lee introduces readers to justice in her remarkable book "To Kill a Mockingbird" by describing injustice in graphic detail. One of the most significant moral and political ideas that lacks a universally accepted definition is justice. Justice, according to both classical philosophers like Aristotle and contemporary thinkers like Rawls, should be incorporated in all social structures and is a virtue that people must possess when dealing with others.⁴

Justice is described as "the constant and perpetual will to render to each his due" in the Institutes of Justinian, a sixth-century AD collection of Roman law, which is the most likely source for a fundamental definition.⁵ Conservative justice is upholding people's rights under the law or moral principles, or more generally, meeting the rightful expectations that people have accrued via societal norms, historical practice, and other factors. On the other hand, perfect justice justifies a significant overhaul of laws, customs, and practices, resulting in the establishment of new rights and expectations.

³ <https://fernwoodpublishing.ca/files/pursuingjustice.pdf>

⁴ <https://www.cisl.cam.ac.uk/resources/publication-pdfs/the-multiple-meanings-of-justice-in-the-context-of.pdf>

⁵ <https://plato.stanford.edu/entries/justice/#JustMappConc>

Distributive justice is a term given to justice that deals with the allocation of rights, resources, etc. to the citizenry.⁶ The goal of corrective justice is to make up for the loss of someone who has been wronged. It opposes unfair treatment. Justice takes on a comparative shape when we must consider other people's claims to assess each person's claim. It adopts a non-comparative version when we are aware of someone's due portion based solely on their facts.

JUSTICE AS DEFINED BY VARIOUS PHILOSOPHERS

The Greek concept of justice was strongly tied to ethics. Justice, in Cephalus' view, entails speaking the truth and paying back debt. According to Polemarchus, justice is granting everyone in society what they are entitled to. Plato supported the class system because he thought that men were by nature unequal. The ruling class, the military class, the producing class, and the craftsmen were the four groups he distinguished. According to Plato, fairness is the primary virtue and the non-interference principle that maintains the various social classes, members of each class, and aspects of a person's soul within appropriate bounds.⁷ It is a functional specialization principle.

Aristotle believed that the term "justice" was primarily used to refer to behavior that complied with the law. Distributive justice and corrective justice are the two categories into which he divided justice. All fair and legal actions are just, while all illegal and unjust actions are unfair, according to Aristotle's powerful rationale.⁸ In the event that legal and fair standards clash, which norms need to be adopted by people and institutions? This issue, which Aristotle rejected when examining the idea of justice, has led to a long-running debate about the nature of morality, the law, and justice. The Greek philosophy had an impact on the attorneys of ancient Rome. A lawyer named Cicero argued that justice is a natural law that exists independently of human consent. St. Augustine claimed throughout the Middle Ages that the state's foundation is justice. He argues that the Church, not the government, is the one who establishes justice. Despite his Christian dedication to love and peace, Augustine is not a pacifist and can defend "just wars" as both morally acceptable and even required.⁹ Aristotle and St. Aquinas agreed on the idea of equality-based justice.

According to Karl Marx, the relations and forms of production determine justice. The economic interests of the ruling class influence the concept and substance of justice. Without mentioning the theories of ancient Indian thinkers, the examination of the concept of justice would not be comprehensive. "Dharma" is practically equivalent with "nyaya," meaning justice. Hindu jurisprudence heavily relies on the Manusmriti. In addition to upholding the law, Gautam Buddha's

⁶ Aristotle, *Nicomachean Ethics*, Transt H. Rackham, Edn. 195, BKV.11 7

⁷ <https://brewminate.com/the-concept-of-justice-in-greek-philosophy-plato-and-aristotle/>

⁸ Aristotle, *Nicomachean Ethics*, ARISTOTLE'S COLLECTION 29 BOOKS (W. D. Ross Transl. Kindle Edition, 2007)

⁹ Augustine, and F. R. Montgomery Hitchcock. 1922. *St. Augustine's treatise on the City of God*.

conception of justice also supports the radical idea of disobedience, or breaking the law, in cases where it is unjust.¹⁰

Chaim Perelman is regarded as one of the 20th century's best philosophers of law.¹¹ He asserts that "each will defend a conception of justice that places his opponent in the wrong and himself in the right." He lists six primary ideas about justice. "To each the same thing" implies that everyone must be treated equally, regardless of their unique characteristics. "To each according to his merits" refers to the idea that each person should be given proportionate consideration based on their individual merits. "To each according to his works" refers to treating people based on the outcomes of their deeds rather than assuming that everyone is treated equally. This justice formula is comparable to charity since it states, "To each according to his needs." "To each according to his rank" refers to acknowledging the distinctions that people make based on their status. "To each according to his legal entitlement" refers to the application of the law.

Bentham's conception of justice represents his legalized notion of utility.¹² John Stuart Mill, a follower of Bentham, goes on to illustrate Bentham's theory of justice by pointing out that virtue is preferable to happiness and that one can forgo happiness for it.¹³ Immanuel Kant defined a hypothetical imperative as any action that is good as a means to another goal, whereas a categorical imperative is any action that is good in and of itself and complies with reason.¹⁴

JOHN RAWLS' THEORY OF JUSTICE

The phrase "Justice as Fairness" is not only widely used in almost all social scientific disciplines due to Rawls' impact, but it also provides a thorough explanation of what justice is. "A Theory of Justice" is among John Rawls's most significant written works.

Two principles of justice are presented by Rawls in his work. Initially, every individual should have an equal right to the most comprehensive system of equal basic rights that is compatible with a system of liberty that is comparable for everyone.¹⁵ Second, economic and social disparities should be set up in a way that (a) benefits those who need it the most, in accordance with the just savings concept, and (b) is linked to jobs and positions that are accessible to everyone under the terms of equitable equality of opportunity.¹⁶

¹⁰ Ronald Dworkin, *A Matter Of Principle*, p. 104-118, Harvard University Press, 1985.

¹¹ http://www.scielo.br/pdf/bak/v9n1/en_03.pdf

¹² http://www.ritsumeai.ac.jp/acd/cg/ir/college/bulletin/e-vol.13/01_Bhandari.pdf

¹³ John Stuart Mill, *Utilitarianism* 36, Ebook, Gutenberg, 2004.

¹⁴ Immanuel Kant, *The Philosophy Of Law: An Exposition Of The Fundamental Principles Of Jurisprudence As The Science Of Right*, Liberty Fund Inc., Ebook, 2010.

¹⁵ John Rawls, *A Theory Of Justice*, Cambridge, MA, The Belknap Press of Harvard University Press, 1971

¹⁶ Ibid

John Rawls was influenced by Kant's study of the contractual nature of justice. According to Rawls, justice is concerned with both individual and human wellbeing. Rawls' idea of the "Veil of Ignorance" is a potent thinking experiment. Our own experiences shape our typical beliefs about what is right and wrong. "Our race, gender, class, education, appearance, sexual orientation, career, family, and other factors all influence who we are." However, the society that results from hiding behind a veil of ignorance ought to be just.

Rawls believes that "at least for societies that have attained a moderate level of affluence," the first principle takes precedence over the second. Rawls is referring to negative rights, such as the freedom of thought. Education, food, and housing are examples of social commodities that are distributed and may be seen as positive rights.¹⁷

THEORIES OF JUSTICE

Justice is a flexible idea that fluctuates from person to person based on the circumstances, traditions, conventions, religious beliefs, and most importantly, life philosophy, which establishes the moral compass of the community. Simplifying this phrase, it would imply that justice is justness and that there is no set criteria for what constitutes justice; rather, it is a dynamic concept that changes with human society.

According to eminent judge and law scholar Sir John William Salmond, justice is the peaceful balancing of social benefit with individual behavior.

In order to give justice a more mathematical definition, the Greek philosopher Pythagoras thought of justice as a number—a square number, that is, a number multiplied into itself. Because it is made up of equal pieces and the number of parts equals the numerical value of each portion, a square number is in perfect harmony. Justice is predicated on the idea of a state made up of its equal portions, if justice is regarded as a square number. According to the same school of thought, a number is square as long as its constituent parts are equal. Similarly, a state is just as long as its constituent parts are equal, and justice is the maintenance of this equality.

Aristotle, who is regarded as the father of political science, also offered his opinion on what justice should be. Justice, in his opinion, is the name of that significant moral virtue and character element that is necessary for handling social and public relations. This is founded on the idea that "everyone should have his own" and has been referred to by Aristotle as "Complete Justice."

Additionally, Plato, one of the most influential thinkers in the Ancient Greek world and Western thinking history, defined justice as the balance of a person's inner life or body of politics. In Plato's view, justice is the ability of each person to focus on their responsible role. When a soldier is just

¹⁷ <https://ethicalrealism.wordpress.com/2011/04/26/three-theories-of-justice/>

in this way, he is brave; when a guy in a subordinate role is just, he naturally accepts and upholds authority or is "self-controlled." Therefore, justice is an essential requirement for each other to exist; each virtue is a unique expression of the spirit of justice, which takes on many shapes depending on a man's role in society. Nowadays, a sense of obligation is the same as justice.¹⁸

As we can see, the idea of justice has been discussed throughout history, with a variety of academics holding differing views. To conclude up this part, though, I would want to restate Lord Denning's definition of justice, which is, in my opinion, the most fundamental and straightforward: "What the right-minded members of the community believe to be fair."¹⁹

PRINCIPLES OF JUSTICE

- **Equality**

"Equals should be treated equally, and unequals unequally" is the most basic principle of justice. As a cornerstone of justice, equality is based on the religious idea that all people should be treated equally because they are God's children. The following is another way that this idea has been restated: "People should be treated equally, unless they differ in ways that are relevant to the situation in which they are involved."

- **Fairness**

Giving each person what they deserve is what justice entails. To put it another way, justice and fairness are closely related concepts. In simple terms, fairness is defined as what seems rational, neutral, and disinterested to an observer.

- **Liberty**

Immanuel Kant and Herbert Spencer are two philosophers whose ideas I will be using to illustrate this idea. Spencer thinks that "every man is free to do which he wills provided he infringes not the equal freedom of any other man," but Immanuel Kant thought that justice was "to act in such a way that the maxim of your actions may become a universal principle that everyone follows."

TYPES OF JUSTICE

- **Private and Public Justice**

Salmond contends that public justice, also referred to as procedural justice, is the relationship between people and courts of justice and is how the courts of law carry out their duties, while private justice, also known as substantive justice, is the relationship between individuals and the purpose for which courts of law exist.

¹⁸ Nettleship, Richard Lewis, Lectures on the Republic of Plato, pp. 151-152 (1958)

¹⁹ Lord Denning, N.R., The Road to Justice, p.4 (1995)

- **Civil and Criminal Justice**

According to Aristotle, criminal justice is concerned with punishing a criminal and is a measure taken against the person who has been found guilty of an offense under the criminal laws of the land. Civil justice, on the other hand, consists of giving every man his dues and is a suitable appropriation of claims or an adjustment of disputes arising from the relationships of men.

- **Social, Economic and Political Justice**

The idea of social justice is to improve the lot of the poor without unnecessarily and unjustly influencing the interests of the wealthy. In the Indian Constitution, social justice is defined in Articles 14, 15, 16, 21, and 39 (b) and (c).

When discussing social justice, the previous Chief Justice of the Bombay High Court noted that "it is true that social justice is imponderable and we are not asked not to introduce the principles of social justice in constructing legislation that comes for interpretation before us." However, we believe that the court must apply social justice principles when interpreting these relevant legal laws to assess any economic, social, or labor legislation.²⁰ The Supreme Court of India further noted that the idea of justice is a dynamic concept with revolutionary potential, giving the rule of law substance and giving the notion of the welfare of the state purpose and relevance.²¹ Additionally, it noted that "Social justice is a dynamic device to mitigate the sufferings of the poor, weak, tribal, Dalit, and deprived sections of society and to elevate them to the level of equality to live a life with dignity of person." Stated differently, achieving a significant level of social, economic, and political equality is the purpose of social justice and is both a legitimate expectation and a constitutional objective.²²

- **Distributive and Corrective Justice**

In contrast to distributive justice, which outlines how rights, property, and well-being should be allocated among a class of people, corrective justice holds that a person's liability makes up for injustices committed against another, guaranteeing that the accused offenders make amends by offering an apology, returning stolen property, and/or performing community service.

- **Legal and Natural Justice**

Natural justice is justice that is based on common sense, whereas legal justice is justice that is established by law, acknowledged by law, and upheld in legal proceedings.

²⁰ *Prakash Cotton Mills v. State of Bombay*, 1957 II LLJ 490 (Bom)

²¹ *State of Mysore v. Workers of Gold Mines*, 1958 II LLJ 479 (SC)

²² *Air India Statutory Corporation v. United Labor Union*, AIR 1997 SC 645

INTERRELATIONSHIP BETWEEN JUSTICE AND LAW

The idea of justice is typically fairly black and white for the lawyer. A negative construct of perceived "injustice" is the basis for its understanding. An individual who has been wrongfully criticized will feel a great sense of unfairness.²³ Justice in a court case is not simply about justice between the parties. It also has to do with social justice. According to the judge, justice is a notion that actually means using the law to accomplish a goal.²⁴

Even if the idea of justice without the law is not illogical, it is always meaningless. The ideal type of interpersonal connections is one based on justice. Many formulae are used to convey the ideal, such as life, liberty, and the pursuit of happiness; liberty, equality, and fraternity; from everyone according to his need, to each according to his capacity; due process and equal protection under the law, etc. Aristotle previously categorized the concept of justice into distributive justice and commutative justice, a dualism that approximately translates to the contemporary concepts of substantive and procedural justice. In a negative sense, justice is the avoidance of injustice.

The first step in pursuing justice might be taken by the individual who has been wronged, for instance, by filing a formal complaint or a statement of grievance. The next step in pursuing justice is for the complainant to take their case to a higher authority. Judges and other legally appointed officials are examples of such individuals in constitutional regimes, and they are expected to respond in line with established substantive legal standards and legal procedures.

A real legal system, manned by judges who render decisions in accordance with established process and in light of set substantive legal criteria, must be encountered in the pursuit of justice under a constitutional government in the real world.²⁵ "Justice" is an idealized goal that is not established in a legal system. The important issues surrounding "justice" arise in practical circumstances where decisions must be made. For instance, given that the classification may be used in relation to abortion, is an unborn child a "person" for the purposes of a wrongful death lawsuit?

DIFFICULTIES IN DEFINING JUSTICE

The concept of justice is individualized, which makes it difficult to define. In some circumstances, what would be appropriate for me might not be appropriate for another. Other than the manner in which the government has crafted its laws, there are no universal standards by which justice or injustice can be determined.

²³ Amartya Sen, *The Idea of Justice*, The Belknap Press of Harvard University Press, 2009.

²⁴ <http://classic.austlii.edu.au/au/journals/VicJSchol/2014/12.pdf>

²⁵ <https://ir.lawnet.fordham.edu/cgi/viewcontent.cgi?referer=https://www.google.com/&httpsredir=1&article=3797&context=flr>

Different philosophers offer their unique interpretations of the notion and concept of justice. There isn't a single, universal definition of justice. The concept of justice is contingent upon the particular circumstances and the laws that are in effect. For instance, cultural gaps may result in disparities in emphasis. Over the past two millennia, China has legitimized and exercised political authority in a fashion that places a strong focus on distributive justice and socioeconomic rights. In the US, political philosophy appears to be dominated by an emphasis on political rights and the aspects of justice such as equitable participation and respect.

CONCLUSION

The idea of justice is dynamic, influenced by moral considerations, historical circumstances, and societal shifts. Although fairness, equality, and moral goodness are frequently linked to justice, the concept is still arbitrary and differs among people and civilizations. Although courts are institutions of justice and attorneys are its officers, justice is really a constant search for equity, truth, and human dignity that exceeds legal frameworks.

The elimination of slavery and the realization of fundamental rights are two examples of how cultures have reinterpreted justice throughout history. It is important to challenge legal standards since a law does not necessarily follow moral fairness just because it exists. Following William Archibald Dunning's view that justice is decided by devotion to fairness and morality, we as responsible members of society must oppose legislation that violate fundamental human rights.

Philosophers, reformers, and legal academics are all still motivated by the never-ending desire for justice, which existed before formal legal frameworks. I believe that the openness to question, reinterpret, and enhance social norms is the foundation of true justice. We can only work toward achieving justice in its purest form by engaging in this ongoing process of inquiry and improvement.

REFERENCES

1. Morris Ginsberg, *The Concept of Justice*, 38 Phil. 99-116 (Cambridge Univ. Press on behalf of Royal Inst. of Phil. 1963).
2. file:///C:/Users/kotha/Downloads/Rawls%20concept%20of%20justice.pdf
3. Christoph Horn, *The Concept of Justice: How Fundamental Is It in Ethics and Political Philosophy?* 6 Ethic@: An Int'l J. Phil. 299 (2007).
4. Lord Denning, N.R., *The Road to Justice*, p.4 (1995)

5. John Rawls, *A Theory Of Justice*, Cambridge, MA, The Belknap Press of Harvard University Press, 1971