

LEGAL PHILOSOPHY OF SOCIAL JUSTICE

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ABSTRACT

One of the most significant moral and political notions with no established definition is justice. The definition of justice is interpreted differently by many thinkers. Though it may not be nonsensical, the idea of justice without the rule of law is inescapably hollow. This essay examines the definitions of justice offered by many philosophers as well as the challenges associated with them. The concept of justice is based on the particular circumstance and the current laws. The notion of justice has been debated ceaselessly since the beginning of time, yet it continues to rank as one of the most intriguing and contentious concepts. In the debate regarding the idea of justice, at least three concerns have often come up. First, the definition of justice has been the subject of much debate. But the issue hasn't yet been properly clarified to the desired degree of scientific assurance. As a result, the question of justice seems to be current.

1. INTRODUCTION

1.1 OVERVIEW

One of the most significant moral and political notions with no established definition is justice. The Latin word "jus," which means right or law, is the source of the English term justice. The Oxford English Dictionary uses the term "just" interchangeably with the word "fair" to describe someone who "does what is ethically just" and is inclined to "give everyone his or her due." In some situations, and cultural settings, the need for justice takes on more importance. Justice is a progressive idea. It's fascinating to know how the definition of justice has changed from the time of the ancient Greeks to the present. Aristotle provided one of the first definitions of justice in writing. "Equals should be treated fairly and unequals fairly," the saying goes. Distributive justice, corrective justice, commutative justice, legal justice, and moral justice are all topics covered by Aristotle. St. Augustine, who felt that justice was a product of the church, said in the Middle Ages that justice was the cornerstone of the state. Karl Marx said that the concept of justice and its elements are dependent upon the economic interests of the ruling class. According to Chaim Perelman, justice is one of several virtues. Everybody will stand up for a version of justice that places them in the right and their adversaries in the wrong. The idea of justice in the teachings of Gautam Buddha goes beyond only adhering to the letter of the law; it also supports a radical notion of disobedience or defiance of the law if it is unjust.¹

¹ Smith S. State sovereignty as social construct. Igarss. 2014. <http://doi.org/10.1007/s13398-014-0173-7>

Many philosophers have provided their ideas of justice, including Kant, Mill, Rawls, and Nozick. A concept put out by John Rawls is "justice as fairness." One of John Rawls' most significant books is *A Theory of Justice*. It presents two justice guiding ideas. According to a utilitarian viewpoint, justice is creating laws and political structures that maximise pleasure for the largest number of individuals. Amartya Sen outlined a number of aspects of justice. It is complicated how justice and the law interact. Since Plato's day, legal and political philosophers have debated whether justice is a component of the law or just a moral assessment of the law. When we use the term "unjust law," this is an example of the latter. The avoidance of injustice is the definition of justice in a negative sense. Due to the individualised character of the notion, it is difficult to define justice. What may be appropriate for me in one setting may not be appropriate for someone else in another. Other than the method in which the government has crafted its laws, there are no universal standards by which justice or injustice may be determined. However, since legislation is a tool for achieving a goal, it must first be fair in order to be used as a tool for achieving justice.⁸ The notion of justice has been debated ceaselessly since the beginning of time, yet it continues to rank among the most intriguing and contentious concepts.²

2. CONCEPT OF JUSTICE

Justice may be defined by an average person as the proper penalty for a crime. A philosopher could see justice as morality. The implementation of the law may be considered justice in the eyes of a lawyer. Justice is not a static idea; rather, it is an evolving idea. In everyday speech, the concept of justice refers to receiving what one is due, fairness, moral uprightness, and equality. You may approach the topic "What is justice?" anyway you like—narrowly or widely. Getting what one deserves may involve suffering the consequences of one's "immoral" deeds. Being fair means treating everyone equally. It could also include treating someone unfairly in order to recognise and address prior injustices. For instance, there may be a basis for employment equality measures, which give qualified applicants from the underrepresented group precedence in hiring, if women or members of racial minorities have traditionally been excluded from some very well-paying industries.³ Equal citizenship rights are one way that justice is often seen to also include equality. When justice is seen as moral righteousness, it refers to personal integrity and ethical behaviour. Harper Lee familiarises the readers with justice via a realistic picture of injustice in her wonderful book *"To Kill a Mockingbird."* One of the most significant moral and political notions with no established definition is justice. Justice is seen as a value to be ingrained in all social structures and as a required virtue of people in their relationships with others by both ancient philosophers like Aristotle and contemporary thinkers like Rawls.

² Hindess B. *Locke's state of nature. History of the Human Sciences.* 2007; 20(3): 1–20p. <http://doi.org/10.1177/0952695107079331>

³ Lessnoff M. (Ed), *Social Contract Theory* (Oxford: Basil Blackwell Ltd). 1990.

Justice is described as "the continual and permanent intention to deliver to everyone his due" in the Institutes of Justinian, a code of Roman law from the sixth century AD. This term is the most likely source for a core definition.

12Conservative justice is the respect for people's rights under the law or moral principles in place, or, more broadly, the fulfilment of the reasonable expectations individuals have as a consequence of prior experience, societal norms, and other factors. In contrast, ideal justice motivates us to make significant changes to laws, customs, and practises, giving rise to new rights and obligations. Distributive justice refers to justice that addresses the allocation of rights, goods, etc. to people. 13 Making amends for the loss of a person to whom a harm has been done is the idea behind corrective justice. It is opposed to injustice. When it is necessary to consider the claims of others in order to assess a person's due, justice takes on a comparative aspect. When we know what is owed to a person by merely knowing the facts about that person, it adopts a non-comparative form.

2.1 Justice: Four Distinctions

Four components that are present in every application of the idea of justice have been examined so far. It's time to think of a few similarly significant differences now.

2.1.1 Conservative versus Ideal Justice

Philosophers who have written on justice have noted that it has two distinct faces, one that is supportive of current norms and practises and the other that calls for their change. Respecting people's rights under existing law or moral rules, or more generally, fulfilling the legitimate expectations they have acquired as a result of past practise, social conventions, etc., is therefore a matter of justice. On the other hand, justice frequently gives us reason to change laws, practises, and conventions quite radically, thereby creating new entitlements and expectations. This reveals an ambiguity in the definition of "give each his due." What is "due" may be what a person can reasonably expect to have given current law, policy, or social practise, or it may be what a person should receive under an idealised system of justice. Depending on which ideal principle is being invoked, this may mean what the person deserves, needs, or is entitled to based on equality.⁴

Justice ideas differ depending on how much significance each of these faces is given. At one extreme, certain notions of justice are only interested in what people may demand under current laws and social norms. Accordingly, Hume viewed justice to be obedience to a system of rules that allocate people actual items (such as being the first owner of an object) (Hume, *A Treatise of Human Nature*, Book III, Part II). Although the justice system as a whole can be demonstrated to be socially beneficial, there are no pertinent independent standards by which its principles can be evaluated. Instead, these rules can be explained by reference to the natural associations that people's minds naturally make between people and external objects (Hume briskly dismissed

⁴ Young IM. *Responsibility and Global Justice: a Social Connection Model*. *Philosophy and Social Policy*. 2006; 23(01): 102–130p. <http://doi.org/10.1017/S026505250606004> 3

equality and merit as principles for allocating property to persons). Similar to this, Hayek said that justice was a quality of individual behaviour, interpreted as adherence to the "rules of fair conduct" that had developed to support the efficient operation of a market economy. Speaking about "social fairness" as a perfect norm of distribution was as useless to Hayek as talking of a "moral stone."

2.1.2 Corrective versus Distributive Justice

Justice as a basis for allocating distributable commodities of different types to individual persons and justice as a remedial concept that applies when one person inadvertently interferes with another's rightful ownership is a second significant distinction having roots at least as far back as Aristotle. Therefore, if Bill takes Alice's computer or sells her defective products that he represents as being in perfect working condition, Alice will have suffered a loss, which justice requires Bill to make up for by returning the computer or honouring his contract in good faith. Therefore, corrective justice primarily focuses on the relationship between a wrongdoer and his victim, and it demands that the victim be put back in the same position as she would have been had the wrongdoing not taken place. It may also demand that the wrongdoer not reap any benefits from his erroneous behaviour. Conversely, multilateral distributive justice implies a distributing agency as well as a number of parties with stakes in the distribution of the goods. In order to be fair, the resources accessible to the distributor must be distributed in accordance with some relevant standard, such as equality, destitution, or necessity. According to Aristotle's example, the flutes should be handed to the top players if there are fewer flutes available than there are flute players. Principles of distributive justice are applied to social institutions like property and tax systems in contemporary disputes because they are believed to produce distributive consequences throughout huge societies, or even the whole planet.⁵

2.1.3 Procedural versus Substantive Justice

A further difference that must be made is between the fairness of the methods that may be used to decide how different benefits and costs are distributed among individuals and the justice of the actual distribution. At first glance, it could seem that the justice of a method can be reduced to the justice of the outcomes obtained via its application, however this is untrue. One is that there are situations in which the concept of an independently fair conclusion is absurd. The winner of a coin flip determines who kicks off or bats first in a game, and neither the Blues nor the Reds may legitimately claim that they should. However, even when a technique has been designed with the idea that its results should be substantively fair, it may still include unique characteristics that make it inherently right. In such situation, using a different method to achieve the same outcome would be considered unacceptable. John Rawls contrasted perfect procedural justice—where a procedure is such that if it is followed, a just outcome is guaranteed—with imperfect procedural justice—where a procedure is such that following it is likely, but not necessarily, to produce the just result—

⁵ Skitka LJ, Morgan GS. The social and political implications of moral conviction. *Political Psychology*. 2014; 35(SUPPL.1): 95–110p. <http://doi.org/10.1111/pops.12166>

and pure procedural justice, such as the coin-tossing example, where there is no consideration of any other factors.⁶

2.1.4 Comparative versus Non-Comparative Justice

When determining what is owed to one person, justice takes a comparative shape. For example, to establish how much of a pie is rightly John's, we must know how many people have a claim to the pie and what the guiding principle for sharing it should be—equality, or something else. When we can decide what is owed to someone only by knowing pertinent information about that specific individual, justice adopts a non-comparative form: if John has previously been promised the whole pie, then that is what he may legitimately demand for himself. When it is said that justice is the absence of arbitrary inequality, for example, certain theories of justice appear to indicate that justice is always a comparison concept, while others seem to imply that justice is always non-comparative. However, theoretically speaking, both kinds seem to be acceptable; in fact, there are certain situations when it seems we must choose between administering justice comparably or not at all. For instance, we could have multiple candidates who are all about equally worthy of an academic honour, but the number of honours we are allowed to bestow is less than the number of applicants. If we honour certain people but not others, we are committing a comparative injustice; but, if we honour no one at all to prevent this, then each person is treated unfairly from a non-comparative standpoint.⁷

2.1.5 The Scope of Justice

When we challenge the reach of justice, we are requesting information on who and when the precepts of justice are applied. In our previous discussion of Hume, we came across the possibility that there are situations in which justice is no longer relevant, such as when resources are so plentiful that it is pointless to divide them up into individual shares or, as Hume also believed, when resources are so scarce that everyone is free to take what they can in the name of self-preservation. But even in less severe situations than this, issues concerning scope pop up. Who has the right to demand justice, and who could be required to uphold such demands? Does this change depending on the nature of the claim? Who should be included in the comparison group when using comparative principles? Do certain justice concepts have a general application—they apply anytime agent A acts toward receiver B, regardless of their relationship—while others are specific in nature, only applicable in specific social or political relationships? The questions in the next part are looked at in more depth.

2.2 Human vs non-human animals

What must a creature do or possess in order to fall within the purview of (at least some) principles of justice? However, more lately, some philosophers have been willing to advocate "justice for

⁶ Jain M.P.(1987:745) *Indian Constitutional Law*

⁷ *Indra Sawhney v. Union of India AIR 1993 SC 477*

animals." Most philosophers in the past have considered that the boundary should be drawn to exclude all non-human creatures. In opposition to this, Rawls argues that although humans have "duties of compassion and humanity" toward animals and should not treat them brutally, they are "beyond the purview of the theory of justice." How might this assertion be supported?

We may concentrate on asymmetries in the interactions between people and other animals, or on specific traits that humans have that other animals do not that can be deemed to be important to their inclusion under the purview of justice. First, with regard to the latter, Hume argued that because of the dominance humans have over animals, which makes it so that they can only possess things with our consent, we are "bound by the laws of humanity to give gentle usage to these creatures, but should not, properly speaking, lie under any restraint of justice with regard to them." Animals may seem to be excluded from the application of distributive justice principles in the eyes of Rawls and others who were inspired by him because they are not linked to one another as participants in a "cooperative effort for mutual profit." However, these arguments mostly or fully concentrate on the unique instance of dogs, and it appears impossible to generalise from them in an effort to establish that human-animal interactions normally have a cooperative nature. Critics of this viewpoint have cited examples of human-animal cooperation.⁸

2.3 Relational vs Non-Relational Justice

A prime example of a relational theory of justice is the Rawlsian perspective discussed in the preceding section, which maintains that social justice principles apply to individuals who are participating in cooperative activities as a group. Other theories provide alternative explanations for the pertinent justice-generating characteristic. For instance, Nagel has argued that distributive justice principles apply to those who, as citizens of the same state, are required to obey and take responsibility for the coercive laws that govern their lives. In both instances, the argument is that when persons are in a particular connection to one another, they become subject to legal norms whose application is restricted to those involved in the relationship. Particularly, inside the connection but not outside of it, comparative concepts are applicable. If A and B are in a relationship (of the correct sort), then how A is handled in respect to B becomes a question of justice. However, how A is treated in relation to C, who is not a part of the relationship, does not matter in the same way. Justice may still demand that C get a certain kind of care, but it would be justice in a non-comparative sense.⁹

The extent of justice depends greatly on whether it is relational in either of the two ways that Rawls and Nagel propose. It is relevant to the issue of whether there is global distributive justice or if distributive principles only apply to those who are linked to one another as members of the same society or citizens of the same state in particular. For instance, are the disparities between the affluent and the poor in today's society just unfair because they are unfair, or are they unfair solely

⁸ *Mysore Mills Co. Ltd. V. Sooti Mill Mazdoor Union*, AIR 1955 S.C. 170

⁹ Allen, C.K., 1955, *Aspects of Justice*, Steven and Sons, London.

because they prohibit the poor from leading lifestyles that we would consider to be acceptable? (See the entries on global justice and worldwide distributive justice) The answer to the issue of whether distributive justice has a relational component, and if so, why, depends on so many factors. What evidence supports the notion that it does?

2.4 Individuals vs Institutions

When institutions are created with the intention of, among other things, providing justice on a big scale, we may then consider what obligations to justice each person has as a result. Is all they have to do to uphold the institutions and follow the laws that individually relate to them? Or do they also have a responsibility to uphold the ideals of justice in their everyday conduct? There is no denying that some justice-related obligations fall directly on people, such as the responsibility to carry out one's fair share of a loosely organised project from which one expects to benefit, like raking the neighbourhood park, or the obligation to refrain from lying or deceiving when engaging in commercial transactions (as well as the responsibility to administer corrective justice when behaviour is wrong). Others are owed to them because they are acting in a capacity within a social institution, such as the obligation of an employer to hire employees without regard to their race or gender or the obligation of a local government official to allot public housing to those who need it the most. The question of whether certain individuals have more responsibilities to advance social justice, however, is far more contentious.¹⁰

Think about the following two scenarios: The first relates to parents who provide their kids advantages in ways that impede just equality of opportunity. If, to quote Rawls, the latter principle of justice requires that "those who have the same level of talent and ability and the same willingness to use these gifts should have the same prospects of success regardless of their social class of origin," then there are numerous ways in which some parents can bestow advantages on their children that other parents cannot, such as financial benefits, educational opportunities, social contacts, and so on, that are likely to bring greater benefits. In light of this, are parents required by justice to refrain from bestowing at least some of these benefits, or are they free to do as they like and leave the pursuit of equal opportunity solely up to the government?

2.5 Recognition vs. Redistribution

Recent philosophical work on justice has called attention to types of injustice that focus on the injuries individuals experience as a result of failures to recognise them rather than the material treatment they get from other people or institutions. Social practises and conventions have an effect on individuals, reducing their feeling of agency and leading them to believe that they are less valuable than others. In this situation, justice is regarded to include sufficient and appropriate recognition, while injustice involves failures of recognition or, in certain circumstances, "misrecognition," which occurs when a person is categorised or given an identity that is not their

¹⁰ Barry, Norman P., 1981. *An Introduction to Modern Political theory*, Macmillan, London.

own. According to a well-known expression of this concept, "it is unfair that some individuals and groups are denied the status of full partners in social interaction simply as a consequence of institutionalised cultural value patterns in whose construction they have not equally participated and which disparage their distinctive characteristics or the distinctive characteristics assigned to them."¹¹

So what exactly does being acknowledged mean? In general, recognition refers to being seen and treated by others in a manner that is consistent with the qualities you possess, although most philosophers see recognition as having several dimensions. They specifically make a distinction between being acknowledged as an equal, which accords a person the kind of standing that places them on an equal footing with other members of the relevant group, and being acknowledged for having qualities, accomplishments, or an identity that may be entirely their own. In this second feeling of recognition, social regard may be bestowed inequitably. Therefore, justice as acknowledgment has intrinsic complexity. Axel Honneth makes a distinction between "three types of social acknowledgment" based on the domain-specific concepts of "love," "equal legal treatment," and "social esteem" at the social level.

3. JUSTICE AS DEFINED BY VARIOUS PHILOSOPHERS

In the Greek conception, justice and ethics were tightly intertwined. Cephalus defined justice as stating the truth and making good on an obligation. According to Polemarchus, justice is doing what each member of society deserves. Plato supported the class system because he felt that mankind are naturally unequal. He separated the population into four groups: the governing class, the military class, the producing class, and the artisans. According to Plato, fairness is the primary virtue and a principle of non-interference that maintains correct boundaries between the many social classes, people within each class, and various aspects of a person's soul. It abides with the functional specialisation concept. Justice, in Aristotle's opinion, is primarily used to refer to behaviour that is legal. He divided the two types of justice into distributive justice and corrective justice. All legal and moral deeds are right, whereas all illegal and immoral deeds are unfair, according to Aristotle. But which criteria should the people and institutions select if fair and legal norms conflict? The historical unresolved dispute on the nature of law, morality, and justice was sparked by this query that Aristotle disregarded in his analysis of the idea of justice.

Greek philosophy had an impact on the ancient Roman legal system. Lawyer Cicero promoted the idea that justice is a natural rule that is independent of human agreement. St. Augustine said that the cornerstone of the state is justice in the middle ages. He believes that the Church, not the state authorities, is the source of justice. Augustine is not a pacifist despite his dedication to love and peace as a Christian, and he may embrace "just wars" as morally acceptable or even as morally required.¹⁶ With regards to the idea of justice based on equality, St. Aquinas agreed with Aristotle. Karl Marx believed that the modes of production and the relations of production affected the

¹¹ Ernest Barker, 1967, *Principles of Social and Political Theory*, London, Oxford University.

concept of justice. The concept of justice and its elements change depending on the ruling class's economic interests. Without mentioning the theories of ancient Indian thinkers, the examination of the notion of justice would fall short. Nearly equivalent with "nyaya" or justice is the term "dharma." Hindu law is based in large part on the Manusmriti. In addition to upholding the law, Gautam Buddha's notion of justice also supports the radical idea of disobedience or violating the law if it is unjust.¹²

4. ANCIENT AND MODERN THINKING ABOUT JUSTICE

It is hardly hyperbole to suggest that Socrates spent his whole life pondering what justice is. Socrates was truly driven to find an answer to a question that he believed was too important for academic triviality throughout his investigation into the essence of justice. Justice to Socrates was "minding one's own business." The day before Socrates was put to death, his friends volunteered to assist him get out of jail. There were those ready and eager to assist Socrates in escaping from jail with little to no danger or expense. But Socrates declined to get out of jail, opting instead to accept his death. He wouldn't compromise the values he devoted his life to. He respected the rule of law more highly than living illegally, which represents the Platonic concept of justice. His a priori knowledge methodology, which was oriented on simulating social connections based on the notion of the rule of law, was one of his most cherished approaches. Socrates was certain that the decision to sentence him to death was incorrect, but it was a legal decision, and he strongly thought that it was not his job to disobey the law and the legal judgement. Otherwise, he was certain that the concept of the rule of law could not govern social interactions. The Dudley & Stephens case posed a serious justice concern towards the end of the nineteenth century. On a lifeboat that was cruising the seas were Richard Parker, a young man of seventeen years old, Edward Stephens, and Thomas Dudley. The 24th day at sea saw their eventual rescue. They survived on two little turnip cans and a small turtle they captured on the fourth day for eleven days. They went without food for seven days and water for five days. On the eighteenth day, Dudley suggested holding a lottery to choose who would be executed so that the rest may be saved. They ultimately opted against the lottery and chose to murder Parker instead since they thought he was about to starve to death. They slaughtered the kid on the 20th day, consumed his flesh, and drank his blood. After being saved, they faced murder charges. They had claimed that the killing was necessary to preserve their own lives because else they would starve to death. According to one of the judges, the defendants were not guilty of murder since the act was carried out because it was unavoidable. However, the vast majority of juries gave the defendants the death penalty after finding them guilty of murder. The Crown, however, reduced their sentence to six months. This essay will broadly discuss the concept of justice by evaluating the ideas of a few significant justice thinkers, some key theories of justice, and some cardinal indicators of justice with a few real-world examples from around the world. It will do so against the backdrop of the Socratic sacrifice and the Dudley case. From its inception to the present, the concept of justice has played a significant role in local socioeconomic and

¹² Raphael, D.D., 1976 (2nd ed.). *Problems of Political Philosophy*, Macmillan, London.

political structures as well as international friendship and cooperation. Justice is often seen as just being able to explain internal socioeconomic and political processes, rather than its greater relevance in influencing international relations. Justice, however, is now given more weight when creating and institutionalising international laws that are crucial for controlling international interactions.

4.1 Some Leading Justice Thinkers

Only a small number (nine) of the most influential justice philosophers are included here, out of many important scholars. Here is a quick survey of the theories of justice put out by the Buddha, Confucius, Plato, Aristotle, Bentham, Kant, John Rawls, Michael Sandal, and Amartya Sen. The justice theories of Hans Kelsen and H. L. A. Hart, which are equally crucial to understanding the notion of justice, are not included in this review, despite some helpful references elsewhere in this study. This is a glaring omission.

4.1.1 Buddha (623-543 B.C.)

One of the first individuals to consider justice was the Nepalese Gautam Buddha. Buddha's idea of justice clearly and intimately links law and justice. Buddha's law, which is expressed in the concepts of right reward and just punishment, is the law of justice. Buddha believed that every good act, speech, and idea deserved a just reward, and every wicked conduct deserved a just punishment. Buddha views law as the tool that fuses the concept of justice with the system of reward and punishment. Buddha showed remarkable respect for the law. He believed that a person who followed the law would have real knowledge and mental calmness. Dhammapada, a collection of verses being one of the canonical books of Buddhism, claims that, "If an earnest person has roused himself, if he is not forgetful, if his deeds are pure, if he acts with consideration, if he restrains himself, and lives according to law, then his glory will increase."

4.1.2 Confucius (551-479 B.C.)

In addition to Confucius, Socrates, and Plato, among others, the concept of virtue is a major one in the Buddhist philosophy. Confucius, like Buddha, believed that virtue and ethics were the principles of justice that could make individual and societal life peaceful and harmonious. Confucius saw justice as a righteous obligation that would result in the benefit of the person as well as the state. Confucius associated the notion of justice with logic. "He who entertains ideas hostile to justice will behave counter to reason," he insisted. His view of justice is similar to the Buddhist view, which holds that law and justice are intertwined. To punish the bad, justice was the rule. Most significantly, Confucius held fairness to be the benchmark for good administration.¹³

¹³ Pietro Piovani, *La Teodicea Sociale di Rosmini* (Brescia: Morcelliana, 1997; orig. pub. Cedam, 1957), XXII, 10, 94, 145–68, 245–61, 407–8, esp. 246–47, where Piovani cites Catholic natural law (*giusnaturalismo cattolico*) as the distant source of political liberalism that Rosmini's philosophy brings to fruition.

4.1.3 Plato (429-347 B.C.)

The interlocutor of Plato, Socrates, represents the capacity of the Platonic notion of justice. Socrates, who serves as the central figure in almost all of Plato's conversations, often appears as the speaker in Plato's dialogues. One of Plato's dialogues, *Republic*, explicitly addresses justice. The *Republic's* Books I and II in particular concentrate on the Platonic idea of justice.

4.1.4 Aristotle (384-322 B.C.)

Like the ideas of the Buddha, Confucius, Socrates, and Plato, the Aristotelian conception of justice fosters the notion of virtue as the fundamental yardstick of justice. Every virtue, as a quality of character, is summed up in justice in this sagacity. There are substantial contrasts between Buddha, Confucius, and Plato, as was already mentioned. There are clear differences between the ideas of Plato and Aristotle in particular, despite certain parallels. The intellectual world has been split by the philosophical disagreements between Plato (Aristotle's instructor and a pupil of Socrates) and Aristotle (one of Plato's most educated students), whose impact may still be seen today in the concept of justice, among other things.

4.1.5 Bentham (1748-1832)

One of the most towering people who contributed much to spreading English concepts of justice around the world is Jeremy Bentham. Bentham, a thinker (a lawyer, political philosopher, economist, among others) and ardent reformer, examined the function of institutions critically and provided two principles for their efficient operation (state, law, market, and society, among others). First, according to Bentham, every organisation should strive to promote happiness. Second, happiness should be judged according to the utility principle. In other words, the notion of justice that Bentham studies is organically grafted on the foundation of analytical tradition and is known as utilitarianism.¹⁴

5. CONCLUSION

Justice is a progressive idea. In everyday speech, the concept of justice refers to receiving what one is due, fairness, moral uprightness, and equality. Under Rawls' impact, the term "justice as fairness" has become a catchphrase in many social scientific fields. It also offers a thorough explanation of the meaning of justice. Any notion of "justice" that is not rooted in a legal framework is idealised. Due to the individualised character of the notion, it is difficult to define justice. Justice may take on a variety of various shapes depending on the real-world situation in which it is being used, as we saw at the beginning of this essay. Although Justinian's "*sum cuique*" formula best captures the common components we saw running across this variety of application, they were formal rather than substantive. In these circumstances, it is only reasonable to search for

¹⁴ I owe this insight to Rudy Andras, an independent Rosmini scholar who explained the importance of the law of the least means for social justice, as formulated in *Theodicy*, part 3, chap. 32, para. 951, note 537, which in turn refers to *SP*, paras. 581–628.

a broad framework that can accommodate all of the numerous contextually relevant notions of justice. Utilitarianism, contractarianism, and egalitarianism were three of these frameworks that were investigated. None, however, passed what we might refer to as the "Sidgwick/Rawls test," which is the requirement that they incorporate and explain the majority, if not all, of our carefully considered convictions about justice - beliefs that we are comfortable holding about what justice requires of us in a wide range of circumstances (for Rawls' version of the test see the entry on reflective equilibrium). Therefore, we will have to accept that there is no comprehensive theory of justice available to us; instead, we will have to make do with partial theories, or theories about what justice requires in specific spheres of human life, unless we are willing to give up many of these convictions in order to support one or another general framework. Despite the provocative title of his first book, *A Theory of Justice*, Rawls himself eventually realised that what he had written was at most a theory of social justice applied to the fundamental institutional framework of a contemporary liberal state. Other types of justice, such as family, allocative, associational, and international, along with their corresponding tenets, would be appropriate in their respective fields.

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