The notion of justice is very pervasive in moral, political, and legal discourse. It is usually and commonly appealed to as a basis for justifying or criticizing actions, rules, and laws, and social, political, and legal arrangements and institutions. Whenever someone says something is just, whether in terms of distributing things or paying compensation or correcting a wrong, it is usually understood to have commendatory and prescriptive implications, and whenever someone says something is unjust, it is also usually understood to have a condemnatory implication. In other words, the notion of justice is intuitively considered as synonymous with what is good or virtuous, an ideal situation, or an overriding moral value that is worth pursuing in itself. Thus, the notion of justice has become an acceptable or intuitive moral foundation for justifying actions, norms, laws, and institutions. Although many people do appeal to principles of justice as a normative criterion, it is not clear what precisely this criterion entails. The issue of what the criterion of justice entails is an old issue in human history and thought. Many thinkers have made efforts to explain the notion of justice or provide a standard of justice, to indicate in a substantive way what one means in every situation whenever one says that something is just or unjust.

Many theorists have approached the issue of justice from two perspectives: articulating what it means—formal justice, and articulating how the idea of justice can be applied to substantive issues to achieve just outcomes—substantive justice. It is in this regard that the notion of justice is divided into two separate ideas: background justice and procedural justice. Background justice, which is sometimes couched in terms of substantive justice, involves the issue of whether an initial situation, arrangement, or institution is fair and whether it needs to be corrected. Procedural justice, which is also sometimes couched in terms of formal justice, involves the issue of whether a rule, principle of action, norm, institution, or law as a set of procedures regarding how things ought to be done to achieve a required result is
considered just: it addresses the features a procedure must have in every situation in order to be just. This distinction is a way to recognize that a law or principle may be just but may not be justly applied because it is not sensitive to or does not address the background arrangement or situation that is unjust. It is argued that the goal of justice is to create a just situation in terms of outcome—substantive justice—which requires the just or fair application of law or principle. We see this idea in the ideas of Aristotle, who sees equity as a higher form of justice, in that it tries to see a just procedure in terms of how it corrects an unjust situation. We also see it in the contemporary thoughts of John Rawls, who argues that we can determine whether a procedure is fair based on the background to which a rule is applied to create a just outcome.

For instance, we may have a formally just and fair law that may be unjust depending on how it is applied to a particular situation. A principle which says that if two people find or are given some amount of money or goods, then they should be shared equally, is formally just and fair. However, if the two people involved are say, a billionaire and a poor student, substantive justice or equity will require that the student ought to get a larger share of the proceeds. One may say that procedurally, the system of equal sharing is formally fair and just, but considering the background and substantive situation of the people involved, the sharing is not fair. In this regard, some argue that the notion of justice should consider only the procedural and formal aspects of justice; that justice ought not to consider the background and the substantive situation involved. But some people argue otherwise: that a robust notion of justice requires elements of procedural (formal) and background (substantive) justice. It is in the attempt to incorporate the idea of background and substantive justice into the robust notion of social justice that people have argued that the factual situation associated with race, class, disability, and gender ought to be considered, and that laws ought to be sensitive to these considerations.

We see that dating back to antiquity, people understood justice in relation to punishment to mean revenge and retribution. This idea of revenge and retribution implies getting even or creating a balance or equilibrium and getting what one supposedly deserves. This view of justice has some relevance and may illuminate our intuitive understanding and everyday moral, political, social, and legal use of the notion of justice. This idea of justice is sometimes couched in terms of desert and balance: getting what one deserves or what is commensurate with one’s due. This is the reason why the symbol of criminal justice is usually a scale, which indicates a way of weighing things
and creating a balance. The idea of one’s due is also relevant to the idea of corrective justice, which involves rectifying a wrong, creating a balance or equilibrium. The idea of creating a balance and equilibrium and getting one’s due or desert is the idea of distributive justice. In an attempt to provide a substantive meaning of justice, Socrates considers justice as performing one’s duty or doing the right thing. So, an action, norm, or institution is considered just if it is considered to indicate that one is doing the right thing or performing one’s duty. However, it is still not clear what this means because it is not clear what one’s duty is.

In an attempt to clarify the meaning of justice, Plato tried to refute the idea that justice means serving the interest of the stronger in society. He ends up saying something to the effect that justice requires a balance and harmony in the soul. This is because Plato considers the soul as a basis for all actions, norms, and institutions. In other words, if there is harmony in the soul, such harmony will be translated into actions, norms, and institutions, in that they are products of the soul. Plato’s approach still leaves us with the problem of what the harmony of the soul entails and how we can determine whether it is reflected in actions, norms, and institutions. Similar to Plato, Aristotle also associates justice with rational balance or harmony of the soul. He understands justice as a virtue, a feature of rational balance in one’s character, which is a reflection of one’s soul and is reflected in one’s actions. In providing a substantial basis for understanding the notion of justice, Aristotle draws from what people’s intuitions are with respect to the notion of justice. It is usually understood to mean three things: what the law requires, insofar as laws are a reflection of our intuitive moral notions and standards of justice; having an equal, proportionate, and fair share, which is seen in terms of being given what we deserve and being treated equally and appropriately; and reciprocity and proportionality in exchange. He introduced into the discussion about the nature of justice the distinction between corrective and distributive justice and their connection. He also explored what these distinctions mean in the public and private realms.

The notion of justice in the public realm is very much tied to the notion of law, insofar as law is considered a formal means of using our intuitive sense of morality, justice, and right to regulate social conduct. The notion of justice plays a fundamental role and provides a moral guide regarding how we should conceive of the way we may properly regulate our conduct in the public realm through laws. Hence the notion of law is sometimes seen as synonymous with justice. Because of the legacy of Aristotle, we now hear
people talk about distributive justice and corrective justice in social, political, legal, and economic affairs. In the administration of law, people use this idea to talk about justice being served in a case, which is seen in terms of whether one is found guilty of the appropriate crime, whether blame, responsibility, and liability have been properly ascribed to those who deserve them, whether adequate or commensurate punishment is given, and whether one has been adequately compensated in tort for a harm suffered. People talk about justice in terms of laws and social policy when they raise questions about whether laws are discriminatory and whether they consider people as equals or give equal opportunity and fair chance to everyone. People also talk about justice in terms of whether the wealth or resources of a state are adequately distributed or shared, and whether people received a fair share. The idea of justice comes into play when people talk about whether a minimum wage is fair for the effort put in and the output, and whether it is fair that people should be supported by the government through social welfare policies.

All these issues raise questions about how principles of justice can be translated into laws. The content of laws—whether they are just or not—usually indicates how people ought to act in society and this also indicates the nature of an institution and whether such institution is formally and substantively just or not. The notion of fairness requires that benefits and burdens of social institutions be shared equally; hence people usually raise the issues of whether those on welfare are paying their fair share and sharing in social burdens. Similar issues about justice are also raised in affirmative action policies: people ask whether such policies give undue preferences to people by considering substantive and background situations such as race, gender, and disability, and whether they therefore discriminate against people by not treating all equally or not giving them their due and what they deserve. The issue of justice and any statement which says that an action, situation, rule, or institution is just or unjust raise questions about the nature of justice and how our intuitive notion of justice can be applied to specific situations to make them just. It also raises questions as to whether the need for justice is an end in itself or whether the need for justice is for the goal of achieving social harmony or some kind of utility. There is a long tradition in moral philosophy that distinguishes between justice as a deontological moral perspective and utility as a teleological moral perspective. These two perspectives are considered to be diametrically opposed.
Some writers reject the idea of opposition between deontology and teleology and argue that justice and utility, which represent these two views respectively, are indeed conceptually and practically complementary. However, some also reject the view that utility and justice are complementary. This is related to the issue of equality—whether equality has utility—and the relevance of utility to our understanding of the notion of justice. Some argue that the formal sense of justice does not help us in dealing with practical situations and issues; as such, we need to explore how we can move from a formal sense of justice to a substantive sense of justice. To do this for some thinkers, we require a substantive notion of equality which requires that everyone be given equal opportunity and consideration. The idea of a substantive notion of equality raises questions about the justice of welfare policies and whether welfare is unfair to the rich. Some argue that welfare is a demand for distributive justice which involves a process of arriving at substantive equality, in that justice must be understood comparatively in the context of distributing burdens and benefits in society. This comparative sense of justice helps us to capture why and how people ought to modify their relations with one another in the sharing of benefits and burdens such that there is no unfair discrimination and partiality. In which case, an adequate substantive conception of justice must consider the material conditions of different people and how such conditions may prevent them from having equal share in power, opportunities, and resources. This is to the extent that inequalities in opportunities, power, and resources may affect people’s ability to fairly participate in social and political institutions such as the administration of civil and criminal justice and holding of elected offices.

**Suggested Further Reading**


