Philosophy of Justice: A Narrative of Transformation

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Abstract
This article attempts to understand the evolution of the concept of justice over the centuries. From the beginning of human society until today, the idea of justice has been a guiding principle. Every society has its social and moral foundation through the principle of justice. It provides fundamental guidelines, formulates social mobility, and maintains social partnership and harmony. However, a deeper analysis of the history of the theory of justice reveals that with the advancement of society, the idea of justice has transformed into new dimensions. This paper outlined how the concept of justice has changed from a legal ideal to a substantive ideal. Shifting its focus from individual moral righteousness and addressing social inequalities through the distribution of social goods and powers, the idea of justice evolved into social justice.

Introduction

The concept of justice is certainly one of the most crucial ideals within society. The idea of justice is as old as humans began to live in a structured way. Right from the beginning of human civilization until today, the concept of justice has been a guiding principle of human society and become an integral part of social living. Every society has its social and moral foundation and upholds social harmony through the principle of justice. It provides the fundamental guidelines and formulation of social mobility and maintains social partnership. However, a deeper analysis of the history of the concept of justice reveals that with the advancement of society, the idea of justice also gets transformed into new dimensions. Shifting from moral righteousness, today justice centers on the entire society. The main focus of justice shifts from the individual circumstances to the 'basic structure of society' and examines the best possible social arrangement to establish a just and harmonious social order. Addressing social inequalities through the distribution and redistribution of social goods and powers the idea of justice has evolved into social justice.

This article attempts to grasp and understand the evolution of the concept of justice from moral righteousness and lawfulness to substantive ideas. This paper argues that by focusing on the fair distribution of primary and social goods, the idea of justice has transformed into social justice. To understand this evolution or transformation of justice we have divided our discussion into three parts: 1. Classical conceptions of justice, 2. Modern conceptions of justice, and 3. Contemporary conceptions of justice. This analysis will help us to understand the evolution of the concept of justice over centuries.

Classical Conceptions of Justice: Virtue of Morality and Lawfulness

Although tracing the exact roots of the origination of the ideas of justice is very difficult, the judicial arrangement provides us with a glimpse into the concept of justice in the ancient social system. In the ancient social system, remedial actions were taken in response to situations involving oppression, violation, deprivation, harm etc. If these situations were identified, with any cases, legal measures were taken to address and restore the situation. This could be the sphere from which the articulation of the concept of justice comes into existence. In the Roman legal system, we also find the implementation of the same kind of remedial action. The ancient Roman thinker Cicero defined justice as follows: "Justice is the constant and perpetual will to render every one his due" (Dhyani, 1984, p. 74). It means that justice involves giving each person what they deserve. However, the first systematic analysis of justice can be traced back to the Greek civilization, particularly in the writings of the great philosopher Aristotle in his book *Nichomachean Ethics*.

In ancient Greek society, justice was defined as enforcement of law or 'lawfulness' and was often connected with morality in general. Greeks were deeply concerned with ensuring peace and harmony within societies and sought to maintain just societal order. They employed the word justice especially to refer to the 'virtue' or morality of the individual. The term *Dikaiosune* is used to mean justice which is related to the word morality in its broader sense. This term represents not just a spirit of lawful behavior but also a spirit of goodwill among citizens who act fairly and desire to abide by the law and order of the state. Now, we shall discuss the idea of justice put forward by Plato and Aristotle.

Plato's most influential book, *The Republic* is regarded as an early source of the idea of justice. Upon examination, it becomes evident that the book primarily deals with the conception of justice. Book I of *Republic* features multiple characters engaging in dialogues with Socrates to explore the nature of justice, while Book II focuses on Socrates's understanding of justice. Plato's concept of justice can be determined by examining their dialogue on justice since Plato never offered any specific definition of justice. Let us introduce some definitions of justice between the dialogue of the characters. The first character Cephalus defines justice as "simply telling the truth and paying one's debts" (Rosen, 2005, p. 30). Sustaining this idea of justice, Polemarchus, the son of Cephalus, defines justice as follows: "Justice is to give to each man what is owed" (Rosen, 2005, p. 31). As Socrates disagrees with Polemarchus, he gives a modified definition of justice and says "Justice is doing good to friends and harm to enemies" (Rosen, 2005, p. 33). Thrasymachus, the other character defines justice from his precedence. For him, "justice is the benefit of the strong" (Rosen, 2005, p. 39). Socrates disagrees with every definition of justice and puts forward his definition as follows: "Justice is a virtue of the human soul and injustice is vice, the just man will have a good life and the unjust man will have a bad one" (Rosen, 2005, p. 59). He argues that a just soul always thinks about good, does good to everyone and cannot think badly.

Plato's conception of justice is significantly different from his predecessors. He solely associated justice with complete virtue (Jayapalan, 2001, p. 7). According to Plato, "Justice is the virtue which remains on the state when the other virtues of temperance and courage and wisdom are abstracted; and is the ultimate cause and condition of the existence of all of them" (Jayapalan, 2001, p. 7). Baker said that in Plato's philosophy justice consists of "the will to concentrate on one's own sphere of duty, and not to meddle with the sphere of another; and its habitation therefore is in the heart of every citizen who does his duty in his appointed place" (Baker, 2009, p. 116). Thus, Plato's conception of justice is rooted in the sense of duty and represents

a crucial virtue for individuals. When every member fulfills their designated role, it means they are carrying out with righteousness and justice. In Plato's view, justice embodies both a private and public virtue. It cultivates a sense of responsibility in individuals, fostering strong social relationships and promoting a harmonious society. Plato also makes a distinction between particular justice and universal justice. According to Plato, particular justice pertains to legal justice while universal justice is perfect justice concerned with the profound wisdom of the people within the ideal state. Therefore, it is evident that Plato's conception of justice is linked to the human soul and its sense of duty. It is a virtue that defines individuals and enables them to establish a just state.

Aristotle's conception of justice is fairly similar to mentor Plato. In his book *Nichomachean* Ethics Aristotle employed the term justice in two senses. Firstly, he employs justice to refer to 'virtue' or 'lawfulness' or, 'moral justice.' In this sense, justice is a "moral disposition which renders men apt to do just things and which causes them to act justly and to wish what is just" (Chroust and Osborn, 1942, p. 130). It becomes obvious that justice, in the first sense, pertains to upholding the established rules of human behavior. Secondly, Aristotle uses the concept of justice in the sense of distribution, focusing on the equitable and fair allocation of goods. In this sense, justice incorporates the principle of proportionate equality (Chroust and Osborn, 1942, p. 131). Aristotle believed that 'moral justice' and 'equality' are deeply intertwined and that their realization depends on one another. However, he emphasizes that moral justice—as the virtue of humanity—is the primary foundation on which the collective well-being of any society depends. In the fifth book of *Nichomachean Ethics* Aristotle also introduces the distinction between two kinds of justice—namely, particular justice and universal justice. He defines universal justice as complete virtue and divides particular justice into corrective and distributive justice. According to Aristotle, distributive justice is the principle that focuses on the distribution of goods according to the merit of the individual. Contrary to this, corrective justice doesn't focus on the merit of a person in the distribution rather it is compensatory justice. It only focuses on restoring the condition of a victim harmed by wrongdoing.

Modern Conceptions of Justice: Social Contract Theory

The modern conception of justice is primarily associated with the ideas of John Locke, Thomas Hobbes, and Jean-Jaque Rousseau. These philosophers are recognized as social contract philosophers and significantly influenced theories of justice. In the Tanner Lectures on Human Values, Martha Nussbaum opined that the "theories of justice in the social-contract tradition are among the strongest theories

of justice we currently have. These theories also have an untold influence on public policy, often in a simplified and degenerate form" (Nussbaum, 2002, p. 415). Modern philosophers are considered social contract thinkers because they address normativity; and justify political authority and normative principles within the society. The term 'social contract' refers to an agreement between individuals or parties based on mutual consent. The core of all social contract theories of justice is the belief that only mutual agreements among individuals can establish a just society. The primary goal of social contract tradition was to create a legitimate authority to safeguard the common well-being of individuals in society. Justice in the social contract tradition was grounded on the idea that in a state of nature, every individual is a naturally free and equal human being and entitled to some inalienable rights that no one can deprive them of but only mutual consent. According to Rousseau, a social contract is "the complete transfer of each associate, with all his rights, to the whole community" (Rousseau, 1994, p. 55). Michael Lessnoff states that the social contract is not a matter of discussion in academia but of real-world politics that address the complexities of human existence. He defines a social contract as one "which grounds the legitimacy of political authority, and the obligations of rulers and subjects (and the limits thereof), on a premised contract or contracts relating these matters" (Lessnoff, 1990, p. 3).

However, the first extensive account of the concept of social contract is found in the writings of the seventeenth-century philosopher Thomas Hobbes. His conception of justice is deeply grounded in the Aristotelian understanding of justice. Like Aristotle, Hobbes also regards justice as a moral virtue. In his famous book, *Leviathan* Hobbes defines 'justice as the constant will to give every one his own.'However, his central concept was that justice is 'keeping covenant.' Locke, the most influential thinker of social contract theory associated justice with natural law and upheld natural equality among human beings. Locke believes in the existence of natural laws that govern society. In his *Two Treatises of Government*, Locke argued that each individual was inherently situated in a state of natural liberty and equality and was entitled to some inalienable rights such as life, liberty and property that could never be deprived of them. However, Locke's basic conception of justice can be understood through his assertion that a just society is "wherein all the power and jurisdiction is reciprocal, no one having more than another; there being nothing more evident than that creature of the same species and rank, promiscuously born to all the same advantages of nature, and the use of the same faculties, should be equal one amongst another without subordination or subjection" (Lessnoff, 1990, p. 86). Like Hobbes and Locke, Rousseau also upheld the natural equality of human beings.

He identified justice with beneficence. Beneficence embodies both a positive virtue and mutual share. Rousseau believed that practicing beneficence is crucial for fostering justice within society, as it plays a pivotal role in diminishing disparities among individuals, both economically and morally. In this context, it is noteworthy that Kant's conception of justice is also considered the social contract theory of justice. Like the seventeenth-century social contract philosophers, he also upheld the intrinsic dignity of human beings. Kant also believes that the collective will of rational human beings can create a state of legitimacy where the autonomy and freedom of every individual are equally valued. According to Kant, people can only exercise their rights by coexisting with a shared will.

Contemporary Conceptions of Justice: Social Justice

John Rawls, Amartya Sen, Ronald Dworkin and Robert Nozick are among the contemporary thinkers who have largely contributed to this tradition. In this tradition of thought, a new interpretation of justice has emerged—known as 'social justice.' 'How it is possible to establish a just and equitable society' is the central point of concern of this strand. Almost every thinker of this tradition agrees on the same idea that justice involves the just and fair allocation of primary social goods and power. Therefore, the main concern of this school of thought is the allocation and redistribution of advantages such as primary social goods, resources, rights and liberties. Contemporary philosophers have shifted the focus of the idea of justice from the social contract i.e, 'what is fair for a society as a whole' and 'how cooperation can create a legitimate society' to 'social choice' i.e., 'what is fair for an individual or specific community in a given situation' and 'how resources can be distributed most effectively.' Therefore, it seems clear that the main focus of contemporary theories of justice is achieving social well-being and equality by distributing goods fairly.

Rawls' *A Theory of Justice* is regarded as a groundbreaking work in contemporary justice. Rawls' book provides a broad framework for considering social justice and the idea of justice got its transformation into social justice. However, Rawls' two principles of justice sum up his entire theory of justice. These two principles are:

1. Each person is to have an equal right to the most extensive total system of equal basic liberties compatible with a similar system of liberty for all.

2. Social and economic inequalities are to be arranged so that they are both:

(a) To the greatest benefit of the least advantaged, consistent with the just saving principle

(b) Attached to offices and positions open to all under conditions of fair equality of opportunity (Rawls, 1971, pp. 59-61).

Rawls named the first principle of justice the 'basic liberty' principle and the second principle, the 'difference' principle of justice. According to the basic liberty principle, every individual is entitled to some basic rights and liberties regardless of any differences such as race, ethnicity etc. The second principle states that the distribution of social goods needs to be arranged in ways that the position of disadvantaged people becomes strong.

Amartya Sen's approach to justice, known as the *Basic Capabilities Approach*, is also a version of distributive justice and falls under this tradition. Sen's theory of justice was concerned with the distribution of basic capabilities, such as nutritional requirements like food, wherewithal clothes, and shelter to achieve valued functions such as the power to participate in social life. He criticizes the 'arrangement-focused' idea of justice of Rawls' and introduces a 'realization-focused' conception of justice (Sen, 2010, p. 10). According to Sen, "justice is ultimately connected with the way people's lives go, and not merely with the nature of the institutions surrounding them" (Sen, 2010, p. x). According to Sen, justice consists of the distribution of basic capabilities such as Robert Nozick, another influential contemporary political philosopher, in his famous book, *Anarchy, State and Utopia* introduced a theory of distributive justice, known as the Entitlement theory of justice. Nozick's idea of justice was quite different; opposing his predecessors, especially Rawls, he proposed a new theory known as 'justice in holdings.' For Nozick, "the complete principle of distributive justice would say simply that a distribution is just if everyone is entitled to the holdings they possess under the distribution" (Nozick, 2013, p. 151). Ronald Dworkin criticizing both Rawls and Nozick provided a new approach to distributive justice known as 'luck egalitarianism.' Arguing against Rawls' difference principle as a 'robust principle' and Nozick's idea of minimal state and absolute individual rights, Dworkin favors the distribution of resources among the citizens who are worse off than others through no fault of their own.

Concluding Remarks

What is Justice? The answer to this question has been the subject of countless discussions from antiquity to the present day. Various philosophers explained the nature of justice in different ways. With the development of human civilization, the concept of justice has also changed. Viewing the structure and needs of the civilization, the idea of justice underwent constant change. This paper has outlined how the concept of justice has evolved over centuries. Particularly, we have demonstrated the evolution of justice from an ordinary legal principle to a substantive distributive principle. To illustrate this evolution, we have classified the philosophers into three groups, such as classical, modern, and contemporary ideas, according to their paradigm of thought.

We have shown that the classical conception of justice was mainly associated with the human soul i.e., morality and righteousness or virtue of the individual. In this paradigm, justice consists of speaking the truth, paying one's due, avoiding harm to others, and having a sense of duty. The social contract philosophers find justice in the highest freedom of the individuals. The foundation of justice in this tradition was mutual agreement and consent. The contemporary analysis of justice is different from the above idea of justice. In this era, the concept of justice has transformed into 'social justice' focusing on the need and choice of the individuals.

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