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Forensic Justice and its Relationship with Theories of Justice: An Analysis

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ABSTRACT

The concept of justice did not mean to everyone in the same way over time or from person to person. Every model comes with a different claim and includes various claims. In the meantime the facts which now serve to determine guilt or innocence in court, are often provided by forensic science. Forensic justice lies between these two, the scientific method and the legal principle. It offers great accuracy but also the possibility of bias, access inequity and overreach. The purpose of this article is to study the differences between classical and modern theories of justice and its impact on forensic justice; to determine how well scientific evidence fits legal procedure in practice.

Keywords: *Forensic Justice, Retributive Justice, capability approach, cognitive justice, distributive justice*

I. INTRODUCTION

The concept of justice has evolved significantly over the years, but the classical notion of it is one of fairness, equality, and righteousness. The idea of justice has undergone drastic transformations across different eras: from ancient times to modern society, it has shaped several institutions, such as laws, governance structures, and the bodies that administer it. One observation frequently made about justice is that what may be right for one person may not be right for another, because the concept of justice differs from person to person and carries an individual understanding.

Since time immemorial, justice has been placed at the highest level in almost every society, as its attainment was considered the principal objective of almost every trial and every dispute. Science, or the use of scientific techniques, was for a long time treated as a distinct and separate field unconnected with the law. In contemporary legal systems, however, the administration of justice increasingly relies upon scientific evidence to establish the truth, determine guilt or innocence, and ensure that legal outcomes reflect factual accuracy rather than mere inference.

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The introduction of forensic science has largely bridged this gap, and science and law are now interconnected.¹ Forensic science is the study of different fields of science that assist the courts and the legal system in establishing a particular fact with reliability and precision. As forensic science gained momentum, forensic justice emerged as a distinct field that deals meticulously with both science and legal principles, representing the application of scientific methods to achieve justice in legal proceedings. Forensic justice thus stands as a critical intersection between scientific inquiry and legal adjudication.

II. THE CONCEPT OF JUSTICE

The understanding of justice in the present day is very different from that described by ancient thinkers. From the ancient Greeks to modern theorists, each has had a particular conception of justice and of its components, which reflects how the idea differs from person to person.

A. The Views of Plato and Aristotle

In his book *The Republic*, Plato states that justice is a state of order and balance in which the individual and the state each play an important role.² He held that justice is present when all the parts perform their respective roles without encroaching upon the roles of others. In the individual, this means the proper functioning of reason, spirit, and desire in a harmonious whole; in the state, it means the proper functioning of the rulers, the auxiliaries, and the producers, again without encroachment. A state in which all people perform their respective roles is a just state. His disciple Aristotle deepened this approach and offered a more useful account of justice.³ Examining justice in relation to fairness in human dealings, rather than emphasising harmony as his mentor had done, Aristotle classified justice into two categories: distributive and corrective. Distributive justice refers to the just division of resources, honours, and obligations in society, while corrective justice refers to the restoration of justice in a situation in which a wrong has been done.

B. The Views of Ulpian

Ulpian defined jurisprudence as the knowledge of human and divine matters and the science of what is just and unjust.⁴ The basic precepts of law, in his account, are to live honourably, not to harm another, and to render to each his own. The principle of giving everyone their due is central

¹ FORENSIC JUSTICE: A GLOBAL PERSPECTIVE 122 (Beulah Shekhar & Purvi Pokhariyal eds., 2024).

² Hamid Ali, *Plato's Vision of Justice: A Timeless Ideal for Society*, 7 IJPSG (2025).

³ *Aristotle's Justice and Rule of Law: Proportional Equality and Fairness*, POL. SCI. INST., <https://polsci.institute/classical-political-philosophy/aristotle-justice-rule-law/> (last visited Feb. 27, 2026).

⁴ *Ulpian*, WIKIPEDIA, <https://en.wikipedia.org/wiki/Ulpian> (last visited Feb. 27, 2026).

to his understanding of justice, because it recognises what is rightfully owed to the individual, on the assumption that a person is owed something simply by virtue of who they are and their place in society. In this way, Ulpian's system supports equality before the law, holding that no individual should be treated unfairly or discriminated against on the basis of status, wealth, or other factors. It presents a fair and orderly system of conflict resolution and seeks to maintain social order by balancing individual interests with those of the wider community.

C. The Views of Amartya Sen

In his influential book *The Idea of Justice*, Amartya Sen proposed the capability approach as a way of rethinking what justice really requires.⁵ Instead of focusing on the amount of wealth people possess or the degree of happiness they experience, he suggested that justice is better understood by examining what people are actually able to do or to become, that is, the real freedoms they enjoy.

D. Retributive Justice

The fundamental premise of retributive justice is that those who commit wrong should be punished, the punishment being justified because it restores the balance disturbed by the crime.⁶ The theory rests on certain principles. First, the principle of just retribution ensures that the offender is made to answer for the offence, so that justice is served for both the victim and society. Second, the principle of proportionality ensures that the punishment is proportionate to the offence. Third, the principle of moral responsibility holds that an offender cannot justly be punished unless he or she is morally responsible for the act.

E. Cognitive Justice

The term cognitive justice was coined by Shiv Visvanathan, who argued for the equal recognition of non-Western, indigenous, and local knowledge, fostering a "dialogue of knowledges" rather than the dominance of any single form of knowledge. On this understanding, the various forms of knowledge are rooted in different ways of living, cultural practices, and social realities, and cannot be regarded as inferior or obsolete merely because they do not conform to the requirements of Western science. Visvanathan also argues that treating development as a single way of thinking often leads to the marginalisation of people whose knowledge is dismissed as primitive or obsolete.

⁵ *Sen's Capability Approach*, INTERNET ENCYCLOPEDIA OF PHIL., <https://iep.utm.edu/sen-cap/> (last visited Feb. 28, 2026).

⁶ *Retributive Justice*, STAN. ENCYCLOPEDIA OF PHIL., <https://plato.stanford.edu/entries/justice-retributive/> (last visited Feb. 28, 2026).

III. THE CONCEPT OF FORENSIC JUSTICE

The word “forensic” traces its roots to the Latin term *forensis*, meaning “of the forum,” referring to the public spaces in ancient Rome where legal disputes were argued and resolved.⁷ In modern usage, the term signifies the application of scientific techniques and expertise to matters that come before the courts. Forensic justice may therefore be defined as the process of attaining justice through the application of the sciences of investigation in a structured and methodical manner.⁸ It is not the application of a single science but the amalgamation of several branches: fields such as pathology, toxicology, serology, forensic odontology, digital forensic science, and questioned documents, among others, help to establish the factual truth in disputes and controversies.

Forensic justice is concerned with arriving at the factual truth by answering two basic questions: what actually happened, and who is accountable for the act.⁹ It applies the sciences of investigation so that the principles of justice are translated into reality.

IV. HOW THE THEORIES OF JUSTICE HAVE SHAPED FORENSIC JUSTICE

Forensic justice is a process in which the attainment of justice through the application of science requires a properly structured investigation, since this is what enables the truth to be ascertained in any dispute or controversy. Although philosophers such as Plato, Aristotle, Ulpian, Amartya Sen, and Shiv Visvanathan did not deal directly with forensic science, the principles they articulated provide a framework for assessing how forensic science searches for truth in the administration of justice.

Plato’s conception of justice requires harmony among all parts of the state, with individuals performing their functions without interfering with one another. In terms of forensic justice, this corresponds to the way the roles of the investigators, experts, lawyers, and judges are defined, and to the idea that justice depends on each performing their role individually and objectively. This is often threatened, however, when forensic science becomes adversarial, since it may then be affected by prosecutorial bias, institutional pressure, or the overreach of experts.

Aristotle described justice in two forms, distributive and corrective. Corrective justice aims to balance the scales by addressing injustices, and forensic science contributes through techniques

⁷ *What Is Forensic Science?*, AM. ACAD. OF FORENSIC SCIS., <https://www.aafs.org/careers-forensic-science/what-forensic-science> (last visited Feb. 28, 2026).

⁸ S. Krishnan & Suyash K. Joshi, *Use and Importance of Forensic Science in Criminal Justice Administration*, 19 JFSCI 556004 (2025).

⁹ Deepa Dubey & Medha Singh, *Integrating Science and Law: A Forensic Justice Perspective*, 54 CUESTIONES DE FISIOTERAPIA (2025).

such as DNA analysis and crime-scene reconstruction that help to correct imbalances in the law. Distributive justice, in turn, bears on the allocation of essential forensic facilities. India faces a significant problem in the geographical and socio-economic distribution of forensic expertise, which has left parts of the population without adequate forensic support during investigations. Justice can be achieved only if there is a fair distribution of scientific expertise across the country.

Ulpian's principle of rendering to each their due is also reflected in forensic justice.¹⁰ The aim of justice within the legal framework is to punish the guilty or protect the victim once the facts are correctly established. Forensic experts apply the principles of forensic science to gather the evidence on which the court bases its judgment, whether holding the accused guilty or innocent. Since nothing is entirely free from error, evidence that is improperly gathered or collected may result in the acquittal of the guilty; this ideal is therefore undermined when forensic evidence is treated as infallible despite methodological flaws, laboratory errors, or interpretive bias, replacing fairness with uncritical scientific authority.

The capability approach offered by Amartya Sen shifts the focus from the mere availability of forensic institutions to their meaningful access and use. Forensic justice enhances capabilities by enabling the accused to defend themselves, the victim to hold the accused accountable, and the court to make better-informed decisions; yet inequalities may render forensic justice available in principle but inaccessible in practice, which is why the equitable distribution of forensic resources matters.

Cognitive justice cautions against accepting only the Western form of science as worthy of respect and recognises that there are plural ways of knowing, including indigenous and local ones. In the context of forensic justice, this raises the question whether such trust has been placed in DNA tests and laboratory reports that they have become the only accepted truth, excluding other useful forms of evidence and marginalising those who cannot afford access to the laboratory or the courtroom.

Retributive justice is premised on the principle that those who are punished must deserve it in proportion to their guilt, and that the innocent must not be punished, lest the whole system lose its moral justification. On this view, forensic science assumes the critical role of providing evidence of guilt, intent, causation, and the extent of harm, so that retribution may be just. The

¹⁰ Ulpian, *supra* note 4.

problem of wrongful convictions caused by deficient forensic science highlights the tension that arises when flawed science causes retributive justice to slide into moral injustice.

V. CONCLUSION

Forensic justice and the theories of justice are deeply interconnected: the theories supply the normative ideals of harmony, fairness, proportionality, equality, and capability, while forensic science offers the practical means by which these ideals can be tested and implemented in legal practice. The capacity of scientific investigation to assist the courts in determining culpability makes it possible to give effect to corrective, retributive, and distributive justice, and to operationalise the principle of rendering to each his due. The relationship is not without difficulty, however: unequal access to the means of forensic justice undermines distributive justice; the dominance of scientific authority can crowd out other forms of knowledge; and methodological flaws can erode the moral authority of punishment.

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