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# Justice and the Legal System – A Flawed Beautiful Illusion

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KABIR SINGH<sup>1</sup>

## ABSTRACT

*Justice is always considered as something which is good and is observed as a natural order. Through this article, I aim to show the reality of justice, that it is not natural, but instead a social construct. It is a beautiful lie present to control people and maintain order in the society. I will begin by conveying what exactly justice is, and then explain how it is a false promise. After that I will show how justice and law are used as a social measure to control the masses and the numerous flaws present in the legal system. Finally, I will conclude by once again briefly revising what I wanted to convey through this article, and the importance of us understanding it. Justice is meant to be a tool for us, and not become our owners, something which many people often forget.*

**Keywords** – Justice, Legal System, Social Construct, Illusion, Social Control.

## I. INTRODUCTION

Since childhood, we have often heard that ‘Justice is good’ or that we must always be ‘Just’ throughout our life. However, have you ever wondered why? Why is justice considered to be so good and natural? According to David Hume, one of the most famous philosophers, the origin of justice is –

*“The facts of human selfishness and resource scarcity were dealt with in an evolutionary process during which individuals eventually appreciated their personal interest in a co-operative regime wherein each person respects the property of others. To reinforce this regime, justice grew out of its roots in self-interest, acquiring a sense of moral obligation once sympathy with the public interest was cultivated by social authorities.”* (Hume, 1938)

To answer the above question, we must realize that justice is nothing but a social construct, invented by society for us to stay united, to survive in this world where survival of the fittest is the true nature of the world (Darwin, 1859). The so-called ‘Justice’, which we have been constantly reminded of from the beginning of our life, is nothing more than a beautiful lie. Its current extension in our society, the legal system, is just a means to have social control and is

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<sup>1</sup> Author is a student at Jindal Global Law School, India.

deeply flawed with many glaring shortcomings. I will further explain these claims in depth throughout the article. As we progress, I hope that you will come to see why justice has come into existence and the truth behind it. I believe that it is of great importance that we realize the truth of the system on which we rely so much and the fact that even though justice is made by humans, for humans, we must not become its slave and be bounded down by it.

## **II. JUSTICE IS IMPOSSIBLE TO SERVE AND IS A FALSE PROMISE. IT IS JUST A MEANS TO CONTROL THE MASSES**

In our society, justice is considered as the natural order and as the correct way of life. What many people do not realize is how multifaceted justice is. As famously said by the legendary revolutionary Che Guevara –

*“Justice remains the tool of a few powerful interests; legal interpretations will continue to be made to suit the convenience of the oppressor powers.”*

Even ignoring the fact of how easily justice can be manipulated, justice is all about perspective. My justice and your justice may be aligned, not related or perhaps even against each other. This leads us to the phrase –

*“During history, ‘Justice’ has killed more than ‘Evil’.”*

‘Justice’ as a concept/tool has been used by various conquerors and rulers to justify various heinous acts and genocides. If they can’t find a particular reason, to justify their greed for something or to commit atrocious acts from a reasonable man’s perspective, they would make up the reason of justice, and it can’t even be denied, as the concept of justice is one present for all of humanity, and it has already been established that different people may have different justices.

Forget about history, for the sake of argument; imagine I killed your parents. What would your course of option then be? You will either follow ‘societal’ norm and report me to the police or perhaps take matters in your own hand and kill me as an act of justice for your now deceased family. Let us assume you did the latter. After this, my elder sister finds out about this and proceeds to kill you as an act of justice dedicated towards me. This continues to be an endless cycle, and the fact is, it cannot be denied that you are wrong about your justice, and even my sister, who later killed you for her justice was wrong. Now let us imagine you took the 1st option, followed societies procedures, went to the court and after numerous costly years finally got the verdict that me, due to being underage, and perhaps due to any other reason cooked up by my lawyer for me, am being acquitted. If you are lucky, perhaps you would receive some

monetary compensation. Now tell me, where is the justice in this? Now imagine, instead of me being released, I'm put in prison for 15 years. Now what? The murderer has been punished, justice has been served, and the case is closed. But is it truly? In societies eyes, yes. But what about you? What about your family? Can they come back? No, and what is the justice served in their name? 15 years of prison? What kind of sick justice is this? Truthfully, it doesn't matter what punishment or justice is handed over to me. The fact is, your family is dead, and justice can't do anything about it. Justice is nothing more than a beautiful lie. It just exists to provide you with an alternative from going along with the 1st part. It exists to keep you in control, to offer you a beautiful promise that 'Justice' will be served, but in the end, justice can never be served, as justice itself is a lie and nothing more than a social construct.

### **III. TRUE NATURE OF JUSTICE AND LAW AS A SOCIAL CONTROL MEASURE**

As concluded before, justice and its further extension, law, are nothing more than social constructs used to control society. We must first understand their origin before seeing the true nature of society. Let me ask you something; is it justice when a goat eats herbs? Your answer would obviously be no, as it is considered to be a 'natural' thing, an order of the world. However, didn't the herb struggle too? It took years to reach what it was, surviving numerous ordeals and disasters to keep on surviving. But all of that ended when the goat ate it, uprooted it from its home and devoured it whole. Isn't the herb pitiful? Isn't it a victim? You must still feel that there is no justice here. And I agree with you; indeed, there is no justice here, goats eat herbs, and humans eat goats. After all, it has no relation with justice, but with survival. The strong devour the weak, and survival of the fittest is the norm. Herein lies my point,

*"In this world, there is no justice of the world; there is only justice made by humanity."*

Humans have had to unite and band together for the sake of survival since ages ago to survive in this cruel world. They did this through the formation of organizations, morals and laws. They helped people stay united and in order. Over time, these morals and laws become the norm of society for future generations. Since childhood, we have been told, 'Justice is good, Morals are good', but we are never told why. Justice is meant to be used as a tool to help one survive in this world of the survival of the fittest. Do not let justice bind you down. Always remember its origin and reason for existence. Never be bound down by it and use it as a tool.

There are many social controls, but perhaps one of the most important of them is law. At the beginning of societies, people depended on informal means of social control, but this eventually changed with time. Societies eventually grew in scale and complexity, leading to the official formulation of rules and regulations, which specified certain behaviours and defined the

punishment for violating them (Deflem, 2019). Today, laws have become an integral part of society; we cannot imagine one without the other. Laws affect us in every manner, from the electronic device you are using to read this article from to the air quality around you. Laws also exist to deter people from committing crimes or conduct illegal activities. These are just a few examples of the impact of social control of laws. Laws also act as a social controller by offering people hope. Society believes in the promise of justice via law, thus leading them to believe that wrongdoers will be punished by law and therefore leading them not to take things into their own hands. Thus every day, our every action and our very reality are shaped by laws in unimaginable and un-anticipated ways.

#### **IV. LEGAL SYSTEM IS A VERY DEEPLY FLAWED SOCIAL CONSTRUCT, WITH NUMEROUS SHORTCOMINGS**

As established earlier, justice is a social construct made to help society unite and survive better. As ages passed, societies became more and more complex, leading to the rise of a proper codified legal system as informal means of social control were no longer capable of maintaining social order. The law codified uniform norms and punishments everywhere throughout society. What used to be morals and customs earlier were now present in the form of law. As in the words of Daniel Webster –

*“It is the ligament which holds civilized beings and civilized nations together.”*

While this legal system exists to guide and bind society together, I believe that it has failed in its duty and has many numerous glaring faults which cannot be accepted. According to a study done by Oliver Mendelsohn from the La Trobe University,

*“Unusual is a very good way to describe the Indian court system. The proceedings of the court are extraordinarily dilatory and comparatively expensive; a single issue is often fragmented into a multitude of court actions; execution of judgments is haphazard; the lawyers frequently seem both incompetent and unethical; false witness is commonplace; and the probity of judges is habitually suspect. So great are these failings that the Indian judicial process can be reasonably be seen as a ‘pathology’ of a legal system.”* (Mendelsohn, 1981)

Keep in mind that this is a study from observing the courts during a field research between 1971 and 1972. Isn't it quite shocking how even though almost 50 years have passed, the same problems still remain to exist? According to Daksh, an NGO which released the famous “Access to justice, 2017” report, which conducted a survey across 28 states and 385 districts, and interviewed 45,551 people, 74% responded that they would turn to friends or family for arbitration rather than the court. When asked why did the respondents did not go for official

court proceedings, 26.8% of them attributed it to the high cost of litigation. High costs indeed still remain a very serious issue in our system. In the previous Access to Justice Report in 2015-16, it was discovered that litigants in India spend about Rs. 30,000 crore every year just to attend trials. Along with this, corruption runs rampant. 42% of the respondents who resorted to courts claimed that they had to pay a bribe (Daksh India, 2017). There is a very famous phrase according to which,

*“Justice delayed is Justice denied”*

A few years ago, there were more than 2.8 crores pending cases across various courts. The number has only increased with time. According to these figures, it seems like justice being denied is a very normal thing (Bhandari, 2017). The Indian Legal system being too complicated also scares away many people. Besides the above-listed problems, there also exists numerous facts like many crimes, considered humanely wrong aren't even considered as crimes by the law. Often, criminals walk away with very less punishment and do not get what they deserve. These are only some of the problems existing in our judicial system, but these should be enough to convince you that something is very seriously wrong.

## V. CONCLUSION

You must have realized by now that justice and the legal system are nothing more than a social construct, its evolution, the reason behind its existence, how it is merely a beautiful mirage, and the truth behind this mirage. How our legal system is in an awful condition and something must be done to deal with it. Besides this, I hope you realize that the world is not 'Just'. Good things happen to bad people, and vice versa. Moreover, justice is not a binary concept. In this world, there is no black or white, only shades of grey. Justice is all about perspective. 'Justice' is like a sword. People in modern society often forget that, It is a tool, do not be controlled by the tool, control the tool. Note that I am not commenting on the need of a legal system in this article, nor am I talking about whether it is a necessary evil or not. I wrote this hoping that this article would help the reader understand the truth about the legal system. Knowledge is power, and it is only when you gain knowledge, can you graduate from just being one of the numerous cogs of society. It is only when you understand where you stand, can you take further action on it. I can merely hope you understand how important this issue is and decide to do something about it. Perhaps only in the far future, we will be freed from this beautiful lie (if we desire to be), or at least fix it. At the end of the day, it depends on you, on us.

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