



**Novel Insights**, *An International Journal of Multidisciplinary Studies*

A Peer-Reviewed Quarterly Research Journal

IS SN: 3048-6572 (Online) 3049-1991 (Print)

Impact Factor: 4.25 (IIFS), 8.2 (IJIN)

Volume-II, Special Issue, March 2026, Page No. 92-99

Published by Uttarsuri, Sribhumi, Assam, India, 788711

Website: <http://novelinsights.in/>

DOI: 10.69655/novelinsights.vol.2.issue.specialW.092



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## **Human Rights and Justice: A Theoretical Analysis from an Ethical Perspective**

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Received: 18.03.2026; Accepted: 21.03.2026; Available online: 31.03.2026

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### **Abstract**

According to conventional wisdom, the legal system grants individuals' certain rights grounded in principles that predate the very enactment of law. However, ensuring that individuals actually receive justice remains a formidable challenge. In this context, a pertinent question arises: Since the State ultimately serves as the custodian and enforcer of all legal provisions, how can human rights be realized if the State itself fails to grant citizens the rights to which they are entitled? It is precisely against this backdrop that the relationship between human rights and social justice emerges as a central theme of discussion. If concepts such as equality, judicial independence, and human dignity cannot be firmly established through the realization of social justice-facilitated by an awareness of human rights-then efforts are undertaken to achieve these objectives through legal initiatives. When the legal system functions effectively, these principles come to be recognized as established human rights. Indeed, it may be argued that social justice serves as a prerequisite for human rights. The concept of "justice" is also inextricably intertwined with the realm of morality. In the context of interpreting this concept, the views of Barker, the utilitarian philosopher John Stuart Mill, the individualist Nozick, and the socialist Karl Marx are particularly noteworthy. However, the manner in which John Rawls articulated his theory of justice in his seminal work, - A Theory of Justice, commands particular significance. In presenting their respective conceptions of justice, both Nozick and John Rawls rejected the arguments advanced by the utilitarian philosopher Mill. Rawls did not advocate for any form of coercive interference with individualism or private property rights. Nevertheless, Rawls viewed the wealthy as a resource-a means through which the economic conditions and fortunes of the impoverished population could be improved. The influence of John Rawls's philosophical thought is discernible in the conception of justice articulated by Amartya Sen in his book - The Idea of Justice. Professor Sen did not prioritize the establishment of appropriate institutions as the sole or primary means of fulfilling the demands of justice. He considered 'Social Choice Theory' to be an acceptable approach for addressing various issues related to justice. Thus, various concepts-such as liberty, equality, capabilities, and entitlements-are intertwined with theoretical analyses concerning justice.

**Keywords:** Justice, Ethics, Equality, Dignity, Freedom, Rule of Law

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**Introduction:**

In his book 'An Introduction to Ethics', William Lilly, while indicating the characteristics of ethics, has called ethics a normative science related to the behaviour of socialized people. The word 'socialized' means that as a social being, man is bound by the dictates of right and wrong. If a person's entire life's work were such that there was no possibility of benefiting anyone else in society, nor was there any danger of harm, then there would be no question of identifying that person's work as right or wrong. In this context, Lilly has raised a famous statement of Aristotle - 'He who does not need to live in society is either an animal or a god.' According to this statement, Robinson Crusoe's behaviour should also be called good or bad, because he was not a lonely islander from the beginning, he had a social life. Therefore, when the words with the meaning of right are applied to the behaviour of the lonely islander Crusoe, the meaning of those words should be sought from his previous social life. In addition, this social perspective of ethics is supported by common folk usage. For example, the social process of telling the truth is easily considered a subject of ethics in the eyes of folk usage. But our personal actions, such as learning to sing, are not a subject of folk usage ethics.

An important topic in social ethics is the concept of justice and its related issues. The issue of justice has been discussed since the time of the ancient Greek philosopher Plato. The medieval philosopher Thomas Aquinas and the modern philosophers Hume, Mill, and economist Adam Smith have discussed it in detail. In the seventies of the twentieth century, John Rawls revived the theory of justice with a novel interpretation. The social context of justice is very complex. Social justice is a concept that indicates equality among all people regardless of class, race, religion, etc. Its presence can also be seen in the issue of obtaining social and economic opportunities among all people. In fact, no matter how many interpretations of social justice or justice are raised from the conceptual point of view, in reality it is not that clear and specific.

**Social Justice: Theoretical Analysis:**

Social justice is a prerequisite for human rights. Through social justice, the basic rights, privileges, and morality of all people in society are maintained. If social justice is not established, human rights become meaningless. Therefore, before discussing the relationship between justice and human rights, it is necessary to know the meaning of justice. The concept of justice is associated with the concept of fairness. Again, the word justice is also related to the concept of morality. The concept of justice can be explained by protecting and establishing some moral rights of people. It includes the right to life, liberty, and the pursuit of happiness as moral rights. Literally, social justice is impartiality and fairness.

According to Professor Barker, justice is the synthesis of liberty, equality and fraternity. Justice is the recognition of human dignity. The principle of liberty confirms the principle of justice. Justice is established only when liberty is desirable and everyone has the opportunity to enjoy it equally. Justice recognizes the special privileges of any person. In this case, no kind of unequal distribution is supported. This doctrine is called the theory of egalitarian justice. Many have called this doctrine unrealistic. If it is accepted from the theoretical point of view that all people are equal, but in reality, their needs, expectations and demands are not equal. Therefore, the distribution of resources according to the needs, demands and expectations of people is necessary for social equality.

John Stuart Mill discusses the theory of justice in the last chapter of his book (Utilitarianism). Although the principle of utility is the only criterion for judging the right and wrong, right and wrong of human behaviour, there is still a deep relationship between utility and justice. Justice is an alternative to social utility. The concept of justice is secondary and backward to the principle of utility. Like Hume, Mill believes that the concept of justice originates from human psychology. This concept is a kind of feeling and tendency, which arises from two basic natures of mankind. One of these two basic natures is the desire to punish the offender and the other is the belief in the harm done by one person to another. The desire to punish the injured or injured person arises from two reasons. One reason is the tendency to self-preservation and the other from a feeling of benevolence. Justice originates from the desire to punish. However, there is no moral feeling at the root of revenge. In this case, morality is related to the feeling of social welfare. All these feelings will be considered moral only when these feelings work for the general good and welfare of society. According to utilitarianism, the concept of justice and individual rights can be considered moral by everyone only when they are considered as auxiliary means of social welfare. The main and main objective of utilitarianism is to increase the collective happiness, peace and utility of people. However, inequality will be considered desirable only when it is able to play an effective role in achieving maximum utility for society. That is, if it is possible to increase the maximum happiness, peace and welfare of the maximum number of people as a result of unequal distribution, then unequal distribution will be considered good.

Although the concept of justice is used in many different ways, it is generally accepted that all societies should be governed by justice. John Rawls, in his book *A Theory of Justice*, outlined two principles of the theory of justice.

- First: Each person in society is to have an equal right to the most extensive basic liberty compatible with a similar liberty for others.
- Second: Inequality in the distribution of social and economic goods may be acceptable if it (a) is justified by rational individuals in providing benefits to all people and (b) ensures equal opportunities for obtaining prestigious positions and jobs.

Although John Rawls spoke of two principles of the theory of justice, an analysis of his doctrine reveals three principles. According to the first principle, all people in society have an equal right to enjoy basic freedoms. The second principle has two parts. The first part promises to provide equal opportunities to all citizens in the distribution of jobs, social prestige and status. The second part states that inequality in the distribution of wealth and status can be accepted as acceptable only when such inequality makes it possible to achieve the welfare of the less advantaged; deprived, oppressed, and large numbers of poor people in society. In this case, the first principle is called the principle of equality of freedom, the second is the principle of equal opportunity and the third is the principle of distinction.

### **Human rights and justice:**

The concepts of human rights and justice are closely related to the protection and development of human interests. The term human rights involve the issue of ownership, while the concept of justice involves the issue of access to opportunities. Although the concepts of human rights and justice are interrelated, there are several differences between the two in terms of origin, scope and practical aspects. From a practical perspective, the relationship between the two concepts can be discussed as follows:

- a) Human rights are a type of fundamental rights that guarantee freedom, personal security, and the pursuit of prosperity, the right to freedom of religion, as well as the right to education, medical care, and participation in cultural activities. The state is committed to enforcing all these rights through the judicial system. But social justice is a moral and ideological concept, where all members of society are recognized to have the same basic rights, security, and benefits.
- b) Human rights establish the right of people to enjoy rights such as freedom, equality, security, etc. When rights are established in all these matters, people gain the ability to achieve rights. The concept of human rights is associated with the concept of social rights and obligations to receive benefits.

On the other hand, social justice refers to the principle of protecting the interests and happiness of all people living in society. It has no legal basis. This principle is practiced when the greatest good of the greatest number of people is considered. The concept of social justice is associated with the equitable distribution of social opportunities. Justice seeks the general welfare of people through the formation of a just society. As a result, the concept of human rights is preserved and developed through the establishment of social justice.

- c) Human rights and social justice are complementary to each other. Social justice is ensured by some essential preconditions such as social equality, independence of the judiciary, absence of arbitrary power, human dignity etc. If all these conditions are not established with the help of social awareness, attempts are made to achieve them through legal initiatives. When such legal system is in force, it is considered as a recognized human right. If people do not strive to maintain, preserve and implement them, then the enjoyment of such legal rights becomes uncertain.
- d) The state has an important role in both social justice and human rights. The welfare state is related to both social justice and human rights. Social justice provides the opportunity to establish a welfare state. This welfare state has various arrangements for the establishment of distribution, power, freedom, security, brotherhood and friendship.
- e) Social justice is consolidated, developed and established through the enjoyment of human rights. Because social justice creates opportunities for the protection, enjoyment and development of human rights. The concept of human rights is included in the principle of social justice. Here, the guarantee of satisfaction of human needs, the establishment of justice through the redistribution of resources, and equality of dignity and benefits are established as human rights.

### **Freedom and equality:**

The concepts of liberty and equality are closely linked to Rawlsian thought about justice. One of the various parts of Ross's theory of justice is the - priority of self-will. While Rawls own statement on this priority is relatively weak, it is very prominent in modern voluntarism theory. This statement is identified by Robert Nozick as a broad one, from the rights of the individual to the rights of property. According to him, there will be an extreme priority in advancing social goals, such as eliminating deprivation and deprivation, and in almost all political justice.

These rights take the form of- necessary obligations and their loss cannot be tolerated. According to this logic, things that we consider desirable, such as functional, the rules of conduct which secure rights on a completely different level from those of happiness, equality

of outcome or opportunity, etc., are obligatory to be adopted without regard to their consequences. This statement proves the necessity of priority. The relatively minor claims of 'self-will', which are presented in libertarian theory, are essentially the basic political and civil rights with certain personal freedoms. But the priority which this limited rights claim is absolute. Although these rights are limited in their scope from those described in libertarian theory.

### **Comfort and efficiency:**

Based on what has been discussed earlier, it can be said that any overall assessment of the claim to justice requires that people have the freedom and capacity to live the life they desire. The aspect of freedom that Amartya Sen has emphasized when discussing the **opportunity** and **process** of freedom can be called the positive forum of freedom. In this kind of freedom, it is not just about the ability of the individual to move towards the desired goal within his own reserved circle without facing any obstacles, but here special emphasis is given to the discussion of the actual ability of the individual to do this or that. The first freedom is negative and this is what can be called freedom in the old way. Both Rawls and Amartya Sen consider such freedom as a valuable social good, but the difference between Rawls and Amartya Sen is that Rawls does not give it priority over everything else. Amartya Sen especially wants to show that this is the highest ideal of Pareto. (Optimality Theory) The concept of efficiency is one of the core tenets of welfare economics and is considered a hallmark of personal freedom, it is practically incompatible with the accepted formulation of the principle of freedom. If the pursuit of one's own desires is the object of one's attention, then it is not enough to take into account the primary goods that a person possesses, but also the character traits that the person needs to transform these goods for the purpose of his own achievement. For example, a disabled person may own more wealth but be unable to live a normal life that a perfectly healthy person can live with much less. Similarly, an older or sicker person may have more wealth but face difficulties in living a normal life.

By the capability of a person, we mean the combination of various actions by which that capability can be mastered. Capability is a kind of freedom by which different standards of living can be mastered. If a person fasts, his response in terms of hunger or nutrition will be considered the same as that of any hungry person. But the scope of the capability of that rich person is different from that of another person, because he can eat good food as he pleases, which another person cannot. There is disagreement about which particular actions fall within the list of capabilities. Where the claim for equality is clearly and uncontroversially raised, there, all else being equal, Amartya Sen speaks in favour of capability-equality. Although in this context he does not forget to remind us that the question of capability-equality does not necessarily come up in the question of justice - partly because capability is not always the only important dimension, and partly because equality is not always the only important social virtue.

Professor Amartya Sen unique contribution to understanding inequality is the introduction of the concept of capability. The capacity to transform resources dynamically varies from person to person. But social institutions have little role in eliminating this inequality. In such inequality, the question arises as to what kind of compensation can be given for differences in interpersonal capabilities. If the possible remedies for inequality and poverty depend solely on the appropriate use of resources, then the acceptability of the resources approach becomes greater than that of the ableist approach.

**Ownership and capacity:**

Traditional welfare economics specifies utility as the standard of value. But if any standard is confined to the narrow limits of utility, the scope of seeing people becomes very narrow. Only one aspect of human life emerges in satisfaction or fulfilment of desires. It is wise to be aware of pleasure, but slavery cannot be accepted with pleasure. If one focuses exclusively on mental characteristics such as happiness, joy, desire, etc. the comparison of happiness and deprivation between individuals is greatly hindered. We can change our desires and our ability to obtain happiness depending on the situation. Especially in a state of danger, the nature of this happiness changes a lot. It is unfair to apply the criterion of utility to the deprived. For example, people from backward classes as a social class, intolerant communities. Among the minorities, sharecroppers in an uncertain world, whose bones are broken in an exploitative state. forced to work, the oppression of housewives in a strict gender-based society. All these Deprived people accept their remoteness. As a result, they demand no radical change. They do not have the courage to do anything, but rather they pursue their desires and expectations without any ambition. adapts to the situation as much as possible. So, the mental measure of happiness or joy, so flexible that it cannot be considered an indicator of deprivation. The plight of the deprived, an attempt to suppress or silence the determination of the criteria of utility, it can be observed forever. But even keeping this fact in mind, it is difficult to create such a situation. It will be a place where people can judge what kind of life they want to live. They will get the right opportunity themselves. These trials need more comprehensive information. Collection, based on which people's ability to live the life they want in their own judgment, it is possible to emphasize.

The ability to gain utility has its own importance. Whatever the ability is judged here, the matter of gaining happiness prevails there, that is, the importance of something means happiness, that is how the matter of judgment stands. There, the question of eliminating many other deprivations such as hunger, poverty, injustice, exploitation, illiteracy is not considered important in its own logic. All these things will be considered important only when happiness is obtained in return for all those deprivations. The extent of this importance again depends on the extent of happiness. But this narrow view based on utility is not enough for the overall evaluation of human life.

So economic rights are a real issue in human rights discourse. Organizations associated with the human rights movement never deny this real problem. However, due to differences in perspectives on social justice, there is disagreement about how active the human rights movement will be in the struggle to protect or achieve economic rights, and to what extent they will participate in this movement. At the root of this disagreement is the ideology of difference in perspectives. Organizations established for the purpose of protecting human rights have their own ideological positions. This ideology determines what their position will be on social justice. It is on the basis of this ideology that the position their movement will take on the main component of human rights- economic rights. The programs of organizations established for the protection of human rights include the economic intensity of the existing society, the various human problems arising from the unequal distribution of wealth, and the problems that globalization has exacerbated. The economic security of the common people has decreased in the era of capitalist globalization. The 2004-05 report of the International Labour Organization shows that 6.2 - percent of the working-age people in the world are currently unemployed. Of those who do work, most work for wages that make it

difficult for them to support themselves. The richest Five (5%) percent of the world's population earns 114 times more than the poorest 5 percent. <sup>24</sup> According to the 2003 Human Development Report, the income of the richest 25 million Americans is equal to the combined income of the poorest 2 billion people in the world. In such circumstances, achieving the right to life is a real challenge. Many of whom Yes, the right to live cannot be established by taking something away from them and giving it to the deprived. This is why human rights organizations do not agree with the Pareto-based economic theory.

**Future thinking:**

Historically, the need to protect human rights at the national or domestic level has been almost entirely linked to the dominant ideas of the time. Democratic governance, in principle, provides for the subordination of the minority to the will of the majority and thereby ensures the equality of citizens, human dignity and social justice. The most powerful tool for protecting human rights is democracy. In theory, democracy is a system of government in which sovereign power is exercised directly or indirectly among all free citizens and through a representative system.

In the concept of human rights, human dignity applies equally to every man and woman. Through this, the aspects of justice, freedom and equality are revealed to the greatest extent. The rule of law is necessary in the expectation of this justice. Human rights law does not treat different people equally, but rather sees one from another in this regard. That is why everyone is considered a separate special entity as a human being entitled to equal dignity. In the changing circumstances of the world, the principle of non-discrimination has failed to understand the overall meaning of human rights. The only principle that human rights philosophy and reality have been able to reflect is the concept of preserving human dignity. The concept of the right to life is also linked to the fundamental right called the right to life.

The issue that needs to be mentioned in the context of discussing the relationship between democracy and human rights is whether the citizens are able to use the facilities that democracy provides to the citizens of the state. In November 1998, former President of the Philippines Fidel Valdez Ramos expressed an opinion in this regard at the University of Australia. According to him, democracy cannot survive without public support. The challenge before the people of today's world is not only to remove authoritarian regimes through democracy, but also to go beyond this and to manage democracy for the common people. The extent to which all the facilities that democracy creates will be accepted depends on various factors such as multi-party-political power, principled debate and value formation. If the opposition parties in a democratic system make efforts, then the government cannot remain indifferent to various important issues related to civil rights. Even if democratic conditions do not exist, pre-democratic the strength and patience of the opposition parties in South Korea indirectly influenced the governance of the country even before the full establishment of democracy. Social problems like gender inequality, child labor, primary education, etc. remained neglected in most cases. But as these issues came to the attention of the opposition parties, they received the attention of both the law and the ruling class. The rule of democracy is to make the demands of the people clear. In many cases, rights cannot be obtained without demanding. Among the rights that are being demanded in present-day India, notable is universal primary education, the proposal to give one-third of the seats in the Lok Sabha to women by law, etc. Apart from this, voluntary euthanasia is often demanded as a right. The role of democracy is also essential in achieving

religious rights while maintaining communal harmony. Democratic security is essential for the progress and existence of a diverse country like India, where Hindus are in the majority, which is a large Muslim-majority country, where millions of Christians and most of the world's Sikhs, Parsis and Jains live side by side. As valuable as democracy is as a primary source of human rights, it is also necessary to explore various ways and means to activate it well and realize its power. The establishment of social justice does not depend on the size of the institution, but on its effective management.

### **Conclusion:**

Human rights and justice cannot be understood as isolated ideals, they gain meaning only when grounded in ethical reflection and lived social realities. A theoretical analysis shows that rights are not merely legal claims but moral assertions rooted in human dignity, equality, and respect. Justice, in this sense, becomes the practical expression of these moral commitments, guiding how societies distribute resources, recognize differences, and address historical injustices. Ethical perspectives—from deontological emphasis on duty and rights to consequentialist concern for outcomes and well-being—offer different yet complementary ways to justify human rights. At the same time, critical approaches remind us that rights discourse can sometimes overlook power imbalances, cultural diversity, and structural inequalities. Therefore, a meaningful understanding of human rights must move beyond abstract universality and engage with context, vulnerability, and lived experience. Justice demands not only formal recognition of rights but also their actual realization through fair institutions, inclusive policies, and active civic participation. In a rapidly changing world marked by inequality, conflict, and technological transformation, the ethical foundation of human rights remains essential. It provides a moral compass that challenges injustice, protects the marginalized, and encourages accountability. Ultimately, the relationship between human rights and justice is dynamic and evolving, requiring continuous ethical engagement to ensure that the promise of dignity and fairness is not only declared but genuinely fulfilled in practice.

### **Reference:**

1. John Rawls, *A Theory of Justice*. Cambridge, MA: Harvard University Press, 1971, pp. 3–53, 60–110.
2. Robert Nozick, *Anarchy, State, and Utopia*. New York: Basic Books, 1974, pp. 149–182, 183–231.
3. Lillie, W. (1948). *An Introduction to Ethics*. London: Methuen, p. 45, para. 2, lines 3–7.
4. Amartya Sen, *The Idea of Justice*. New Delhi: Penguin Books, 2009, pp. 18–55, 225–260.
5. Jeremy Bentham, *An Introduction to the Principles of Morals and Legislation*. London: 1789 (reprint), pp. 1–25, 170–200.
6. United Nations, *Universal Declaration of Human Rights, 1948, Articles 1–21* (pp. 1–6 in standard UN publication format).