

The Quest for Social Justice
A Note By
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It is an interesting historical fact that, as society becomes better textured, legal justice approaches more nearly to social justice. In the days of the Industrial Revolution in England there was an adequate legal and judicial system in technical terms. But there was no sense of social justice: children working in factories - gross gender discrimination – in fact all the Dickensian horrors that gave rise to the Reform Bills.

Since those days legal justice step by step has come closer and closer to contemporary society's expectations of social justice. We've seen new laws passed - the Trade Practices Act, the Anti Discrimination Act and so on - that are all examples of legal justice, statutory rules if you like, coming closer to social expectation. In a perfect society, social justice and legal justice would be identical. Of course, we will never reach that goal because social justice is always developing ahead of legal justice in response to changing community perceptions and community values. Social justice must be responsive to what is happening in society. That is why we elect our politicians. They come from society at large. They are aware of society's expectations. They have the great power to legislate to try and translate that awareness of social justice into laws that the courts will then apply.

Social justice will always be ahead of legal justice. But the better our mechanisms work, the closer will be those two concepts and the better will be the quality of our civilisation.

Dated this 16th day of September 2004