

The Path to Achieving Justice in an Unjust Society

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What is Justice?

1 In ancient times, philosophers have struggled to understand justice. Augustine, Aquinas, and Aristotle shared the idea that justice is the consequence of giving others what is due to them. In the recent past, John Rawls, in his book, a *Theory of Justice*, thought that justice is best understood through the lens of fairness.

2 How is justice achieved in a secular society? One view is that a just society exists when there is a social contract between members of that society who consent to be governed in a certain kind of political order. Another view is that societal justice is achieved by laws that produce the greatest good for the greatest number of people. An alternative view is that societal justice is governed by fundamental principles preserve personal liberty and minimize the adverse effects of social and economic inequalities. Another thought is that justice is attained by the application of natural law, which is based upon virtue ethics. The prevailing doctrine today is legal positivism.

3 Google AI defines legal positivism in this way:

“Legal positivism is a legal philosophy stating that the existence and content of law are determined by social facts, like legislation or court decisions, rather than by moral principles. It holds that a law's validity comes from its source or "positing" by human institutions, not from its inherent justice or morality. This view separates law from morality, asserting that a law can be valid even if it is considered unjust or immoral.”

4 Legal positivism uses law as a social engineering tool to control the behavior and thoughts of people, in order to retain the political power of those in authority. Tyranny, oppression, injustice and exploitation can occur.

5 The problem is that positivist legal regimes can never satisfy an individual's inmost need to feel that justice has been done. This is because all human beings, regardless of religious faith, abide by their own moral code and instinct for what is morally just and right.

6 I contend that legitimate power is sourced from the inherent moral and righteous authority of God. A just society can never exist without this recognition of the Supremacy of God, and willful submission to God's laws.

7 At the foundation of God's law are two basic laws: The first is to love the Lord your God with all your heart, soul and mind. The second is to love your neighbor as yourself. Matthew 22: 36-39.

8 Loving God means to keep all of God's commandments. 1 John 5: 3-4.

9 Obedience to these laws is an act of love, and gives freedom and ordered liberty to those who live an obedient life. If all human beings love God and obey God's commandments, then justice and peace will flourish in society. When societal human sourced laws conform to God's laws, they have embedded moral authority. Laws that deviate from God's laws lack legitimacy and moral authority.

The Constitutional Structure Needed for the Flourishing of Justice

10 Many of us here today are Christians. We share common values and recognize the authority of God. We rely upon the Bible and our Judeo-Christian faith to find common ground to discern what laws are inherently just and moral. We recognize the Supremacy of God. We know that the foundation of a just society is structured upon the Rule of Law that mirrors God's laws.

11 Justice will flourish in a society governed by the Rule of Law.

12 I define the Rule of Law as life in a society governed by inherently just moral laws sourced from the Law given by God, where the Supremacy of God is honored by actions and beliefs, and where people are willing to obey inherently just laws that conform to scripture and God's commands.

13 Life under the Rule of Law means to willingly live in a society that honors God's Commandments, and to abide by absolute standards of right and wrong. This society is characterized by willful obedience to just laws that are rooted in truth, justice and righteousness.

14 Justice is the defining characteristic in a society governed by the authentic Rule of Law. The evidence is found in the fruits of the legal system. These fruits include:

A. Constitutional limits are placed on the power of government, to permanently guarantee and protect the inherent rights and freedoms of an individual's conscience and religion;

B. All human beings are free by nature and equal in their inherent God given rights, including those inalienable rights of life, liberty, conscience, thought, belief, opinion, religion, and speech.

C. There is equality, so that no one individual or faction is above the law;

D. All human beings, at all stages of life, from conception to natural death, have equal absolute inalienable rights to life, liberty, to own and to enjoy property free from government intrusion and security of the person; and,

E. All branches of government, whether executive, legislative, or judicial, are under the law, and accountable to moral, legal and constitutional scrutiny through checks and balances, to ensure conformity with the laws of God.

15 A just society conforms to the Rule of Law when its laws align with the moral compass that points towards the pole star of God's commandments and laws.

16 When the state embraces legal positivism and enacts immoral laws that deviate from God's laws in order to legalize sinful behavior, the Rule of Law morphs into Rule by Law. These unjust laws lack moral legitimacy and authority, yet are enforced by the coercive power of the state. Authentic justice cannot exist in such an evil society. Unjust laws, the hallmark of such societies, is evidence that there is no law at all. The form of law is present, but not the substance of law.

17 Injustice prevails. What is morally good is treated as evil, and evil and lies are treated as a virtuous good. Shame on those who call evil good and good evil. Isaiah 5:20.

18 The divorce of law and morality has resulted in the rapid decline and corruption of Western society.

19 This slide into moral death occurs when those in positions of authority and power, and their supporters, are wise in their own eyes, and make laws that do not conform to the laws of God. Isaiah 5: 21-23. Their sins are no longer concealed, for they are loud and proud to publicly proclaim their moral depravity, for they are emboldened by their own corrupt selfish desires. Isaiah 3:9. Justice is denied to those courageous few who know what is right, and are punished for challenging unjust immoral laws. Isaiah 5:23.

20 In their pursuit of wickedness, the leaders of secular humanistic societies and their followers suppress the truth and permit the flourishing of evil. They deny the supremacy of God. They are not one nation under God. They mock and hate God. Their unjust laws legalize human behavior that is depraved and offensive to God. They invite disaster and severe punishment. Romans 1: 18-32.

21 Those people who obey God's authority and hold opposing viewpoints to prevailing social orthodoxies and are regarded as hateful extremists who pose a danger to the established political order. When these believers have the courage of martyrs to express their beliefs, opinions, and conscience, they will likely lose everything, including their livelihoods, property, families, freedom and their very lives. They are targeted as enemies of society.

22 We all know what happened to Charlie Kirk. But we can rejoice that more Charlie Kirks are amongst us, who are bold and courageous, and have already taken up the torch to be a light to the world.

23 Western societies claim they are morally superior to other societies because they believe their legal system adheres to the Rule of Law. They justify this claim by their belief in the theory that justice is attained thorough a fair procedure.

24 The reality is that fairness is not enough. The wrongful conviction of a morally or factually innocent individual is unjust. If a critical step in due process is not rigorously followed, such as by diminishing the priority of searching for the truth, or suppressing evidence, then the process has only the form of justice, but not its substance. If the laws upon which prosecution is based are immoral and unjust, then unjust persecution occurs.

25 In all societies, there are common universal behaviors that are globally rejected as repugnant and merit removal to protect the balance between freedom and public safety and security. One example of a wrong is murder, such as the killing of an innocent human being by another human being who seeks to personally benefit to achieve a selfish purpose. Another example the right of self-defense, the killing another human being to save an innocent human being from imminent harm or death.

26 Despite these occasional common elements, there are irreconcilable differences in Western societies that result in dysfunctional justice systems when legal positivism reigns supreme.

Unfortunately, inevitable conflict between religious and secular values within a single nation state, left unresolved, will lead to the destruction of one or the other. Is it possible to reconcile such polar opposite cultures and values? This reconciliation is impossible to achieve in Western secular societies that are governed by legal positivism and the Rule by Law. A society conforms to the Rule of Law only if its legal system aligns with the moral compass that points towards the pole star of God's commandments and laws.

Doing Justice Where You Are: An Ethical Call to Action

27 Justice is a personal virtue, for it is foundational to interpersonal, intercultural, intersocial and legal relationships between human beings.

28 Just behavior starts on an individual basis between two people, and exponentially increases when that just behavior permeates an entire society to create a justly governed nation state.

Growing Into Our Callings

29 Justice is the responsibility of every lawyer and of every individual who seeks to live a righteous life. We are to defend the rights of the weak and powerless. We are to rescue the innocent. We are to protect the vulnerable and the oppressed. Proverbs 24:11. In doing so, we act in love with righteousness, and achieve justice, one case at a time, one day at a time.

30 Righteousness flows from being in a right relationship with God and with the people in your life. When God's laws and commandments are obeyed, we are then in a right relationship with God and others. The closer we come to obeying God's laws in our lives, the closer we come to mirroring the attributes of God. For all of God's ways are just, for he does no wrong, and he is righteous and true. Deuteronomy 32:4.

31 It is God's character which exemplifies the moral standards of righteousness, truth and justice. By drawing near to God, in communion with God, our acts of righteousness exemplify the virtue of justice. Genuine righteousness is more than just obeying the laws of God. Righteousness must flow from our inmost being, from our heart. Righteousness comes from our daily walk with God.

32 God leads by example. God practices unfailing love, acts of justice and does right upon the earth. In these things, God has set his heart. Jeremiah 9:24

33 The virtue of justice must be in the heart of all righteous human beings, and revealed by our actions, for faith alone will not make us righteous in the eyes of God. James 2:14-26.

34 Living in a secular world of imperfection and sin means that the path to justice depends upon individuals and not upon a legal system that is constantly in tension and is often in conflict with the laws of God.

35 What is possible is for each of us to fearlessly act justly, in humility, obedience and faith, to be a righteous and just human being. Knowing what is good and just brings great responsibility.

36 We are to act justly, show mercy and to walk humbly in obedience to God's commands. Micah 6:8. This is the path that the wise and righteous person follows who seeks justice.