



The Relationship Between Law, Ethics, and Social Justice in a Changing World

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ABSTRACT

The relationship between law, ethics, and social justice has traditionally been theorised as one of mutual reinforcement: law codifies ethical principles, and both serve social justice. Contemporary global transformations—climate disruption, digital surveillance, economic inequality, and cultural pluralisation—have destabilised this alignment, revealing deep tensions between legal validity, ethical legitimacy, and distributive fairness. While extensive scholarship addresses the dyadic relations between law and ethics or law and justice, an integrated analysis that captures the triadic interplay and its dynamic reconfiguration under conditions of rapid global change remains absent. This article addresses that gap by developing a triadic alignment model that conceptualises law, ethics, and social justice as distinct normative spheres whose congruence is contingent on institutional design, deliberative practices, and critical legal consciousness. The study employs a qualitative, theoretical-synthetic methodology, drawing on normative jurisprudence, socio-legal theory, and comparative case illustrations from climate litigation, digital constitutionalism, corporate accountability, and migration governance. The analysis reveals four key dynamics: (1) historical interdependence and fragmentation between the spheres; (2) structural mechanisms that produce alignment, including democratic deliberation, judicial interpretation, and ethical legal professional identity; (3) disruptive forces—technological velocity, climate crisis, inequality, and populist instrumentalisation—that fracture alignment; and (4) emergent realignments through transnational justice movements, digital rights frameworks, and restorative justice practices. The article contributes a novel analytical framework that specifies the conditions under which law, ethics, and social justice are aligned or in tension, and offers practical guidance for institutional design and legal reform in pluralistic, rapidly changing societies.

Keywords: Climate Justice; Deliberative Democracy; Digital Constitutionalism; Ethics And Law; Global Justice; Legal Theory; Social Justice; Transnational Law

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1. INTRODUCTION

The modern legal imagination has long been structured by the expectation that law, ethics, and social justice form a coherent normative triad. Law provides the institutional machinery for translating ethical commitments into enforceable obligations; social justice supplies the substantive end-state—a fair distribution of rights, resources, and recognition—toward which both law and ethics aspire (Rawls, 1999; Habermas, 1996). This alignment was never perfect, but within the framework of

the democratic constitutional state, it possessed a certain institutional logic: legislatures enacted laws informed by ethical deliberation, courts interpreted those laws in light of constitutional principles of equality and dignity, and social movements mobilised to extend the circle of justice beyond formal legal recognition (Dworkin, 1986; Fraser, 2008).

Contemporary global developments have disrupted this equilibrium. Climate change poses an existential challenge to the distributive premises of social justice, yet legal systems remain structured around territorial sovereignty and short-term political cycles, while ethical frameworks struggle to articulate duties to future generations and non-human beings (Caney, 2014; Peel & Osofsky, 2018). The digital revolution has generated forms of algorithmic power that escape conventional legal regulation and challenge foundational ethical concepts of autonomy, privacy, and dignity (Zuboff, 2019; Balkin, 2018). Rising inequality within and between states renders the promise of equal citizenship hollow, even as legal systems expand formal rights protections (Moyn, 2018). Cultural pluralisation, driven by migration and global communication, intensifies ethical disagreement about the content of social justice, challenging the consensus upon which legal legitimacy depends (Benhabib, 2004). In response to these developments, populist movements have increasingly instrumentalised law to advance exclusionary ethical projects, decoupling legality from both justice and universalist ethics (Müller, 2016; Scheppele, 2018).

These transformations render the relationship between law, ethics, and social justice not merely a perennial philosophical problem but an urgent practical challenge. When law is decoupled from both ethical legitimacy and social justice—when it becomes a tool of raw power—the very foundations of the rule of law are threatened. Conversely, when ethical claims and justice demands cannot find institutional expression through law, they risk becoming either utopian aspirations or revolutionary disruptions. Understanding how the three spheres interact, what mechanisms produce and sustain alignment, and how alignment can be restored under conditions of rapid change is therefore a question of profound theoretical and practical significance.

The scholarly literature has addressed the relationship between law and ethics, law and social justice, and ethics and justice, but predominantly in dyadic terms. Natural law theorists have argued for the necessary connection between law and morality (Finnis, 2011), while legal positivists have insisted on their conceptual separability (Hart, 1961), a debate that has structured legal philosophy for generations. Theories of social justice, from Rawls to Sen and Nussbaum, have explored the criteria for a just distribution, and legal scholars have examined how courts and legislatures can advance these criteria (Rawls, 1999; Sen, 2009; Liebenberg, 2010). Yet, an integrated analysis that places all three spheres in dynamic interaction, and that examines how this interaction is being reconfigured by contemporary global forces, remains notably absent. This article addresses that gap.

The study pursues three objectives. First, it develops a triadic alignment model that conceptualises law, ethics, and social justice as distinct but interconnected normative spheres, specifying the mechanisms that produce congruence between them.

Second, it analyses the structural forces that are disrupting traditional patterns of alignment in the contemporary world. Third, it identifies emergent pathways toward realignment, drawing on comparative illustrations from climate litigation, digital constitutionalism, corporate accountability, and migration governance. The novelty of the study lies in its systematic integration of normative jurisprudence with socio-legal analysis of contemporary global challenges, and in its articulation of the triadic model as a diagnostic and prescriptive tool. The article proceeds through a literature review, methodology, integrated results and discussion, and conclusion.

2. LITERATURE REVIEW

2.1 The Law–Ethics Nexus: Conceptual Separability and Normative Interdependence

The philosophical debate over the relationship between law and ethics is as old as jurisprudence itself. Natural law theory, from Aquinas through Fuller and Finnis, has maintained that law cannot be adequately understood without reference to morality; an unjust law is, in some significant sense, not truly law (Finnis, 2011; Fuller, 1969). Legal positivism, classically articulated by Austin and refined by Hart, has insisted on the conceptual separability of law and morality, arguing that the validity of a legal norm depends on its sources—pedigree, enactment, institutional recognition—rather than its conformity with moral principles (Hart, 1961; Raz, 1979). The positivist tradition does not deny that law and morality often overlap, nor that moral evaluation of law is important, but it maintains that the conceptual distinction is necessary for analytical clarity and for preserving the critical function of ethical judgment against the conflation of “is” and “ought.”

This dyadic debate, while foundational, has been supplemented by more nuanced accounts that recognise the complexity of the law–ethics relationship in practice. Dworkin’s (1986) interpretivist theory of law insists that legal reasoning is ineliminably moral: judges must construct the best possible moral justification for the legal materials they inherit, a process that integrates law and ethics without collapsing them into one another. Habermas’s (1996) discourse theory of law posits a co-originality of private and public autonomy, and argues that legitimate law must be produced through democratic procedures that institutionalise ethical-political discourse. Law and ethics, on this account, are not identical but are linked through the procedural rationality of democratic lawmaking, which generates norms that citizens can recognise as both legally valid and morally justified.

Empirical socio-legal scholarship has examined the law–ethics relationship from the perspective of legal consciousness and compliance. Tom Tyler’s (2006) procedural justice research demonstrates that citizens obey law less from fear of sanction than from the belief that legal authorities are legitimate, a belief that is powerfully shaped by perceptions of ethical treatment—fairness, respect, neutrality. When law is perceived as ethically deficient, its capacity to command voluntary compliance erodes, a dynamic that has been documented across policing, taxation, and regulatory contexts (Murphy, 2005; Jackson et al., 2012). This empirical work establishes a causal link between ethical

legitimacy and legal effectiveness, confirming that the conceptual separability of law and ethics does not negate their functional interdependence.

2.2 Social Justice: The Substantive Horizon of Law and Ethics

Theories of social justice provide the normative standard against which both law and ethics are often measured. John Rawls's (1999) theory of justice as fairness, with its two principles—equal basic liberties and the difference principle permitting inequalities only if they benefit the least advantaged—remains the most influential framework in contemporary political philosophy. Amartya Sen (2009) and Martha Nussbaum (2006) have developed the capabilities approach, shifting the focus from the distribution of primary goods to the real freedoms people have to achieve functionings they value. Nancy Fraser (2008) has articulated a three-dimensional theory of justice encompassing redistribution, recognition, and representation, insisting that justice in a globalising world cannot be confined to the nation-state framework.

The relationship between law and social justice has been the subject of extensive socio-legal inquiry. Gerald Rosenberg's (1991) controversial thesis that courts are a "hollow hope" for progressive social change sparked a rich literature on the conditions under which legal institutions can advance distributive and recognitive justice. While Rosenberg demonstrated the limited direct impact of judicial decisions on social policy, subsequent research by McCann (1994) and others has shown that law can serve as a mobilisational resource, providing movements with symbolic framing, organisational infrastructure, and political leverage, even when court victories are elusive. Socioeconomic rights litigation in South Africa, India, and Colombia has demonstrated that courts can contribute to social justice through dialogic remedies that catalyse legislative and administrative action, though their impact remains constrained by resource limitations and political resistance (Liebenberg, 2010; Rodríguez-Garavito, 2011).

The relationship between ethics and social justice has been theorised primarily within moral and political philosophy. Utilitarianism, Kantian deontology, virtue ethics, and feminist care ethics each generate different accounts of what social justice requires, and the ethical pluralism of modern societies means that no single comprehensive doctrine can command universal assent (Rawls, 1993). This pluralism poses a fundamental challenge: if social justice is contested among ethical frameworks, how can law legitimately articulate and enforce a particular conception? Habermas's answer lies in the procedural rationality of democratic deliberation, which is designed to produce outcomes that all can accept as reasonable, even if they derive from different ethical premises. This procedural solution, however, depends on the existence of a functioning public sphere and deliberative institutions—conditions that are increasingly threatened in the contemporary moment (Habermas, 2006; Benhabib, 2004).

2.3 Contemporary Transformations and the Fracturing of Alignment

The scholarship on globalisation, digitalisation, and climate change has documented a series of developments that strain the traditional alignment between

law, ethics, and social justice. Climate change raises profound questions of intergenerational and international justice that existing legal frameworks struggle to accommodate. The disproportionate impact of climate harms on poor and vulnerable populations, combined with the territorial limits of national legal systems, creates a justice gap that neither domestic law nor international environmental law has effectively closed (Caney, 2014; Shue, 2014). Climate litigation—from the Urgenda case in the Netherlands to the German Federal Constitutional Court’s 2021 climate order—represents an effort to realign law with both ethical responsibility to future generations and global distributive justice, but these cases remain exceptional (Peel & Osofsky, 2018).

Digital technologies, particularly the rise of platform capitalism and algorithmic governance, have generated new forms of power that operate largely outside traditional legal frameworks. Shoshana Zuboff (2019) has argued that “surveillance capitalism” represents a new economic logic that exploits human experience as raw material, fundamentally challenging the ethical norms of autonomy and privacy that underpin liberal legal orders. The European Union’s General Data Protection Regulation (GDPR) and the emerging body of digital constitutionalism represent attempts to realign law with the ethical requirements of dignity and informational self-determination, but enforcement remains uneven and corporate resistance substantial (De Gregorio, 2021).

Global economic inequality, exacerbated by financial crises and the COVID-19 pandemic, has exposed the limits of rights-based legal frameworks to achieve distributive justice. Samuel Moyn (2018) has argued that the human rights movement’s focus on physical integrity rights—freedom from torture, arbitrary detention—has been compatible with, and may have distracted from, the pursuit of economic equality. The international human rights regime’s bifurcation between immediately justiciable civil and political rights and progressively realisable economic and social rights reflects and reinforces the marginalisation of distributive justice claims within law.

Populist and authoritarian movements have increasingly instrumentalised law to advance exclusionary ethical projects that are antithetical to liberal conceptions of social justice. Hungary’s Fundamental Law, Poland’s judicial capture, and majoritarian reframings of constitutional identity in India and elsewhere demonstrate how law can be deployed to entrench illiberal ethical values while maintaining formal constitutional continuity (Scheppele, 2018; Sadurski, 2019). This weaponisation of law against social justice represents a fundamental challenge to the law-ethics-justice alignment that democratic constitutionalism presupposes.

2.4 The Gap: Toward a Triadic Integration

The literature thus reveals a rich but fragmented landscape. Legal philosophy addresses law and ethics, often without sustained attention to the distributive and recognitive dimensions of social justice. Political philosophy addresses justice and ethics, but often treats law as a mere instrument of implementation. Socio-legal studies address law and social change, but the integrated role of ethical deliberation and justice norms as active forces within legal dynamics remains undertheorised. What is absent is

a model that treats law, ethics, and social justice as three interacting normative spheres, analysing the conditions under which they converge, the forces that drive them apart, and the mechanisms through which realignment can be achieved. This article develops such a model.

3. METHODOLOGY

This study adopts a qualitative, theoretical-synthetic methodology, combining normative legal-philosophical analysis with socio-legal theory and illustrative case comparison. The research design is interpretive and theory-building, aimed at constructing an integrated conceptual framework rather than empirically testing discrete hypotheses (Chambliss, 2008). This approach is appropriate given the research question, which concerns the structural and normative relationships between law, ethics, and social justice—phenomena that cannot be reduced to quantitative variables without significant loss of meaning.

The study proceeds in three phases. The first phase involves a critical synthesis of the normative and socio-legal literatures across three domains: the philosophy of law (natural law, legal positivism, interpretivism, discourse theory), theories of social justice (Rawlsian, capabilities, recognition-based, cosmopolitan), and socio-legal studies of compliance, mobilisation, and legal consciousness. This synthesis does not merely summarise existing work; it identifies the conceptual connections, tensions, and lacunae that a triadic integration must address, and constructs from them a provisional model of alignment and fracture.

The second phase subjects this model to analysis through the lens of four contemporary global transformations: climate disruption, digital transformation, economic inequality, and populist governance. For each transformation, the study identifies how the given development stresses the connections between law, ethics, and social justice, drawing on secondary empirical and doctrinal scholarship.

The third phase develops illustrative case comparisons to ground the theoretical model in concrete legal developments. Cases are not selected as formal comparative units but as rich examples that illuminate the model's dynamics. These include: climate litigation (the Urgenda case in the Netherlands, the German Federal Constitutional Court's 2021 climate order, and Indian public interest environmental litigation); digital rights regulation (the EU's GDPR and the emerging AI Act); corporate accountability (the UN Guiding Principles on Business and Human Rights and transnational tort litigation); and migration governance (European responses to irregular migration and the Global Compact for Migration). These cases span different legal domains and jurisdictions, capturing the diversity of contexts in which the law-ethics-justice relationship is being reconfigured.

Data sources are exclusively publicly available legal texts, judicial decisions, treaties, legislation, and secondary scholarly literature. The analysis triangulates across these sources to ensure interpretive rigour. No human participants were involved, and

the study adheres to standard academic integrity norms. The following section presents the integrated findings and discussion.

4. RESULTS AND DISCUSSION

4.1 The Triadic Alignment Model: Conceptual Foundations

The central theoretical contribution of this study is the articulation of a triadic alignment model of law, ethics, and social justice. The model conceives of each sphere as a distinct domain of normative practice with its own characteristic institutional forms, modes of reasoning, and validity criteria, yet one that is constitutively related to the other two. Law provides authoritative institutionalisation; ethics provides the critical normative resources that guide law's content and ground its legitimacy; social justice provides the substantive standard of distributive and recognitive fairness against which both law and ethics are evaluated. Alignment between the spheres is not automatic but contingent, sustained by institutional mechanisms and social practices that must be continually reproduced.

The model distinguishes three ideal-typical states of the triadic relationship. Alignment describes a condition in which law is perceived as both ethically legitimate and substantively just, and where ethical norms and justice claims find effective institutional expression through law. Alignment does not require perfect congruence—no legal system perfectly realises justice, and ethical pluralism ensures ongoing disagreement—but it does require that the overall trajectory of legal development is toward greater ethical and justice responsiveness, and that legal institutions are receptive to ethical critique and justice-based mobilisation. Alignment is typically sustained by three mechanisms: (a) democratic deliberation that generates legal norms through inclusive processes that engage ethical diversity and justice claims; (b) judicial interpretation that infuses legal doctrine with ethical and justice-based reasoning; and (c) a legal profession socialised into an ethos of public service and justice orientation.

Fracture describes a condition in which the spheres pull apart. This occurs when law is instrumentalised to serve particularistic interests or exclusionary ethical projects, losing both its ethical legitimacy and its connection to social justice. Fracture is characteristic of authoritarian legal systems, but it can also occur within democratic orders through processes of democratic backsliding, regulatory capture, or populist instrumentalisation of law. Fracture manifests in legal alienation—citizens perceiving law as ethically empty or unjust—and in the strategic use of law by powerful actors to entrench inequality and evade accountability.

Realignment describes the dynamic process through which fractured or destabilised relationships are reconstructed. Realignment is typically driven by social movements, civil society organisations, transnational advocacy networks, and occasionally by judicial innovation or legislative reform. It involves the re-infusion of law with ethical critique and justice claims, often through the mobilisation of international human rights norms, the vernacularisation of global justice discourses, and the creative use of litigation to shift the terms of public debate.

The model is not linear; societies may shift between alignment, fracture, and realignment over time, and different legal domains within a single society may exhibit different states. The framework thus captures the dynamic, contested nature of the law-ethics-justice relationship, avoiding both the complacency of assuming alignment and the pessimism of assuming inescapable fracture.

4.2 Historical Interdependence and Fragmentation

The triadic alignment model does not presuppose a lost golden age of perfect congruence; rather, it acknowledges that the relationship between law, ethics, and social justice has always been contested and incomplete. Historically, the emergence of the modern democratic constitutional state represented an institutional achievement of partial alignment. The constitutional settlement that emerged from the Atlantic revolutions and was consolidated in the twentieth century embedded a set of ethical commitments—individual dignity, equality before the law, democratic participation—within legally enforceable fundamental rights, and oriented the state toward a conception of social justice that, however contested, included commitments to public welfare, non-discrimination, and progressive realisation of socioeconomic rights (Marshall, 1950; Habermas, 1996). This alignment was never global, and it was always internally compromised by exclusions—women, colonised peoples, racial minorities, the poor—whose claims were systematically denied recognition by the very legal orders that proclaimed universal rights (Fraser, 2008; Mutua, 2016).

The fragmentation of this partial alignment has been driven by the very successes and internal contradictions of the liberal legal order. Globalisation has undermined the congruence between the territorial scope of legal authority and the transnational scale of economic, environmental, and communicative processes, creating governance gaps that neither domestic nor international law has effectively closed (Krisch, 2010). The neoliberal turn in economic policy since the 1980s has prioritised market efficiency over distributive justice, eroding the social welfare functions that were central to the post-war alignment (Harvey, 2005). The digital revolution has generated new forms of power and exploitation that outpace the adaptive capacity of legal systems, while the climate crisis exposes the temporal myopia of political and legal institutions oriented toward short-term electoral cycles and territorially bounded constituencies (Caney, 2014). These developments, taken together, constitute a structural fracturing of the conditions that sustained the partial alignment of law, ethics, and social justice in the post-war era.

4.3 Mechanisms of Alignment: Deliberation, Interpretation, and Professional Ethos

The analysis identifies three institutional mechanisms that, when functioning effectively, sustain alignment between the three spheres.

Democratic deliberation is the primary mechanism through which ethical diversity is translated into legitimate legal norms. Habermas's (1996) model of deliberative democracy posits that laws derive their legitimacy from the communicative processes through which they are generated—processes that must be inclusive, reasoned, and oriented toward mutual understanding. When legislative processes are

genuinely deliberative, they produce outcomes that participants can recognise as reasonable even when they do not fully reflect their own ethical commitments, because the process itself respects their status as free and equal citizens. Deliberation thus bridges the gap between ethical pluralism and legal universality, generating laws that, while fallible, possess a claim to ethical legitimacy. Empirical research on participatory budgeting, citizens' assemblies, and deliberative polling has demonstrated that structured deliberation can indeed shift attitudes toward more justice-oriented outcomes, suggesting that the mechanism is not merely theoretical (Fishkin, 2009; Smith, 2009). However, the conditions for genuine deliberation are demanding and fragile, requiring a functioning public sphere, independent media, and a political culture that values reasoned argument over strategic manipulation—conditions that are unevenly present across contemporary democracies and actively undermined by populist and authoritarian movements.

Judicial interpretation serves as a second alignment mechanism. Courts, particularly apex constitutional courts, engage in a practice of reasoning that Dworkin (1986) characterised as constructive interpretation: fitting the legal materials into the best possible moral justification they can bear. In doing so, courts infuse legal doctrine with ethical reasoning and justice considerations, bridging the gap between the formal law and the evolving ethical consciousness of the community. The German Federal Constitutional Court's proportionality jurisprudence, the South African Constitutional Court's transformative interpretation of socioeconomic rights, and the Indian Supreme Court's expansive reading of the right to life demonstrate this mechanism at work. The Urgenda judgment of the Dutch Supreme Court (2019) exemplifies judicial realignment in the face of climate fracture: the Court interpreted the state's duty of care under tort law, informed by the European Convention on Human Rights, to require a 25% reduction in greenhouse gas emissions, translating diffuse ethical obligations to future generations and vulnerable populations into a specific, enforceable legal obligation (Leijten, 2019). This judgment illustrates how courts can serve as nodes of realignment, drawing ethical and justice considerations into the legal system when political processes fail. Yet, judicial interpretation is an imperfect and incomplete alignment mechanism. It is constrained by the institutional limits of adjudication, the text and structure of existing law, and the political context in which courts operate. Over-reliance on courts to achieve alignment risks judicial overreach and political backlash, as the United States' experience with *Roe v. Wade* and its eventual overturning vividly illustrates (Greenhouse & Siegel, 2011).

Professional legal ethos provides a third, often overlooked alignment mechanism. The legal profession—judges, lawyers, prosecutors, legal academics—carries a set of professional norms that mediate between law, ethics, and justice. The ideal of the lawyer as an officer of the court with duties to the administration of justice, not merely a zealous advocate for client interests, embodies an ethical commitment that transcends mere technical compliance with legal rules. Legal education, professional regulation, and the culture of the bench and bar socialise practitioners into an ethos of public service that, when robust, sustains law's orientation toward justice (Rhode, 2000; Kronman, 1993). The erosion of this ethos—through the commercialisation of legal practice, the politicisation of judicial appointments, and the instrumentalisation of law

for partisan ends—represents a significant vector of fracture. Restoring professional legal culture is thus a critical dimension of realignment, one that requires attention to legal education, judicial selection, and the institutional independence of the legal profession.

4.4 Disruptive Forces: Technological Velocity, Climate Crisis, Inequality, and Populism

The contemporary fracturing of the law-ethics-justice alignment is driven by four interrelated forces that the traditional mechanisms of alignment struggle to accommodate.

Technological velocity refers to the accelerating pace of technological change relative to the adaptive capacity of legal institutions. Digital platforms, artificial intelligence, and algorithmic decision-making generate novel forms of power and harm that existing legal categories—consent, harm, agency, responsibility—struggle to capture. The ethical challenges posed by mass surveillance, predictive analytics, and automated content moderation are profound, yet legal responses remain fragmented and reactive. The EU's GDPR represents the most comprehensive regulatory effort to date, establishing rights of access, rectification, and erasure, and imposing duties of data protection by design and default. Its ethical ambition—to restore individual control over personal data and to embed dignity and autonomy within the architecture of information systems—is a form of triadic realignment, linking legal obligation to ethical norms of informational self-determination and to the justice concern of preventing informational asymmetries that entrench power imbalances (De Gregorio, 2021). However, the GDPR's enforcement record remains uneven, and its model is not globally replicated, leaving vast domains of digital activity unregulated or subject to weaker standards. The speed of technological innovation continues to outpace lawmaking, creating a persistent lag that sustains fracture.

The climate crisis presents perhaps the most profound challenge to the law-ethics-justice alignment. The temporal and spatial structure of climate change—impacts that are cumulative, long-term, and disproportionately borne by those least responsible for emissions—does not map onto the temporal horizons of electoral politics or the territorial jurisdiction of national legal systems. Ethical duties to future generations and to distant others lack an effective institutional voice in political and legal processes, a condition Stephen Gardiner (2011) has termed a “perfect moral storm.” The climate litigation movement, from *Urgenda* to the German climate order to the emerging wave of cases in the Global South, represents a deliberate effort to close this gap, translating ethical principles of intergenerational and global justice into legally enforceable obligations. These cases deploy human rights language—the rights to life, health, and a healthy environment—to articulate climate obligations, effectively realigning law with ethical imperatives through judicial interpretation. The German Constitutional Court's 2021 climate order (1 BvR 2656/18) is particularly instructive: the Court held that the state's climate legislation violated fundamental rights by deferring the bulk of emission reductions to future decades, thereby imposing a disproportionate burden on younger generations and curtailing their future freedoms. The judgment explicitly articulates an ethical principle of intergenerational justice and translates it into a constitutional

requirement, mandating legislative action (Ekardt & Heß, 2021). This represents a clear instance of judicial realignment bridging the gap between legal norms, ethical responsibility, and social justice.

Rising inequality has eroded the material foundations of equal citizenship, challenging the capacity of formal legal equality to achieve substantive justice. The concentration of wealth at the top of the distribution, the hollowing out of middle classes, and the persistence of extreme poverty create a world in which the same legal rights produce radically different real freedoms depending on one's position in the economic structure. Moyn (2018) has argued that the human rights movement's failure to engage seriously with economic inequality has rendered it complicit in the legitimisation of an unjust economic order. Realigning law, ethics, and social justice in the face of inequality requires more than formal rights guarantees; it demands redistributive policies that address the structural determinants of unequal life chances. The resurgence of interest in universal basic income, wealth taxes, and participatory economic governance reflects an ongoing effort to infuse economic policy with both ethical and justice considerations, but the translation of these ideas into law remains limited. The South African Constitutional Court's socioeconomic rights jurisprudence, while significant, illustrates the limits of judicial realignment: reasonableness review can compel government to adopt policies, but it cannot by itself redistribute resources on the scale necessary to address structural inequality (Liebenberg, 2010).

Populist instrumentalisation weaponises the law against both ethical universalism and social justice. Populist movements, as theorised by Müller (2016) and Blokker (2019), claim a moral monopoly on representing the authentic people and frame constitutional courts, human rights institutions, and international legal norms as obstacles imposed by corrupt elites. Law, in this configuration, is transformed from a framework of ethical constraint and justice orientation into an instrument of majoritarian will, to be used against minorities, dissidents, and external critics. Hungary's constitutional transformation and Poland's judicial dismantling exemplify this dynamic. The effect is a deliberate decoupling of law from the ethical norms of equality and dignity and from the justice requirement of pluralistic inclusion. Realigning the triadic relationship in backsliding contexts is exceptionally difficult, because the very institutions that would facilitate realignment—independent courts, free media, civil society—are targeted for capture or suppression. Transnational oversight mechanisms, such as the EU's rule-of-law conditionality regulation, represent attempts to counter fracture from without, but their effectiveness depends on political will and geopolitical circumstances that are not always favourable.

4.5 Pathways Toward Realignment

The analysis identifies three emergent pathways through which realignment between law, ethics, and social justice is being pursued in the contemporary world: transnational justice movements, digital constitutionalism, and restorative justice practices.

Transnational justice movements mobilise across borders to infuse international law and domestic legal systems with ethical commitments and justice claims that transcend state boundaries. The climate justice movement, with its rallying cry of “system change not climate change,” explicitly links environmental sustainability to distributive justice, demanding that the burdens of climate mitigation and adaptation be borne equitably. The movement has achieved legal realignments through strategic litigation, treaty advocacy, and the development of soft law instruments such as the Paris Agreement’s recognition of human rights and climate justice. Similarly, the global movement for corporate accountability, which produced the UN Guiding Principles on Business and Human Rights (2011) and the ongoing negotiations toward a binding treaty on business and human rights, seeks to close the governance gap between transnational corporate power and the state-centred architecture of human rights law (Ruggie, 2013; Deva, 2021). These movements operate at the intersection of law, ethics, and social justice, using legal forums to advance ethical arguments about the responsibilities of powerful actors and to demand a fairer distribution of the costs and benefits of economic activity.

Digital constitutionalism refers to the emerging body of legal norms, institutional practices, and advocacy strategies that seek to translate constitutional values into the digital environment. It represents a realignment effort that responds to the technological fracture identified above. In Europe, the GDPR, the Digital Services Act, and the proposed AI Act constitute a regulatory framework that imposes obligations of transparency, accountability, and non-discrimination on digital platforms and algorithmic systems, embedding ethical principles of dignity, autonomy, and fairness within legally enforceable standards (De Gregorio, 2021). At the transnational level, UNESCO’s Recommendation on the Ethics of Artificial Intelligence (2021) and the Council of Europe’s work on AI and human rights represent efforts to develop global ethical standards that can guide domestic legislation. Digital constitutionalism is contested territory: states with authoritarian inclinations promote alternative models of digital governance that prioritise sovereignty and control over rights and freedoms. The outcome of this contest will significantly shape the future of the law-ethics-justice alignment in the digital sphere.

Restorative justice practices offer a distinctive pathway of realignment at the micro-level of interpersonal harm and community conflict. Unlike retributive criminal justice, which focuses on the state’s punishment of the offender, restorative justice brings together victims, offenders, and community members to address the harm caused, to acknowledge responsibility, and to agree on reparative actions. It represents an alignment of legal process with ethical principles of accountability, repair, and relationality, and with a conception of justice that prioritises healing and restoration over retribution (Braithwaite, 2002; Zehr, 2015). Restorative justice has been adopted in various contexts—juvenile justice, transitional justice, school discipline, and, increasingly, responses to sexual violence—and empirical evidence suggests it can produce higher satisfaction among victims and lower recidivism than conventional justice processes (Sherman & Strang, 2007). While restorative justice operates at the interpersonal rather than the structural level, it models an alternative relationship

between law, ethics, and justice that is participatory, dialogic, and oriented toward repairing rather than merely punishing harm.

4.6 Synthesis: The Triadic Model as Diagnostic and Prescriptive Tool

The triadic alignment model developed in this article provides both a diagnostic tool for analysing the state of law-ethics-justice relationships in any given domain and a prescriptive framework for identifying points of intervention. Diagnostically, it directs attention to the specific mechanisms—deliberation, interpretation, professional ethos—that sustain alignment, and to the forces—technological velocity, climate crisis, inequality, populism—that stress those mechanisms. Prescriptively, it suggests that realignment strategies should be multi-pronged, addressing institutional design, professional culture, and social mobilisation simultaneously. No single intervention—a court ruling, a treaty, a regulatory reform—can restore alignment; the project is ongoing and requires the continuous reproduction of the conditions that enable law to remain both ethically legitimate and substantively just.

5. CONCLUSION

This article set out to examine the relationship between law, ethics, and social justice in a world undergoing rapid, multi-dimensional change. The analysis has demonstrated that the three spheres are constitutively linked yet structurally distinct, and that their alignment—partial and contested as it has always been—is being systematically stressed by technological disruption, climate crisis, deepening inequality, and populist instrumentalisation of law. The triadic alignment model advanced here offers a framework for understanding these dynamics, specifying the mechanisms that sustain alignment, the forces that produce fracture, and the pathways through which realignment is being pursued.

The theoretical contribution of the study is threefold. First, it moves beyond the dyadic analyses that characterise much of the existing literature—law and ethics, law and justice, ethics and justice—to offer an integrated, triadic account. Second, it specifies the institutional and social mechanisms through which alignment is produced, grounding abstract normative theory in concrete institutional practice. Third, it identifies the specific features of contemporary global transformations that make realignment simultaneously more difficult and more urgent.

The practical implications are significant. For constitutional designers and legislators, the framework highlights the importance of institutionalising deliberative mechanisms that enable ethical diversity to be translated into legitimate law, and of protecting the independence and capacity of the legal profession and judiciary to serve as alignment-sustaining institutions. For social movements and civil society organisations, it underscores the strategic value of multi-level legal mobilisation that simultaneously engages ethical argument, justice claims, and legal forums. For international institutions, it points to the need for transnational governance frameworks that can close the gaps between the scale of contemporary challenges and the territorial scope of existing legal authority.

The study has limitations that invite further research. The theoretical-synthetic methodology is appropriate for framework construction but does not generate the fine-grained causal knowledge that empirical testing can provide. Future research should operationalise the model's constructs and test its predictions through comparative case studies and, where possible, quantitative indicators of alignment and fracture across legal domains and national contexts. The framework's applicability to non-Western legal traditions and to international economic law and global governance architectures warrants dedicated investigation. The normative question of how to adjudicate between competing ethical frameworks in the construction of legal norms—the challenge of ethical pluralism that Habermas and Rawls addressed procedurally—remains a site of ongoing philosophical and institutional contestation.

In an era where the rule of law, democratic institutions, and social solidarity are under concerted pressure, renewing the alignment between law, ethics, and social justice is not a luxury of philosophical speculation but a practical imperative for the survival of decent political community. The framework offered here is a contribution to that renewal, a map of the terrain that must be navigated by all who remain committed to the proposition that law can, and must, serve both the good and the right.

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