

Just  
refers to either  
law or custom

Perhaps, in this embarrassment, some help may be derived from the history of the word, as indicated by its etymology.

In most, if not in all, languages, the etymology of the word which corresponds to Just, points to an origin connected either with positive law, or with that which was in most cases the primitive form of law—authoritative custom. *Justum* is a form of *jussum*, that which has been ordered. *Jus* is of the same origin.

*Δίκαιον* comes from *δίκη*, of which the principal meaning, at least in the historical ages of Greece, was a suit at law. Originally, indeed, it meant only the mode or *manner* of doing things, but it early came to mean the *prescribed* manner; that which the recognized authorities, patriarchial, judicial, or political, would enforce. *Recht*, from which came *right* and *righteous*, is synonymous with law. The original meaning, indeed, of *recht* did not point to law, but to physical straightness; as *wrong* and its Latin equivalents meant twisted or *tortuous*; and from this it is argued that right did not originally mean law, but on the contrary law meant right. But however this may be, the fact that *recht* and *droit* became restricted in their meaning to positive law, although much which is not required by law is equally necessary to moral straightness or rectitude, is as significant of the original character of moral ideas as if the derivation had been the reverse way. The courts of justice, the administration of justice, are the courts and the administration of law. *La justice*, in French, is the established term for judicature. There can, I think, be no doubt that the *idée mère*, the primitive element, in the formation of the notion of justice, was conformity to law. It constituted the entire idea among the Hebrews, up to the birth of Christianity; as might be expected in the case of a people whose laws attempted to embrace all subjects on which precepts were required, and who believed those laws to be a direct emanation from the Supreme Being. But other nations, and in particular the Greeks and Romans, who knew that their laws had been made originally, and still continued to be made, by men, were not afraid to admit that those men might make bad laws; might do, by law, the same things, and from the same motives, which, if done by individuals without the sanction of law, would be called unjust. And hence the senti-