

**Law and Justice**  
**By**  
**Daniel E. White June 8, 2026**

**Equal Justice Under Law:** the four words inscribed on the west pediment above the front entrance to the U.S. Supreme Court Building in Washington. People of a Certain Age, does that not imply that justice and the law are not the same? And that they carry the same importance?

The Court building was completed in 1935. The son of the architect and a colleague suggested the inscription. Chief Justice Hughes (and others) approved. The concept has a history, dating back to Pericles in 431 B.C. Greece.

Most interpret the words to mean that neither wealth nor social standing nor birth nor friendship should stand in the way of ensuring that every person, as far as the administration of law is concerned, has equal standing. It is a natural extension of the Declaration of Independence—"all men are created equal."

In this sense, most of us would see the phrase as an aspiration, the ideal for which we strive, but in too many instances not the case. Still, the words declare what we want to be true.

I see another issue. The American creed includes "we are a government of laws, not of men. A frequently heard declaration is "the law is the law." Sometimes it seems that the law is divinely enacted rather than voted on by a legislature.

What if the law is not just?

It is easy to reply, "well, change the law." In our system, to be in a position to change the law requires winning legislative elections at whatever level and then mounting a subsequent campaign, often facing the headwinds of monied interests or religious belief to produce a majority among legislators.

Where in this process is any consideration of justice?

Victor Hugo's "Les Miserables," written in the 19<sup>th</sup> century, illustrates that this question is one of long-standing. The character Javier has the law on his side. But Jean Valjean, having been imprisoned for twenty years for stealing a loaf of bread to feed his family, emerges as the one who serves the cause of justice through his actions—caring for others, being a fair employer, supporting his community, living a virtuous life.

"Les Miz" appeals to my thinking about law, captured in the words of Associate U.S. Justice Oliver Wendell Holmes, Jr.: "the life of the law is not logic but experience." This is inconsistent with the absolutism of "the law is the law."

Yet an American icon, Lincoln, extolled "reverence for the laws." Author Elizabeth Cheney wrote: "Speaking when he was only 28 years old [in his 1838 Lyceum Address] about the 'perpetuation of our political institutions,' Lincoln famously warned of the danger of 'mob law:'"

Said Lincoln, "At what point then is the approach of danger to be expected? I answer, if it ever reaches us, it must spring up amongst us. It cannot come from abroad. If destruction be our lot, we must ourselves be its author and finisher. As a nation of free men, we must live through all time, or die by suicide..."

"Let reverence for the laws be breathed by every American mother, to the lisping babe, that prattles on her lap—let it be taught in schools, in seminaries, and in colleges, let it be written in Primers, spelling books and Almanacs—let it be preached from the pulpit, proclaimed in legislative halls, and enforced in the courts of justice." (Elizabeth Cheney, *Oath and Honor*, p. 104)

Do the laws noted below deserve reverence?

- In the past, by law in sections of the country, black people could not drink from the same fountain as white people.
- In several states until the late 1960s, persons of different races could not be legally married to each other.
- Currently, there are states that have made medical decisions by doctors taken to save the life of a pregnant woman against the law.
- In 2026, a woman in her 20s, after marrying a US citizen, was following the law to become a legal citizen after being brought to the US at the age of 20 months by undocumented parents. But then, she was arrested and marked for deportation to a country in which she had not grown up or lived for any time other than the first months of her life because "the law is the law."

Online, I found one author's compare/contrast discussion of law and justice.

	Justice	Law
Definition	The quality of being fair and morally right	A system of rules and regulations enforced by a governing authority
Objective	To ensure fairness and equality	To maintain order and regulate behavior
Origin	Derived from moral principles and ethics	Established by legislative bodies and legal systems
Subjectivity	Can be subjective and influenced by personal beliefs	Generally objective and based on written laws
Enforcement	Relies on individuals' sense of morality and societal pressure	Enforced by legal authorities and judicial systems
Purpose	To ensure fairness, protect rights, and promote social harmony	To maintain order, resolve disputes, and provide justice
Flexibility	Can adapt to changing societal values and circumstances	Can be rigid and slow to adapt to societal changes
Scope	Can extend beyond legal boundaries to encompass moral and ethical considerations	Primarily concerned with legal rights and obligations

Should we, the governed, who elect those who govern, not expect "moral and ethical considerations" to be as important as "legal rights and obligations?"

Another aspiration you might sigh.

Yes.

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