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On the Notion of Justice*

Abstract: Justice is one of the basic values of ethics, which means that, like other values (good, truth, beauty), the concept of justice has a strong positive emotional charge. For this reason, the term is often used in persuasive logic, it is then used to manipulate views and attitudes. It is used to the extent to achieve political, economic, and social goals, etc. From the formal point of view, a number of principles of distributive justice can be distinguished, such as: the same to everyone, the same according to the contribution, etc. The choice of the principle of fair distribution of rewards or penalties is an arbitrary decision, they are equally correct. It is only important that the recipients who equally meet the adopted principle are treated equally. The very choice of distribution, reward or punishment principle is an indicator of the worldview that determines this choice. In practice, however, ethical value is often used to justify a choice that is in fact made for pragmatic reasons. The justification for this choice uses manipulation mechanisms related to the logic of persuasion.

Keywords: justice, formal justice, principles of justice, manipulation, logic of persuasion.

1.

The word “justice”, which is one of the central notions in ethics, has appeared in a great many colloquial meanings in the past, and is not unambiguous even today. One of the factors in this is that according to one meaning, it is the name of an ethical value, and thus there is a strong positive emotional value associated with it. What is known as the “logic of persuasion” noted a long time ago that a positive or negative shade of a notion’s meaning is used as a means of persuading interlocutors

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to accept questionable ideas. This is due to the fact that the emotion associated with the notion has a tendency to shift towards whole names comprising several words, one of which is the notion having such value. We thus have a government office called the Ministry of Justice, a system of repression that we call the “justice system” (i.e. the judiciary), and also the name of a political party that takes advantage of the emotions that the notion in question triggers. Because of the special nature of this notion, i.e. its universal association with positive emotional values, it is very often used in the language of propaganda, terms like “social justice” and “historical justice” being particularly vulnerable to this kind of treatment.

Justice as a notion also appears as an element of the *definiendum* in “persuasive” definitions, the aim being to transfer its positive emotional value to the concept being defined when that concept functions in language as emotionally neutral. Sometimes this effect is strengthened by the addition of the word “true” (“... is true justice”). A similar effect occurs when we call someone a true specialist, a true Pole, a true miracle-worker etc. “Truth” is also a notion with a positive emotional charge; in this case, it is the name of a logical and not a moral value, but it fulfils a similar role in persuasive language.

Besides noting how ambiguous and vague the notion of justice is in contemporary colloquial language, it is worth considering how its meaning changed in the course of history. Although one online dictionary of synonyms lists over 100 words corresponding to justice, the great majority of them do not express the essence of the notion in question, being grouped around various qualities or actions characterised by being associated with a positive moral value, such as decency, truthfulness, righteousness, honesty, faithfulness (Synonim.NET 2022). A broad understanding of the term is also found in ancient texts. In the Bible, the “just” are contrasted with the “godless” (in Polish translations) or the “wicked” (“Wilt thou also destroy the righteous with the wicked?”).¹ In philosophical texts, especially those produced in Greece, the notion of justice is presented in a mysterious way, difficult to interpret not only because it is usually cited without context. For example, in Plato justice is described as “harmony of the soul”, in Parmenides is a necessity guarding a kind of cosmic (metaphysical) law (Makota 1998).

2.

In contemporary language, the notion of justice appears in many different meanings, but two seem to predominate. One refers to a quality that may be linked to

¹ Genesis 18:23. The word “just” appears in this context in Polish translations by the Rev. Jakub Wujek, in the Gdańsk Bible and in the Millennium Bible. The notions used in the Latin version (Vulgate) and in the oldest known Hebrew text of the Torah have a similar meaning.

people, the other concerns a relationship in the distribution of goods in a broad sense, both positive (rewards) and negative (penalties), and is a quality of the rules of that distribution. In the latter meaning, it is sometimes referred to as distributive justice. This relationship occurs between the distributor and the recipient, and the name of the relationship refers to the rules of distribution. These rules, i.e. distribution criteria, are the subject of many discussions among ethicists, economists, lawyers etc., and the proposals of concretisation for such rules are a great many, though a more in-depth analysis shows that they can be reduced to approx. 10 basic ones. Most of the proposals consist in combining basic rules into complicated criteria encompassing several rules simultaneously. Among other things, this is because the criteria of justice are not only judged in terms of different ethics systems, but – in a way – are additionally implicated in the pursuit of other values, achieving other than just ethical effects.

A good example might be the introduction of family benefits known as the “500+ programme” in Poland. In terms of propaganda, the benefits served the purpose of reducing differences in the standard of living, i.e. increasing egalitarianism, and were additionally meant to help achieve a demographic goal – to lead to an increased birth rate. Also (though this aspect was not highlighted), with growing wealth and longer maternity leave, the programme was meant to influence the existing family model. It was expected this benefit will halt the trend of the increasing age at which women have their first child and leading to a higher average number of children in families. However, it was particularly emphasised that the “500+ benefit” system implemented the principle of justice understood as reducing inequalities.

3.

Among the basic distribution criteria, the following are mentioned most often (Perelman 1959):

- to each the same thing,
- to each according to their needs,
- to each according to their work,
- to each according to their merits,
- to each according to their position,
- to each according to their legal entitlement.

However, one might list other rules for distributing goods as well, though it remains debatable whether these are not just special cases or special interpretations of the above. For example, “to each according to the effects of their actions” could be interpreted as giving each according to their merits. The rule “to each according to their skills” becomes a combination of the criteria based on needs and on work,

assuming that the development of skills requires fulfilling an emerging need to develop such skills, while having them is conducive to raising the value of any work produced. Similarly, “to each according to their contribution” can usually be reduced to the rule “according to their work”, though other interpretations are also possible.

4.

From a formal point of view, the choice of rules/criteria of distribution (reward and penalty) is immaterial: any of the aforementioned rules of just distribution may be applied, or any other combination of them. The only condition suggested by a formal analysis of “justice” is the consequence of proceeding according to the adopted rule. However, if we take other than formal criteria into consideration, the calculated conditions are not as good. Usually in the distribution of goods, it is not just the ethical aspect (justice) of this action that is considered, but also how the distribution affects the recipients. Then, moral benefits exist together with other benefits, for example economic ones. However, there are many examples in the literature of situations in which a deviation from the general principle of justice does not result in moral condemnation. Kazimierz Ajdukiewicz cites the example of a teacher who deliberately gives a poor student a higher mark to encourage them to work harder. He acts unjustly (the evaluation is unjust), but this does not lead to the moral condemnation of such action (Ajdukiewicz 1960).

5.

Each of the aforementioned rules of justice except the first one (“to each the same thing”) defines a criterion for dividing the set of subjects for whose benefit a just distribution is being performed into subsets whose elements are equal according to an “essential category”² of the justice criterion adopted. The essence of justice in the distribution of goods lies in having all the elements of the same subset treated equally, or, in simpler terms, the point is for the same merit (or misdeed) to be treated the same, regardless of who the subject being rewarded (or punished) is.

Hence, from a formal point of view, just distribution is that distribution, in which the essential category adopted defines classes, in which that all the elements of the same class fulfil the criterion of the adopted justice principle to the same degree and are treated equally, whereas any two belonging to different classes are treated differently. Since most of the rules may be fulfilled to different degrees

² The term “essential category” is introduced by Chaim Perelman in his essays *O sprawiedliwości* (Perelman 1959).

(contributions, merits etc. may be greater or smaller), this degree also has to be reflected in the just distribution of goods.

If these conditions are met, i.e. the criterion of distribution according to essential categories is given and elements from the same subset are treated in the same way, one can say that the formal conditions of justice have been met. From a formal viewpoint, the choice of justice principle (essential criterion) is irrelevant. However, it is relevant from another perspective.

6.

Behind each of these justice criteria there is a certain worldview concept. According to Perelman, any definition of specific justice implies a particular vision of the world. This becomes especially important when the choice of the way justice is understood is an element of the world vision of people in power or vying for power. Then, it may determine the character of the politics and policies they pursue, the evolution of the structures subordinate to those in power, and also whether their actions are met with approval or resistance from the beneficiaries of the distribution. This applies equally to those in power at the national level, the company level, and any other set of units subordinate to such power.

It is easy to see that the rule “to each the same thing” implies an egalitarian vision of the world. This does not have a positive impact on the motivation of those being rewarded (positively or negatively), which from the point of view of non-ethical (e.g. economic) considerations might be viewed as being unfavourable. Extreme egalitarianism leads to a situation that, seen from the point of view of the recipients, was defined in communist Poland by a popular saying that translates roughly as “whether you laze or whether you stand, you’re due two thousand in the hand”.

In contrast, “to each according to their position” may be interpreted in different ways, though all of them imply approval for the emergence or strengthening of elites, consolidating various kinds of hierarchic social orders, e.g. by class of birth, military rank, academic degree, position in a bureaucratic hierarchy etc. It attaches special importance to advancement in a given hierarchy, which is conspicuously rewarded in this system. Its impact depends on the type of hierarchy being considered, whether feudal, in which birth decides the position, and advancement to a higher group in the hierarchy is extremely rare, or, for example, based on military rank or position in a bureaucratic structure, where advancement depends on achievements. In the former case, the rule “to each according to their position” is more likely to consolidate existing hierarchies, while in the latter it has a motivating effect – it is conducive to rapid advancement that, over time, leads to a phenomenon known as the rat race.

The criterion giving “to each according to their needs” can have different interpretations, all of them restricting the scope of needs to those that are “justified”. However, it remains an open question, firstly, which needs are considered justified and, secondly, who defines the scope and list of such needs. The recipients’ influence on what they “need” is usually minimal or non-existent and the decision is mostly reached without their input. In its minimal scope (basic needs), this rule promotes egalitarianism; beyond this level, recipients become largely incapacitated, in the sense of not having any influence on the perception of their needs.

The justice rule “to each according to their legal entitlement” is unique in character. It assumes that the just entity is the lawmaker, but it is not always the case that a binding law wins the approval of those to whom it applies. The law is often instrumental, its purpose then being to enable lawmakers to achieve a non-ethical objective without consideration for whether and to what extent their actions enjoy the moral approval of those subject to the law. One might cite numerous examples of “unjust” laws, but the problem is that the same regulations may be given different moral assessments depending on the justice rule used to assess them. One example might be the irresolvable discussion on the justice of flat versus progressive taxes, as the judgement depends on what justice rule and in what interpretation guides the person passing judgement, where all are equally justified in formal terms, as mentioned earlier.

Similarly, the character of the other rules (according to work, merit, or, for example, contribution) also depends on the interpretation. In most cases, different interpretations lead to acceptance of different variations of liberalism with greater or lesser emphasis on the individual or collective good.

7.

It has already been mentioned that discussions on the notion of “justice” and on justice itself involve not only ethicists but also sociologists and economists, but one might also add psychologists, lawyers and politicians. This is mainly because besides features related to morality, the distribution of goods and thus distributive justice is an important instrument for shaping motivation and society’s system of values, and also for influencing society’s perception of the social reality. It is also an important instrument for manipulating the views and attitudes of those shared.

An issue important to economists is which attitudes are strengthened and which are weakened by the implementation of a given justice criterion, i.e. its value from a pragmatic point of view. In particular, does it motivate the beneficiaries to make an effort or, rather, weaken their motivation; does it support increased efficiency of the actions they undertake or not? Sociologists are interested, for example,

in the extent to which the scale of values of the benefactors (or, rather, the people deciding about the criteria of distribution) is compatible with the sentiments of the beneficiaries. Do they view those criteria as being just or unjust? Do the criteria win approval for the benefactors, or do they strengthen a critical attitude towards their actions? Do the criteria motivate people to accept the rules in force, or to passively give in to them or even to seek ways to change them? Psychologists observe behaviours of the beneficiaries that are compatible or incompatible with their scales of values and the strategies of action in different situations. Nor is the notion of justice unimportant to teachers, who face evaluation situations in their daily work, or to lawyers who make laws and have to consider not only how they will be judged in moral terms but also their diverse consequences. Moreover, the moral judgments offered by the people subject to those laws are not consistent, because different people follow different justice principles.

As we can see, “justice” is an ethical category, but the consequences of any ethical guidelines adopted go far beyond the realm of morality, meaning that discussions on of justice are in fact interdisciplinary.

8.

Alongside analyses of various meanings and criteria (the rules discussed above), the literature related to the notion of justice often presents a typology based on the sphere of reality that justice concerns (Šimo 2009). The types listed are not separated, nor do they exhaust all the situations in which we refer to the notion in question. The following are usually mentioned:

- social justice,
- historical justice,
- international justice.
- and also territorial (spatial) justice.

Social justice is often presented as justification for a line of social policy or as a reason to change it, usually referring to the idea that social and economic inequalities are excessive and require amendments aimed at limiting them. Such argumentation is based on the belief that changes in the direction of egalitarianism are necessary. In reality, such measures cause an additional effect in the form of support from numerous social groups that benefit from them, at the cost of less numerous groups whose support is forfeited. It is especially common in the run-up to the elections.

One variant of the rule “to each the same thing” is the criterion of creating “equal opportunities”. It is a variant in between the social justice and historical justice types, because it assumes that circumstances existing in the past led to unjustified social

inequalities. So there is mixed, social and historical justice. One example of policy implementing this kind of justice might be the university enrolment system that functioned for some years in Poland under communism. The main condition for obtaining a place at university was passing an entrance exam (which fulfilled the rule “to each according to their merits”), but the result was adjusted by a system of extra “points for class origin”. The justification given for this was that it served to even out the chances for an education for students from worker and peasant families, i.e. groups where a university education was rare among the parents and thus the cultural pressure on young people to continue their education was weaker. However, part of society at the time considered these points for class origin to be unjust; they also brought unexpected and often undesirable effects in the case of university courses requiring abstract thinking, such as mathematics and philosophy, working better for courses that gave graduates a concrete profession.

Examples of “historical justice” or, rather, justice motivated by historical problems, include granting land ownership to peasants and agricultural reforms. “The oppression of serfs” was used as an argument for the nationalisation of landed estates without compensation or with compensation far below the value of the land being seized. It was also an argument in favour of granting peasants ownership of land, completely ignoring the fact that this land already belonged to someone. The granting of property rights was considered just by those who received land in this way, but unjust by its previous owners.

The fight against landlords, kulaks and other “exploiters” of the “healthy part of the population” in the early period of the real socialism system may also be considered in terms of historical justice, i.e. the restoration of justice in a situation when an earlier system was unjust.

As for examples a little closer to our times, land in Warsaw was nationalised after World War II, and if there were residential buildings on it, rent was demanded for using them. The authorities thus seized people’s property and then leased it to those previous owners. In the next step, the owners were allowed to purchase the land previously seized from them from the state (actually on preferential terms). Each consecutive decision (nationalisation, lease and sale to the former owners) was presented as yet another decision serving to restore justice, although differently defined and having different functions related to the manipulation of the people’s views.

It is worth noting that, besides in some way fulfilling an ethical value that was being promoted, “historical justice” thus understood always served a political aim; it was used in the ideological aspect of the policies being pursued at the time.

“International justice” is a very broad term, but also an ambiguous one. On the one hand, it refers to phenomena such as colonialism, and on

the other – to condemnation of aggression in international relations. Alongside soft forms of influence, like resolutions supporting or expressing disapproval, it also has tougher instruments, like sanctions, aid programmes etc. One example of such an instrument of international justice might be the Marshall Plan after World War II; the European Union's plan for rebuilding the economy after the COVID-19 pandemic would be another. Experience shows that instruments of international politics in the realm of justice do not give unequivocal judgments on the situation to which they are applied. Even recognising which party to a dispute between countries is the aggressor and which is the victim is usually impossible to agree on.

As an example of how susceptible “international justice” is to ideological manipulation, one might cite the Cold War between the Eastern and Western blocs. One side presented it as “a war for international peace”, the other as “a struggle for democracy, human rights and the rule of law”.

Finally, we come to “territorial justice”, which emerged as the moral justification of the EU's cohesion policy in its territorial aspect. In principle, it is aimed at fostering equal development for various spatial (territorial) systems that are different by their nature. These differences are due to natural factors on the one hand, and historical ones on the other. This means that it is practically impossible to achieve the same model of development. However, this does not preclude a comparable level of development, though achieved based on different models. Territorial justice is thus a project in support of development according to different models in such a way that the development levels achieved, for example measured by the quality of life of residents, are similar.

However, the term “territorial justice” is so new in the literature that there is no satisfactory definition yet; the notion usually appears in the context of discussions on EU cohesion policy, and it seems justified to introduce it in that particular context.

As a simple example of implementation of spatial justice, the differentiation of subsidies transferred to communes due to their characteristics such as e.g. the level of unemployment, could be taken into account. An instrument fulfilling this kind of justice was also taxing the wealthy communes and subsidising the poorest ones based on the obtained funds (so-called “janosikowe”).

In addition to the listed types of justice distinguished by the category of beneficiary, there are also a number of mixed types of justice. Previously, an example of mixed, historical and social justice was indicated (extra credit for a certain family background awarded when recruiting for studies). Another example of mixed justice may be the preference for specialists in a certain scarce area to settle in a given area. This type of instrument related to justice in the industrialisation of

Siberia was used, and is sometimes postulated in Poland for the settlement of people with certain characteristics on the so-called “Eastern Wall”.

From the very beginning, from ancient times, the notion of justice has not been unequivocal, though it always had a strong value-judgement aspect and still does. If we look closer at quotations from the Pentateuch (incorporated into the Torah and the Bible), it is worth noting that (in the Polish translation) Abraham juxtaposed the just with the godless, not with sinners. This should be understood to mean that he excluded infidels, for example, from the just. However, this association requires the reader to give some thought to the meanings of words; it does not jump out at the first reading. This might be the oldest known manipulation related to the notion of justice.

This notion is the name of one of the most important moral values. Used as an adjective, it elevates – so to speak – the noun which it describes. However, due to its ambiguity and the emotional component it involves, it can become an instrument of manipulation through language, especially in the case of ideological texts and those economic, legal, propaganda etc. texts that are justified with the help of ideology. For this reason, whenever we use it, we should remain critical and take note of whether our text does not present the logic of persuasion.

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Kilka uwag o pojęciu „sprawiedliwość”

Streszczenie: Sprawiedliwość jest jedną z podstawowych wartości etyki, co powoduje, że podobnie jak inne wartości (dobro, prawda, piękno) pojęcie sprawiedliwości ma silny dodatni ładunek emocjonalny. Z tego względu termin ten jest często wykorzystywany w tzw. logice perswazyjnej, służy wówczas do manipulacji poglądami i postawami. Jest nadużywany dla osiągnięcia celów politycznych, ekonomicznych, społecznych itp. Z punktu widzenia formalnego można wyróżnić wiele zasad sprawiedliwości dystrybucyjnej, takich jak: „każdemu to samo”, „każdemu według zasług” itp. Wybór zasady sprawiedliwego podziału nagród lub kar jest arbitralną decyzją, są one równie poprawne. Ważne jest jedynie, aby obdarowywani spełniający w równym stopniu przyjętą zasadę byli traktowani w ten sam sposób. Sam wybór zasady dystrybucji, nagradzania lub karania jest wskaźnikiem światopoglądu decydującego o tym wyborze. W praktyce jednak często wartość etyczna służy do uzasadnienia wyboru, który w rzeczywistości podejmowany jest ze względów pragmatycznych. Uzasadnienie tego wyboru wykorzystuje mechanizmy manipulacji związane z logiką perswazji.

Słowa kluczowe: sprawiedliwość, sprawiedliwość formalna, zasady sprawiedliwości, manipulacja, logika perswazji.