

THE CONCEPT OF SOCIAL JUSTICE – A BRIEF HISTORICAL ANALYSIS

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Abstract: This work represents a brief critical analysis of the ongoing debate on the concept of Justice and the possibilities of achieving its goals. First, the article presents the idea of Justice as the supreme virtue. It then continues with the idea of freedom as the manifestation of the individual will. Next, it addresses the idea of equality - all humans are equal as personal worth and status - and then the idea of fraternity, which is reflected in the relational model and in social solidarity. The analysis makes use, on the one hand, of notions such as values, virtues, choices, obligations, voluntary work, etc., and on the other hand, it addresses the applicability criteria for such notions. In conclusion, it is noted that the worldview of moral individualism leaves little room for collective responsibility or for the duty of carrying the moral burden of social injustice. If this view of freedom is deficient, then there is a need to rethink the way we perceive human beings, as narrative beings, with their own social stories, grounded in the history of the community.

Keywords: justice, freedom, equality, community, debt

Introduction

Sociologically approached, the subject of justice is essential and, one might say, even indispensable to the idea of social structure or human community, both in terms of its theoretical meanings, which often border on utopianism, and especially in its practical applicability, with direct impact on the community and the individual.

The idea of postmodern and multicultural society (Neagoe, 2009, pp. 65-66), which resides under the sign of relativism, constantly generates paradigmatic mutations at the level of thought, without taking into account the authentic inner needs of the human being but often even undermining them and forcing thereby the adaptive capacity of humans. Thus, the focus of the present paper is this particularly complex dynamic of contemporary life, which tends to isolate the individuals from their narrative dimension and create dissociated entities with disparate visions on the socio-political life, no longer able to define even the fundamental social values, such as family, life, sexuality, etc. More specifically, our intention is to approximate a framework for discerning those values which could strengthen the basic structure of the society and of the human being, thus contributing to social cohesion and justice.

If we consider the philosophical expression of liberalism, according to Rawls' theory of justice (Rawls, 1999), we can see the way in which the ideal of unburdened, morally independent self propagates by choosing its own destiny. The idea of community or society, in this context, is becoming more and more diluted, so that every individual is entitled to choose anything other than the burden of community heritage. This perspective places the value of what is right above the value of what is good. But, as a prerequisite, we need to ask, Can we think of justice, ignoring our goals and attachments? Even though some critics tend to support the relativistic worldview, according to which justice would be what a community defines as justice, the very idea that every individual may choose his/her own social values and moral principles, seems destructive, inasmuch as individualism is the measure of all things. How is it, then, possible to give moral weight to the community and, at the same time, to allow for the reality of human freedom? If the voluntaristic understanding of the person is redundant and if our social obligations do not represent the product of our will, then how could we possibly see ourselves as belonging to a certain position and yet being free?

In order to address these questions, we will start from what is generally accepted by philosophers as the supreme ethics – the notion of love. However, indispensable to this notion is the notion of free will, or, in a broader sense, freedom. Without freedom, the idea of love dissipates into determinism, leading to the total abdication from its basic meaning. Within the framework of current debates on social justice, the notion of freedom appears repeatedly, playing a

very important role in the Kantian motivated liberalistic approach, in contrast to the Aristotelian vision, focused on setting up the idea of good. Given the fact that human freedom is not absolute (and this can be inferred from the mere fact of our existence, genetic membership, etc. which are not a matter of choice), we want to discern the limits of human perceived freedom, on the one hand, and of exercisable freedom, on the other hand. We also need to take here into consideration the spectrum of rights and duties, the idea of good and evil, aiming to follow the way moral precepts are projected into secular ethics, based on human reason and on the contingency of political speech. We will thus pay specific attention to certain theories and analytical approaches, which have influenced modern thought and still influence today's socio-political thought, constituting a debate factor at the level of social application.

Justice - "Complete Morality"

In Plato's thought, each soul tends toward *good*. This, however, applies beyond the individual sphere, extending to the community, with everything which this implies. Justice may signify, in this context, the layout of a right or correct order, meant to reflect its indispensability and usefulness in the economy of human relations, on the one hand, and the achievement of individual happiness, on the other hand, therefore "the just is happy and the unjust is miserable" (Plato, 1985, p. 40). Since man is not accomplished/fulfilled in isolation, but living along with other people, in a form of organization that meets the cohesion function of individual needs, the concept of justice will be more easily recognized at the *State* level, rather than at the individual level (Plato, 1985, p. 58).

Theoretical premises that underline the platonic *Ideal State*, could be described starting from the *ideal of Justice*. In a society, however, given the fact that human nature is so diverse, the State social order is designed according to the natural differentiated abilities of man, unequally allotted. Speaking critically about this model, Hegel (1969, p. 219) called it "a chimera of abstract thought, like a simple ideal".

It is to be noted that Plato assigns to the ideal values *a divine nature*: "but, as I said, in heaven, however, may be available a model for the one who wants to see, and, after seeing, to find orientation" (1985, p. 315). Yet the way he conceives the process of establishing justice, as the supreme value, merely by appropriating the adequate social position virtues, considered to be the essential features for classifying people into three unequal categories, which allow justice to attain *perfection*, hide, as a consequence of this classification, precisely the *injustice*. However, in light of this conception, the *injustice* is rather seen as a rebellion of *a body component* against *the whole*, the reasoning being that *justice*, as a central tenet of the State, should be an inherent virtue,

taught or appropriated for each member of the society: " but now we agree, the virtue of the soul is justice, and the lack of morals, injustice" (Plato, 1985, p. 40). He would admit, however, that social life is in reality much more complex, encompassing a multitude of individual aspirations.

Thus, discussions on the concept of *Justice*, on the way in which an individual moral perspective may constitute the foundation of a *good life* - "the just soul therefore, as well as the just person, will live good, but the unjust will live bad" (Plato, 1985, p. 40) - or can lead to *happiness*, reveals a tendency to give the concept a tellurian character, precisely because it is linked to human abilities/features, the divine origin being attributed only to the *model*. The legitimacy of justice, therefore, is the result of the metaphysical level, through the *idea of good*, in which "what is right and what it still uses, can become useful and healing" (Plato, 1985, p. 237), but the responsibility for the ideal implementation reflected by *idea* is assigned to the person, being a matter of individual ethics. Human searches should move towards a *good* to be desired not for the subsequent satisfactions it may offer, but out of *love*, *for what it represents as an idea* (Plato, 1985, pp. 41-42). Starting from the Platonic conception, we can see *Justice* both as *individual* and as a *collective dimension*. On the one hand, we have the *individual* acting properly in accordance to the individual principles of Justice; on the other hand, the *community* acting correctly according to the collective principles which are valid at the societal level.

Following the Platonic thought, Aristotle brings a significant contribution to the understanding of the concept of Justice, starting from a teleological model according to which nature is seen as an order which is full of meanings: "Aristotelian metaphysics means absolutely no denial of life, but her supreme glorification; for there is nothing more alive, more *energetic*, more *active* than thought. The divine Intellect puts in motion the entire universe and enjoys contemplating it; the human intellect imitates him. He dominates, in a sense, the world, whose essence he does know - this very world he leads towards himself, in its genuine place." (Vianu, 2005, p. 8)

In this context, to justice conceptualization, under its various forms, it will be attributed a broader meaning, related to the idea of *universal justice*, as all-encompassing virtue: "Justice has many meanings, and in addition to justice as a central concept of any morality, there is yet another one", narrower, particular, socio-economic vectored (Aristotle, 2013, p. 91). That what is right and proper comprises the entire ethics and morality, so that not only what the law provides is right, but also what is morally proper has to be considered right, as a private life standard: "the bond that unites the people is in itself a moral reality or occurs based on morals and thus belongs to the indispensable conditions of human life" (Aristotle, 2013, p. 159). Justice is therefore precisely

the symbiosis between the general and the particular, between legal and moral, and the balance has to be found somewhere in the middle. This fact is better reflected in the particular form of justice. The balance represents here the correct, fair distance between excess and shortage. Considering that in a society there are rich people, poor people and the middle class, it is assumed that right and good features lie in the middle. This is the idea of proper distribution. Different forms of proper distribution result from a personal perspective on the justice or injustice: Aristotle considered that what is right corresponds to law and equity, and what is unjust contradicts these principles (2013, p. 90). The allocation on the basis of merit or suitability/ability - based on reputational honor - justify a higher socio-economic position. An uneven allocation, in this sense, would be entirely fair.

"We see in fact, that anyone, who can be described by using righteousness as a character trait, is consequentially appropriate to act in accordance with it, to practice justice and be oriented towards what is right" (Aristotle, 2013, p. 90) .

Relevant here is the *universal* conception of justice, which comprises a collection of forms of action in accordance with the concept of justice, applicable at the level of society only when the self is facing the other: "justice alone between all forms of morality is an advantage for others, because it is exercised in relation to others and it does what is good for others, whether masters or ordinary citizens" (Aristotle, 2013, p. 93). The personal good is sought through the good of the other, while the collective welfare generates the personal good: "justice, therefore, [...] is complete, as an absolute, not as merely moral but moral reflected in relations with other humans " (Aristotle, 2013, p. 92). Starting from the idea of *good*, as something to which the person is meant to strive ("what is in itself good, would be also good for us, and in this regard, it would be desirable to aspire to what is good for us") (Aristotle , 2013, p. 92), Aristotle distinguishes "the good man, who directs all his powers towards right ... on his own volition, serving the reason which lives in him" (Aristotle, 2013, p. 187), whose origin is of divine nature. God does everything good, because He makes what defines Him. In the same way, man can give voice to reason, which is of divine nature, and may be defined in light of this (Aristotle, 2013, pp. 187-188). Aristotle (2013, p. 92) considers that any virtue resides in *justice*, and that "it is the most comprehensive form of morality, because it is the expression of the full moral orientation of the will; it is however perfect, because who has it, with respect to the other, not just for themselves, exhibit moral character."

If for Aristotle the meritocratic distribution was sufficient, this vision will become too confined, since, from a certain perspective, it considers the merits of the participants to the social life, and from another perspective, it does

not recognize the equal value of each individual in the society as undeniable. Relying solely on merit, we can easily ignore those particular special needs of people or their particular expectations. Belongingness criteria cannot play any role in the process of fair distribution. Thus, if all humans are considered as equally valuable, distributive principles aimed at equality will be sought.

Between Justice and Freedom

Modern theories of justice seek to separate the issue of equity and rights from debates on notions of honor, virtue and moral merit, searching for neutral justice principles, concerning finalities, which allow people to choose and achieve their own goals. For Aristotle, however, justice cannot be neutral, from this point of view. He is convinced that debates on justice are inevitable debates on virtue, honor, and on the nature of well-being, as the social roles should be distributed according to suitability criteria.

On the other hand, liberal political theories, based on Kant and Rawls, argue that social roles must be allocated by choice, and not eligibility. Liberalism based on the belief that freedom is the essence of humanity, receives the task to achieve the compatibility of individual freedoms. The solution would be a rejection of the telos and suitability ethics, in favor of a choice and consent ethics, motivating even moral individualism, which claims the idea of freedom. For the moral individualist, being free means to submit only to the obligations which have been voluntarily accepted; if you owe anything to others, you owe based on consent (a promise or an agreement), either implicitly or explicitly. The idea of limited liability, with regard to personal acceptance is, in this sense, liberating. It assumes that the humans, as moral agents, are free and independent of moral incidences, being able to choose their own goals. Neither tradition, nor custom, nor inherited status, but only the free choice of each individual is the source of moral obligation. We note thus that this vision of freedom leaves little room for collective responsibility or for duty to bear the moral burden of a social or political injustice, and, if this concept of freedom is deficient, then we need to rethink some fundamental aspects of public life.

Autonomy of the Will and the Veil of Ignorance

John Rawls adapts the Kantian concept of autonomous will, noting that the choices we make often reflect the moral arbitrary circumstances, launching thus the idea of a "veil of ignorance". For example, if we want the society we live in to be a complex of voluntary relationships, we cannot found it on consensus per se, but we need to ask ourselves which are the justice principles upon which we would we agree, if we were to reason aside from our personal interests and advantages and act from behind a veil of ignorance. Thus, Rawls promotes a model of social contract, the best justification for the existence of

the State, meant to generate a more just society, whose mechanisms are supposed to gravitate around the concept of *justice as fairness*. "Justice is the first virtue of social institutions, as truth is the first virtue of the systems of thought" (Rawls, 1999, p. 3). The basic principles of a just society would be, first, access to political and economic institutions for each of its members, then ensuring the exercise of individual freedom in its most comprehensive form, nevertheless compatible with the freedom of others, and last but not least, opposing social inequality through appropriate policies. For Rawls, a just society is the result of cooperation between free and responsible citizens, with the same fundamental rights, putting justice and equality on equal footing and thus defining the concepts of liberal egalitarianism.

The Kantian idea of autonomous will (2003, p. 53) and Rawls' hypothetical agreement idea, behind a *veil of ignorance*, have a common aspect: both conceive the moral agent as independent of personal purposes and attachments. However, when we dwell on the issue of *moral law* (Kant) or choose the *principles of justice* (Rawls), we do so without reference to the roles and identities that place us in the world and define the particular status which we possess. If we must set our particular identity aside, when reasoning about justice, it is difficult to justify ancestral or community responsibilities. The concept that a person is a free and independent self, not only raises big question marks, with respect to collective responsibility over generations, but has more profound implications: namely, this way of thinking of the moral agent, has consequences for the way we think about justice in general. The idea of a self-determined independent person presupposes that the justice principles, which define human rights, should not be based on any moral or religious conception, per se, but rather it should adopt a position of neutrality in the competing visions for a good life.

For Kant and Rawls, justice theories that rely on a particular way of thinking when defining good life, whether religious or secular, are in contradiction with freedom. Imposing upon some people the values of others fails to show respect for the status of the free and independent self of a person, who is able to choose his or her own objectives and goals in life. So, the self-determined individual and the neutral State go hand in hand. Precisely because we are free and independent entities, we need a neutral judicial framework, equidistant when deliberating on morals or religion, which provides the citizens with the freedom to choose their own values. If the priority of what is right over what is good is asserted, then the principles which define our duties and rights have nothing to do with our understanding of a good life.

Social Justice Exposed to Subjective Knowl

The way Rawls (1999, p. 28) argues his case, referring to the supremacy

of what is right over what is good, reflects the belief that a "moral person is a subject who chooses his/her own finalities." As moral agents, we are not defined by our purposes/finalities, but by our ability to choose.

The idea of a neutral justice, concerning ways in which a good life is perceived, reflects an understanding of the person, as capable of free choices, independent of any previous moral commitments. All of these ideas, when seen together, are characteristics of the modern liberal political thought. Liberal does not mean here the opposite of the term conservative, after customary current policy, because the ideals of the neutral State, as well as the free choice of the person, are found in almost all democratic political spectra. The share of debates is the role of Government and markets in empowering the individual to achieve intended purposes, at least at the theoretical level. Social solidarity and community obligations arise only in the background of individual rights and freedom of choice. Neutral State, for libertarian, presupposes civil freedoms and a strict regime of rights on private property. A State oriented towards social protection (with socialist orientations), they say, does not empower individuals to choose their own specific finalities, but constrains them somewhat for the benefit of others.

Even though Lyotard (1993, p. 15, pp. 36-48) claims distrust of metanarratives, Alasdair MacIntyre (1998) asserts that humans are narrative beings, grounded in the search dimension of narratives, and any unfolding narrative has a teleological character. The narrative perspective is in contradiction to modern individualism, whereby the individuals choose what they want to be. This contrast is obvious, because the story of a lifetime is always embedded in the story of the community from which its identity derives. This narrative understanding of the person is presented in a clear opposition to the voluntaristic view of a self-determined and free-of-duties individual.

Which one of the two perspectives would be more appropriate in regard to the experience of moral deliberation? Which of these offers a more compelling basis for moral socio-political obligations? Are there any binding moral duties, which we have not chosen and are not covered by any social contract?

In most cases, we consider the need for solidarity as complementary to the duties of the human rights. So, one may say that these realities point out one aspect which even liberal philosophers will freely admit: as long as we don't violate the rights of anybody else, we can peacefully carry out the general duties of helping others, beginning with the closest ones, family members, friends, fellow countrymen. All the same, there is nothing wrong for a richer country to establish, for its own citizens, a level of public services and insurance higher than in other countries, provided that it respects human rights in the context of any person, wherever they might be. These obligations of

solidarity can be challenged only if they lead to the breach of duty.

Emphasizing the search after justice at an interpersonal level, as a form of respect for human dignity, Avishai Margalit (1999) considers decency/morality as the first and vital duty of all citizens. Thus, his philosophical view of dignity transfers Hegelian master-slave dialectic (Hegel, 2011, pp. 127-130) to the man-underman antitheses, considering that the greatest evil people can make is cruelty, and this very cruelty must be avoided and implicitly fought off. Cruelty is the greatest injustice, which, through the promotion of a dishonorable behavior, i.e. "any type of behavior or condition that constitutes a solid reason for a person to be considered harmed in terms of self-esteem" (Margalit, 1998, p. 9), can destroy the self-confidence of man.

A social organization whose culture, whose behavioral models and whose institutions do not systematically disregard individuals or social groups, is adequate, even if it doesn't represent a democratic structure and doesn't distribute the means or the goods justly or evenly. Thus, comparing Rawls' social ideal of justice with this model, we might consider it reasonable, at least from the point of view of the ethical-political approach to respect the *humanity* of each individual. As soon as the danger of oppression has been removed and the destructive tendencies have been limited, it is possible to achieve a *decent society* model, which represents a superior level in the hierarchy of ideals, where the highest level is represented by a society which is characterized by ubiquitous justice in all of its structures.

In the words of Nietzsche (2014, p. 42), "know yourself, here's the whole science. Only attaining the knowledge of all things humans will know themselves. For things are but human limits." Along with this new perspective on knowledge, i.e. the self-knowledge, through which humans are walking in the original realm of truth and fulfilling an ideal by fighting oppression, all moral values and social ideals may be ordered to form the social-democratic items of justice.

Conclusion

The ongoing discussions on the notion of Justice and on the possibilities of achieving it are highly complex. The notions of good or right, as applied to a social system, are subject to contextual relativism. The theories of a just social system, meant to ensure on the one hand the autonomy of the individual, as an intrinsic factor of welfare, and on the other hand the measure of equity among the members of a community/society and which can compensate at the level of distribution, are constantly bound to a practical mutability, whose dynamic refuses to submit to the cogitated statement.

Some concepts bring freedom to the forefront of achieving Justice, while others consider the right as essential. The ethics of telos and suitability is

meritocratically marked, while the ethics of choice and consent only exalts voluntarily assumed obligations. However, such a vision of freedom leaves little room for collective responsibility or for the duty to bear the moral burden of social injustice. If this conception of freedom is deficient, there is a need then to rethink the way we perceive the human being, as a narrative being, with his or her own social story, grounded in the history of the community.

Liberal political theory came into being as an attempt to isolate law and politics from the moral and religious controversy. In our opinion however, this ambition cannot be implemented successfully, since most ardent problems related to social justice and rights cannot be considered without confronting these controversial moral and religious issues. In the process of laying down the rights and duties of citizens, it is not always possible to exclude certain competing views of a good life, and even if this were possible, it might not be desirable.

Requiring citizens within a democracy to renounce their moral and religious beliefs, when entering into public space, seems to be a way to ensure a spirit of tolerance and mutual respect. In reality, however, it is just the other way around. Deciding on important public issues under the guise of an unrealistic neutrality, is but a recipe for resentment and negative reactions. A political system which is devoid of a substantial moral commitment leads to a poor and insipid civic life, one which is nothing but an open invitation for intolerant and restrictive moralism. The Fundamentalists rush in, where Liberals are afraid to step.

References

- Aristotel (2013). *Nikomachische Ethik*. Berliner Ausgabe: CreateSpace (Edition Holzinger).
- Hegel, G., W., Fr. (2011). *Phänomenologie des Geistes*. Hamburg: Felix Meiner Verlag.
- Hegel, G. W. Fr. (1969). *Principiile filozofiei dreptului sau Elemente de drept natural și de știință a statului*. București: Ed. Academiei R.S.R.
- Kant, I. (2003). *Critica rațiunii practice*. București: Ed. Paideia.
- Kant, I. (2014). *Întemeierea metafizicii moravurilor*. București: Ed. All.
- Kant, I. (2013). *Kritik der reinen Vernunft*. Berliner Ausgabe: CreateSpace (Edition Holzinger).
- Lyotard, Jean François (1993). *Condiția postmodernă: raport asupra cunoașterii*. București: Ed. Babel.
- MacIntyre, A. (1998). *Tratat de morală. După virtute*, București: Ed. Humanitas.
- Margalit, A. (1999). *Politik der Würde. Über Achtung und Verachtung*. Frankfurt-Main: Fischer.

- Margalit, A. (1998). *The Decent Society*. Cambridge: Harvard University Press.
- Neagoie, A., Zörgdrager, H. (coord.) (2009). *Postmodernity – Friend or Foe*. Timișoara: Ed. Mirton.
- Platon (1985). *Der Staat (Politeia)*. Berlin: Akademie Verlag.
- Rawls, J. (1999). *A Theory of Justice*. Cambridge: Harvard University Press.
- Vianu, Ș. (2005). *Metafizica spiritului de la Aristotel la Hegel*. București: Ed. Humanitas