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Mateusz Aniot

Interpretation of Justice as a Conflict

Interpretacja sprawiedliwości jako konfliktu

The intricate and deeply rooted notions of justice can be traced or recognized in any given society at any given time. It could be argued that it has always been the quest for justice or injustice that has driven the political, economic and social arrangements of nations, states and individuals. This resulted in a plethora of associated state habits of operating, strategies and collective principles and values. The prevailing and wide spread notions of justice have always been able to entail not only the distributive material goods and social positions but have extended its paradigm to cover such goods as self-respect, opportunity, power and honor¹.

Stuart Hampshire's article *Justice is Conflict*, can be considered as a relevant contemporary debate of justice, despite the fact that it is based on the Athenian philosophical political interpretation and history as well as the ancient Athenian and Greek culture and social reality. The reason being, is that even in *The Republic* of Plato the practical reasoning of justice was organised in manner similar to that of any western liberal democracy². This means that politically it was organised through city-states where the overall organization and operation was heavily influenced by the citizen participation and organised political order.

Hampshire's article being profoundly based on the philosophies of Plato, provides an account of justice as conflicting within the mind of the individual, and thus requiring a substantial expansion of knowledge and an engagement in a journey towards greater wisdom, which in turn will be able to provide us with a more comprehensive understanding of the political, economical, social and practical connections of law and custom to the philosophy of justice. The collection of dialogues presented in *The Republic* draws on the analogy between

¹ I.M. Young, *Justice and the Politics of Difference*, Princeton University Press, 1990, p.8.

² S. Hampshire, *Justice is a Conflict*, Princeton University Press, 2000, p. 2.

conflict and justice in the minds of individuals and society, or soul and the city as Plato puts it³.

Although the ancient Athenian and Greek references to justice and the idea of soul and the city as the most adequate environment for explaining justice is a valid and applicable contemporary debate, it is an ancient environment which considered justice and ethics to be of more importance than in contemporary reality, that is as the major ethical virtue in the relevant ancient society. This meant that justice was the motivating factor behind a person's actions, driven by desire or interests and translating it into righteous and wrongful social comprehensions. Justice as the highest virtue and excellence was therefore highly promoted by Plato and served to distinguish noble citizens from the ghastly ones⁴.

Of course, the endorsement of just or fair behaviour as the most appropriate form of existence was only one of the many proposed approaches of justice. Other philosophers such as Thrasymachus argued the contrary, where they claimed that serving justice is all about helping your friends and harming your enemies⁵. The contrary argument extends to suggest that doing justice is helping others benefit while disadvantaging oneself, whereas acting unjustly reimburses oneself. What is suggested here is that there exists an overall need of fair and just behaviours by the masses to maintain the extravagancies of the rulers and sustain the desirable balance needed in any democratic society. The secrets of a wonderful life according to Thrasymachus are to follow in the belief that appearances overpower the truth and one must be unjust yet gain a reputation for justice to be promised a wonderful life⁶. This can be done by using crafty techniques and by joining the necessary places where "there are teachers of persuasion to give us the wisdom of the assembly"⁷.

This is where the main argument of justice as conflict arises, that is "between the Eros necessary to keep things going and justice which requires the modulation of Eros. What is being sought is virtue"⁸. Thus the most relevant and linking ancient philosophies relating to justice that could be taken on board and learned from in the 21st century would be the idea and reality of this conflict and its application to the soul and the city.

³ Plato, *The Republic*, Cambridge University Press, 2000, p. 14.

⁴ *Ibidem*, p. 17.

⁵ S. Everson, *The incoherence of Thrasymachus*, Oxford Studies in Ancient Philosophy, 1998, p. 26.

⁶ *Ibidem*, p. 29.

⁷ Plato, *The Republic*, Cambridge University Press, 2000, p. 34.

⁸ *Ibidem*, p. 35.

Clearly, on a simplistic level justice will always equal to conflict in some political or social genres no matter how well it is defined and by which philosophical school of thought it is adopted. Its deep rooted and complex character will then always prove disputable. In fact, the frames of its acquiescence request a positive vagueness and improbability that will prevent the inquirer from limiting the intricate notion of justice to a concrete definition. Such an approach, not only unlikely, if successful would defeat the very purpose of justice, that of hope giving and fairness seeking appliance; a notion which feeds on the expectation that there will always be a quest for just, equitable and fair results and treatment of human beings and their agencies, and that this process will continue its journey; a journey of self-improvement.

This is a pursuit of conflict, not only because it is a notion incapable of being entirely grasped or held, or that it is a consideration of matters intrinsically linked to the core of human agency, to the underlying human desires and thus always constituting a plethora of conflicts, but also because justice as a notion in need of definition is a conflict in that by needing to be open to improvement, to positive evolvment and modification, is also open to possible negative manipulation and alteration.

The notions of justice deriving from the Platonic dialogues can be seen as matters of two main categories or two determining outcomes. The first is an expansion of justice as being determined by nature or God and the second suggesting that justice is a matter of convention determined by human judgement⁹. Plato realised that attempting to theorise justice independent to any given social context would prove insufficient and the most appropriate environment for comprehending justice would have to be in the soul and the city. "If the theory for evaluating notions of justice is truly universal and independent, presupposing no particular social situations, institutions, or practices, then it is simply too abstract to be useful in evaluating actual institutions and practices"¹⁰.

That is where the idea of the soul and the city arises. Justice is conflict purely because it does not exist on its own, it is applied and understood in social contexts where the competing interests of the various classes and groups in the relevant society clash and create inevitable conflict.

It is here within the city and the soul that justice takes on different forms where it has the ability to be coextensive with social, political, economical and other spheres of the given state. Roberto Unger in his definition of politics as

⁹ D. Petrocelli, P. Knobler, *Triumph of Justice*, New York, 1998, p. 53-54.

¹⁰ I.M. Young, *Justice and the Politics of Difference*, Princeton University Press, 1990, p. 4.

the “struggle over the resources and arrangements that set the basic terms of our practical and passionate relations”¹¹ illustrates the connection of politics to all aspects of institutional organisation, public action, social practices in a sense that when something goes wrong within a particular society, when a rule or practice or cultural meaning is wrong and should be changed, it is social justice that is needed to be ascertained¹². If this reality is considered then for a social condition to be just, it must facilitate all to assemble their desires and implement their autonomy; thus justice entails that all be able to articulate their wants¹³.

This may sound appealing but it is common knowledge that although in a liberal democracy all are allowed to articulate their needs and wants, the mere articulation of them rarely constitutes the desires into authenticity and realism. What has actually happened and this has been the product of history and consciousness shaping, is that the masses, although still possessing some fundamental expectations of justice seeking, have in an overall understanding, accepted their social and political positions where they have been shaped into believing that the best thing they can do is to act justly towards others and yet not expect the exact same from the ruling authorities.

This is the so called Thrasymachus argument where in reality it is the interests of the stronger that do prevail. This means that rulers make laws in their own interest, and it is known to all that it is the laws that define what is just and unjust. Thrasymachus introduces the Sophist challenge by claiming that justice is nothing but the advantage of the stronger. From the overall argument presented by Thrasymachus it can be assumed that the given characterization is not meant to expose or deflate the magnitude and role of justice¹⁴. He is mainly trying to erase the illusions that exist about justice and to highlight the moral notion that the norms considered just are nothing more than conventions which hamper those who adhere to them, and benefit those who flout them. Those who behave unjustly naturally gain power and privilege and the masses follow in the so called just ways of operating for the overall reputation of justice and the order required in the democratic society. This means that justice is in fact another man's good, whereas injustice is one's own good. Theoretically speaking, individual justice is the correct arrangement and interaction of the parts of the soul, and social justice is the correct arrangement and interaction of citizens in the city. Justice

¹¹ R. Unger, *Knowledge and Politics*, The Free Press New York, 1976, p. 145.

¹² I.M. Young, *Justice and the Politics of Difference*, Princeton University Press, 1990, p. 9.

¹³ *Ibidem*, p. 10.

¹⁴ S. Everson, *The incoherence of Thrasymachus*, Oxford Studies in Ancient Philosophy, 1998, p. 37.

is simply the right way of putting together citizens in their internal attitude and their external relation to one another. The strength of human relationships and thus the basis for justice and social order are seen to lie in the human dialogue and friendship. This is the so called reality of false consciousness where for the sake of the overall operation, people are tough to act justly, that is for the benefit of others¹⁵.

At a closer examination this is an obvious fact of life because any given western society is a contract of mutual interests where people act justly for the successful and pleasant functioning of their home land. This is the social contract which people have submitted themselves and apparently rejected the possibility of existing according to the natural laws, inherent in the human nature and set out by the natural order or God¹⁶. This means that if humanity has agreed to be posited by those having ultimate power as distinguished from laws set by God or natural law, they have in a way rejected the relationship between law and morality. It could be suggested that having chosen this system of legal positivism, people have given priority to utilitarian ideals and laws grounded on traditional, historical, social and philosophical validities, while discounting any superiority of moral judgements¹⁷.

Finally, some would add that the choice and pre-eminence of positive law can be found to be supported by natural law as expressed by ancient pedigree of Aristotle (350BC) that although all things have an essence and a natural purpose, every man is by nature a political animal whose purpose is to constitute a political community (a state) where he or she will be able to live peacefully and under reasonable protection provided by the state (government).

Unfortunately this argument would only run as far as proving the fundamental need of human beings to live according to particular laws and regulations, nevertheless conflicting on the context, practicalities and the extent of the moral/ethical references needed within that law¹⁸.

Many would agree that justice has evolved to represent the practical and theoretical enterprise, which promotes notions which define people as good or bad citizens. Unfortunately, in contemporary reality, concepts of true justice, except of the distinctions associated with fairness seeking, have to a large extent vanished from the main discourses and practices.

¹⁵ L. Capeheart, D. Milovanovic, *Social Justice*, Rutgers University Press, 2007, p. 27.

¹⁶ *Ibidem*, p. 33.

¹⁷ A.J.Tebble, *What is the Politics of Difference*, Sage Publications Inc, 2002, p. 14.

¹⁸ L. Capeheart, D. Milovanovic, *Social Justice*, Rutgers University Press, 2007, p. 57.

An argument presented by John Rawls in a way runs in line with the ideas of justice as discarding and of false consciousness. His argument concerns knowledge and motivation and suggests that the visible limits of knowledge are concerned with people's inability to comprehend their social position and thus their comprehension and conception of the good¹⁹. This idea extends to claim that people are not even aware of the stage of economic development their society has reached. This is, according to Rawls, the so-called "veil of ignorance"²⁰ where people are only concerned with the notions of fairness and conception of the good so far as to benefit themselves. In addition, the concepts of the goodness lengthen so far as to include "in it the welfare of certain other people for whom they feel affection or special responsibility. But for the purpose of the original position, it does not include a substantive sense of justice"²¹.

Rawls conception of the principles surrounding justice are seen as merely detrimental rather than promoting any positive increase in lifestyle, welfare, economics or politics. This further suggests that the propositions of justice are thus suggestions "of partial co-operation and partial conflict"²².

What is being said here is that the principles of justice theoretically should not conflict with human common sense convictions of right and wrong, when in reality they in fact do assemble upon divergence. The various alternatives given by the many authors to renovate the discrepancies of justice, such as Rawls' "principles of maximizing the wealth and power of the worst off"²³ have been of little significance. This is because no matter what the theories were called, they all merged on their ideas and did not create any effective or unique forms of resolution. This means that they were simply compatible with their moral scrutiny, which firmly promotes the role of fairness and impartiality²⁴.

Consequently, seeking justice and fairness will continue to be creating conflict as people will always be "biased by special interests arising from their actual position in society"²⁵. Clearly, since no individual is entirely impartial, justice has little chance of achieving the contrary. The problem is that if there is to be a stable and fair society, there is a need for certain adequate moral or natural human forces to enable people to live up to the publicly recognized standards of

¹⁹ J. Rawls, *A Theory of Justice*, Harvard University Press, 1971, p. 7.

²⁰ *Ibidem*, p. 8.

²¹ *Ibidem*, p. 11.

²² *Ibidem*, p. 15.

²³ *Ibidem*, p. 18.

²⁴ R.J. Arneson, *Does Social Justice Matter - Bryan Barry's Applied Political Philosophy*, Chicago University Press, 2007, p. 24.

²⁵ *Ibidem*, p. 26.

justice without requiring a great deal of coercion. Rawls disagrees with recognizing utilitarian perspectives as appropriate means of such achievements, arguing that such principles are not compatible with the stability in the average value, which may possibly require being dejected for the sake of others contentment²⁶.

What is to be learned from the article by Hampshire and thus from Athenian political history about the development and conceptions of justice is best understood in the analysis of the ancient Athens and the similarities of justice and its role and comprehensions within an ancient and contemporary society. The major correspondence was of legal character, precisely the theoretical expectations of treating free citizens equally before the law, as well as the significant fear in face of the law and especially of those laws which punished the offenders of unjust activities or conduct. Furthermore, even in the ancient world every citizen was thought of as free to particulate in the life of the city and to pursue his own ends. Of course, it was a common expectation that seeking and fulfilling those individual and collective wants was not to be destructive of the good of the city or of any individual citizen. The law thus was needed to be regarded in a fearful way as it protected from such wrongs being committed. The vital prospects of permanent and positive application of just and fair resolutions to any given dilemmas within the soul and the city are unfortunately dependent upon the competing parties and their social and political positions. This means that in conflicting situations it will be the strong party and not the just one that will prevail²⁷.

Perhaps it is worth mentioning that the dialogues portrayed by Plato in *The Republic* were triggered by the fact that it was a time of Peloponnesian war. Subsequently, the defeat of Athens in 404 had been accompanied by the overthrow of the democracy and the rule of the pro-spartan extremists among the oligarchical party, who came to be known as the Thirty Tyrants. The centre of resistance to the Thirty Tyrants was the battle of Piraeus, and it is here that the conversation presented in *The Republic* takes place, a conversation in which Socrates central arguments entail that it is of the nature of democracy that it prepares the way for tyranny. *The Republic* is thus in part a dialogue among those who are to meet unjust deaths at the hands of the protagonists of both oligarchy and democracy and it is to be read as a dialogue about why oligarchy and democracy are by their nature unjust forms of policy²⁸. In addition, the arguments in question can be considered of more relevance and legitimacy because they were brought to

²⁶ J. Rawls, *A Theory of Justice*, Harvard University Press, 1971, p. 14.

²⁷ A. MacIntyre, *Whose Justice – Which Rationality*, University of Notre Dame du Lac, 1988.

p. 52.

²⁸ *Ibidem*, p. 64.

surface at a time when democracy is overpowered and people disregard justice in a democratic society but this fact makes the arguments more virtues. Regardless of the time and setting of *The Republic*, the dilemmas concerning justice in its multiple dimensions have continued to be reflected and seen in the contemporary world. Thus they serve as a great tool in analysing and seeking to improve the relevant cotemporary concerning manifestations of justice. The parallel concerns and veracities are those seen and best understood within the soul and the city, the controversial and fluid reflections of justice and the unfortunate domination of the prevailing authoritative bodies who mould and shape the application and comprehensions of justice. Contrary to appearance the same issues which were the topic of discussion in ancient times are still problematic and relevant today.

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Streszczenie

Celem artykułu jest analiza zawitych i różnorodnych koncepcji pojęcia sprawiedliwości, które można prześledzić lub rozpoznać w społeczeństwie. Można argumentować, że dążenie do sprawiedliwości lub niesprawiedliwości od dekad napędza polityczne, gospodarcze i społeczne ustalenia narodów, państw i jednostek. Doprowadziło to do powiązanych ze sobą nawyków dotyczących funkcjonowania, strategii, wspólnych zasad i wartości. Przeważające i szeroko rozpowszechnione pojęcie sprawiedliwości zawsze mogło pociągać za sobą nie tylko dystrybucyjne dobra materialne i pozycję społeczną, ale rozszerzyło swój paradygmat tak, aby obejmowało takie dobra, jak szacunek do samego siebie, władzę i honor. Dylematy dotyczące sprawiedliwości w jego wielu wymiarach nadal znajdują swoje odzwierciedlenie we współczesnym świecie.

SŁOWA KLUCZOWE: Sprawiedliwość, polityka, filozofia, walka klasowa, konflikt

Summary

The aim of this article is to analyse the intricate and diverse concepts of justice that can be traced or recognized in any given society. It could be argued that it has always been the quest for justice or injustice that has driven the political, economic and social arrangements of nations, states and individuals. This resulted in a plethora of associated state habits of operating, strategies and collective principles and values. The prevailing and wide spread notions of justice have always been able to entail not only the distributive material goods and social positions but have extended its paradigm to cover such goods as self-respect, opportunity, power and honor. Dilemmas regarding justice in its many dimensions are still reflected in the modern world.

KEYWORDS: Justice, politics, philosophy, class struggle, conflict

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