

Transformation of understanding of justice in the context of the problem of social equality: a philosophical analysis

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The article is devoted to the analysis of the category of "justice" through the prism of the problem of social equality. It is noted that in the pre-modern naturalistic paradigm of philosophizing, where the main narratives were the correspondence of the social order to the eternal natural law, justice was associated with inequality and the principle of hierarchy. Moreover, just hierarchy concerned both the internal spiritual qualities of the person himself, where reason should rule over passions, and the gender-social organization of society, where a man is superior to a woman, a Greek is superior to a barbarian, and so on. Within the framework of this naturalistic paradigm Plato's and Aristotle's approving attitude towards slavery should be understood, because from their point of view the soul itself can be slavish and cowardly by nature or, conversely, brave and freedom-loving. In the medieval paradigm of philosophizing, the conceptual connection of justice-inequality is preserved; however, philosophers appeal more to divine law and divine justice. It is noted that in this epoch did emerge the concept of a "just war" as a sacred moral duty to protect the innocent. This concept of a just war remains relevant to this day, in Ukrainian military realities. In the era of the Enlightenment, with the advent of the new European paradigm of philosophizing, where the emphasis is on the rational subject and his will to power, justice began to be understood precisely as equality, as evidenced by the philosophical tradition begun by I. Kant and continued in the twentieth century in the theories of justice of J. Rawls and J. Habermas.

KEYWORDS

egalitarian justice, distributive justice, procedural justice, arithmetic equality, geometric equality, paradigm, courage, just war.

Introduction

Hanna Arendt in her work *Human condition*, describing the social views of the ancient Greeks, could advise to all of us, living in the 21st century, a lot of useful things and show the relevance of the moral and political culture of Ancient Greece as the cradle of European civilization for modern Ukraine. Arendt notes that the political relations of people in the ancient polis, unlike economic ones, were based on freedom, and therefore equality and justice.

"The polis differed from the sphere of the household in that only equals lived in it... Free life meant non-prescriptive relations, implied freedom from the pressure of necessity and the commands of the master. Being free excluded both domination and servitude" (Arendt, 1958).

Arendt emphasizes that in the political sphere of the polis, freedom was understood primarily as freedom from any inequality. In the polis, "equal" citizens were among their equals, among "equals in dignity". However, they were a minority compared to the majority of "unequal" non-citizens. Arendt writes that from the point of view of ancient culture, the small number of free and equal citizens living a better privileged life, compared to the rest of the non-citizens, was explained by the fact that the right to live with dignity had to be earned, demonstrated.

"The polis, therefore, the place of public space, was the place of the strongest and most heated dispute, in which everyone had to convincingly distinguish themselves from others by an

outstanding deed, word and achievement, to prove that it was they who lived as one of the best" (Arendt, 1958).

Thus, to live in the polis, in the political space of freedom and equality, it was necessary to be an irreplaceable unique individuality, distinguished from the mediocrity (ordinary people) by their moral actions. Such a free individuality had to possess special virtues (excellences) of the soul. Arendt notes that the main virtue that allowed a person to be in the political space of the polis was courage, the willingness to take risks. It was courage that made a person free and equal among equals. The sign of a slave soul was, on the contrary, cowardice, that is, too great attachment to life and security. A slave for the Greeks is someone who was not ready to die and preserved his life at the cost of freedom. So, slavery was considered at the same time a natural predisposition and a kind of man's guilt.

If we look at today's Ukrainian realities, then now, like two and a half thousand years ago, the right to live in a free country, the right to political, economic, cultural freedom must be fought in a fierce battle with the eternal existential enemies of Ukraine. We can recall the Church Fathers St. Augustine and St. Thomas Aquinas, who spoke of "holy war" (sacrum bellum) and "just war" (bella iusta), especially when it came to defensive war and the protection of the innocent (Caner, 2003). According to James Childress, classical just-war theory that rooted back in Christian theology and religious philosophy, declared two moral criteria



of carrying the war: right to go to war and right conduct of combatants in war. The war is just only when it has just cause – “preventing people from all radical forms of social evil: aggression, torture, genocide, mass destruction, violation of natural rights” (Childress, 2018). In a situation of war, everyone realizes that the price of freedom can be the life of an individual. But what is the loss of the individual when it comes to preserving the public good. If it's lost then the whole nation would disappear – as a spiritual, political, and ultimately as a biological community.

Now we see many manifestations of courage and heroism of Ukrainian fighters at the frontline, many examples of the true Kshatriya, “Cossack spirit”, “the spirit of our antiquity”, as famous Ukrainian philosopher Dmytro Dontsov would say. We also observe civic solidarity and consolidation of the entire nation for the sake of a common goal. And this is not a coincidence, but rather a historical necessity. It indicates that today the freedom-loving Ukrainian people, just like the ancient Athenians once upon a time, are not ready to exchange their own freedom for the security of a slavish existence. The “spirit of the people” (G. Hegel) does not bow its head before the enemy, does not lose its own dignity and national self-identity. After all, this is its moral right to be oneself, that is, an inalienable natural right. According to this natural right, every person possesses “ontological dignity” (Morozov et al., 2024). The war today has once again proven that Ukrainians are capable of heroic deeds for the sake of a noble goal: a free and just peace in an equal fraternal family of European peoples. The free and just society of commonwealth, where everyone has equal rights, is not bought or inherited. It is only fought for in a moral act, in that fusion of willpower and sincere vital impulse, which the famous German philosopher and theologian Paul Tillich called “the courage to be”.

The **purpose of the article** is to investigate the transformation of understanding of justice in the history of Western philosophical thought, showing the connection between justice and equality.

Research methods

Our working hypothesis of the study is as follows. Ideas about justice in the history of Western philosophical thought have undergone significant transformations. A long way has been passed from the understanding of justice as inequality to the realization that justice is impossible without equality. The essence of this transformation of the understanding of justice, in our opinion, is a change in the paradigm. To understand that at the first stages of the development of philosophical thought justice was associated with inequality, it should be understood that the ancient paradigm, within which socio-philosophical problems of equality, justice, a perfect society, etc. were solved, was the paradigm of naturalism. At the heart of naturalism were the ideas about a universal natural law or cosmic order that governs all natural and socio-historical processes. This eternal cosmic order, independent of the will of people, is the very “nature of things”. The best and most just socio-political order should follow the natural model; most of all correspond to the nature of things (natural law). As Leo Strauss notes in his *Introduction to Political Philosophy*, the search for such a most perfect social order that corresponds to nature is the main concern of ancient philosophical thought. In short, for the Greeks, justice is agreement with nature, and nature itself (cosmic law) acts as a source of normativity (Strauss, 1989). Through this conceptual prism we will be able to understand the problems of equality and inequality.

The naturalistic paradigm of antiquity was initially replaced by the medieval theocentric paradigm, but it did not significantly affect the understanding of justice as inequality, because natural law fit into the eternal divine law, into the idea of divine justice, which implied a hierarchical vision of the ontological structure of the world itself (see, for example, the celestial hierarchy of Dionysius the Areopagite). Everything changed radically with the advent of the new European anthropocentric paradigm, in which the main value became the individual personality, the subject or rather its will. It is no coincidence that such a paradigm is also called voluntarist, because here a person, thanks to the “will to power”, establishes, without regard to natural or divine law, the principles and criteria of justice, guided by the requirements of reason.

In conclusion, we can say that any historical-philosophical or comparative analysis of various concepts of justice must be carried out in the logic of changing the paradigms of European thought. Only in this paradigmatic logic the genesis of the very idea of the kinship of justice and equality and its further development will be understood.

Results and Discussion

It is worth starting our historical and philosophical retrospective of views on justice with the concepts of the classics of philosophical thought Plato and Aristotle, who represent the ancient naturalistic paradigm. Plato considers justice in close connection with inequality. Why does social inequality exist at all? For Plato, the answer is as follows. Inequality arises because there are different principles in the human soul. It is natural inequality (one principle dominates over others from birth in some people) that is the cause of social inequality. In *The Republic* Plato lists three such principles of the soul.

“We said that one principle is that by which a person knows, another by which he is inflamed, and for the third, because of its diversity, we could not find any one specific designation for it and therefore we named it by the sign that is most sharply expressed in it: we called it the lustful principle – because of the extraordinary strength of the desire for food, drink, love pleasures and what is connected with this. This also includes the love of money, because money is very necessary for the satisfaction of such desires (580 e)” (Plato, 2001).

The lustful principle is aimed at profit, bodily pleasure and obtaining wealth; the angry principle wants to become famous, win and gain power over someone, the rational principle is aimed at knowing the truth.

All three principles of the human soul should be in harmony and balance, while the mind should occupy a dominant position. The dominance of the mind allows a person to master himself and be just. So, the main condition of justice for Plato is the correct distribution of the soul principles, which, in turn, reflects the cosmological hierarchical order, where at the top are ideas (archetypes), and below – sensual material things. Injustice, on the other hand, is a violation of the natural order, both at the level of the soul forces in man himself and at the level of the entire cosmos. The rational principle must subordinate the irrational, and secondly, our position in society depends on which principle dominates in our soul or, more precisely, which principle we consciously cherish. Both the first and the second are fair. This hierarchy of the soul principles, of course, leaves an imprint on the inclinations of people and the type of their occupations. If the rational principle does not reign within man himself, then it is better for him to submit to the one in whom it rules. Thus, Plato actually legitimizes the division of people into free and unfree. People of physical

labor are by nature unable to tame their own animal passions and lead lives in the light of divine reason. It is better for all members of society, including themselves, to obey and be guided by those who are capable of this. This is how the philosopher justifies the justice of slavery.

Plato reveals in more detail his views on equality and justice in his late work *The Laws*.

"There are two kinds of equality; although they have the same name, they are actually in many ways opposite to each other (VI, 757)" (*Plato, 2001*).

One of them is simple numerical equality, which gives the same thing to everyone, regardless of differences in personal qualities. Plato writes about this as follows:

"Of these two kinds, the first can be given an honorable place by any state and any legislator, directing its distribution by lot: such equality of measure, weight, number" (*Plato, 2001*).

However, the philosopher immediately shows the weaknesses of such a formal quantitative approach:

"Slaves will never become friends of their masters, just as worthless people will never become friends of decent people, even if they hold positions of equal honor. For the unequal, equal would become unequal if the proper measure were not observed. For both of these reasons, states are filled with strife" (*Plato, ibid*).

Therefore, quantitative equality is imperfect and unjust. To understand another just approach to equality, we need, as Plato writes, the wisdom of Zeus:

"It [just equality – our note] gives more to the greater, less to the lesser, giving each what is proportional to his nature. It always gives especially great honor to the most virtuous people; and it gives the opposite to those who are the opposite of them in virtue and upbringing. With us, everything that concerns the state system constantly coincides with justice (VI, 757)". (*Plato, 2001*).

Fair (proportional) equality means that "each citizen is assigned a special occupation and position in accordance with the nature of his soul ... At the same time, justice requires hierarchical subordination of elements in the name of the whole social order" (*Trubnikov, Skakun, 2015*). Actually, fair proportional equality is inequality.

Aristotle's understanding of justice is also inextricably linked to the issue of equality and inequality. In this aspect, Aristotle literally followed the ideas of his teacher Plato:

"It seems that justice consists in certain equality, and in fact it is, but this does not apply to everyone, but only to equals. And inequality is presented as justice and is such in reality, but it also does not apply to everyone, but only to the unequal (1280 a)". (*Aristotle, 1991*).

As noted by the Ukrainian researcher V. Levkulych, Aristotle distinguished two approaches to justice, each of which directly concerned equality: equal (equivalent) and distributive.

"The criterion of equal justice is arithmetic equality... This type of justice is considered as a branch of equivalent relations, where the law recognizes everyone as equal, where equal is repaid for equal, regardless of the abilities and shortcomings of the person. The principle of "arithmetic equality" is applied when compensating for damage, punishing a crime, that is, purely in legal relations. In equalitarian justice, what is fair is what the law prescribes. The essence of distributive justice is the distribution of goods according to the virtues and qualities of individuals. The criterion of distributive justice is "geometric equality", which means the distribution of common goods in proportion to the contributions of members of society which means that the distribution of power, income, honor, respect in society cannot be equal" (*Levkulych, 2009*).

If we understood equality purely formally, then there would be no justice in society. It is on the proportional understanding of equality that a just state rests.

"Proportional equality consists in the fact that the one who has great property makes a great contribution, and the one who has little property makes a smaller contribution; the one who has worked more has a lot than the one who has worked less; a child does less than an adult" (*Trubnikov, Skakun, 2015*).

Justice as equality

In Western culture, starting from the Modern Age, the paradigm of philosophizing changed from naturalistic to anthropocentric, and then an egalitarian understanding of justice began to dominate. Equality began to be considered as the basis of justice, and vice versa inequality - as a key factor of injustice in general, an unjust social order in particular. For example, Kant, speaking about the connection between equality and justice, refers to one of the oldest understandings of justice as retribution, that is, equal reward. By definition, "retributive justice" implies an equivalent, that is, essentially equal, ratio of crime and retribution for crime (the Old Testament principle of "an eye for an eye"), labor and reward for labor, damage and compensation for damage, the value of a thing and its market value, etc. Kant clearly shows the close connection between equality and justice:

"What, after all, is the method and degree of punishment that social justice makes its principle and measure? The only principle is the principle of equality (in the position of the arrow on the scales of justice), according to which the court inclines in favor of one party no more than in favor of the other. Therefore, the evil that you do to someone else in the people who did not deserve it, you do to yourself as well..." (*Kant, 2012*).

In the same work, Kant notes that "the punishing law is a categorical imperative," and that according to the principle of justice, punishment for a crime is inevitable for all citizens as equals before the law. Justice and the right of retribution (*jus talionis*) are based on the principle of equality between crime and punishment:

"If he [the criminal] has killed, then he must die. There is no substitute for the satisfaction of justice here... Life is not the same as death. Therefore, there is no other equality between crime and punishment than the equality achieved by the death penalty of the criminal" (*Kant, 2012*).

Continuing to reveal the connection between justice and equality, it should be recalled that for I. Kant, justice can be considered in two aspects: legal and moral. From a legal point of view, justice is what is associated with external norms of law. Just acts are acts that are consistent with the norms of law, and do not contradict them: "... justice as the idea of judicial power is following universal, a priori justified laws" (*Kant, 2012*). The a priori and universality of laws makes all people equal before them.

From a moral point of view, justice is following a moral duty, which, unlike law, is not an external compulsion, but an internal self-compulsion. To live justly, in this case, means not just to live in accordance with external norms of law, but to follow the moral law. That is, here justice is already considered as a moral duty. (Moral duty, from the point of view of the thinker, is a state when the moral imperative becomes an internal motivating force for human actions, when a person himself encourages himself to act justly). In other words, justice is most closely connected with actions in accordance with a universal moral imperative, which is a priori and unconditional. It consists in the fact that everyone realizes his duty to other people to act in relation to them as to "goals". To act justly also means the duty of everyone to act according to conscience (in the

face of the "inner judge"): "justice is the judgment of conscience" (*Kant, 2012*).

In turn, it is unjust to act contrary to moral duty, a categorical imperative, and to neglect the fact that every person is an end, not a means, that he is an intrinsic value, to neglect the moral law. Injustice for the German philosopher is one of the highest manifestations of evil:

"Nothing outrages us more than injustice; all other kinds of evil that we have to endure are nothing compared to it" (*Kant, 2016*).

If the idea of justice arises from a sense of equality, from the realization that all people are equal from birth, and therefore equally deserving of fair treatment, then we can accordingly continue this thought of Kant and say that inequality in this perspective is interpreted as injustice. It is unjust to humiliate human dignity, the right of everyone to be treated with dignity.

Justice as Equality in the Teachings of J. Rawls and J. Habermas

The moral argument in favour of social equality is that poverty and social disadvantage worsen a person's opportunities and life chances for development and life achievements. Since social differentiation more often arises from unequal treatment by society than from unequal natural abilities, justice requires social rewards to be distributed more evenly overall. According to the modern American philosopher John Rawls, if people were not aware of their personal qualities and talents (the hypothetical situation of the "veil of ignorance"), the majority would prefer equality to inequality, since their fear of being poor and disadvantaged would prevail over their desire for great wealth. Rawls in his work *A Theory of Justice* proposes three principles of justice, each of which is closely related to the problem of equality: 1) "the principle of greatest equal freedom" (which should guarantee citizens of a just society the right to freedom of speech, conscience and assembly, the right to private property, political rights, etc.), 2) "the principle of fair equality of opportunity" (which provides for government policy to eliminate class barriers and provide people with unequal backgrounds with relatively equal chances for competitive struggle) and 3) "the principle of difference" (which emphasizes that inequality can be permitted only if it benefits the least prosperous sections of society) (*Rawls, 1971*).

So, we have two theses about: 1) equality as the basis of the normal functioning of society and 2) equality as the basis of justice. Both of these theses underlie the argumentation of egalitarianism (from the French *egalite* – equality) – a socio-philosophical and political doctrine, which is built on the principle of social equality and proposes the creation of a society of equal rights and opportunities.

Close to J. Rawls's doctrine of the connection between equality and justice is the ethics of justice of Jürgen Habermas. In his work *Post-metaphysical thinking*, the philosopher argues that normative rules and methods of action can be legitimate if they are based on "communicative rationality": that is, on rational discursive discussion, or in a simple way – free, open, public discussion. At the same time, the condition of discourse as a free public discussion is the mutual agreement (consensus) of all its equal participants ("interested persons"). Discourse is characterized by argumentation, not authoritarian decision, dialog, not monolog, "rational procedure" rather than metaphysics

(that is why Habermas calls the modern way of philosophizing "post-metaphysical thinking"). The philosopher describes the advantages of "communicative rationality" as follows:

"Argumentation ensures, in principle, the free and equal participation of all parties in a joint search for truth, where nothing compels anyone except the force of the best argument" (*Habermas, 2019*).

Habermas notes several key ethical requirements for rational discourse, which ensure the claims of the participants in this discourse to the justice and truth of communicative actions (i.e., actions aimed at achieving mutual understanding). The idea of equality runs through all these requirements:

1. None of the participants in the discussion should be excluded from the discourse (universality);
2. In the process of discourse, everyone should have equal opportunities to express and criticize claims to justice (autonomy);
3. Participants should be able to share the claims to justice of others (ideal role performance)
4. Existing power differences between participants must be neutralized so that the differences do not affect the achievement of consensus (neutrality of power);
5. Participants must openly declare their goals and intentions (transparency) (*Fultner, 2011*).

Justice for Habermas becomes "procedural justice" – a rational non-coercive consensus that is achieved in the process of discussion. It is impossible without the initial equality of the participants in the discourse.

Conclusion

Ancient philosophical thought is characterized by ambiguous views on the problem of social equality. The difficulty in understanding the classics of philosophical thought Plato and Aristotle lies in the fact that, on the one hand, they advocated a rigid hierarchy in society, where the power of aristocratic intellectuals rests on slave labor, and on the other hand, they recognized the principle of "equality among equals" for free citizens of the polis. Both Plato and Aristotle belong to naturalistic paradigm of thought where focus is centered upon idea of natural (cosmic) law. In Middle Age there was an intellectual shift from natural law to divine law and the idea of divine justice. Prominent church fathers such as St. Augustine and St. Thomas Aquinas pointed out that war is not always a violation of the divine commandment "You shall not kill". It can be regarded as holy and just war especially when it is defensive and protect innocent people. The modern Ukrainian war is also possible to interpret as holy and just war against existential enemies of Ukrainian people. It is noted that a radical turn in the interpretation of justice took place already in the Modern Age, when the ideas of egalitarianism became dominant. Kant's doctrine of justice as retributive (rewarding everyone according to their merits) is based on two fundamental ideas: a) the idea of the dignity of the human person, its absolute value (a person cannot be an instrument and means for achieving good goals, but is always a goal); b) the idea of the equality of all people. Socio-philosophical concepts of justice of the 20th century are presented in the works of J. Rawls and J. Habermas. The article analyzes three principles of Rawls's "theory of justice", each of which is directly related to equality. It is noted that a significant contribution to the theory of justice proposed by J. Habermas is the concept of "procedural justice" as a rational non-coercive consensus.

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Трансформація розуміння справедливості в контексті проблеми соціальної рівності: філософський аналіз

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Стаття присвячена аналізу категорії «справедливість» крізь призму проблеми соціальної рівності. Зазначається, що в домодерній натуралістичній парадигмі філософування, де основними наративами була відповідність соціального устрою вічному природному закону, справедливість асоціювалася з нерівністю та принципом ієрархії. Причому ця справедлива ієрархія стосувалася як внутрішніх душевних якостей самої людини (де розум мав панувати над пристрастями), так і гендерно-соціальної організації суспільства (де чоловік був вищим за жінку, грек – за варвара тощо). Саме в межах цієї натуралістичної парадигми слід розуміти схвальне ставлення Платона й Аристотеля до рабства, адже, з їхньої точки зору, сама душа могла бути від природи рабською та боягузкою або, навпаки, хороброю та волелюбною. У середньовічній парадигмі філософування концептуальна зв'язка «справедливість – нерівність» зберігається, однак філософи апелюють більше до божественного закону та божественної справедливості. Окремо зазначається, що саме в цю епоху виникло поняття «справедливої війни» як священного морального обов'язку захищати невинних. Це поняття залишається релевантним і донині, зокрема в українських воєнних реаліях. У добу Просвітництва, з приходом новоевропейської парадигми філософування, де акцент робиться на раціонального суб'єкта та його волю до влади, справедливість стала розумітися саме як рівність. Про це свідчить філософська традиція, розпочата І. Кантом і продовжена у XX столітті в теоріях справедливості Дж. Ролза та Ю. Габермаса.

Ключові слова: зрівняльна справедливість, розподільча справедливість, процесуальна справедливість, арифметична рівність, геометрична рівність, парадигма, мужність, справедлива війна

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