Received: September, 2018
Accepted: April, 2019
UDK 340.114:364.013
DOI 10.3935/ljsr.v26i3.180

MONISM OF JUSTICE AND DUALISM OF SOCIAL JUSTICE IN SOCIAL POLICY

Stanislav Konečný
orcid.org/0000-0001-7757-6639
University of P. J. Šafárik, Slovakia
Faculty of Public Administration
Department of Public Policy and Theory of Public Administration

ABSTRACT

The term of social justice is used in social policy as the first and main principle without sufficient clarification of the term justice. This study brings a view of understanding of the term justice in theology, philosophy, law and economy and it evaluates them from the perspective of (1) understating of justice as an opposite to injustice, i.e. dualistic understanding or from the perspective of (2) understanding of justice that is defined without such an opposite, i.e. monistic understanding. According to this, it recommends applying more precise partial principles of merit, solidarity, participation, etc. instead of the dualistic and wide understanding of the principle of social justice in social policy and to apply the principle of justice in the monistic approach as a last and ultimate principle in designing systems of social policy.

Key words:
justice, theology, philosophy, law, economy, social policy.

INTRODUCTION

Although texts concerning social policy usually contain the principle of justice in the concept of »social justice«, in our opinion the prerequisite of knowledge and understanding of justice with any attribute is knowledge and understanding of justice without attributes.

Evolutionary psychology argues that the human sense of justice is an outcome of biological adaptation to the solving of problems our distant ancestors faced (Walsh,

2010). This hypothesis was also confirmed by anthropological studies of indigenous peoples (Nader and Sursock, 1986). Even the oldest polytheistic religious systems contained gods of justice – the Egyptian goddess Maat, the Indian (Vedic) tradition of deity Varuna (and the related Rta principle), the Greek mythology of the goddesses Themis and Dike, while for the Romans there was the goddess Justitia, etc. Justice was legitimised through its divine origins, later it was the metaphysically understood principle of being (*dharma* in Hinduism, *yi* in Confucianism, etc.). Even in the European, or more precisely in the Judaeo-Christian European tradition, justice was, from the outset, a theme of theology. However, this tradition was soon replaced by secular theory, especially philosophy. W. P. Pomerleau (2019), in his encyclopaedia entry on Western theories of justice, focuses on Ancient Greece (Plato, Aristotle), Medieval Christianity (Augustine, Aquinas), Early Modernity (Hobbes, Hume), Recent Modernity (Kant, Mill) and Contemporary Philosophers (Rawls and Post-Rawls)[1].

With the development of sciences, however, other scientific disciplines also joined in taking over this issue, particularly economic and legal sciences of the last two centuries. Today, for example, law dichotomically makes a distinction between legal and extra-legal justice, general and individual justice, social and political justice, formal and material justice, distributive justice and justice in exchange, restitutional and retributive justice (Čurila, 2014), in economic sciences there is also global and pluralist justice, distributive and procedural justice (Miller, 2003), etc. Nonetheless, even distributive justice itself is, for instance, internally structured in relation to commutative (correctional) or procedural justice (Günther, 1994) and so on. Thus, the process of differentiating views on the issue of justice continues.

The first use of the concept »social justice« is attributed to Thomas Pain at the dawn of the 19th century, but we would consider its use in the context of his conceptualisation of agrarian justice to be far removed, even when using a contemporary economic approach to this issue. The developed industrial revolution alone brought about the widespread use of this concept as well as other concepts combining justice with other qualifiers. Now, it was not only agrarian justice, but also industrial justice (Roosevelt, 1912), later also economic justice, organisational justice, environmental justice, spatial justice, etc. through to global justice (Frazer, 2005; Broszies, 2010). Social justice began to gain ever greater attention particularly in the context of the state entering social policy against the background of Bismarck's

[1] In our attempt to create an overview of the approaches to justice, we have been inspired by this respected choice, however, we were forced to reduce it (given its scope and our intention), and yet, on the other hand, to expand it: most of the authors included are representatives of philosophy.

social reforms in the second half of the 19th century, and in particular in connection with the development of the welfare state in Europe after the Second World War. This process also incorporated a further distinction between social justice as intergenerational social justice, gender social justice, climate social justice, health social justice, non-ageing social justice, intra-cohort social justice, securing social justice (e.g. Westwood, 2019), etc. Many open and current topics related to justice still remain – for example: what individual justice consists in and how it relates to social justice: a topic developed by David Hume, Immanuel Kant, John Rawls and others, through to Carol Gilligan or Nel Noddings (Slote, 1998; Katz, 1999).

The concept »justice« can then be considered, quite naturally, to be historically older, preceding the formation of the concept »social justice«.

Alongside deepening analytical views on both concepts, the process of the relative unbundling of the concepts of justice and social justice was thereby actually concluded on the one hand, while on the other hand, paradoxically, we keep witnessing them considered simplified as mutually identical (Palovičová, 2008).

This problem of the relationship between justice and social justice came to the forefront particularly in connection with its use in the context of social policy. In her textbooks of various provenances the concept of social justice is increasingly frequently featured (but sometimes also the concept of justice without a qualifier), although it is interpreted quite differently. Chaïm Perelman (1967) distinguished between six forms of »particular« justice: 1. to each according to his works, 2. to each according to his needs, 3. to each according to his merits, 4. to each according to his rank, 5. to each according to his legal entitlement, 6. to each the same thing. It is thus very difficult to objectively form a hierarchy of these »particular« justices. Amartya Sen (2009: 12ff) presents the following as the illustration of the complexity of searching for justice, a story of three children – Anne, Bob and Carla – and one flute, which rightly belongs to one of them. One of them made the flute, so it should belong to him/her, in order to satisfy the principle of merit (to everyone according to their work), the second one can play the flute and needs it the most, and moreover the flute would bring him/her the most benefit and not only to him/her (the principle – to everyone according to their needs). And finally, the third child is the poorest and therefore the rule that help should be given to those in the most adverse conditions (the principle of solidarity) should be respected. Various concepts of social policy arrange these views into various hierarchies, giving preference to individual »particular« justices at the expense of others[2], whilst these preferences

[2] For example, Bernhard Sutor defines social justice as a firm and unchanging will to give everyone what they deserve (Sutor, 1997, p. 65), reducing it simply to merit. There are many other similar examples.

are decided subjectively or according to political criteria. Regardless of the great differences in their content, there is still talk of » justice«, or » social justice« , whilst, for example, as Geffert states: »*social justice is understood differently, often diametrically so. Its identification is directly related to the form of the state, the type of political system, social structure of society, macro- and micro-economic indicators, customs, traditions, culture, religion or other form of worldview*« (Geffert, 2018: 79).

In our opinion, and as the focal point of this paper, through which we wish to contribute to the wealth of literature produced so far on this topic, both the problem as well as its solution follow from the fact that between justice and »particular« justices there exists also an objective, cardinally methodological difference that makes it possible to introduce into social policy a criterially clearer approach.

According to our preliminary hypothesis, this difference consists in the fact that justice is of a monistic nature, whereas social justice is of a dualistic nature.

By monism here we mean that justice has one fundamental essence, even despite its possible internal subdivision, i.e. accepting justice as a uniform substance, existing without needing or being able to confront it with any other substance, which could be the opposite (injustice) or, and primarily, any specifying substance. Hence, justice is not pluralistic, distinguished by various qualifiers: only one form of justice is, in this sense, ontologically fundamental, standing ahead of all its derivatives (applications), featuring various qualifiers.

Dualism always stems from the existence of two basic principles: in our case, for example, justice and merit, justice and solidarity, solidarity and subsidiarity, etc. In so doing, this may eventuate into various specific forms in which the principle of justice is linked with other principles or substances. Dualism generally means the relational, double-sided nature of some phenomenon, either the existence of an opposite or (primarily) the existence of a modifying characteristic. Dualism (or even pluralism) in the understanding of justice leads to an approach in which »various justices« , »particular justices« , etc., are possible - including, for instance, social justice.

Although the concept »justice« is sometimes used without the qualifier »social«, if by its content it is, though, of dualistic nature, this is often merely a terminological inconsistency. The mutual relationship of monistically and dualistically understood justice may be characterised so that without monistically defined justice no justice is possible, and dualistic understandings of justice may exist only as a criterial reduction of it.

APPROACHES TO THE DEFINITION OF JUSTICE

Clearly, the multi-dimensionally sectionalised space of relationships between the richly structured concepts of justice and social justice can no longer be addressed exhaustively in a single length-limited text. Even today the number of various classifications and typologies of the delimitation of justice is almost opaque. Many of them (and the one encyclopaedic delimitation we mentioned above) rank approaches historically; such a diachronic comparison also necessitates interpretation in the context of paradigm development according to the period in which they were formulated (Kuhn, 1962), without which such comparison would acquire a purely formal nature. Generally, it is symptomatic of the various classifications and typologies of justice that they do not always differentiate between the approaches, working from the methodology of various sciences. Sometimes, approaches to delineate justice are descriptive and normative, with normative being further broken down into procedural (which are then subdivided into contractual and judicial) and into procedural – and these are subdivided into natural law and positive law (Perelman, 1963), where philosophical and legal approaches merge. For example, there are defined classical approaches to justice (such as dividing, exchange, and remedial, wholly in the Aristotelian spirit) in opposition to legal, social or procedural justice (Szutta, 2016). Justice is distinguished in a person's relationship to their self (Nietzsche's »schlechte Gewissen«), as impartiality in judgement or as unenforced goodness in interpersonal relationships (Fischer, 1995), with an overlap of various criteria: ethical, psychological, sociological, etc.

It may even be argued that the stronger the effort of certain authors to comprehensively grasp justice, the more the result of their endeavours ends up with an overlapping of methodological aspects leading to individual approaches, subsumed into such complexity. All this results in, for example, beautiful and perfect encyclopaedic entries, such as the entry for »justice« in the renowned Stanford Encyclopaedia of Philosophy (Miller, 2017), the main benefit of which is merely (but not to omit) their order and clarity.

The term justice undoubtedly belongs to the terms with the widest occurrence in the whole diapason of social science: we can find it in the area of interest of theology, philosophical sciences (especially ethics), psychological sciences, sociology, law sciences as well as economic sciences. As we will see, there are considerable differences in understanding of science in different sciences and scientific disciplines, which are subsequently reflected in the definition of the principle of justice, or more precisely social justice also in social policy. To explore qualified approaches in the whole width of the scientific spectrum would be, however, beyond the ability of an individual, therefore we have limited ourselves only to a certain selection.

In our case, this selection is two-tiered: for the first tier we opted for theological, philosophical, legal and economic approaches, and resigned from the sociological, psychological, ethical, cultural-anthropological, historical and other approaches. The reason for this reduction was both the need for decreasing the number of analysed approaches from the aspect of the possibilities of the scope of this study, as well as selecting those approaches that have the highest frequency across the range. In the second tier, this reduction concerned the selection of authors as representatives of individual sciences, focusing on the issue of justice. In the wealth of literature there may, of course, arise a polemic over whether the inclusion of one author over another and the non-inclusion of another can be objectively justified, for example, by the frequency of his/her texts in secondary literature. Nevertheless, we have endeavoured in each disciplinary approach selected in the first tier to create, if not a representative, so then at least a varied sample of authors focusing also on the issues of (social) justice with sufficient intensity in the range of their interests. The chosen authors thus need not be representatives of the multiple approaches, but rather more loosely perceived examples of such diversity, including a certain (at least partial) temporal cross-section of the development of these approaches in the methodological frameworks of each science.

There are many approaches and thus also definitions of justice, but also a whole range of classifications and typologies which their authors tried to distinguish. In the literature we distinguish distributive, procedural, interactive, allocation justice and so on. The most common is Aristotelian, the distinguishing of relative and absolute justice, which was also the initial premise of our thoughts, however, it did not lead to the results that would satisfy us. Apart from that, our approach can only be moderately compared with the view of Amartya Sen and his classification of approaches of justice as transcendental-institutional and comparative (Sen, 2009).

Therefore, our primary hypothesis is the formulation that (1) justice can be perceived as the opposite of injustice (and here its definition changes in a wide range from symmetry of justice and injustice through various degrees of equivalence to no equivalence) – or (2) justice can be perceived as a category itself, which does not need this opposite for its definition. We consider this classification as more precise than a similar classification of relative and absolute justice – we could talk rather about dualistic and monistic understanding. Without the clarification of understanding (dualistic or monistic) in searching for possibilities of application of the principle of justice in social policy, this application becomes ambiguous or even chaotic.

Our ambition – accordingly the possibilities of a scope of our study – will not be specifying in detail all previously identified approaches in all sciences: we will limit ourselves only on the main features, characterising approaches in these sciences,

only through analysis of studies of some selected representatives, although we realise that this selection of representatives can be evaluated critically and it does not have to be entirely representative from the perspective of a given science or discipline. At the same time, it means that we do not have an ambition to complexly analyse how various authors perceived or still perceive justice, but we want to focus only (or especially) on the fact, which corresponds with our suggested criteria of approaches of the given authors.

JUSTICE IN THEOLOGY

The term justice belongs to the fundamental terms, which occur in a whole set of world religions and subsequently in theological systems, which reflect them. Because of the scope of this study, which is social policy as in European or Euro-American social policy, Christian or more precisely Judeo-Christian theology will be sufficient in searching of theological approaches.

Even the Old Testament, i.e. the initial Jewish biblical texts (Tora, Nebiim, Ketubim), distinguishes two basic forms of justice – God's justice and human justice. Regarding God's justice perceived as monistic – as an immanent characteristic of God: *»The Lord is righteous and he loves justice«* (Ps 11, 7) or *»The Lord is our righteousness«* (Jr 23, 6). However, the essential characteristic of God's justice is that it has an absolute character, it does not contain any features of equivalence or relativity. Even a punishment for a sin, as a demonstration of potential equivalence is not always presented here: God in the Old Testament did not always punish everyone who violated his orders.

Regarding human justice in the Old Testament it is considered, as such, a characteristic of human behaviour, which meant that this behaviour is in correspondence with God's commandments (compare for instance Dt 9, 5, Ez 18, 5 and following, Ez 33, 13) or justice was directly identified with devotion (Pr 11, 5 and following). In this regard, a passage is often cited from the Leviticus book: *»I am the Lord. Do not defraud or rob your neighbour. Do not hold back the wages of a hired worker overnight. Do not curse the deaf or put a stumbling block in front of the blind, but fear your God. I am the Lord. Do not pervert justice; do not show partiality to the poor or favouritism to the great, but judge your neighbour fairly«* (Lv 19, 12 - 15). Due to its strong social context, this text is sometimes understood as a biblical expression of social justice, but it is only a simplistic »human« understanding of God's justice: it is not unfair to hold back a salary so that someone has profit from it (which would be the opposite of fair behaviour and it would make a relationship between a worker and an employer asymmetric, not equivalent – and thus unfair). It is not advisable

to curse the deaf or put a stumbling block in front of the blind so that someone else would profit from it, etc. The repeated *»I am the Lord!«* mainly tells the fact that everything that is fair is fair because it is from God and not because it creates a relationship of no equivalency, asymmetry between people, etc. Justice in this understanding is not an opposite of injustice or its compensation, it is not a result of duality of a relationship between a damaged and privileged person, but it is a result of the monistic will of God.

But the Old Testament already perceived the fact that human justice is different and contains a pure element of symmetry (an eye for an eye, a tooth for a tooth), which has isolated it more from God's justice and, exceptionally, only in accordance with the latter when it did not contain this element of symmetry or equivalence. It is perhaps best captured by the fair and »wise judgement« of King Solomon (1 Reg 3, 16 and following), which was evaluated this way especially because it overcame the parochialism of normal human justice.

Also the New Testament knows God's justice, which is sometimes beyond normal human understanding. The Evangelist Matthew reminds us that God's justice will be applied at the World's End in a way that *»he will reward each person according to what they have done«* (Mt 16, 27), but a known parable about workers in the vineyards (Mt 20, 1-16) is sometimes interpreted as follows: sins, not only of those who live their whole life in accordance with God's commandments, but also of those who sincerely repent their sins at the hour of death will be forgiven. God's justice knows neither symmetry nor equivalence also in the New Testament, as can also be seen in the famous »Sermon on the mount« about the blessed (Mt 5). Justice, there, more strongly resonates as something which is defined in relationships between people, but at the same time this is still distinguished from God's justice, which is an essence of human justice, as we can find according to St. Paul (Rm 10, 3).

Justice in human life is from this perspective imperfect paradoxically by its effort to achieve symmetry or at least equivalence. As was written by St. Thomas Aquinas in his Theological Summa *»justice means to give everyone, what he or she deserves«*, justice of such behaviour does not lie in its equivalence but in the fact, that in this way it is in accordance with God's justice. Thomas distinguished commutative[3] justice - *iustitia commutativa* (involving liabilities of people to each other), distributive justice - *iustitia distributiva* (normatively determining liabilities of a society to its members) and legal justice– *iustitia legalis* (determining liabilities of individuals to a society). *Iustitia commutativa* hypothetically expresses a symmetric basis of the application of the justice principle, *iustitia distributiva,* on the other hand, is a hypothetic aspect of equivalence in the application of this principle. In contrast, *iustitia legalis* does not explicitly con-

[3] Sometimes stated translations such as exchangeable justice or balancing justice are unnecessarily confusing.

tain the dual paradigm. Liabilities of people to each other, liabilities of individuals to a society as well as liabilities of a society to individuals are fair, however, not because they are equivalent (which is not the condition *sine qua non*), but because they are in accordance with the last instance, which is God's justice (Aquinas, 1947: II - II, 61, 79). After all, the perspective of Aquinas about justice can be considered as a certain combination of a purely theological view with a philosophical view (especially with the view of Aristotle, because Aquinas directly built on Aristotle's classification of justice, as we state below).

The relationship between the monistic Divine and dualistic human justice is also addressed by the neotomist Jacques Maritain (1947:120-121, our translation): »*The goal of a Christian man is not to create of this world the kingdom of God, but to make of this world, according to the historical ideal invoked by different ages and various stages of its maturing, a place of today's life in truth and fully human, i.e. full of errors, but also full of love, whose social structures would have justice, human dignity, fraternal love*«.

In theological approaches, we can assert a relatively clear differentiation between the dualistic and monistic approach, with the monistic approach clearly dominating the field. This is reflected in social policy, for instance, in Christian social doctrine. An example may be the encyclical The Gospel of Life by John Paul II that overcomes the dualistic view of justice in such issues as abortion (justice for the mother versus justice for the child)[4], euthanasia, etc., when it considers the unconditional respect for the right to life as true justice for every innocent person as one of the pillars of any civilised society (Ioannes Paulus II, 1995).

JUSTICE IN PHILOSOPHY

In Greek mythology, as well as in many other religious systems, justice had a Divine origin. Hesiod at the beginning of ancient Greek philosophy understands its origin in this way (Hesiod, 1997, fragment 200ff), but already the sophists refused application of this principle – and the whole of ancient philosophy continued in this perception. Among the ancient philosophers, Socrates already commented on the issue of justice. His opinions appeared among several of his students or other ancient scholars, especially in Plato's Republic in the form of famous Socrates counter-arguments in the dialogues on justice.

[4] An example of a dualistic understanding of justice on this issue may be the US Supreme Court's decision (1973) granting a woman a constitutional liberty to abortion, tying the availability of this right to three trimesters of pregnancy: during the first trimester abortion is a woman's decision because the foetus is as yet incapable of independent life, in the last trimester though the foetus becomes viable and a woman can decide here only if her life is at risk. In the second trimester, public authority may enter into the woman's decision-making (Prostak 2004:40).

Plato's Polyteia (1969) is sometimes translated as the State or Constitution, sometimes even with the addendum About justice, especially if fractions (Plato, fragment 331 C – 367 D), which are dedicated to this topic are considered as its key part. Plato generally continued with secularisation of philosophical thinking and he considered justice to be a human virtue.

Due to limitation of the study, we will observe only the culmination of this thinking by Plato's student Aristotle**.** The Aristotelian classification of justice, as it is contained in the 5th book of his Nicomachean Ethics called Justice and law (Aristotle, V), can, after all, be perceived as primarily distinguishing

- general justice or legal justice (*iustitia legalis* – Aristotle, V, 3), which may be understood as equality (in preference to the law), thus, not monistic: in the perception that law should be the same for everyone (also Rawls perceives this justice in this way); here we could also distinguish according to the origin
  - natural law *(iustum naturale, physikon dikaion*) and
  - human law (*nomikon dikaion*) (Aristotle, V, 10; 1134 b).
- partial justice, particular (*iustitia particularis* – Aristotle, V, 4), which can have the form of
  - distributive justice (*iustitia distributiva* – Aristotle, V, 6), which deals with justice in satisfaction of needs, which has a significantly dualistic nature (whether to give more or less to someone, or the same as to someone else)
- corrective justice (*iustitia correctiva* – Aristotle, V, 7), in which there can be distinguished
  - commutative justice *(iustitia commutativa*), which has a voluntary nature and results from a free choice of one party, for example in contractual relationships (in purchase, sale, loan, rent, etc.) and it stems from e.g. respecting of dignity of the other party;
  - remedies justice *(iustitia regulativa sive correctiva*), which has an involuntary nature and results from the need to compensate asymmetry caused by theft, fraud, etc.

Despite all the differences in forms of justice, which we determine and comprehend thanks to Aristotle, all these forms have (and this also applies to general justice) a dualistic foundation, a note about what we find directly in Nicomachean Ethics, saying, that justice is always a result of an interaction between people: »*Justice… is the perfect virtue, but not itself, only in its relationship to a fellow citizen*« (Aristotle, V, 3, 1129 b). It is then particularly evident in some forms of justice – for example in distributive justice the proportionality can be derived from merit, etc.

Aristotle was for centuries (and indeed to this day) a great inspiration not only for the already mentioned St. Thomas Aquinas but also for many other philosophers. Among those who addressed the issue of justice, let's mention, without com-

pleteness, at least Thomas Hobbes and David Hume. Then Immanuel Kant comes on the stage. The term justice does not belong to those frequently mentioned in his work: we can find it explicitly used for example in his description of Perpetual peace, where he presents justice inside of a state is related to justice between states and it is dependent on it. Nevertheless, he influenced numerous important authors, not only from the ranks of philosophers, who explicitly discussed the issue of justice (inter alia John Rawls (1971) or Gustav Radbruch (1946)), especially by his moral philosophy. The basis of justice and the basis of understanding of justice by Immanuel Kant is his category of categorical imperative, human behaviour as the default presumption. As he presents in the Groundworks of the Metaphysics of Morals »*act only on maxims that could contribute to a system of universal legislation*« (Kant, 2002: 18). Kant emerged from the existence of an objectively valid and binding rule – the categorical imperative is a pure, timeless and abstract obligation to which content is given by an individual based on his/her decisions. In our opinion understanding of the categorical imperative there is a clearly monistic nature (justice as the categorical imperative – a pure, timeless, abstract obligation), which is even more evident if we consider its difference from the hypothetical imperative, assuming behaviour related to a specific purpose, which has, from our perspective, features of the dualistic approach (justice as purposeful behaviour). Dualism is reflected here in the presence of purpose versus its fulfilment, where we can also see symmetry or equivalence or proportionality of fulfilment of this purpose – while in the categorical imperative this dimension is missing.

Also after Immanuel Kant, many philosophers discussed justice (e.g. Georg Wilhelm Friedrich Hegel), but a great interest in this topic was launched out again in the 20th century. Among important philosophers of the last century (in addition to Ralf Dahrendorf, Jürgen Habermas and later Ronald Dworkin, Robert Nozick, Michael J. Sandel, Alastair MacIntyr, Michal Walzer, Martha Nussbaum and many others), the contribution of John Rawls is particularly relevant for our topic – also for normativity of his philosophy, but especially for his direct interest in the theory of justice.

As well as Kant (with ideas of whom Rawls operates), who perceived the meaning of purpose for distinction between the categorical and hypothetical imperative, Rawls operates with the term utility, but overcoming, for example, Jeremy Bentham's utilitarianism, he prefers justice to decency. Justice continues to be bound to Bentham's understanding of the presence of equal rights for every individual to freely determine content of their own individual good, however, there is the expected respecting of their rights by constant declaration of intent of their surroundings (compare with Kant's term »*gemeine Menschenverstand*« – Kant, 1914:170, § 40), agreeing with their potential restriction in order to achieve potential mutual ben-

efit. Thus, Rawls (1971) follows Kant, but his concept of hypothetical rather than Kant's categorical imperative. Understanding of justice as fairness, which Rawls introduces in his Theory of justice (Rawls, 1971:11), is based on the conception of a well-organised community, by which it also follows the theory of social contract.

At the heart of Rawls' philosophy (from our point of view) is his concept of the veil of ignorance, which divides two forms of justice. The first, as hypothetical, he characterises as: »*The idea of the original position is to set up a fair procedure so that any principles agreed to will be just. The aim is to use the notion of pure procedural justice as a basis of theory. Somehow we must nullify the effects of specific contingencies which put men at odds and tempt them to exploit social and natural circumstances to their own advantage. Now, in order to do this, I assume that the parties are situated behind a veil of ignorance. They do not know how the various alternatives will affect their own particular case and they are obliged to evaluate principles solely on the basis of general considerations*« (Rawls, 1971:137). In the process of consolidating the principles of the just distribution of values resulting from collective efforts, complete impartiality should be maintained. At the same time, however, our natural characteristics (including gender, race, physical and mental conditions), as well as social status (including social origin, culture, upbringing, material situation, contacts, worldview and political preferences), make us lose the ability to apply objectively impartial rules. Perhaps it is Rawls' veil of ignorance, preceding the onset of the influence of the listed factors on our ability to be fair, that forms the boundary separating monistic justice from dualistic. The Rawlsian understanding of the original position is rather monistic, but merit as fairness is rather dualistic in nature. This hypothesis is also backed up by his thematic proximity to the Old Testament's union of God's righteousness and humanity's »*uprightness of heart*« (De 9:5), or Kant's distinction between a hypothetical and categorical imperative. Ultimately, though, Rawls leans towards a dualistic view. Although he did not consider his concept as a general concept of justice, but as a political concept (Rawls, 1971: 221), many of his interpreters more or less directly identify it with social justice: »*The American philosopher John Rawls' theory of justice has, since its publication in 1971, become a source from which all ideas of social justice flow*« (Spitz, 2011: 55).

So, in philosophical approaches, we find both dualistic and moralistic approaches to justice. As is common for philosophy, we even find both approaches featuring under the one and the same author: in the case of Kant, the hypothetical versus categorical imperative; in the case of Rawls, the position before and after the veil of ignorance, etc. While we can find a continuation of the Aristotelian approach in legal approaches, social policy raises reservations against Kant's approach: when an individual gives content to the categorical imperative on the basis of their decision, this may be advantageous for the individual client, but need not be ad-

vantageous for society as a whole (Banks, 1995), bringing justice into conflict with social justice, something which highlights for us the risks associated with uniting both these concepts.

Justice in legal sciences

Although Ulpianus, referring to Celsus, derived the origin of law (*ius*) from justice (*iustitia*) (Digesta, 1985:1), it is possible to consider a paradox, that justice is not defined by law, but it is considered »only« as its principle. However, the principles of law are determined differently and we can find also the principle »*suum cuique tribuere, suum suique*« which means to give everyone what he/she deserves, thus, which we find in Plato or Aristotle as the principle of justice of a purely dualistic nature. As well, there occurs the principle, according to which, the one who lawlessly violated a peaceful state in relation to another should restore it, which corresponds with corrective justice as defined by Aristotle, etc.

Even in the ancient philosophical foundations of legal thought we may encounter the principle of »epikeia« (ἐπιείκεια) as a principle of »better justice«, based on the presumption that laws are the work of people and, therefore, are imperfect, but also that laws are universal in nature, and in specific cases a deviation from the law may be just (Aristotle V, 10, 14). While epikeia is not a legal term, it is used as moral virtue in favour of bona fide acting just for the application of justice that cannot be ensured by law. This line of thought was followed by St Thomas Aquinas, who argued that *»laws cannot be changed on a case-by-case basis«* (Aquinas, 1947: II-II, 120, 1), linking it to the principle of aequitas (moderation).

Although legal principles are generally not considered as a source of law, in the environment of legal theory we can see numerous texts concerning the issue of justice. However, it is necessary to remark that law theory in the issue of justice very often relies mainly on views (legal) of philosophers and ethicists, economics or theoreticians from different scientific disciplines. Major attention to the issue of justice in the theory of law began especially in the 20th century.

Hans Kelsen, a world-renowned Austrian jurist, presented the issue of justice in several important studies. A study, which is crucial for our topic, published in 1953 and called What is justice, ends with a statement that he cannot give an answer to this question, but he is fine with the result as well as numerous other scientists, who also had not found an answer. He considers absolute justice only as a beautiful dream and he is satisfied with relative justice, which indicates his inclination to its dualistic understanding. Then he indicates justice of freedom, peace, democracy and tolerance as relative (Kelsen, 1975). In his key study, the Pure Theory of Law from 1934, he still considered justice even as an irrational ideal, useful for human

behaviour, but human perception-proof (Kelsen, 1960). Finally, in his latest study as a representative of jurisprudence and of a significant trend in legal positivism, he formulated the idea: *»Since the basic norm representing the cause of the validity of the positive law is not contrary to the divine or to natural law – procedure of justice given by the act of will and distinguishable from positive law, the justification of positive law by the basic norm can be considered to be a self-justification«* (Kelsen, 2010: 1452, our translation), by which he clearly separated legal positivism from the theory of justice.

As it is in the context of perception of the relationship of law, justice and morale mentioned by one of the most important theoreticians of law of the 20th century Herbert L. A. Hart, approaches of expressing justice and morale in law are still not well researched. Laws can only be a legal framework, which is necessary to be fulfilled by legal principles and *»no positivist can deny the fact that the stability of legal systems depends on the relationship with morale«* (Hart, 1994: 205) as well as on the relationship with justice.

Incidentally, canon law, which is considered as positive law of the Catholic Church, also distinguishes between »canonical justice« (justice moderated by grace) and »natural justice« (Codex 1917, Can 192, § 3).

As is presented by Hans Kelsen cited above, the issue of justice looks different in the concept of legal positivism and different in the concept of natural law. It is expressed even by basic distinctive principles of both of these concepts. While in legal positivism the principle »lex dura sed lex« (hard law but law) is applied, which primarily does not solve the issue of justice but rather the issue of legality in natural law, the issue of justice is promoted already in the basic principle »*lex iniusta non sed lex«* (unjust law is not law), in which the criterion of justice is even prioritised the criterion of legality.

The most significant input in the context of natural law theories of the last century is presented by the contribution of Gustav Radbruch. This German jurist is known for the so-called Radbruch's formula from 1946, in which he reflected historical lessons from the blind application of legal positivism in the Third Reich: *»The conflict between justice and legal certainty may well be resolved in this way: The positive law, secured by legislation and power, takes precedence even when its content is unjust and fails to benefit the people, unless the conflict between statute and justice reaches such an intolerable degree that the statute, as 'flawed law', must yield to justice«* (Radbruch, 1946: 105, our translation).

From our perspective, it is not so important if justice takes precedence over legality or legality over justice in law – we are interested in the question, what nature has justice applied in this way. What is justice, which – if the positive law gets into a conflict with it at an unacceptable level - takes precedence over law and acts, like? Radbruch does not comment directly on this question, but mainly his term »super

legal law« as a certain form of moral imperative, enables expressing the opinion that justice in this, Radbruch's, understanding has a significantly monistic nature.

Therefore, in the end we can formulate the idea that while the natural legal theory is closer to the monistic understanding of justice, in our definition, legal positivism is closer to the dualistic understanding. Ius naturale is justice par excellence and is therefore considered to be the law of the supreme power, which is superior to any law authored by man. Natural law theory, therefore, also perceives social justice as a common good that arises as the balance of two principles: equality of rights and dignity of persons as such (in which it links both to Christian theology and Kant) and the social nature of a man who decides freely (Kraynak, 2018).

JUSTICE IN ECONOMIC SCIENCE

In order to achieve completeness, it would be at least appropriate to mention that in the conditions of the modern economic theory, Adam Smith was the first one who explained the issue of justice. His Theory of Moral Sentiments is the shadow of his Wealth of Nations, which is crucial not only in deciding about what is right and wrong, but also what is just and unjust. Sense perceptions and common emotions are the basis: nature did not allow compliance with regulations on the human mind, but anchored it in emotions, which equip every man. In this sense we can see the connection (independent from a human will) of Smith's starting points with Kant's categorical imperative. Smith's category of an impartial observer is also important: it is an ideal balance, which a man acquires during his life based on the interaction with other people and he/she cannot acquire it without this interaction. Therefore, justice is not a result of a free will, but moreover, it is enforced and its violation is sanctioned, thanks to which it becomes a basic pillar of a social life (Smith, 2002). From the perspective of our classification we could refer Smith's concept to the monistic rather than dualistic concept of justice, although this assignment is not entirely explicit.

Friedrich August von Hayek significantly – and in our opinion in a form different to that of Smith – developed the issue of justice in economic science, when he wrote that *»a bare fact, or a state of affairs which nobody can change, may be good or bad, but not just or unjust. To apply the term 'just' to circumstances other than human actions or the rules governing them is a categorical mistake«* (Hayek, 1998:31). Hayek thus refuses to evaluate economic issues by the criterion of justice, which is even more significantly found in another text of his work - Law. Legislation and Liberty, where he writes: *»... effects on the different individuals and groups of the economic processes of a free society are not distributed according to some recognisable principle of justice. We are wrong when we make conclusions that they are unjust and that*

somebody is responsible for it and he/she should be blamed for it. In a free society in which the position of the different individuals and groups is not the result of anybody's design-or could within such a society not be altered in accordance with a principle of general applicability-the differences in rewards cannot meaningfully be described as just or unjust« (Hayek, 1998: 83).

Hayek is even more critical in the use of the term social justice: *»Social justice (or sometimes economic justice) came to be regarded as an attribute which the actions of society, or the treatment of individuals and groups by society, ought to possess. As primitive thinking usually does when first noticing some regular processes, the results of the spontaneous ordering of the market were interpreted as if some thinking being deliberately directed them, or as if the particular benefits or harm different persons derived from them were determined by deliberate acts of will, and could therefore be guided by moral rules. This conception of social justice is thus a direct consequence of that anthropomorphism or personification by which naive thinking tries to account for all self-ordering processes. It is a sign of the immaturity of our minds that we have not yet outgrown these primitive concepts and still demand from an impersonal process which brings about a greater satisfaction of human desires than any deliberate human organization could achieve, that it conform to the moral precepts men have evolved for the guidance of their individual actions«* (Hayek, 1998: 229).

The term social justice Hayek finally considers as *»an abuse of the word«* justice (Hayek, 1998: 62) but uses the category of distributive justice, which has a purely dualistic nature according to our classification.

In the 1960s, in the framework of motivational theories, equity theory began to appear in economic sciences, linked to the name of John Stacey Adams. The theory works from the fact that the awareness of payment inequity may become a motivating force for a worker, which leads to a number of payment equity concepts (e.g. the integrating the Porter-Lawler Model of Motivation) with a strongly dualistic background (Donnelly, Gibson and Ivancevich, 1989:390). Another stream of economic approaches to justice is formed by analytical Marxists. For example, Gerald Allan Cohen (2008) also views distributive justice as fairness in the distribution of benefits and burdens among individuals, believing that such personal distributive justice cannot be attained by structural (e.g. legislative) means, but quite the opposite, many distributive injustices can thereby arise.

Nonetheless, neither of the economic approaches to justice needs to be dominated solely by distributive reduction, as might appear from the above. Although, Amartya Sen is, in the literature, often considered not only as an economist but also as a philosopher or even a jurist (to which undoubtedly contributes the fact that among the authors he often cites, but with who he also expertly argues, there are all of those who were cited by us in the previous chapters), but he also became the

Nobel prize laureate for economy and his understanding of justice (which is decisive for us in a great breadth of topics), being based on the framework of distributive justice, typical exactly for economic approaches.

We could finish our part about Sen if his understanding of justice were only distributive. Already in the foreword of his Idea of Justice he inspiringly presents two concepts from the traditional Indian theory of law: *niti* and *njája*. *Niti* represents justice realised through the institutions while Sen describes *njája* as *»a versatile idea of realized justice«* (Sen, 2009: xv). Sen agrees with the second concept and pragmatically refuses to focus on one institutional side of justice – even though he admits that he does not work with the procedural side of justice (Sen, 2010: 299). At the same time, he identifies Rawls' understanding of justice and fairness with the concept *niti* and thus with the institutional aspect of justice (Sen, 2009) and he closes the critics of Rawls' (1971) approach by questioning if institutional justice is even possible. After all, he considers Rawls' concept of »the well-ordered society«, which is an essence for functioning justice, as problematic because of the idea that in the conditions of the globalising world, the form of a worldwide social contract is not real.

In searching for the basis of fairness as the prerequisite of justice, Sen relies on Smith's idea of an impartial observer rather than on the idea of a social contract and institutionalised justice in Rawls' understanding (Sen, 2009), which he notices has affinity with Kant's categorical imperative (Sen, 2009: 117-118, 124), from which we could conclude that in the end, we could assign Sen's conception of justice to the monistic approaches in the definition of justice.

With a few exceptions, however, a dualistic approach is prevalent in economic approaches to justice, or more precisely a distribution concept of justice, or linking justice to merit. The liberal-economic understanding of justice is then of a greatly reducing nature in general and its dominance in concepts of social justice may lead to a deformation of the entire understanding of justice, for example, also in the practice of social policy.

Thus, in most approaches our hypotheses regarding monism of justice and dualism of social justice in the approaches of individual sciences were confirmed, something which can be expressed with a certain degree of simplification as shown in Table 1.

Table 1. Monistic and dualistic approaches to the justice

	Monistic approaches	**Dualistic approaches**
Theology	God's righteousness	Human justice
Philosophy		Aristotle
Kant	Categorical imperative	Hypothetical imperative
Rawls	Original position	Justice as fairness
Law	Natural law	Positive law
Economics	Smith, sen	Hayek

Source: Own elaboration

The basic simplification of this diagram consists in the fact that there is something like a smooth transition between both approaches. Neither John Rawls' (1971) veil of ignorance (with all natural characteristics, thanks to which we lose the ability to objectively apply impartial criteria in the transition from the original position into justice as fairness) is a monolithic iron wall acting as a disjunctive condition. Jacques Maritain (1947), too, worked more from a basis of a continuum, from approximating human justice to God's righteousness. The greatest risk in applying dualistic approaches thus lies in their hypostasis, in a narrowed and at the same time absolutised understanding, for example, of distributive justice, etc., in social policy.

SOCIAL JUSTICE AS THE PRINCIPLE OF SOCIAL POLICY

In many textbooks (or other monographies in this topic) on social policy, a shorter or longer chapter of the principles of social policy is usually presented – but, with exceptions, they are formulated as »a required part«, something which a student should know as a part of his/her basic knowledge portfolio. The principle of social justice is the most often stated as first, basic, most important, etc., and then there is the principle of social solidarity, subsidiarity, participation, merit, equality of chances, satisfaction of basic (minimal) life needs (to everyone according to their needs), meritocratic principle (to everyone according to their abilities) and sometimes also other principles and rules. Then, less attention is given to the actual application of these principles in drafting of the actual social policy.

These complexities are manifested also in the application (of principles) of justice and social justice in numerous textbooks of social policy, which can be seen as representative, expressing certain approaches to social policy in their country of origin. As in the previous chapter, in this part of the text we will also try to illustrate, rather than complexly analyse, in a certain sample of British and German textbooks, but also those from countries of Central and Eastern Europe, how these texts present

the concept of justice, or more precisely, social justice. For the sake of comprehensiveness, we have also included in this set certain textbooks of Christian (Catholic) social doctrine, which is, in particular in continental Europe, considered one of the ideological roots of modern social policy (Althammer, 2012: 270)[5].

The Oxford textbook on social policy determines justice as *»a fair action in accordance with the rules. In social policy it means either the allocation of social services according to need, or, in the absence of our ability to actually measure all the needs by each individual, what is the essence by defining of an egalitarian society in which needs are fulfilled most likely equally. In complex societies it may be that an unequal distribution of services can increase the capacity of the whole system to meet needs and simple egalitarian justice is thus difficult to put into practice«* (Baldock et al., 1999: 85-86).

Another British textbook presents social justice only within a chapter about a neoliberalist aspect of political philosophy and referring to Friedrich Hayek it states: *»the positive liberty of liberal collectivism demands a rigorous, clearly articulated and generally accepted concept of social justice to serve as the basis on which resources can be allocated by non-market mechanisms. If market forces are to be modified or dispensed with, the least that is needed is a valid basis on which to intervene. ... Social justice as a concept lacks a specification. There are many possible criteria of social justice (need, merit, desert and so on), but in a free society there can be no general agreement about which criterion should be used as the operational foundation of resource allocation«* (Lavalette and Pratt, 2005: 20).

In a standard German textbook of social policy, social justice is defined as follows: »*Justice can be pre-scientifically recognized as something which is available for others and is not denied to us. In this way we can understand the term equality. From the perspective of social state, it is, however, connected with a legal problem: if there is no justice, it is necessary to create it. Therefore, a state must take care of justice through law in the hope that their interpretation by authorities and courts correspond to this intention and conducted according to it«* (Frevel and Dietz, 2004: 50, our translation).

Textbooks of Christian social though, convey slightly different accents: »*Eschatological justice of God ... far beyond human understanding. This has nothing in common with ordinary performance justice and justice in exchange, as when a vineyard worker worked much less than the others, yet got the same pay. Our »natural« sense for values resists this and no one would come up with the idea of transferring this kind of wage setting into economic life, because every lazy person would then require full wage compensation«* (Ockenfels, 1992: 30, our translation).

[5] For reasons of space, we will illustrate the approaches of the authors of individual social policy textbooks with the aid of only brief quotations from their texts we consider to be the best markers for the given approaches.

In the environment of Catholic universities, the Compendium of the Church's Social Doctrine, used as the core textbook, approved by the supreme church authorities and citing the Catechism of the Catholic Church, right in the introduction states: »*when the Church fulfils her mission of proclaiming the Gospel, she bears witness to man, in the name of Christ, to his dignity and his vocation to the communion of persons. She teaches him the demands of justice and peace in conformity with divine wisdom. This doctrine has its own profound unity, which flows from Faith in a whole and complete salvation, from Hope in a fullness of justice, and from Love which makes all mankind truly brothers and sisters in Christ: it is the expression of God's love for the world*« (Pontifical, 2004:12). Thus, complete justice exists only as a result of God's love.

Józef Majka, a professor at the Catholic University of Lublin, wrote in his textbook on Catholic social teaching, interpreting the famous encyclical Rerum novarum, that »*it is possible as well as necessary to speak of social justice, the commands of which may overcome or even sometimes contradict an existing wrongful social order, when such justice rests on natural law and the resultant concept of common well-being and natural individual human rights*« (Majka, 1987:215, our translation).

Other polish authors present that the idea of social justice is an attempt to concretise a broadly understood idea of justice, focused on three questions important for individuals as well as for social life. They include »*a) the equality of chances in the economic, social and politic life; b) fair sharing of goods; c) equality before the law*« Balcerzak-Paradowska and Rączaszek, 2010:67, our translation).

As is stated in a Czech textbook of social policy: »*Social justice is the key principle of social policy. Under this term we can understand rules, according to which assumptions and means of public welfare are redistributed among individual subjects of a society*« (Kotous et al., 2013:11, our translation). Another Czech author, Igor Tomeš, solves the issue of social justice directly linked to solidarity: »*In fact, there are two completely different entities. Solidarity is manifested by acts, which can but does not have to be motivated by social justice. Social justice is an ideological concept*« (Tomeš, 2011:32 – 33, our translation).

In the Slovak textbook on social policy, it is stated that »*the principle of social policy belongs to decisive and basic principles. Perception of social justice by different authors but also by wide layers of a society is purely subjective and it is subjected to the strong pressure of external influences and interests… Justice is usually placed as the opposite of injustice*« (Stanek et al., 2011:55, our translation).

And finally, at least a sample from a Bulgarian monograph, in which social justice is defined as »*an evaluation term for social phenomena, which expresses a level of awareness, requirement and evaluation of mutual relationships*« (Dimova et al., 2000: 53, our translation). Here, we are limited to make a summary, which could be certainly even more significantly confirmed by description and analysis of approaches from

dozens or perhaps hundreds of textbooks and other monographs on social policy: the variety of approaches to understanding and defining of the term (social) justice is considerable and we could even critically say, that it is significantly voluntarist.

While social justice is very clearly viewed through dualistic starting points, primarily those incorporating economic approaches as a starting point, on the other hand, there predominate those based on a distributive understanding of justice (Lavalette-Pratt, 2002; Balcerzak-Paradowska and Rączaszek, 2010; Kotous, 2011; among others). These are then combined with or linked to those from a spectrum of legal approaches, yet again especially those having a positive legal and thus dualistic basis of an understanding of justice (Frevel and Dietz, 2004; Tomeš 2011, etc.). Even from among philosophical approaches, the sample of textbooks feature rather those that lean more toward a dualistic (Rawlsian) basis of understanding justice (Baldock et al., 1999, among others). Finally, in social policy textbooks, we also encounter dualistic starting points for the understanding of social justice that do not have a clear methodological basis, or have this basis embedded in a combination of several approaches (Dimova, 2000; Stanek, 2011). Most distinctly, a dualistic starting point is asserted (quantitatively as well as qualitatively) in approaches that have both an economic and legal basis, while approaches that have a philosophical or multidisciplinary basis are more open to a monistic starting point. Clearly, or at least more clearly, monistic starting points in the understanding of social policy are then contained in textbooks of Christian social doctrine, even if the case is that here too these starting points are present to a greater (Ockenfels, 1992) or lesser degree (Majka, 1987).

Even a small and certainly not representative, albeit sufficiently diverse sample of social policy textbooks has confirmed our presumption that in most cases social policy relies on a dualistic understanding of social justice and a monistic basis of justice falls outside the purview of most of these textbooks. This thereby confirms the thesis by Richard Geffert cited in the opening lines (which could find support also in other authors' opinions) that the term »social justice«„ often conceals diametrically different content, whilst these differences are conditional upon a number of factors. Concurrently, it is difficult, if not impossible, to identify which factor (form of state, social structure of society, economic indicators, etc.) influences decision-making as to whether, in a given case, the content of this term is to be fulfilled by these or those »ancillary« criteria, so that this decision is often subjectivist, or motivated politically, not professionally. The only thing we can draw from this as consequence is the statement that between the dually defined »social justices« it is hard to determine any mutual hierarchy, as the already cited Amartya Sen (2009) pointed out. On the other hand, there is though, an equally clear superiority of monistically understood justice that should be the ultima ratio in assessing whether a partial or otherwise

defined social justice can also withstand assessment beyond the framework of applicable legislation, beyond the framework of criteria of age, education, ethnicity, etc., beyond the framework of merit, solidarity, etc.

CONCLUSION

Notwithstanding the above, we can consider the following options of the use of experience of theology, philosophy, law, economy but also from getting knowledge about the issue of justice from other sciences or science fields (sociology, psychology, etc.).

Principally, it can generally be stated that the theory of social policy, despite the above stated diverse range of approaches to the principle of justice, uses just a fraction of findings from other sciences and science fields. For example, from the whole broad classification framework of Aristotle, only his distributive justice is practically reflected in the textbook definitions.

Distributive justice is on one hand identified with social justice, on the other hand we partially experience in the textbooks the fact that it is actually a broad principle, which includes justice in assessment of merits, needs, dependence, etc., what can be expressed by individual merit and solidarity principles, etc.

However, it does not mean that the criterion of justice can be divided into partial criteria and make it empty internally. Only dualistically understood justice can be decomposed through criteria, which we used for the evaluation of the two sides. In the case of the dualistic understanding of justice, we can talk about more or less just merit, more or less just solidarity, etc.

Henceforward there still will be a possible and not empty principle of justice, which is conceived as monistic. But the principle of justice understood in this way is in the list of principles transferred from the first place to the last one – exactly according to the principle »last but not least«. After we examined the decision about Sen's flute from the perspective of partial criteria, we, as impartial observers, should ask the final question: does our decision respect the principle of merit and solidarity according to certain criteria – and moreover is it even just?

In the same way, as this question was asked by listeners of the parable about workers in the vineyard, Immanuel Kant or Gustav Radbruch. And if we accept the presumption of a certain degree of subjectivism in the criterial delineation of social justice in a dual nature, then the monistic approach also indicates a certain attempt at raising the level of its objectivity.

The analysed issue thus concurrently opens up a discussion regarding the question as to how normative and how empirical the nature of social policy theory

should be: the question of choice and the characteristics of its principles, is also a theoretical question at the utmost. Even if, for example, law is ranked among normative sciences, this does not mean that defining justice in the paradigms of legal positivism places greater normativity into social policy with social justice perceived so. Rather, this discourse could be directed toward a proximity of monistic definition of justice and a normative-prescriptive nature of social policy, while a dualistic approach approximates more to an empirical-descriptive nature. The choice of definition of justice or of other principles in the chosen social policy model thus should not be random, but should correspond to the overall idea of the nature of such model.

The analysis of texts of different scientific disciplines indicates plenty of starting points, based on what monistic as well as dualistic principle to justice can be applied in social policy. However, it is necessary to be aware of differences, which are offered to us by both approaches, or more precisely by their starting points, and not to simplify understanding of justice as an internally undifferentiated concept.

The study submitted, with respect to its scope, only indicated some questions or possibilities of extension. Nevertheless, we expect that it may be used as an inspiration not only for further research about this issue, but also in the search for a better determination of the category of (social) justice and also other principles in the theory and practice of social policy.

FUNDING

This study was carried out within the framework of the national project VEGA No. 1/0757/17 »Public administration as a provider of public services of the welfare state - the use of foreign experience to reform in the Slovak Republic«, our translation. It was funded by the Ministry of Education, Research and Sport of the Slovak Republic.

REFERENCES

1. Althammer, J. (2012). Soziale Marktwirtschaft und katholische Soziallehre. In: Habisch, A, - Küsters, H. J. & Uertz, R. (Hrsg): *Tradition und Erneuerung der christlichen Sozialethik in Zeiten der Modernisierung*. Freiburg im Breisgau: Herder, S., 270-287.
2. Aquinas Sanctus Thomae (1947). *Summa Theologiae*. English translation. Benziger Bros. Edition.
3. Aristotle (1926). *Nicomachean ethics*. Cambridge, Massachusetts, United States: Loeb Classical Library, Harvard University Press.

4. Balcerzak-Paradowska, B. & Rączaszek, A. (ed.) (2010). *Międzynarodowa polityka społeczna – aspekty porównawcze [International social policy - comparative aspects]*. Warszawa – Katowice: IPSS.
5. Baldock, J., Manning, N., Miller, S. & Vickerstaff, S. (1999). *Social policy*. Oxford: Oxford University Press.
6. Banks, S. (2006). *Ethics and values in social work*. Third edition. Basingstoke: Palgrave Macmillan
7. *Bibliorum Sanctorum Editio Nova Vulgata* (2009). English translation Ronald L. Conte Jr (ed.) Retrieved from: http://www.sacredbible.org/catholic/index.htm.
8. Broszies, Ch. (red.) (2010). *Globale Gerechtigkeit. Schlüsseltexte zur Debatte zwischen Partikularismus und Kosmopolitismus*. Berlin: H. Hahn.
9. Codex (1917). Iuris Canonici Pii X Pontificis Maximi, iussu digestus, Benedicti Papae XV, auctoritate promulgatus. In *Acta Apostolicae Sedis* 9/2.
10. Cohen, G. A. (2008). *Rescuing justice and equality*. Cambridge, Massachusetts: Harvard University Press.
11. Čurila, D. (2014). *Spravedlnost a soudcovské rozhodování [Justice and judicial decision-making]*. Disertační práce. Brno: Právnická fakulta Masarykovy university.
12. Digesta (1985) The digest of Justinian (translation edited by Alan Watson). Philadelphia, Pennsylvania: University of Pennsylvania Press.
13. Dimova, D., Georgieva, B. & Janeva, N. (2000). *Socialna politika – dăržavna, obštinska, firmena [Social policy - national, municipal, corporate]*. Sofija: Trakija.
14. Donnelly, J., Gibson, J. & Ivancevich, J. (1989). *Management: Principles and functions*. 4th Edition. Des Moines: Business Publications.
15. Fischer, P. (1995). Über die Gerechtigkeit. In Fischer, P. (Hrsg): *Freiheit oder Gerechtigkeit. Perspektiven Politischer Philosophie*. Leipzig: Reklam Verlag, 241-273.
16. Frazer, N. (2005). *Reframing justice*. Amsterdam: Koninklijke van Gorcum.
17. Frevel, B. & Dietz, B. (2004). *Sozialpolitik kompakt*. Wiesbaden: VS Verlag für Sozialwissenschaften.
18. Geffert, R. (2018). Sociálna spravodlivosť a valorizačné mechanizmy starobných dôchodkov v Slovenskej republike v časovom diapazóne 2010 – 2018 [Social justice and valorisation mechanisms of old age pensions in the Slovak Republic in time diapason 2010 – 2018]. In *Annales Scientia Politica*, 7 (1), 77 – 85.
19. Günther, K. (1994). Was heisst »Jedem das Seine?« Zum Wiederentdeckung der distributiven Gerechtigkeit. In Frankenberg, G. (Hsgb.) *Auf der Suche nach der gerechten Gesselschaft*. Frankfurt am Main: Suhrkamp Verlag, 151-185.
20. Hart, H. L. A. (1994). *The concept of law*. Second Edition. Oxford: Clarendon Press.
21. Hayek, F. A. (1998). *Law, legislation and liberty. Volume 2. The mirage of social justice*. Reprinted. London, Routledge.
22. Hesiod (1997). *Works and days*. Berkeley: University of California Press 1997.
23. Ioannes Paulus II (1995). *Evangelium vitae*. Vaticano: Libreria Editrice Vaticana.
24. Kant, I. (1914). *The critique of judgement*. London: MacMillan.

25. Kant, I. (2002). *Groundwork of the metaphysics of morals*. London: Yale University Press.
26. Katz, M. S. (1999). *Justice and caring*. New York: Teachers College Press.
27. Kelsen, H. (1960). *Reine Rechtslehre*. 2. Aufl. Wien: Verlag Franz Deuticke.
28. Kelsen, H. (1975). *Was ist Gerechtigkeit*, 2. Aufl. Wien: Verlag Franz Deuticke.
29. Kelsen, H. (2010). Die Selbstbestimmung des Rechts, in Klecatsky. H. u.a. (Hrsg.) *Die Wiener rechtstheoretische Schule, Band 2,* 1445-1453. Wien: Steiner Frank Verlag.
30. Kotous, J., Munková, G. & Štefko, M. (2013). *Obecné otázky sociální politiky [General issues of social policy]*. Praha: Ústav státu a práva AV ČR.
31. Kraynak, R. (2018). The origins of »social justice« in the Natural law philosophy of Antonio Rosmini. *The Review of Politics,* 80 (1), 3-29.
32. Kuhn, T. S. (1962). *The structure of scientific revolutions*. Chicago: University of Chicago Press.
33. Lavalette, M. & Pratt, A. (eds.) (2005). *Social policy. A conceptual and theoretical introduction*. 3rd edition. London – Thousand Oaks – New Delhi: SAGE Publications.
34. Majka, J. (1987). *Katolicka nauka społeczna [Catholic Social Teaching]*. Rzym - Lublin: Fundacja Jana Pawła II.
35. Maritain, J. (1947). *Křesťanský humanismus [Christian humanism]*. Praha: Universum.
36. Miller, D. (2003). *Principles of social justice*. 3rd ed. Cambridge - London: Harvard University Press.
37. Miller, D. (2017). Justice. In: Zalta, E. N. (ed.) *The Stanford Encyclopedia of Philosophy* (Fall 2017 Edition), https://plato.stanford.edu/archives/fall2017/entries/justice/>.
38. Nader L. & Sursock A. (1986). Anthropology and justice. In Cohen, R.L. (eds), *Justice critical issues in social justice*. Boston, MA: Springer, 205-233.
39. Ockenfels, W. F. (1992). *Kleine Katholische Sozialehre*. Köln: Ordo Socialis.
40. Palovičová, Z. (2008). David Miller a jeho gramatika sociálnej spravodlivosti [David Miller and his grammar of social justice]. *Filozofia*, 63 (9), 763-779.
41. Perelman, C. (1967). *Justice*. New York: Random House.
42. Plato (1969). *Polyteia*. English translation. Plato in Twelve Volumes, Vols. 5 & 6. Cambridge: Harvard University Press.
43. Pomerleau, W. P. (2019). Western theories of justice. *The internet encyclopedia of philosophy*. Retrieved from: https://www.iep.utm.edu (22.04.2019.).
44. Pontifical Council for Justice and Peace (2004). *Compendium of the Social Doctrine of the Church*. Vaticano: Libreria Editrice Vaticana
45. Prostak, R. (2004). *Rzecz o sprawiedliwości [The Think about Justice]*. Kraków: Wydawnictwo Universytetu Jagiellońskiego.
46. Radbruch, C. (1946). Gesetzliches Unrecht und übergesetzliches Recht. In *Süddeutsche Juristenzeitung*, 105–108.

47. Rawls, J. (1971). *Theory of justice*. Cambridge: The Belknap Press of Harvard University Press.
48. Roosevelt, T. (1912). *Social and industrial justice.* Retrieved from: https://www.theodorerooseveltcenter.org/Research/Digital-Library/Record?libID=o285072.
49. Sen, A. (2009). *The idea of justice*. Cambridge: The Belknap Press of Harvard University Press.
50. Slote, M. (1998). The justice of caring. *Social Philosophy and Policy*, 15 (1), 171-195.
51. Smith, A. (2002). *The theory of moral sentiments*. Cambridge: Cambridge University Press.
52. Spitz, J.-F. (2011). John Rawls and the question of social justice. *Études*, 414 (1), 55-65.
53. Stanek, V. (2011). *Sociálna politika – teória a prax [Social Policy - Theory and Praxis]*. Bratislava: Sprint dva.
54. Sutor, B. (1997). *Kleine politische Ethik*. Bonn: Bundeszentrale für politische Bildung.
55. Szutta, A. (2016). Różne oblicza sprawiedliwości [Different faces of justice]. Filozofuj, 23 (3), 6-8.
56. Tomeš, I. (2011). *Obory sociální politiky [Social policy fields]*. Praha: Portál.
57. Walsh, A. (2000). Evolutionary psychology and the origins of justice. *Justice Quarterly*, 17, (4), 841-864.
58. Westwood, S. (2019). *Ageing, diversity and equality: Social justice perspectives*. London, New York: Routledge.

Stanislav Konečný

Sveučilište Pavol Jozef Šafárik u Košicama
Fakultet za javnu upravu

MONIZAM PRAVDE I DUALIZAM SOCIJALNE PRAVDE U SOCIJALNIM POLITIKAMA

SAŽETAK

Pojam socijalne pravde koristi se u socijalnim politikama kao primarno i glavno načelo bez dostatnog objašnjenja pojma pravde. U ovom radu opisuje se kako se pojam pravde tumači u teologiji, filozofiji, pravu i ekonomiji te se ta tumačenja ocjenjuju iz perspektive (1) svođenja pravde na opreku nepravdi, odnosno dualističkog tumačenja tog pojma ili iz perspektive (2) prema kojoj pravda nema svoju oprečnost, odnosno monističkog tumačenja. S obzirom na to, u radu se preporučuje da se u socijalnim politikama koriste preciznija parcijalna načela poput zasluga, solidarnosti, participacije i sl. umjesto dualističkog i širokog tumačenja načela socijalne pravde. Primjena načela pravde u monističkom smislu preporučuje se tek kao posljednje i krajnje načelo u osmišljavanju sustava socijalne politike.

Ključne riječi: *pravda, teologija, filozofija, pravo, ekonomija, socijalna politika.*