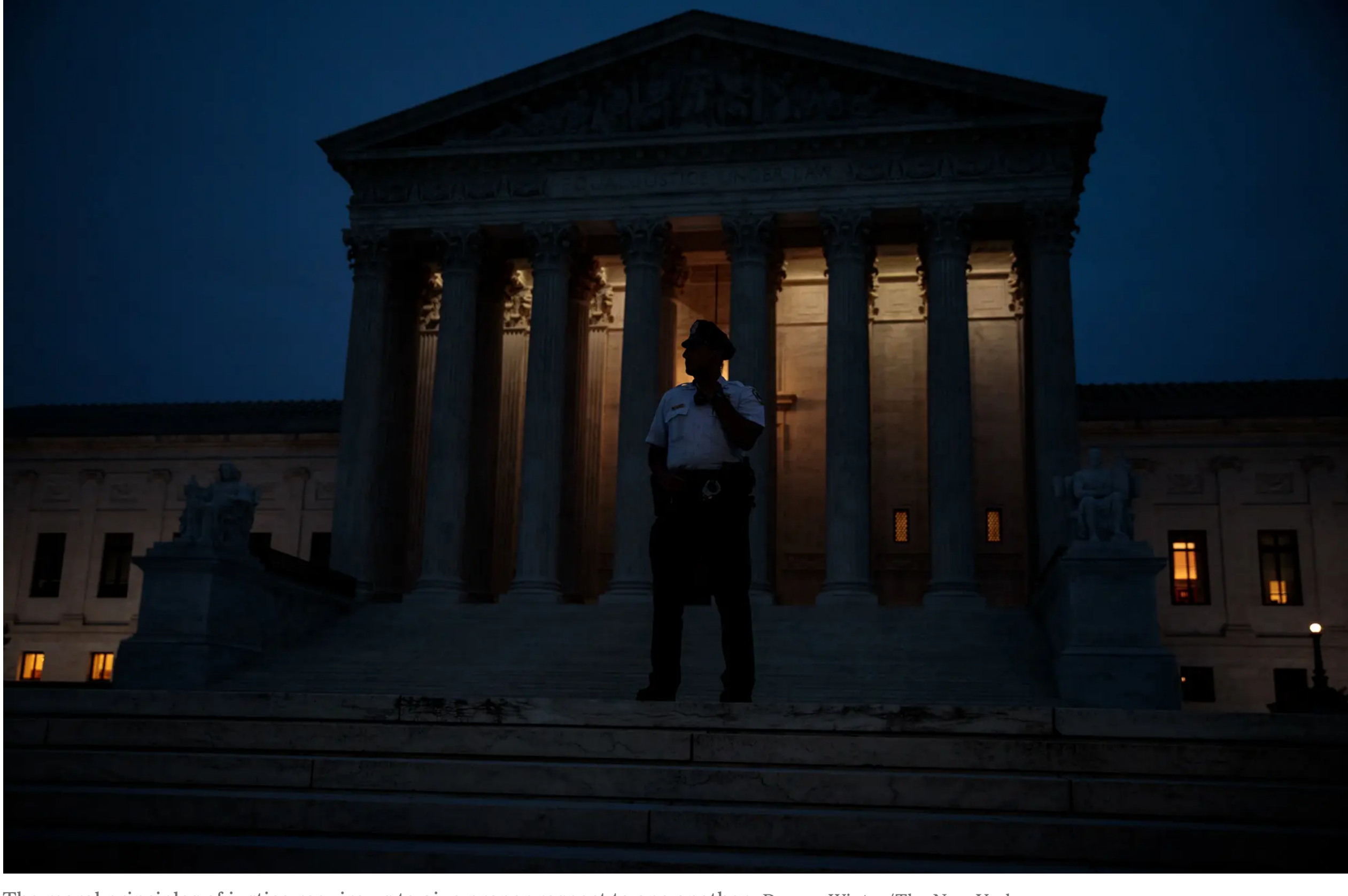



What ‘Justice’ Really Means

The word has taken a beating in the past few weeks. But what role does it truly play in our lives?

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The moral principles of justice require us to give proper respect to one another. Damon Winter/The New York Times

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It’s a staple of common sense that we don’t let judges try their own cases. Yet if we are to gain self-knowledge, we all must do just that: We must judge ourselves to know ourselves. While we typically think of justice as a virtue of social arrangements or political institutions, the United States has recently bore witness to this virtue in its first-person aspect — self-regarding justice — while watching the confirmation hearings of a Supreme Court Justice.

The virtue of justice requires not only that we judge others fairly, but also that we judge ourselves fairly. This is no mean feat. The trouble is that if a person is a poor judge of him or herself, it is hard to imagine that person being a good judge of others. Bias toward the self often leads to bias against others. Justice begins within ourselves.

While justice is important for each of us in our personal lives, it becomes strikingly important when we think of those in positions of power. We need leaders motivated by a love of justice and not merely self-aggrandizement. Leadership without an inner moral compass reliably pointing toward justice inevitably ends in the abuse of power.

Philosophically, all virtues are ideals that we can only approach without fully attaining them. So, we can always aspire to do better. Given this, what role does the virtue of justice play in our personal lives? What role ought it to play?

In fact there are two roles: Justice functions both in our epistemology, or how we form and justify our beliefs, as well as in practical morality, informing our private and public behavior. These ought to be entwined in our lives since we ought not only *think* in a fair and just manner but also *act* accordingly.

The apotheosis of justice is the courtroom judge, interpreting the law and ruling on evidence concerning innocence and guilt. Model judges are epistemically just: Their cognitive processes are never biased or unduly swayed, their conclusions are not prejudged, and their verdicts reliably correspond to the facts. Truth is their goal. Not only must there be no thumb on the scale, the evidence must be balanced while wearing a blindfold. The rulings of judges, however, are also undeniably moral, bearing as they do on issues of justice, restitution and the execution of punishment.

Just people are wise in the ways of fairness, equality, desert and mercy. They are normally pacific. Just people mind their own business, except when they see and call out injustice, speaking truth to power, which they’ll do even at a personal cost. Justice questions authority.

Just people also question themselves. This makes them honest and non-self-deceptive. They vigilantly maintain a clear conscience. Just people are cognizant of their own mistakes and faults, and so they are forgiving of others. They respect who they actually are and not whom they merely wish they were, and their authentic self-respect makes them respectful of others. People who are just do as they say and say as they do: their word is their bond. They are capable of great loyalty and fidelity, but not without limit.

The central epistemic principles of justice require like cases to be treated alike, as captured legally by the concepts of *the rule of law* and *precedent*. Weak and strong, rich and poor, all are equal before the law (where this must include the Supreme Court justices and presidents of the United States). While applying general principles alone is sufficient for clear, ordinary cases, a fine sensitivity, experience and reflection is necessary for reliably judging unusual or exceptional cases. Well-developed justice requires expertise in making hard “judgment calls.”

The central moral principles of justice require us to give proper respect to one another: Each of us must recognize the other as a person and not merely as an object. Each of us may testify. The least common denominator among us is that we are all human beings. In addition to that, we each have particular features making us all unique. Justice pays proper attention to what we have in common and to what sets us apart.

In discussing justice as a personal virtue, Aristotle said that being just, “is a mean between committing injustice and suffering it, since the one is having more than one’s share, while the other is having less.” As recklessness and cowardice are opposing vices of courage, arrogance and servility are opposing vices of justice.

From sidewalk sexual harassment to the obstruction of justice, all abuses of power involve an unjust willingness to greedily arrogate more than one’s due. Typically, those who abuse their strength or cheat, and then don’t get caught or punished, self-deceptively think they’ve “beaten the system” and “won.” But fooling others into thinking you have earned a victory is not the same as genuinely being victorious. Cheaters fool themselves when they elide this difference.

The other way to fail justice is by judging ourselves to be less worthy than we truly are. This is sadly common among oppressed people, but it also arises among the affluent and powerful under the guise of the “impostor syndrome.” Humility has its place, but we shouldn’t overdo it, nor let it interfere with the intellectual courage required to call out injustice. Those who unfairly put themselves down or are servile, for whatever reason, are doing themselves an injustice by willfully accepting less than their fair share.

Given all this, the virtue of justice plays an important role in families and friendships, between neighbors and citizens, colleagues and clients, acquaintances and strangers. But it is also central to being a good person and living happily, and not merely deceiving oneself into believing that one is a good person and that one is happy.

Bringing justice fully into our lives, thinking in terms of it, will make us more circumspect. We are all too fallible. But it is often the case that we are much better at spotting the faults of others than we are at spotting faults in ourselves. Our blind spots are conveniently located to keep us from seeing our own weaknesses. What a coincidence!

Life is neither just nor fair: Good things happen to bad people and bad things happen to good people. This, however, only increases our obligation to be as just and fair as we can be, to be honest with ourselves as well as others, to try to correct injustice when we see it, and to do as much right in this unfair world as we can.

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