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MAECENATA

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A Sense of Justice and Civil Society

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Abstract

This hermeneutic examination is based on the thesis that civil society is essential for the development of a sense of justice. John Rawls and Amartya Sen both wanted to avoid the consequences of societally-influenced decisions in their theoretical concepts of justice. However, both the theories are concerned about the sense of justice (Rawls, 1999) or sense of injustice (Sen, 2009), needed for making just decisions. A sense of justice (or injustice) develops into the concept of justice through social imprinting. This occurs through learning and internalizing what constitutes fair rules in families, groups, and the society. This examination attempts to demonstrate the unique role of civil society in this context.

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1 INTRODUCTION

What impact does civil society have on justice? This question shall be answered in the following examination by focusing on two theories of justice: those of John Rawls and Amartya Sen. Both of these theories are grounded in Aristotelian philosophy as they constitute intellectual reflections on the good life and are concerned with the rational decisions of individuals. But the theorists mention a feeling-near concept: the “sense of justice.” This examination will primarily consider the sense of justice, as presented in Rawls’ theory, as he addressed the concept in detail. Rawls’ ideas will be elaborated by drawing on Amartya Sen’s conceptualization of the sense of injustice. The central position of civil society in democracy will be delineated, focusing on its exemplary implementation in Germany. Finally, the unique role of civil society in the development, purpose, and application of the sense of justice will be explored.

2 THE SENSE OF JUSTICE AND THE SENSE OF INJUSTICE

To illustrate the importance of civil society to the sense of justice, the theoretical foundation for this sense of justice in the theories of John Rawls and Amartya Sen will be presented in this section.

2.1 The sense of justice

Rawls describes his theory of justice as “a theory of the moral sentiments (to recall an eighteenth-century title) setting out the principles governing our moral powers, or, more specifically, our sense of justice” (1999, 44). His famous thought experiment for finding these principles begins with rational people in a hypothetical “original position” (Ibid, 11). He proposes that, if there was a veil of ignorance that made people unaware of aspects of their social standing such as class or status, they would, in the original position, select the fundamental principles of a closed society. These are the principle of greatest equal liberty, the principle of equality of opportunity, and the difference principle. These basic liberties can only be restricted for the sake of greater liberty. A precondition of this thought experiment is that those in the original position who select the most ethical form of society share a “sense of justice” (Ibid, 11). This sense of justice is defined by Rawls as:[...] the capacity for a sense of justice is the capacity to understand, to apply and normally to be moved by an effective desire to act from (and not merely in accordance with) the principles of justice as the fair terms of social cooperation (Rawls, 1981, 16).

Together with the capacity to have a conception of what is ethically good and thus, to be rational, the sense of justice is a “necessary and sufficient condition for being counted a full and equal member of society in questions of political justice” (Ibid, 16). These capabilities must be realized to the requisite minimum degree. Hence, the building of a sense of justice requires a fair system as its foundation. However, the sense of justice as a precondition to the existence of fair systems is not a circular argument. Rawls explains:

To be sure, we assume (as do the parties) that citizens have the capacity for a sense of justice, but this assumption is purely formal. It means only that whatever principles the parties select from the alternatives available, the persons the parties represent will be able to develop, as citizens in society, the corresponding sense of justice to the degree to which the parties’ deliberations, informed by common-sense knowledge and the theory of human nature, show to be possible and practicable (Ibid, 30).

Habermas argued that the sense of justice necessarily comes with a minimal understanding of sociality:

On the one hand, they take no interest in one another. [...] On the other hand, they are equipped with a ‘purely formal’ sense of justice, for they are supposed to know that they will conform to whatever principles are agreed upon in their future role as citizens living in a well-ordered society [...] This can be understood to mean that the parties in the original position are at least cognizant of the kind

of binding mutuality that will characterize the life of their clients in the future (1995, 13).

Rawls' conception of the sense of justice draws on work such as Bandura's (1977) social learning theory, Piaget's (1932) theory of cognitive and moral development, and Mead's (1934) ideas about the social development of the self. However, there is no mention of theories concerned with the balance and structure of power in society in Rawls' work, such as those of Bourdieu or Foucault. Rawls does not elaborate much on the original psychological theories but combines them in his proposition that there are three steps to personal development. In the first step, people learn to love; in the second, they develop ties of friendship and trust toward others; and in the last step, they acquire a sense of justice as they "recognize[s] that he and those for whom he cares are the beneficiaries of these arrangements" (1999, 429–30). All three steps should occur in settings that can be judged as just, such as a caring parental dynamic or, later, fair institutions. Rawls also suggests a need for sanctions and penalties in the context of social learning (Ibid, 507 or 625). In principle, Rawls ties the stability of authorities to their existence within fair systems. He argues that: "A capacity for a sense of justice built up by responses in kind would appear to be a condition of human sociability. The most stable conceptions of justice are presumably those for which the corresponding sense of justice is most firmly based on these tendencies (Ibid, 433)."

The direction of Rawls' sense of justice is clarified through the later liberal orientation of his theory, which is based on values upon which there can be societal consensus:

The virtues of political cooperation that make a constitutional regime possible are, then, very great virtues. I mean, for example, the virtues of tolerance and being ready to meet others halfway, and virtue of reasonableness and the sense of fairness. When these virtues are widespread in society and sustain its political conception of justice, they constitute a very great public good, part of society's political capital (Rawls, 2005, 129).

In the expanded edition of *Political Liberalism*, Rawls talks about those values that should be developed within the family for the public benefit of all citizens. These are freedom and equality of women, equality of children as future citizens, freedom of religion, and valuing of the family (Ibid, 319).

For the purposes of the current analysis, Rawls' second developmental step is the most interesting. He refers to this stage as the development of "the morality of association" (Rawls, 1999, 409). He explains:

This stage covers a wide range of cases depending on the association in question and it may even include the national community as a whole. Whereas the child's morality of authority consists largely of a collection of precepts, the content of the morality of association is given by the moral standards appropriate to the individual's role in the various associations to which he belongs. These standards include the commonsense rules of morality along with the adjustments required

to fit them to a person's particular position; and they are impressed upon him by the approval and disapproval of those in authority, or by the other members of the group (Ibid, 409).

In this second step, the developing individual is introduced to ideals and certain role expectations. Their social learning is grounded in trust and friendship and the feelings of guilt that rule violations produce. In reference to feelings, Rawls demonstrates the overlapping contributions of rationality and emotion to the sense of justice. He explains this further by reference to Rousseau (Rawls, 1963). He also refers to arguments by Aristotle and Kant to suggest that, through the sense of justice, good is achieved, since it results in a life that expresses the inherent good in human nature. Finally, the developing person internalized the idea of a cooperative social system and is able to respect others through an empathic understanding of their point of view (Rawls, 1999, 410). A shared group morality eventually transitions into a morality of principles, through the creation and recognition of just institutions.

Thus, for Rawls, the sense of justice requires fair social institutions that act as supporting pillars in this process of personal development. In *Justice as Fairness*, he places the sense of justice within a basic societal structure comprising "social institutions within which human beings may develop their moral powers and become fully cooperating members of a society of free and equal citizens" (2001, 57). Such institutions are the framework upon which justice is built and are morally educative: "[...] it encourages in them attitudes of optimism and confidence in their future, and a sense of being treated fairly in view of the public principles which are seen as effectively regulating economic and social inequalities..." (Ibid, 57).

Rawls explains that a sense of justice prompts the adoption of principles that secure and prioritize basic liberties (Rawls, 1981, 30f). He argues that principles will be selected that create a stable system able to generate a socially shared sense of justice. The principles will allow and facilitate self-respect (understood as an individual's confidence in themselves as a fully cooperative and contributing member of society) that presupposes the development of an effective sense of justice.¹ With such principles in place, the sense of justice can be used to build a "social union of social unions" (Ibid, 34), which includes an appropriate notion of reciprocity. Such a social union accommodates a plurality of conceptions of good and allows the various activities made possible by human diversity to be coordinated into a "more comprehensive good to which everyone can contribute and in which each can participate" (Ibid, 38). Hence, Rawls' theory depends on the ability of social systems to create a communal sense of justice:

One conception of justice is more stable than another if the sense of justice that it tends to generate is stronger and more likely to override disruptive inclinations and if the institutions it allows foster weaker impulses and temptations to act unjustly [...] Since in practice all social systems are subject to disturbances of some kind, they are practically stable, let us say, if the departures from their

¹ Self-respect can also be seen as the basis of Rousseau's ideas as it reconciles the conflicts between self and society (Warner & Zink, 2016).

preferred equilibrium positions caused by normal disturbances elicit forces sufficiently strong to restore these equilibria after a decent length of time, or else to stay sufficiently close to them. (Rawls, 1999, 398/ 400).²

However, Grey suggests that Rawls relativized the assertiveness of the sense of justice in his later works. Grey argues, that pluralism also creates destabilizing forces: “These destabilizing forces suggest that a shared sense of justice among citizens will be more difficult to achieve [...] Instead, a more fragile stability is achieved through a disciplined commitment to public reason (Grey, 2018, 927).

It should be said, when discussing the sense of justice, Rawls refers to a national concept (1999, 498). He distinguished the sense of justice from the love of mankind, “the latter is supererogatory, going beyond the moral requirements and not invoking the exemptions which the principles of natural duty and obligation allow” (Ibid, 417). In *The Law of People*, Rawls explains that the sense of justice can differ between nations. He paints a picture of a Utopia of global legal norms in which the psychological process of building an international sense of justice is an essential element (Ibid, 44).

2.2 The sense of injustice

The basis for Sen’s theory is introduced on the first page of the preface of the ‘The idea of Justice’: “the sense of manifest injustices” (2009, vii). Sen is concerned with the sense of injustice, which he believes can serve as a “signal that moves us,” adding that “a signal does demand critical examination” (Ibid, viii). Sen does not describe the origin of the sense of injustice but we can assume it to be ontological. Sen connected the sense of injustice to feelings such as outrage and ire. He associates justice with the “kind of creatures we human beings are” (Ibid, 414).

Sen’s concept of justice is founded on reason and objectivity, which corresponds to Rawls’ basic assumptions. Sen referred not only to Rawls but also to Smith and Habermas by setting an individual starting point (ibid.,(Ibid, 41). He also concurs with Martha Nussbaum’s assumption that Aristotelian theory is connected to the capability approach. But he defends his approach against potential accusations of methodological individualism by emphasizing that the capability approach does not assume “any kind of a detached view of individuals from the society around them” (Ibid, 245). Thus, individuals can make decisions in terms of group capabilities. “In valuing a person’s ability to take part in the life of the society, there is an implicit valuation of the life of the society itself, and that is an important enough aspect of the capability perspective” (Ibid, 246). Sen argues that sympathy is a driver for fair decision-making.

This aspect of mutuality also applies for the sense of injustice. Sen points out several times that the sense of injustice is not recursively directed to one’s own situation. He refers to the Bible to reinforce this thesis: “There is a long history of attempts to go beyond the positional confinement of our moral concerns to the proximate ‘neighborhood,’ resisting the relational vision that something is owed to one’s neighbors that is not, in any way, owed to people outside the neighborhood (Ibid, 170 ff).”

² Karni and Safra have shown that, even if self-interest is the dominant motive governing individual choice in allocation procedures, social institutions and policies may be largely shaped by common moral value judgments, because opposing individual interests tend to be cancelled out by the aggregate (Karni & Safra, 2002).

Sen uses the idea of neighborhood concerns as a microcosmic model of global-level ethics. He suggests that limitations in our ethical conceptions can be overcome through open impartiality. Sen cites the story of the good Samaritan in the Gospel of Luke to illustrate ethical behavior through open impartiality. When the Samaritan asks the lawyer “Who was the wounded man’s neighbor?”, the lawyer replies “The man who helped him.” Sen resumes, the Samaritan [...] provided that help and was now in a relationship with the injured person. It does not matter whether the Samaritan was moved by charity, or by a ‘sense of justice,’ or by some deeper ‘sense of fairness in treating others as equals’ (Ibid, 170 ff).

The sense of justice here occurs equitable to a reasoned theory of justice, with both resulting in helping behavior built on the idea of neighborhood. Sen refers to Martin Luther King Jr to demonstrate the impact that global interdependence can have on the sense of injustice. In a well-connected global neighborhood, injustices in one country can provoke an international sense of injustice (Sen, 2009, 403). In this respect, the sense of injustice arises, at least in part, from open impartiality:

We are increasingly linked not only by our mutual economic, social and political relations, but also by vaguely shared but far-reaching concerns about injustice and inhumanity that challenge our world, and the violence and terrorism that threaten it. Even our shared frustrations and shared thoughts on global helplessness can unite rather than divide. There are few non-neighbours left in the world today” (Ibid, 173).

3 MORALITY OF ASSOCIATION IN CIVIL SOCIETY

The sense of justice, as Rawls understands it, is created at different levels and different actors can participate in its societal formation. This may include families, peer groups, schools, businesses, and many other organizations and institutions. This examination cannot investigate whether Rawls is correct about the psychological processes through which the development of a sense of justice occurs. Therefore, the focus of this work is on the, more accessible, objectives of these processes; particularly on the second level, which is based on group learning. In this section, we will draw on the literature to demonstrate that civil society occupies a special position among institutions on this second level.

The term “civil society” has changed over time and been reformulated by different authors. Edwards distinguishes three philosophical schools of thought in this regard. These are derived from the works of Alexis de Tocqueville, Georg Wilhelm Friedrich Hegel, and Jürgen Habermas. Each of the three define civil society slightly differently. Edwards explains that civil society may be [...] a part of society (the neo-Tocquevillian school that focuses on associational life), civil society as a kind of society (characterized by positive norms and values as well as success in meeting particular social goals) and civil society as the public sphere (Edwards, 2009, 10).

Egholm and Kaspersen have identified two different conceptualizations of civil society.³ In one, civil society is seen as an independent social sphere or sector within a distinct societal organization or institution that can be distinguished from the family, the state, and the economy. The second is the more normative communitarian perspective, which emphasizes the particular motives, modes of action, and interactions that characterize a civil society (Egholm & Kaspersen 2020, 144). Zimmer and Freise suggest that there are three dominant philosophical representations of society: civil society, social capital, and the third sector; with civil society being the most encompassing of these concepts (Freise & Zimmer, 2008).

For de Tocqueville, civil society was a remedy for despotism and a facilitator of social cohesion:

The legislators of America [...] thought that it would be well to infuse political life into each portion of the territory, in order to multiply to an infinite extent opportunities of acting in concert for all the members of the community, and to make them constantly feel their mutual dependence on each other [...] It is difficult to draw a man out of his own circle to interest him in the destiny of the State, because he does not clearly understand what influence the destiny of the State can have upon his own lot. But if it be proposed to make a road cross the end of his estate, he will see at a glance that there is a connection between this small public affair and his greatest private affairs; and he will discover, without its being shown to him, the close tie which unites private to general interest (de Tocqueville, 1889, 578–9).

³ Egholm and Kaspersen themselves pled for a more processual and relational perspective (Egholm & Kaspersen, 2020).

Baumert sees civil society, as defined by de Tocqueville, as necessary for political stability. Baumert has explained that de Tocqueville was not concerned with developing a theory of good government, "but with the conditions of a continuously free society that is aware of its own contingent development, permanently shaping it consciously, showing its freedom precisely in this" (Baumert, 2022, 125). This mirrors Rawls' argument that the sense of justice has a stabilizing effect on the system.

Studies have observed the global development of civil societies and found variations between countries (Salaman & Anheier, 1999). Interconnections and overarching effects of civil society are seen in the notion of a global civil society, understood as "a vast, interconnected and multi-layered nongovernmental space that comprises many hundreds of thousands of self-directing institutions and ways of life that generate global effects" (Keane, 2003, 20).

In this section, we will use Germany as an example of a civil society to help determine and clarify some of the specific functions of civil society. The legal framework in Germany has led to the manifestation of civil societies in the form of associations, foundations, non-profit corporations, cooperatives, and civil law societies (Strachwitz, 2021, 9 ff). These organizations contribute for example to social affairs, sports, education or culture. One distinctive feature of German civil society is the existence of five large welfare associations (Wohlfahrtsverbände) that have a decisive role in implementing the welfare state in Germany.

Rupert Strachwitz describes the specific characteristics of civil society. He proposes that civil society must be based on voluntary action and pursue goals pertinent to the general welfare. Civil societies do not fulfill governmental tasks or aim to generate profit. Moreover, they do not distribute surpluses from their activities to members, partners, or third parties. They behave in a self-empowered, self-organized manner. Lastly, they rely significantly on gifts of empathy, time, and material resources (Ibid., 6). This definition includes institutions such as churches. In principle, the socio-structural framework in Germany, as a parliamentary, representative democracy, can be described as good for civil society (Hummel et al., 2022). Germany is among the highest-ranking countries in terms of both participation in, and the quality of, its civil societies (Our World in Data, 2022; Civicus Monitor, 2023).

The specificities of civil society can affect the sense of justice, as it is theoretically described, in various ways. Thus, the characteristics of the members and organizational structures of civil societies will next be considered in more detail. Finally, the possibilities and limitations that arise, when we deduce the sense of justice from civil society, will be considered.

3.1 Characteristics of civil society membership

In this chapter, the characteristics of members of civil societies will be considered. Piaget posited that the phases of learning and development are age-dependent and related to the child's capacity for reflection (2003). Accordingly, special attention is paid to the age at which people enter civil society. While childhood is strongly influenced by the family, there are other influences on one's ideology in adulthood. This includes many institutions; for example, peer groups, schools, and

employers, which do not qualify as civil societies. Membership in these institutions is usually limited to a certain age group. In civil society institutions, people of all ages can potentially come together.

Plurality and diversity in civil society institutions support the possibility of overcoming social barriers, at least theoretically, but the crossing of social barriers is limited in practice. The civic voluntarism model showed that political participation depends on preconditions such as the resources of knowledge, time, and money, as well as on motivation and social networks (Brady et al., 1995). And the internet has not yet proven to be a game changer in this context (Schlozman et al., 2011). These factors can also affect participation in civil society. However, civil society can offer other rewards such as entertainment. According to Hummel et al. (2022, 19), in Germany, the gender gap has now been overcome but other characteristics continue to have an impact. For example, education and place of residence (particularly regional differences between West and East Germany) affect the willingness to commit to civil society membership. Additionally, nonimmigrants are proportionately much more involved than immigrants.

Obviously, the different institutions of civil society must be analyzed in a differentiated manner. Some civil society institutions are thematically better suited to overcoming membership exclusivity based on features such as age or social background. Others, such as associations of parents, or of gardeners, or neighborhoods presuppose specific criteria for membership. Other institutions are more open; for example, those concerned with supra-regional issues such as environmental protection. These have a lesser tendency to attract only certain types of people, being relatively neutral in their appeal to those of a certain gender, age group, or social background.

In general, the potential for a pluralistic membership structure can be seen as advantageous for the development of the sense of justice. Rawls mentions sociological theories such as Dahrendorf's role theory (1965). This theory argues that certain role models prevail in society and influence the development of individuals and that deviations will be sanctioned. Mead's theory builds on this idea by suggesting that role behavior is learned interactively and self-reflectively through the processes of communication:

The individual experiences himself as such, not directly, but only indirectly, from the particular standpoints of other individual members of the same social group, or from the generalized standpoint of the social group as a whole to which he belongs. For he enters his own experience as a self or individual, not directly or immediately, not by becoming a subject to himself, but only in so far as he first becomes an object to himself just as other individuals are objects to him or in his experience; and he becomes an object to himself only by taking the attitudes of other individuals toward himself within a social environment or context of experience and behavior in which both he and they are involved (Mead, 1934, 138).

Rawls suggests that reciprocity and plurality are important prerequisites for the development of a sense of justice. This plurality and diversity of opinions, role models, and possibilities for reflection occurs better in environments that are shaped by different people. But Rawls assumes that the veil

of ignorance creates an objective evaluation status even in a closed society. A construction that is not only criticized by Sen. Sen assumes that the view from the outside is indispensable and should be expanded as far as possible. He is widening this pretension potentially to the whole world, as he is not foreclosing the idea of a global democracy (2009, 408), which he defined as the best prerequisite for involving many views. Civil society has various possibilities to offer objectification through knowledge of the perspectives of others. This will be explained in more detail in the following section. However, the organizations, and thereby membership, are still tied to nations, as this results even from legal requirements.

Under some circumstances, the existence of civil society can even promote a sense of justice in those who are not members of that society. Rawls argues that a social union of social unions shows how pluralistic ideas can be represented. This understanding could also be generated among societal outsiders and thus have a stabilizing effect on the system among passive citizens.

3.2 Organizational characteristics of civil society

The focus in this section will be on the possibility for participation, especially with consideration of power structures, and the associated advantages for the development of the sense of justice. Rawls distinguished the second level of the learning process explicitly from the first by switching from the authority of individual persons (especially parents or other early attachment figures) to the morality of associations. Distribution of power can vary greatly in civil society. In particular, foundations or religious communities are rather hierarchically organized. Heterarchically organized civil societies include associations such as football clubs (differentiation according to Hummel 2022). And of course, also heterarchical organizations can exploit their participatory potential better or worse (Wolf, 2023).⁴

Apart from these limitations, civil society organizations are well-suited to working in a participatory manner. In contrast to many other types of institution, civil society is not primarily achievement-oriented, although some support career-oriented, competitive thinking. Despite increasing professionalization (Hummel, 2022, 91), the voluntary nature of membership and the non-profit nature of civil societies result in different power structures than those seen in other institutions. Rawls and Sen do not provide detailed descriptions of the psychological mechanisms behind societal power dynamics. However, since both understand democracy as a process of negotiation, power is certainly a decisive factor. This argument can be further developed by imagining an ideal society in which the sense of justice is shaped under perfect conditions.⁵ These conditions may be derived from both Rawls and Sen, utilizing Rawls' principles of justice and Sen's capability approach. Hence, in this hypothetical situation the sense of justice would be shaped by tents such as Rawls' notion that inequalities are acceptable only if they benefit the weakest or Sen's proposition that, in an ideal society, people are provided with opportunities and are not limited by constraints. Both of

⁴ The following concentrates on power situations. On a larger scale, it is difficult to understand the positions of power occupied by actors in civil societies, since this would require an evaluation of the influence on public opinion or the extent of personal connections between activists and local politicians. The legal framework also makes transparency difficult. For example, the political influence of an association could only be concretely traced through an extended obligation to provide information (Hummel, 2022, 29).

⁵ It must be said that this is a purely hypothetical consideration, since neither theorist is idealistic.

these ideas would lead to a power distribution very different from the kind that results from purely economically based logic. Any approximation of the ideal environment for the development of the sense of justice needs to reflect these preconditions. Many institutions cannot promote this approach. For example, meritocratic organizations are limited in this regard, since certain authoritarian structures tend to go hand-in-hand with such institutions. Many institutions, outside civil society, also have strictly rule-based conduct and process guidelines. Especially in work-life, dependency structures arise.

The participatory potential arises not only from internal power structures but also from the opportunities for personal development within the framework of civil society organizations, especially the possibility of generating social capital. Rawls talks about political capital as a public good. He gives the capacity for cooperation as an example. This is expressed by tolerance and a sense of fairness. Later he concretizes the educational mandate of the basic structure, proposing that it should raise people's optimism and provide the feeling of being treated fairly. A similar effect is attributed by scientists to civil society. Putnam (1994) named democracy-promoting abilities "social capital." The theorists Almond and Verba (1963) investigated the extent to which civil society is able to provide social capital. Their model of civic voluntarism refers to such abilities as skills. Accordingly, social participation supports the sense that one's actions make a difference, an increase in information acquisition, and the formation of civil virtues, values, and attitudes that determine democratic behavior:

These findings strongly support the proposition associated with the theory of mass society, that the existence of voluntary associations increases the democratic potential of a society. Democracy depends upon citizen participation, and it is clear that organizational membership is directly related to such participation. The organizational member is likely to be a self-confident citizen as well as an active one (Almond & Verba 1963, 318).

Hence, civil society is especially beneficial for the organizational distribution of power if there is a pluralistic membership structure and the organizational structures are suitable for developing social capital, such as self-efficacy and the possibility of taking a position. This creates a more comprehensive learning field for questions of power. Schubert et al. (2022) criticized, that civil society as a place of learning has been largely ignored. However, participants in their study rated voluntary commitment as highly important to the training of civil courage. Since, according to Rawls, the sense of justice is needed for the understanding or acceptance of the principles of justice and for the possibility of active social participation, institutions that promote democratic action are particularly important as they built the basis for the conversion of the sense of justice into action.

In addition, it can be argued, that voluntariness also corresponds more to the idea of self-interest in an Aristotelian good life. Voluntariness is not a unique selling point of civil society as participation in many social areas of life that contribute to the formation of the sense of justice are voluntary, ranging from personal relationship choices to the choice of profession and place of residence, as well as membership in institutions outside civil society, such as political parties. In combination with other characteristics of civil society, however, the factor of voluntariness seems to be influential.

Ayala found that participation in more voluntary groups is strongly correlated with political participation (Ayala, 2000). At this point, it should also be emphasized that Rawls places the persuasive power of friendship and trust very high. These prerequisites can also be fulfilled very well within the framework of civil society because of the group bonds that naturally develop through shared personal convictions or interests. Feelings arising here can therefore rather be regarded as a natural development. Such a derivation would probably also correspond more closely to Sen's intrinsic sense of injustice.

Other attributes of civil society that increase participation are the openness of content and the desire for political articulation. While political and economic institutions often have to link their goals and content to certain criteria, such as their enforceability or majority capacity, civil society actors can choose their goals from different perspectives. Although a hybridization of civil society can be observed (Hummel, 2022, 99ff), it is not to the extent that substantive goals would have to be put aside for concentrating preference to economic or state goals. In many cases, the subject areas are even expanding to include educational and environmental issues (Schubert et al., 2023). Moreover, actors in civil society are better able to focus on ethical core subjects, as for example geopolitical power issues and economic dependence have less effect on discussions and decisions. Topics that are not brought to the public by other actors are also channeled, which increases communication and knowledge of these issues. This refers to the understanding of civil society as a public sphere. At this point, the function of the media, which is particularly emphasized by Amartya Sen, must be pointed out. In addition to marginal issues, however, civil society can also succeed in demonstrating a broad public majority for issues that political actors are aware of, but which, from the point of view of civil society, may not yet be represented with persistence and which may not be able to develop any other strong lobbying forces.

Following from the preceding factors, it can be deduced, that the prerequisites for communication structures are suitable to improve exchange and thus mutual understanding. Potentially this could have a global effect. The international presence of civil society, a global civil society, is also a topic discussed in the literature, as has been shown. This is not primarily about single civil society institutions working globally; rather it is about the international representation of the issues and goals of those who act in civil society. Most civil society institutions would like their activities and ideologies to have a greater impact on the world and to help shape society and politics (Schubert et al., 2023). Again, this is not the case for all actors but, in many cases, the core issue of such an actor is sufficiently fundamental to be of global importance. An example of this is a municipal football club, which is guided by rules, tactics, strategies, and values that are followed internationally. Amartya Sen's statement that there are only a few left who cannot be described as neighbors, is particularly strong in this context.

Another organizational feature is the temporally unlimited nature of the associations of civil society. The fact that membership is only slightly restricted by age also allows intergenerational thinking and action. This could be an important factor, particularly with regard to the background justice desired by Rawls.

4 CONCLUSION

Taken as a whole, civil society as the backdrop for the development of a sense of justice or injustice offers both opportunities and hurdles. At least theoretically, prerequisites seem to exist that are conducive to the development of the social and political personality and thereby contribute to the stability of the entire political system. However, Rupert Strachwitz has pointed out that we cannot take it for granted that civil society is a good thing. Rather, the moral valuation of a society depends on multiple conditions. Studies highlight, in particular, the dangers posed by the rise of right-wing populist extremism (Hummel, 2022). However, other studies have focused on the protective effects of civil society (Klein, 2007).

Even according to Rawls, the framework for the development of a sense of justice would have to be based on fair principles and this prerequisite carries a danger of malfunction. In theory, this danger could be averted by the implementation of leading principles of justice, established through constitutions and institutions, guaranteeing positive personal development with a corresponding sense of justice.

Within Sen's theory, there are also recognizable dangers arising from the sense of justice. A more intrinsic understanding of the sense of injustice would mean that social influence has as much potential for negative as positive influence on the sense of justice and could alter the natural origin of the sense of injustice. To rule this out, role concepts in societies and sanctions that maintain them would have to be acceptable from the outset to avoid provoking the natural sense of injustice. The natural sense of injustice than could, at least theoretically, set a threshold, that should not be undercut. In a global sphere, the assumption of an unquestionable common global sense of justice would be dangerous, as than no external correction would be possible.

Even if it is assumed that the condition is appropriate, there may be limitations, since not all civil society institutions meet all the positive conditions. Age structure, social composition, organizational structure, and power structure can all have unfavorable effects without positive action on the part of the society's members.⁶ The decline in the number of participants in civil society would also become noticeable at some point, especially due to the lack of offspring. In particular, the COVID-19 pandemic has affected membership numbers – however, studies have also found, that civil society has proven to be capable of acting in times of crisis, as shown, for example, in the organization of help for refugees from Ukraine from 2022 on (Schubert et al., 2023; Schrader, 2021). A similarly ambivalent picture emerged in an international comparison even before the pandemic as shrinking space mechanisms were observable despite new activism and growth in the civil societies of liberal democracies (Strachwitz, 2022). Moreover, even legal conditions for the organizations can have a negative effect here, such as obstacles to the foundation or the freedom of assembly (Hummel, 2022). Thus, the contribution of civil societies to the generation of a sense of justice in its members depends on the extent to which that society utilizes all of its potential advantages.

⁶ This is especially true when we consider the future challenges for civil society, such as communication conditions (Benning et al., 2022).

In this work, it could be shown that the characteristics of civil societies make them uniquely suited to the second stage of the process of development of the sense of justice. In some places, civil society organizations have unique selling points that could have a positive impact on the formation of a sense of justice. The resulting responsibility of the state to invest in civil society and ensure its own stability is evident.

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