

## **The Relation between Justice and the State and its transformation in present times**

### **Abstract**

This thesis deals with the relation between justice and the state. The concept of justice is discussed and examined since the beginnings of philosophy of law, yet its content is not conclusively defined. There is no satisfactory answer to the question what is just. The concept of the state is, despite its complicated development, more settled. Interestingly enough, the relation between both concepts were discussed almost as often and as thoroughly, as both concepts separately – especially in the context of the question of whether and what state is just. This thesis examines both of those concepts and puts them in a connection – it shows, that the relation between justice and a state is necessary. The starting points of this claim are – apart from the analysis of historical opinions on both concepts – the idea of Hans Kelsen, that absolute justice is inaccessible to human knowledge and thus we have to settle for relative justice, and the thesis of G. W. F. Hegel, according to whom that, what is real, is reasonable, and that what is reasonable is real. Based on this thesis, a new thesis is defined: that what is real, is just.

This is a concept of relative justice – justice is dependent on a particular time and space, in which a particular society is present. However, it does not mean that everything can be just. In general, yes, however, in a particular society, the content of justice is already determined, and thus it is possible to tell the difference between just and unjust. The relation between justice and the state is then like this: the state is the best place for the concept of justice to emerge and to take shape. Whereas every ethical system suffers from the weakness of its inevitable particularity, a legal order has the advantage of the universality within its scope and as such, it represents the compromise minimum of that what a society agrees to be just.

Finally in the thesis is discussed the phenomenon of the changing position of the modern state in a contemporary world in which the state is challenged by many influences. The same way the position of a state is changing, so the problems of justice do, as they exceed the scope of one state or one society. The thesis bring upon those phenomena a critical attention, for it is not sure, whether this development is truly the reasonable.