EXPLORING FAIRNESS AND JUSTICE: MEANINGS, RELATIONSHIPS AND VALUES

Hardie Gieben M. Cruz
Marry O. Dela Torre
Fatima D. Javier
Ma. Eunice S. Papa

Psychology Program
Philippine Normal University – Manila
Philippines
hardiegiebencruz@yahoo.com

Abstract: The study aimed to explore the meaning, identify the different values and relationship of fairness and justice among individuals on Filipino context. 120 college students at Philippine Normal University are randomly selected for this study. Equal numbers of participants are gathered in each year level and most of them are female. Fairness and Justice Questionnaire was developed by the researchers and administered. Participants were given areas such as family and school to anchor their answer when having difficulty. The study found that fairness is contextualized as social aspect and respondents’ sight samples in family and school areas. Justice is contextualized as state that is weighing things in different perspective, focus on what is right or wrong and following laws and standards. Emerging values themes were constructed and they are similar in a way that they must have righteousness. Fairness is for simple things only but justice is for complex issues.

Keywords: Fairness, Justice, Values, Meanings, Relationships, Fairness and Justice Questionnaire, College Students

INTRODUCTION
Understanding the characteristics of the terms fairness and justice is more than just an academic exercise (Alvarado, 2012). In democratic society, court systems, judges, lawyers, as well as law enforcement, and even parents are consistently asked to ably provide both fairness and justice to society and its citizens. To know what these people are asking for, it is essential that psychologists and legal scholars, as well as legal actors commit to research investigating the layperson’s understanding of these terms, as well as how they differ from that of the legal professionals. This first step is required to be able to even consider delivering on these requests, and whether it is even possible to deliver on both fairness and justice simultaneously if they might be discrepant (Alvarado, 2012).

Recent research in the broadly defined area of “justice” finds that increased levels of perceived procedural fairness (beliefs) and/or procedural justice can increase compliance (behaviors) with court orders (Makkai & Braithwaite, 1996; Kitzmann & Emery 1993). Other studies have shown that increased procedural fairness and outcome favorability can increase the perceived legitimacy of authority figures in the judgments of individuals (Van der Toorn, Tyler, & Jost, 2011), which may be of special interest to government agencies that deal with groups that feel disenfranchised with the criminal justice system.

Examining issues on fairness and justice would benefit the current elementary and secondary curriculum in such a way that the pupils or students be properly and effectively guided to follow path of righteousness (Tabasa, 1997). Increased feelings of justice and fairness among individuals appear to lead to many consequences that are considered beneficial by the above-cited authors. However, it is important to question what exactly is being increased when these feelings of either justice or fairness or both are being increased (Alvarado, 2012).

According to Alico (2007), the performances of employees are affected when they perceived that there is no fair treatment. It has always been talked about and argued that if organizational decisions and managerial actions are reckoned unfair or unjust, the affected persons experience feelings of indignation, anger and umbrage (Folger, 1987, 1993; Greenberg, 1990; Sheppard, Lewicki & Minton, 1992; Skarlicki & Folger, 1997).
Children must be equipped with desirable values, relevant knowledge and necessary skills that could be acquired through education. Rehabilitation activities should be instituted as an alternative source for learning values and manners (Dela Cruz, 2010). Scholar researchers such as Ladines (1991) and Ladrido (2008) emphasized how school must strengthen the guidance and counseling services to help the youth and to lessen the possibility of their becoming delinquent in the future. The foundations of the family relationships should be strengthened through community outreach and programs with the help of government agencies, non—government organizations and local government units. It seemed that the roles of concerned agencies are so defined that they know where to start and end (Dela Cruz, 2010). The community should be involved in law enforcement work so that the objectives and mission of the organization can be readily accomplished especially with regards to the maintenance of peace and order (Regalado, 1993).

Lawrence Kohlberg (1969) proposed that children form ways of thinking through their experiences which include understandings of moral concepts such as justice, rights, equality and human welfare. Knowledge about justice and fairness will be a great help in settling the barangay. According to Piaget, all development emerged from action; that is to say, individuals construct and reconstruct their knowledge of the world as a result of interactions with the environment.

The term justice and fairness is always defined in a broadly manner and simply relay on an area, it has no definite description on previous researches. Researchers would like to distinguish the meaning, relationship, values of the two terms among adolescents’ perspective in the Philippines. This research is made to benefit the adolescents. The study aimed to determine if age, sex, location and family background has a contribution on adolescents perception of the terms fairness and justice.

REVIEW OF RELATED LITERATURE
FAIRNESS
Sheppard et al. (1992) defined fairness as the perception by a person that a decision, outcome, or procedure is both correct and balanced. Judgments of balance require the evaluator to compare a given action or outcome to the actions or outcomes of others (Adams 1965). Also, Jasso (1983), pointed out, what is fair at the individual level may not always be fair at the aggregate level.

Judgments of correctness involved a determination that an action or outcome is consistent, accurate, clear, and compatible with current values. The related studies showed that fairness is about right and equal decision made by an individual. It helped the researchers to have ideas regarding the concept of fairness.

According to Hansen (2012) when she wrote the Five Ways to Shape Ethical Decisions: Fairness Approach, it focused on the fair and equitable distribution of good and harm, and/or the social benefits and social costs, across the spectrum of society. It started with the premise that all equals should be treated equally, and those who are unequal due to relevant differences, should be treated differently in a manner that is fair and proportionate to, or commensurate with, their difference. Andre, Meyer, Shanks S.J. and Velasquez (2010) in their study entitled Thinking Ethically: A Framework for Moral Decision Making elaborated a principle “Treat people the same unless there are morally relevant differences between them”. It had its roots in the teachings of the ancient Greek philosopher Aristotle, who said that “equals should be treated equally and unequally.” The basic moral question in this approach is: How fair is an action? Does it treated everyone in the same way, or does it shown favoritism and discrimination?

The studies shown that favoritism gave benefits to some people without a justifiable reason for singling them out. Also, discrimination imposed burdens on people who are no different from those on whom burdens are not imposed. Both favoritism and discrimination are unjust and wrong. Fairness requires consistency in the way people are treated. As a result, the researchers gained ideas that fairness focuses on how fairly or unfairly our actions dealing with profit and burdens among the members of the group.

In recent research area of “justice” found that increased levels of perceived fairness and justice can increase compliance (behaviors) with court orders (Makkai and Braithwaite, 1996: Kitzmann and Emery 1993). Other studies have shown that increased procedural fairness and outcome favorability can increase the perceived legitimacy of authority figure in the judgments of individuals (Van der Toorn, Tyler, and Jost, 2011).
This denoted that obedience on laws and apparent authority of judgment depends on the perceived concept of fairness of an individual. The adolescents’ perception on fairness greatly influenced on how they make decisions and act accordingly in the society. If an individual had a good thought about fairness, then he or she became responsible in his or her behavior.

Unrealistic belief that the world is just, with individuals deciding what is based on the appropriateness of a situation. Learner defined appropriateness as judgments based on the learned concept what is ‘fair’ and ‘just’. His underlying definition of a just world is circular (Learner, M. J., 1980). I some so-called societies “culture of honor”, the principle of an eye for an eye is widely endorsed (Figueredo, Tal, McNiel, and Guillen, 2004: Vidmar, 2001).

Based on the studies, it entailed on what is fair and just is subjective and be contingent on the prior knowledge or concept of a person, wherein culture and beliefs of a certain tribe or place would greatly affect the perception of fairness and justice.

According to Finkel (2001), it is much easier for an individual to remember instances of unfairness rather than fairness. If something is considered fair, it has occurred in the way things ought to be, and not exceptionally noteworthy. Auerbach (1983) stated: “Conception of justice that rest almost entirely upon legal procedure still trouble ordinary citizen who have difficulty defining justice but know injustice when they receive it.”

When individuals felt that things have not occurred as they should, it went against the common belief in the ‘just world’ and people were more likely to remember it. It is difficult for an individual to define what justice is. However, perception of justice lies on the individual experience of it.

Philips (1997) referred to the centrality of fairness in this context: “Whenever persons or groups of persons voluntarily accept the benefits of a mutually beneficial scheme of co-operation requiring sacrifice or contribution on the parts of the participants and there exists the possibility of free-riding, obligations of fairness are created among the participants in the co-operative scheme in proportion to the benefits accepted”. The perception of fairness is when they receive the outcomes that he or she deserved or was promised (Finkl, Kickul and Lester, 2002). Fairness heuristic theory (Lind, 2001; Van den Bos et al., 2001)

The concepts shown above pertained fairness in organizational setting. Fairness has risen through the given benefits received by an individual or a group. All members of the group must do their responsibilities in a task though they accept equal incentives. As a result, free – riding would be avoided and fairness is attained. Also being fair is a distinct characteristic and act as basis for others to trust a person. What is fair for one person is likely to suffice as fair for another. Recipients within a group are more likely to agree on distributions that do not reflect the bias of the distributor and that facilitate group cooperation. It also implied the understanding on how individuals made decisions that need to balance fairness and self – interest. Fairness is a construct that is being used to describe the procedures followed in the law, and justice is a legal construct that is being used to address the outcomes. It proposed that individuals care about fairness because it helped them deal with uncertainty about whether they can trust organizational authorities.

Over the past two decades, major conceptual advances have been made in identifying criteria that people use to make judgments about procedural fairness. Thibaut and Walker's (1975) seminal work in this area emphasized judgments of control over both process and outcomes. According to their instrumental control theory, process control refers to a person's control over the presentation of information or evidence to the decision maker whereas decision control refers to control over the actual decision made. Guided by their instrumental model, Thibaut and Walker (1975) reported that, in the course of resolving legal disputes, people often care as much or more about how they are treated as they do about the outcome of the dispute. Later, Leventhal (1980) proposed a more comprehensive set of criteria for evaluating procedural fairness and moved beyond control dimensions to include representation, consistency, impartiality, accuracy, correctibility, and ethicality. Representation, or having ‘`voice,`` means that all phases of the process must reflect the basic concerns, values, and outlooks of important subgroups in the population of individuals affected by the decision making process. In the context of family decision making, this might be demonstrated by parents who give their children the opportunity to express their side during the give and take of conflict resolution. Consistency means that decision-making procedures are relatively invariable across persons and over time. For example, parents who use the same standards to evaluate the actions, performance, or behavior of different children or the same child from one occasion to another would be regarded as consistent.
Impartiality means that parents create a level playing field by demonstrating even-handed treatment, honesty, and lack of bias. Accuracy requires ensuring that decision making is based on optimal levels of reliable information and an informed opinion. For example, parents who obtain all of the information that they needed to make an informed choice before taking action are likely to be perceived as having made more accurate or “correct” decisions. Correctibility is synonymous with “appeal” or “reconsideration” and is based on the existence of opportunities to modify and reverse decisions made at various points in the decision-making process. For example, parents may allow adolescents an opportunity to have the decision reconsidered. Finally, ethicality requires treating individuals in ways that are compatible with the fundamental moral and ethical values accepted by those individuals ± in essence, treating persons such as adolescents with human dignity and respect Fondacaro & Jackson (1999).

This implies that in order to achieve one’s fairness in a certain thing, there are several processes or steps that must do. Based on the related studies, fairness is not obtained easily. The researchers have concrete ideas that fairness takes time and effort before they experience and achieve it.

**JUSTICE**

The study of justice has been a topic in ethics and philosophy at least since Plato and Socrates, and philosophical and ethical thinking about justice has shaped the way people see the world. Mankind has long tried to answer the question, “what is justice?” Yet the question seems to remain as open ever, and it seems unsure if a final answer can ever be found. Justice has been conceptualized in many different ways by philosophers and thinkers: as a natural law based on contracts, as an instrument for societal order for which no universal standard exists, as a consequence of the economic system that is used as a manipulative instrument to preserve and justify a societal order, or as a result of historical associations and historical rights (Fellenz & Fortin, 2007). In philosophy, justice has been thought about as an attribute of societal order, as a human virtue, or as an attribute of an act (Kelsen, 2000). Although the two words are distinct, U.S. legal scholars and philosophers often use the terms interchangeably (Finkel, 2001). For example, in Lerner’s (1980) well-known book on conceptions of justice, The Belief in a Just World: A Fundamental Delusion, the author states that people in Western society share a fundamental, yet unrealistic belief that the world is just, with individuals deciding what is just based on the “appropriateness” (p. 11) of a situation. John Rawls, an eminent philosopher, further complicates the issue by defining fairness as a distinct subset of the overall concept of justice, thereby making the terms related, but separate (Rawls, 2001; 1971).

The related researches shown above indicate that justice is fairness in the way that people treated. It helped the researchers to know how justice will conceptualize as part of decision – making process of an individual. This implies that appropriateness as judgments is based on the learned societal concepts such as what is “fair” and “just”, his underlying definition of a “just world” is circular.

According to Ouchi (1980), the attempt to achieve the perception of equity (fairness in exchange outcomes) creates transaction costs. Social psychologists (Deutsch 1975, Reis 1986) similarly argue that justice should foster social cooperation and promote mutually agreeable exchanges. Another is that, philosophers (Barry 1989, Rawls 1971) and social psychologists (Frihlich & Oppenheimer 1992, Leventhal et al. 1980) draw attention to the importance of impartiality for discerning just distributions.

Based on the related researches any activity which is engaged in to satisfy each party to an exchange that the value given and received is in accord with his or her expectations, these activities are necessary to create a perception of equity among all parties to a transaction. If a group’s expectation parallel to the existing output and their effort or action, justice will occur. In addition, justice rises when expected result based on established particular rule of behavior in the society collaborates with the achieved outcomes.

Tom Tyler (1989, 1994) has conceptualized procedural justice in terms of the relationships among decision makers and participants in the decision-making process. For example, Tyler (1994) has suggested that people evaluate the procedural fairness of interactions with others along relational dimensions such as neutrality, trust, and standing. Neutrality involves impartial, even handed treatment and would be exemplified in the family context by parents who use impartial procedures with all members of the family. Trust refers to whether individuals have faith in the good intentions of others, typically authority figures. In the context of family decision making, this would be characterized by an adolescent who had faith in the benevolence of his or her parents. Standing refers to whether an authority figure treats a person as a valued member of a relevant group, for instance, parents who treat their child as a valued member of the family. This identity-based, relational model proposed by Tyler and his associates is based
on a substantial foundation of empirical research demonstrating that people seem to care about relational issues such as being treated with dignity and respect and having their position heard whether or not their expressions have any influence on decision outcomes (Lind & Tyler 1988). Recently, Tyler, Degoey, and Smith (1996) confirmed that, in the context of families, relational judgments of fairness along dimensions of neutrality, trust, and standing were related to adolescent self-esteem, and these relationships were mediated by respect within the family, and family pride.

According to Erickson (1988) justice perceptions are not formed in isolation; rather, they are subject to the influence of those with whom we interact. People interact regularly with each other are more likely to have similar perceptions on justice. Folger and Kass (2000) how the perception on justice of others influence an individual’s own perception.

This implies that interaction with other truly affect their own concept about justice. People have different views regarding that matter, it’s just that they share and compare their ideas in order to develop own definition of justice. Justice also helped the researchers in knowing their perceptions and how it affects their moral decision – making.

Many different kinds of things are said to be just and unjust: not only laws, institutions, and social systems, but also particular actions of many kinds, including decisions, judgments, and imputations. Fairness and justice held and applied independently but which are often brought together in a particular context of processes such as ordering and prioritizing (Rawls, 1971). The two words are used independently according to the specific and present conditions. However, consulting standard dictionaries and thesauri makes it clear that at the level of common usage, there is so much overlap when they attempt to differentiate the words in individually.

Fairness is under the term justice. In order to conclude that there is justice; one should first perceive and become aware if there is an equity or fairness happening. The idea of fairness is more on individual’s comparison of the received benefits to the achievement of others in a particular group. While, justice develops when common good exist in wider population or in the society. The theory of justice as fairness denies that individuals should receive a greater or lesser share of basic rights and duties because of their personal achievements or because of their personal contributions to society. So justice might be fulfilled by a social equality.

A child already knows the concept of fairness through their own experience. While the youth have views on justice as social agreements between people and are intend to promote the common good. The concept of morality comes within an individual’s perception through the internalized experiences.

**METHODOLOGY**

**Description of the Study Site**

This research was conducted on Philippine Normal University – Manila. Established in 1901 by the Americans, it was originally an institution for the training of the teachers. It is located in the Ermita District. Situated in Manila's premier civic center, where the Manila City Hall, Rizal Park and National Museum of the Philippines are also located.

**Respondents**

The participants in this study were students studying at the Philippine Normal University – Manila during the Academic Year 2012 – 2013. A total of 120 students coming from the four year levels were selected. 19 (15.83%) of the students were male, 98 (81.67%) were female, while the 3 remaining students were unknown. All students who took part in the study were chosen through stratified random sampling.

**Instruments Used**

The main instrument used by the researchers was a questionnaire to determine how adolescents’ contextualized fairness and justice, its relationships and associated themes. For fairness and justice, researchers conducted survey through questionnaire that were composed of 6 questions to convey the perceptions of adolescents on fairness and justice questions and at the same time share their experiences that show fairness and justice. The participants’ answers would be gathered and transcribed.

**Data Gathering Procedure**

Initially, the proponents gathered related researches and information that gave direction on this study. The
researchers conducted a pre-survey about fairness and justice, its meanings, relationships and values. The pre-survey was conducted through Online Questionnaire (Google docs) to random respondents. The data gathered on the online questionnaire were analyzed and the researchers also created Meta cards given to some freshmen students of Philippine Normal University for the validation of the online results. All of the gathered data were analyzed and encoded for the preparation of the final questionnaire.

The researchers conducted the questionnaire to the students of Philippine Normal University – Manila. When the data were all collected, thematic analysis, data interpretation and peer evaluation were done. According to Gibson (2006), thematic analysis is an approach dealing with data that involves the creation and application of codes to the data. The data being analyzed might take any number of forms like interview transcripts, field notes, policy documents, photographs and video footages. It used in order to formalize the identification and development of themes (Harden, 2007).

FINDINGS
It shows that majority of the respondents are within the range of 16 to 20 years of age with a percentage distribution of 92.5%. The least from the age scale is 21 to 25 years of age with a percentage distribution of 5%. There were three (3) respondents who did not indicate their age, with the percentage distribution of 2.5%. In terms of sex, majority of the respondents are female with a percentage distribution of 81.67%. The least number of respondents are Male with a percentage distribution of 15.83%. There were three (3) respondents who did not indicate their sex, with the percentage distribution of 2.5%. The participants came from different year levels. Equal numbers per year level were gathered. 25 % per year level participated in this study. Most of the participants were Psychology majors with the 35% of the total population. Even though, the respondents came from various courses, they still have the same contextualization on what fairness and justice are.

There were themes created which contextualized fairness. The respondents said that fairness is pagkakapantay-pantay, karapatan, may proseso, may pinanggagalingan, malawak na isip, may relasyon, subjective, guiding principle, fairness is equal to justice, degree and fairness under justice.

There were themes created which contextualized justice. The respondents said that justice is may proseso, may pinanggagalingan, tunguhin, pagpapahalaga sa pakikipagkapwa/karapatan, pagkakapantay-pantay and guiding principle.

Fairness and justice came from the concept of pagkakapantay-pantay. Also, fairness and justice possess decisions based on standards of humanity but justice rely more on the law. Two terms must have righteousness where two parties which are involved should benefit. There are always consequences but in fairness the consequence is the view of others towards a person while the consequence of justice is penalty.

Fairness is considered as simpler or shallow than justice. Fairness is for simple things only but justice is for complex issues. They both had consequences however; it varies on the level of cost given. Fairness and Justice had similar theme of values they are as follows: positibo ng pananaw, pagkamaunawain, pagkapantay, pagkakapantay-pantay, pagkamapagmahal, pagkamakatao, pagkamasiyasat at pagkamatapat.

CONCLUSION
As the result of this study, fairness is contextualized as social aspect and some of the respondents’ sight samples in family and school areas. In family aspect, there was equal love, care and support to all members of the family and no favoritism. While in school, fairness is giving grades equally and also having an equal treatment and giving punishment to those who are involve. Also, fairness includes morality and standard of the inner state, also it involves decision making. It includes as being equal regardless of socioeconomic status, respect the each other and recognize the rights of individual. Both male and female agreed that fairness is getting what you deserve and also giving consideration to others.

On the other hand Justice is contextualized as state that it is weighing things in different perspective, focus on what is right or wrong, following laws and certain standards. It is also the quality of being fair in the aspect of judgment. Responsibility that individual must have and give importance to. Justice is more on decision making processes; it talks about rights which stated on the law and having equal judgment on what they did whether it was good or bad.
Justice is defined as making decisions without no biases and one of the elements of the society which is related to law. In addition, participants said that it is a respect of the equal rights, giving right decisions based on their perspectives, knowing the concept of what is right or wrong and state of equilibrium. Males and females both contextualized justice as means of giving judgment, getting what you deserved and following rules related to the law.

Fairness and Justice is similar in a way that they must have righteousness where two parties which are involved should benefit. There are always consequences but in fairness the consequence is the view of others towards a person while the consequence of justice is penalty. Fairness is considered as simpler or shallow than justice. Fairness is for simple things only but justice is for complex issues. They both had consequences however; it varies on the level of cost given.

Respondents answered values pertaining to fairness and justice however, two terms had similar theme of values. The following are: positibo ng pananaw, pagkamaunawain, pagkapantay-pantay, pagkamapagmahal, pagkamakatao, pagkamasiyasat at pagkamatapat. Respondents were able to categorize values under fairness and themes are more structure. On the other hand, it was not easy for the participants to give certain values that were anchored on justice and themes are more likely dispersed.

Theory of John Rawls supports this present study because it is indicated that justice is to be understood as fairness. Rawls argues that all that is required for a society to be just is for it to be fair. A just society is one which has institutions which protect individual rights and liberties of all citizens and has a pattern of distribution of resources (Schneider, 2005). However, some of the findings were not supported by his theory in which justice is an attribute of society and not individuals. Based on the research findings, both society and individuals were considered in contextualizing the meaning of justice. According to Rawls, a just society will be a society which is based upon principles. The principles are the best formulation of a social system which is not based upon personal interests or specific moral doctrines. Based on the findings formulated, there were principles needed to construct the meaning of justice which involves personal perspective. There were moral values obtain in both fairness and justice.

RECOMMENDATION
For the future researches, the researchers are recommended the following:
1. Greater number of respondents with equal number or distribution of males and females.
2. Explore the meaning, relationship and values of fairness and justice in various age groups.

REFERENCES


Press.


