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Justice as Relations in Social Life

Sprawiedliwość jako relacje w życiu społecznym

ABSTRACT

The study is of a mostly conceptual and scientific-and-research nature, and the analyses contained herein are of a universal character. The article discusses the issue of relations of justice in social life. These relations have been based on the example of the right to life from the moment of conception, as it is the first, basic, and superior right. It began with considerations regarding the notion of justice. As a starting point, the classic definition in the formula "to render to everyone his or her own" (*suum cuique tribuere*) was adopted. It was emphasized that justice is for every human being. It was stated that justice as a universal value and a principle-norm, from which obligations originate, "builds" relations between entities. The article mostly analyses the relation between entities A and B, where entity A is every human being (the scientific data justifying when a human being originates are also pointed out), and entity B is a holder of legislative authority, always defined as an individual body just because of the considerations of justice, and as such participating in the relationship of justice.

Keywords: justice; natural justice; relations of justice; right to life from the moment of conception

INTRODUCTION

The aim of the article is to present the relations of justice in social life based on the example of the right to life from the moment of conception. This right is the first and superior of rights since without this right other ones lose their meaning.

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The subject of discussion will be the concept of justice. Its binding nature and relations build thereby will be presented. In particular, the presentation will cover the relations between entities A and B, where entity A is every human being (the scientific data justifying when a human being originates should be somewhat reminded), and entity B is a holder of legislative authority, defined as an individual body just because of justice, and as such participating in the relations of justice.

The literature on justice is enormous and can fill an entire library, though (or maybe because) the issue of justice (including its understanding) is still a matter of dispute. There are various concepts, approaches, and theories of justice. The scientific literature on the origin of human life is also very abundant, given that it includes not only studies in the fields of biology, genetics, and medicine.

Despite such extensive and diverse literature, the article is a new approach to the research problem. The essential novelty will be a presentation of the outline of the normative power of justice that builds relations between individuals and entities, which will be analysed in particular based on the example of the right to life from the moment of conception, from the moment individual human existence begins. The methodology of the study includes general reflection as well as analytical and axiological methods.

GENERAL REMARKS ON HOW JUSTICE IS UNDERSTOOD

From the perspective of law, justice is not so much a virtue[1] as fair social (legal) relationships; one could say that it is about arranging a fair order of social life. This is how justice is often understood nowadays. But what do fair social (legal) relationships mean? This needs a more profound insight.

Justice (Greek: *δικαιοσύνη* [dikaiosyne]; Latin: *iustitia*) is understood herein in its classical sense, namely "to render to everyone his or her own" (*suum cuique tribuere*).

But what is justice, to whom is it to be rendered?

Justice concerns man, every human being.[2] Justice does not refer to an abstract, an impression, but to a concrete thing. Justice is about the realm of the human.[3]

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[1] As J. Rawls (*Teoria sprawiedliwości*, Warszawa 1994, p. 13) stated, "Justice is the first virtue of social institutions, as truth is of systems of thought. (…) likewise laws and institutions no matter how efficient and well-arranged must be reformed or abolished if they are unjust".

[2] Any attempt of a more profound explanation inevitably points to human rights. Human being is the subject of justice.

[3] Since the term "justice" is referred to human being, it does not apply to non-human beings, such as animals. Man is a special being, so different from other beings accessible to our (human) direct cognition. It is a being differing from animals. The human being, of all the beings living on earth, is the most perfect, the most important one, he/she is the "utmost form of existence". It is man who can strive towards and reach the sphere of values. It is an entity capable of realizing values.

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Obviously, the term "justice" is used in various meanings. It is used in reference to man as such (a just man), to man's deeds,[4] it is used in reference to someone's conduct or action.[5] It is used in relation to a just or unjust law (laws, regulations), a just or unjust procedure, a just or unjust trial, a just or unjust decision. But these different meanings are related to the original dimension.

Regardless of whether justice refers to human beings as their trait (e.g. a just judge) or to their actions or conduct, justice refers to man. Also regardless of whether we refer to institutions, law, norms, or decisions to apply the law – justice still pertains to man.

Justice is not referred to in relations between animals, or between man and an object. But no one can "do justice" or "do injustice" to himself, because justice covers at least two persons (entities).[6] Justice exists between persons.

Let us consider justice as a type of social relation. In the simplest arrangement, there are two entities (two parties): one has a right (entitlement), the other a duty. Let us extend this to the collective live in a state.

Justice as a universal value[7] (but also as a principle-norm) is a universal duty. In the most general terms, it can be said that justice with its power, normative power, "builds" the relationship between the one to whom something is due (who has the right) and the one who is obliged (has the duty).

We have pointed to the issue to whom something is due. And what is due?

Justice is to "render everyone his or her due". *Suum cuique* – "to give everyone his or her own". And what to give, what thing is one's own? What is one's own, what is due? This is about the rights of man. Every human being has natural rights, the first of these being the right to life, followed generally by the rights to one's personal development and safety. These rights are the requirements of the kind of justice referred to as natural justice.[8] And since there are rights (man holds them, they are due to him), then accordingly, someone has obligations. These rights are correlated with obligations of others. Let us emphasize that justice exists between specific people (persons). Who, then, is the obligated entity? To answer this question, a significant distinction must be made.

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[4] That they are just or not.

[5] Aristotle writes in the sentence opening Book V of his *Nicomachean Ethics* (https://classics.mit.edu/Aristotle/nicomachaen.5.v.html, access: 14.3.2022) as follows: "With regards to justice and injustice we must consider what kind of actions they are concerned with".

[6] Therefore, we do not speak about justice done to oneself.

[7] The Constitution of the Republic of Poland of 2 April 1997 (Journal of Laws 1997, no. 78, item 483, as amended) adopts (recognizes) in the Preamble the existence of the universal value of justice. Cf. W. Dziedziak, *O prawie słusznym (perspektywa systemu prawa stanowionego)*, Lublin 2015, pp. 81–86.

[8] In more detail, see idem, *An Essay on Natural and Distributive Justice*, "Studia Iuridica Lublinensia" 2020, vol. 29(4), pp. 71–83.

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JUSTICE AS AN OBLIGATION OF AUTHORITY HOLDERS

In a simplified perspective, distributive justice,[9] which is (and should be) in some sense a "reflection of natural justice", links two subjects. Considering the simple relation, we could say in the most general terms that there is a "distributor" and a "subject to whom certain goods are distributed". Of course, distribution is understood in a metaphorical and broad sense (it is not only about material goods). As far as the obligated entity is concerned, it might seem – as generally accepted in the literature on the subject – that such an entity are those in charge of the community, the state. The phrase "in charge of" should be understood in a broad sense, including the legislative authority.

However, and let us emphasize this again, justice is only attributed to man. It provides a basis for a relationship between people. Justice in its moral dimension[10] always concerns man and not some other subjects, e.g. state authorities or legal persons. And these relations can be individualized. Let us say more strongly that the relations of justice as they exist are individualized on a personal level.

Let us clarify at the outset that these natural rights pertaining to every human being oblige the legislature to ensure, secure, guarantee, and implement them.[11] But it should be noted that justice establishes a relationship between the parliament of a given country and the entitled person. The subjects (addressees) of these relations are specific individuals, and it is also people who bear possible moral responsibility. Failure to meet the requirements of justice entails moral responsibility. Let us add that moral responsibility is often defined as "ethics of conscience".[12] Man is a moral entity and is not exempted from this kind of responsibility (i.e. moral responsibility) by any legal arrangement. This responsibility cannot be delegated to anyone. And one could speak here of responsibility for decisions towards others and oneself.

Translating the issue in question into the system of administrative bodies intended to carry out an executive activity, we can assume that because of the principle-norm of justice, there arise (exist) relations of justice between an individual and the specific representatives, authority holders. This is an important issue. Therefore, it would be useful to recall the etymology of the word "administration". It has at

[9] Since the times of Aristotle, the distinction of two types of justice – distributive justice (*iustitia distributiva*) and commutative justice (*iustitia commutativa*) – is widely accepted in European philosophy, and then in law and legal sciences. Aristotle's approach has formed a canon applicable to this date and considered exemplary. Distributive justice is sometimes referred to in modern literature as social justice.

[10] As a rule, justice (at the starting point) is a moral category.

[11] It is about them being confirmed, enshrined in the statutory law and a system of guaranteeing and protecting these rights, which also involves forming and providing conditions which enable the exercise of their rights and requires the cooperation of other authorities.

[12] It should also be kept in mind that conscience is also a legal term.

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least a dozen meanings, but almost all of them are related to its root word, i.e. a combination of the Latin verb *ministrare* ("to serve") with the prefix *ad-* which reinforces the service or executive element.[13] It should also be stressed that the word "minister" comes from the Latin word *minister*, meaning a servant (assistant, executor[14]), while the Polish word *ministerialny* (ministerial), i.e. concerning an office, comes from *ministerium*, meaning service, office, ministry.[15]

Administration is a service. A service to whom? To man. Administration is to serve man, every human being, especially the weakest one. Administration does not serve (is not supposed to serve) the ruling class, the system, or one or another political arrangement or party, but man. This is the correct perspective. Administration should be turned towards man, and this means that it should help man, it should support people in their development.[16]

When considering the issues of good administration, attention should be paid to the appropriate selection of people for official positions, the process of educating the administrative staff is also very important. An official must have high personal and moral qualifications. Referring to the reviving ethics of virtues, it should be stressed that the main personal moral quality of an official should be justice, which means rendering to everyone what is due.[17] This is how we treat the virtue of justice as the main one.[18] Let us add that this virtue involves respecting the rights of other human beings. The second most important personal-moral quality would be (should be)

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[13] Cf. J. Filek, *Co to jest dobra administracja?*, [in:] *Etos urzędnika*, ed. D. Bąk, Warszawa 2007, p. 18.

[14] *Słownik łacińsko-polski*, comp. K. Kumaniecki, Warszawa 1979, p. 310.

[15] Cf. J. Filek, *op. cit*., p. 18; *Słownik łacińsko-polski*, ed. M. Plezia, vol. 3, Warszawa 2007, p. 499.

[16] In this context, it is worth citing D. Lyons' thought: "In the first place, we cannot assume that a particular official has any moral obligation of fidelity to law. It depends, for example, on whether he has freely undertaken to administer the law. If an official has been coerced into serving by an oppressive regime that wishes to exploit his respected name, he has probably made no morally binding promise to be faithful to the law, even if he was forced to give his word. So from the fact that someone occupies a public office, we cannot infer that he is morally bound to be faithful to the law. If so, an official charged with enforcing an unjust law may not be in a moral dilemma. He may run a personal risk if he wishes to subvert the unjust law, but his deviation from the law would not automatically violate a moral principle, no less a principle of justice. (…) So, even if an official has a general obligation of fidelity to law, we can assume it has moral bounds. If the law he is called on to enforce is sufficiently immoral, there may be no moral argument for his adherence to it – not even if he has sincerely undertaken to apply the law as he finds it" (D. Lyons, *Ethics and the Rule of Law*, Cambridge 1984, pp. 84–85).

[17] For more details, see W. Dziedziak, *Rozważania o dobrej administracji*, [in:] *Prawo i polityka w sferze publicznej. Perspektywa wewnętrzna*, eds. P. Jabłoński, J. Kaczor, M. Pichlak, Wrocław 2017, pp. 171–179.

[18] In Polish law, Article 2 of the Polish Constitution has expressed the obligation (imperative) of implementation of the principles of social justice, addressed to public authorities (this imperative applies not only to legislative bodies, but to all public authorities), which must be understood as connected with the universal value – justice expressed in the initial part of the Preamble to the Pol-

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prudence. Of course, virtue is a result of effort. Prudence and justice, as we know, are cardinal virtues (from Latin *cardo* "hinge"), and therefore those on which other virtues depend. Both virtues are particularly important for the proper fulfillment of the official's duties and for taking correct decisions. Of course, an official should also be empowered by other virtues (set of virtues) in decision-making.[19]

RELATIONS OF JUSTICE

Let's go back to the relations of justice. Justice as a universal value and as a principle-norm defines a relation between different entities (a simple relationship). These relations are treated as a kind of social relationship.

Such a relation consists in linking the conduct of one entity to another. The point is that the right of one party (entity) corresponds to the obligation of the other party (entity). Therefore, there is a kind of moral bond that can be called *vinculum iustitiae*. The existence of such a relationship is not conditional upon the awareness of the entities regarding its existence.

These relations, with regard to legislative power in the strict sense, could be presented as follows. Entity A (each human being) has a right (e.g. the right to life), while entity B (each MP, each senator) has a duty of specific conduct "for" entity A holding this right. Entity B is ordered to secure this right by various behaviours, actions (e.g. appropriate voting in parliament). This relationship is also enriched by entity B's obligation not to infringe the rights (i.e. the right to life) of entity A. In characterizing the obligated entities, it seems that it should, more broadly, be assumed that these include all who have a real impact on the determination of rights and obligations of people.

Every human being is the authorized person, the right holder. Because some people, as it appears, do not know, or rather do not want to know the moment since which a human being becomes to exist, let us remind this.

A human being starts to be from the moment of the very emergence. Regarding this question, M.A. Krąpiec wrote as follows: "(…) a fertilized human ovum is already a real human being, with a full information 'bit' managing 'from within' the development of the human being in his womb stage regardless of the parents' (mother's) influence. And it does not seem possible to explain the nature of the

ish Constitution. This obligation applies to all state activities, and these activities are carried out by particular people. And the virtue of justice is supposed to provide ability to do that.

[19] More on the aretological (virtue-based) model in the public administration, see T. Barankiewicz, *W poszukiwaniu modelu standardów etycznych administracji publicznej w Polsce*, Lublin 2013, pp. 181–247. The author distinguishes the main personal and moral traits of a public official, including honesty, courtesy, kindness, responsibility, and willingness to accept criticism. Among the secondary traits he lists: reliability, conscientiousness, and striving for professional development.

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human fetus (even if it were the first days of life of a fertilized ovum) other than to say that it is already a human being, organizing the matter for himself to be a full, functional human body".[20]

Modern empirical knowledge, when it comes to biological facts, does not deny it, but confirms this. The development of empirical sciences and genetics indicate, as put by J. Lejeune, that as soon as 23 father's chromosomes are combined with 23 mother's chromosomes through fertilization, all the genetic information necessary and sufficient to express all the properties of the new individual is provided.[21] As G.L. Flanagan writes: "The general shapes characteristic of *homo sapiens*, as well as the sex and individual somatic characteristics are determined: the colour of eyes, hair and skin, facial features, body structure, tendency to be tall or short, obesity or asthenia, good health or tendency to certain diseases. The child is undoubtedly also predisposed to one or other temperament and intelligence".[22]

J. de Dios Vial Correa, based on research into gamete and zygote growth patterns, states as follows: "Starting from the moment of fertilization, the human embryo shows the fundamental feature of a living organism, namely the predefined, permanent, determined development pathway of development. (…) such an organism of the human species, although at a different stage of development than the observer, is truly and fully one of us. It will not be a distortion of fact to state that the embryo is a rational being starting a unique way of life and going towards a unique end (…)".[23]

Let us emphasize that from the biological point of view, human life is initiated by a combination of two cells – a male gamete and a female gamete. The moment of conception is the beginning of human life. The human embryo is not developing to become human, but has been developing as human since its existence began.

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[20] M.A. Krąpiec, *Człowiek i prawo naturalne*, Lublin 2009, p. 240.

[21] As cited in J. Gula, *Problem człowieczeństwa człowieka nienarodzonego*, [in:] *W imieniu dziecka poczętego*, eds. J.W. Gałkowski, J. Gula, Rzym–Lublin 1991, p. 157. It is worth noting that J. Lejeune is known for his discovery of the Down syndrome etiology (he discovered trisomy 21).

[22] *Ibidem*.

[23] J. de Dios Vial Correa, *Embrion ludzki jako organizm i jako ktoś spośród nas*, [in:] *Medycyna i prawo. Za czy przeciw życiu?*, eds. E. Sgreccia, T. Styczeń, J. Gula, C. Ritter, Lublin 1999, pp. 67–68. W. Fijałkowski (*Ku afirmacji życia*, Warszawa 1989, p. 72), when referring to the kinetic theory of embryo development proposed by E. Blechschmidt in functional embryology, states: "(…) the distinctiveness of the human organism is decided at the very beginning of individual development, already at the moment of fertilization. Individuality is linked to the continuity of a specifically oriented metabolism. Throughout the development period, the organism seeks to become what it has been since fertilization, that is, since the beginning of its existence. This is the principle of individuality and uniqueness about. All stages of human development are a changeable image of the unchangeable human being with its characteristic human functions. In other words, a human being is a human being during the fullest of his/her ontogenesis, he/she does not become one until later". This author also points to "the existence of psychical phenomena from an early stage of embryo development. (…) from the beginning of existence, various experiences are recorded in areas of the unconscious" (*ibidem*, p. 69, 75).

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Let us also quote I. Wilmut and K.H.S. Campbell, creators of the first cloned mammal (a sheep named Dolly) who stated that every human being begins life as a single-celled embryo – a zygote, which is formed by the combination of an ovum and a sperm.[24] This is the biological beginning of human life. Let us also add that the first sentence of *Before We Are Born: Essentials of Embryology and Birth Defects* by prominent scholars K.L. Moore, T.V.N. Persaud and M.G. Torchia,[25] reads: "Human development begins when an oocyte (ovum) from a female is fertilized by a sperm (spermatozoon) from a male".[26] Let us also recall the words of one of the founding fathers of German embryology, E. Blechschmidt: "(…) the (human) embryo does not 'become' a human being, but already 'is' a human being and does not develop 'into' a human being, but as a human being".[27]

The moment of conception marks the beginning of human life, from which we are dealing with existence, with continuity, with ongoing existence. And this reality cannot be reduced to someone else's experiences, different interpretations, and evaluations. The difference between an unborn child and a born child does not concern humanity. We do not present here this issue to a broader extent as well as ontological and philosophical arguments.[28] Let us also point out that we are not reducing man to biology alone; the reality of man (the value of human being) is not exhausted in their biological life.

However, it should be emphasized that as regards Polish law, the legislature has properly adopted and unambiguously resolved in Article 2 (1) of the Act of 6 January 2000 on the Ombudsman for Children[29] that "within the meaning of the

[24] As cited in M. Machinek, *Spór o status ludzkiego embrionu*, Olsztyn 2007, p. 77.

[25] K.L. Moore, T.V.N. Persaud, M.G. Torchia, *Before We Are Born: Essentials of Embryology and Birth Defects*, Philadelphia 2013.

[26] *Ibidem*, p. 1. H. Bartel, when describing the first week of development of a human in Chapter IV of his *Embryology* presenting this issue and beginning with fertilization, gave it the title *The Beginning of the Prenatal Development of a Human Being: The First Week of Development*. Cf. H. Bartel, *Embriologia. Podręcznik dla studentów*, Warszawa 2010, p. 74.

[27] As cited in W. Bołoz, *Bioetyka i prawa człowieka*, Warszawa 2007, p. 234. As R. Rugh and L.B. Shettles (*Od poczęcia do narodzin*, Warszawa 1988, pp. 27, 41) state, "it is astonishing how a single cell transforms into an embryo with the head, torso and internal organs in an early phase and the close relationship between the embryo and the mother's organism. Blood cells are produced after 17 days, and the heart after 18 days from the moment the sperm enters the cell. The embryonic heart, which at the beginning is only a simple tube, starts beating irregularly and slowly on the 24th day, and during the next week it takes a regular rhythm of systole and diastole action. (…) The nervous system arises very early (on the 18th day) and develops for more weeks after birth". The authors further write: "At the end of the first month, the embryo has evolved from a single fertilized cell into a one made up of millions of cells and that the second month of life is of such a decisive significance as the first, the most important in development" (*ibidem*, pp. 45–46).

[28] For more details on the life sciences data (especially from embryology and genetics) and philosophical arguments, see W. Dziedziak, *O prawie*..., pp. 126–140.

[29] Consolidated text, 2020, item 141.

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Act, a child is every human being from conception to adulthood". A conceived child is a subject of law.[30] He or she is therefore entitled to rights, in particular the right to life. Amongst other things, they also have the right to health protection and to full and harmonious development, with respect for their dignity and subjectivity.[31] Let us add that the Polish Medical Ethics Code introduces the term "embryonic stage human being".[32]

However, despite the above-cited wording of Article 2 (1) of the Act of 6 January 2000 on the Ombudsman for Children, within the Polish legal system there are incompatibilities and gaps in the matter of the normative guarantee of the right to life, the right to birth.

Concerning the relations, it should be noted that each right holder (entity A) is also in a unilaterally individualized relationship. The point here is that everyone else is obliged not to infringe the right holder's right (the right to life), not to interfere in it, not to do anything, which would interfere with the exercise of this right. In other words, entity A has the right to demand from anyone else not to infringe and to respect the right. We therefore have one party's right with a corresponding (correlated) obligation in the form of prohibition (obligation of non-infringement) imposed on the other party.

It should be emphasized that in view of justice, there is a great number of relations (relations of justice) in place. And these relations interweave in various ways. First, because of the large number of those who hold legislative power, each of these persons is obliged to do (the obliged person is supposed to do anything he can to safeguard this right, e.g. is supposed to vote appropriately) but also not to do, not to violate this right, which we mentioned earlier. Secondly, because of the great number of those entitled (but always actually existing), each of these entities (entity A) is in relationship (relation) with each person holding the legislative power at a given moment. And if we take a broader view, i.e., if all the entities are obligated, i.e., everyone who has an actual impact on legislative processes, i.e., everyone who has an influence on the determination of human rights and obligations, then there will be even more these relations.

Moreover, the right holder (entity A), remains in a relationship with every other entity, as obligated not to infringe his right (a negative obligation of not to infringe, to refrain from acting). This prohibition, of course, depends on the age which entails the capacity to perform such actions.

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[30] As far as civil law in the broad sense is concerned, a *nasciturus* ("the one to be born") is granted certain rights by virtue of special provisions. Cf. Article 446[1] and Article 927 § 2 of the Act of 23 April 1964 – Civil Code (consolidated text, 2020, item 1740), Article 75 and 182 of the Act of 25 February 1964 – Family and Guardianship Code (consolidated text, 2020, item 1359).

[31] Cf. Article 3 (1) and (2) of the Act of 6 January 2000 on the Ombudsman for Children.

[32] Code of Medical Ethics of 2 January 2004 (consolidated text containing amendments adopted on 20 September 2003 by the Extraordinary 7th Polish National Congress of Medical Practitioners).

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The relationship between entities A and B of the first kind is, in fact, even more complex. It is so because entity A is entitled, but also obliged (subject to the above-mentioned reservation) not to infringe the right of entity B. Entity B is also entitled (prohibition of violation of his right) but also, as it can be said, doubly obliged to act (perform) and at the same time not to act (not to do, not to infringe). Actions are positive obligations, non-actions (omissions) are negative obligations. Therefore, on the part of the obligated party (entity B) there is the combination of two obligations: to do and not to do, not to violate, to refrain from violations. We may refer here to the classical legal classification of obligations: *facere* and *non facere*. It should be emphasized that the positive obligation on the part of entity B only in some model system of law, probably idealistic one, fully protecting on a normative level the right to life from the moment of conception, could not require implementation.[33]

When we exemplify the relations of justice with regard to the right to life from the moment of conception[34], it is to be determined, analogously to legal relations, what is the event (fact) from which the relation originates. It is important to understand that this fact is the actual existence of a human being. In this context, John Paul II recalled: "Nothing and no one can in any way permit the killing of an innocent human being, whether a fetus or an embryo (…) As far as the right to life is concerned, every innocent human being is absolutely equal to all others. This equality is the basis of all authentic social relations which, to be truly such, can only be founded on truth and justice, recognizing and protecting every man and woman as a person and not as an object to be used".[35]

As regards moral norm requirements, "there are no privileges or exceptions for anyone. It makes no difference whether one is the master of the world or the 'poorest of the poor' on the face of the earth. Before the demands of morality, we are all absolutely equal".[36]

Of course, death resulting in the cessation of relations is also a fact.

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[33] This is related to the development of biomedicine, biotechnology. The dynamic development of biological, medical, and technical sciences in the second half of the 20th century, still ongoing, gave a new possibility of interfering in human life and in human nature. This development is so enormous that the previous generations could consider it literary fiction.

[34] The right to life from conception is a synthesis of all rights as any other right loses its meaning without it.

[35] John Paul II, *Evangelium vitae*, 57, 1995, https://www.vatican.va/content/john-paul-ii/en/encyclicals/documents/hf_jp-ii_enc_25031995_evangelium-vitae.html (access: 16.3.2022).

[36] *Ibidem*. Cf. idem, *Veritatis splendor*, 96, 1993, https://www.vatican.va/content/john-paul-ii/en/encyclicals/documents/hf_jp-ii_enc_06081993_veritatis-splendor.html (access: 16.3.2022). John Paul II (*Evangelium vitae*, 72) also emphasized that "laws which authorize and promote abortion and euthanasia are therefore radically opposed not only to the good of the individual but also to the common good; as such they are completely lacking in authentic juridical validity".

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Apart from the entities and the events (facts), other elements of these relations could be identified: the object and the content.

Without going into a detailed analysis, generally speaking, the object is the behaviour (with the reservation, of course, of the above-mentioned "capacity", "ability") of the subjects of this relationship. Therefore, we use the term "object" to the behaviour of the parties to this relationship. So, the object is human behaviour and this is also to some extent connected with the understanding that justice must always be understood in terms of human-related matters.

It is a question of behaviour (action and/or non-action) to which the various subjects are entitled or obliged under justice (relationship of entities A and B). These behaviours: both actions and omissions decide on the implementation of the relationship, the fulfilment of obligations and the exercise of rights. And here it should be emphasised that justice as a moral value (category) is of an absolute nature, i.e. failure to implement these rights and obligations when there is a real possibility of doing so is an act of injustice, a manifestation of evil.

And, of course, these rights and obligations are part of the relationship, the relationship of justice.

And another very important point. When speaking of natural rights, human rights, it must be strongly emphasized that we are talking about real natural rights and not rights which are the result (outcome) of some ideological pressure, distorted interpretation, or even manipulation.[37] This is because there is a danger of considering as real human rights some apparent rights wrongly called human rights or even innate rights.

These rights were aptly interpreted and expressed in the Universal Declaration of Human Rights adopted in 1948,[38] although it seems that not entirely unambiguous when it comes to the first of them: the right to life and the right to birth.

CONCLUSIONS

To conclude, let us emphasize that justice as a universal value and a principle-norm builds with its normative power the relations between entities. Justice determines real relations between entities. We discussed a simple version of the relationship between entity A (each person) and entity B (a legislative power holder, but always personally individualized because of the considerations of justice), based on the example of the right to life. And these relations (relations of justice) are by

[37] This is about innate, objective rights of a human being. Cf. K. Orzeszyna, *The Right to a Natural and Dignified Death*, "Studia Iuridica Lublinensia" 2020, vol. 29(4), pp. 221–232.

[38] Universal Declaration of Human Rights adopted and proclaimed by General Assembly resolution 217 A (III) of 10 December 1948.

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their very nature primary in relation to the legal norms of positive law[39], and this of course also applies to the relationship of entity A (each person) with another entity. They are earlier, because before any positive law norms defining conduct to guide human actions in a particular community emerge, we already find relations of justice in the world of real people.

We should also stress that justice is a universal value, a principle-norm, but also a virtue.[40]

REFERENCES

Literature

Barankiewicz T., *W poszukiwaniu modelu standardów etycznych administracji publicznej w Polsce*, Lublin 2013.
Bartel H., *Embriologia. Podręcznik dla studentów*, Warszawa 2010.
Bołoz W., *Bioetyka i prawa człowieka*, Warszawa 2007.
Dios Vial Correa J. de, *Embrion ludzki jako organizm i jako ktoś spośród nas*, [in:] *Medycyna i prawo. Za czy przeciw życiu?*, eds. E. Sgreccia, T. Styczeń, J. Gula, C. Ritter, Lublin 1999.
Dziedziak W., *An Essay on Natural and Distributive Justice*, "Studia Iuridica Lublinensia" 2020, vol. 29(4), **DOI: http://dx.doi.org/10.17951/sil.2020.29.4.71-83**.
Dziedziak W., *O prawie słusznym (perspektywa systemu prawa stanowionego)*, Lublin 2015.
Dziedziak W., *Rozważania o dobrej administracji*, [in:] *Prawo i polityka w sferze publicznej. Perspektywa wewnętrzna*, eds. P. Jabłoński, J. Kaczor, M. Pichlak, Wrocław 2017.
Fijałkowski W., *Ku afirmacji życia*, Warszawa 1989.
Filek J., *Co to jest dobra administracja?*, [in:] *Etos urzędnika*, ed. D. Bąk, Warszawa 2007.
Gula J., *Problem człowieczeństwa człowieka nienarodzonego*, [in:] *W imieniu dziecka poczętego*, eds. J.W. Gałkowski, J. Gula, Rzym–Lublin 1991.
Krąpiec M.A., *Człowiek i prawo naturalne*, Lublin 2009.
Kumaniecki K. (comp.), *Słownik łacińsko-polski*, Warszawa 1979.
Lyons D., *Ethics and the Rule of Law*, Cambridge 1984.
Machinek M., *Spór o status ludzkiego embrionu*, Olsztyn 2007.
Moore K.L., Persaud T.V.N., Torchia M.G., *Before We Are Born: Essentials of Embryology and Birth Defects*, Philadelphia 2013.
Orzeszyna K., *The Right to a Natural and Dignified Death*, "Studia Iuridica Lublinensia" 2020, vol. 29(4), **DOI: http://dx.doi.org/10.17951/sil.2020.29.4.221-232**.
Plezia M. (ed.), *Słownik łacińsko-polski*, vol. 3, Warszawa 2007.
Rawls J., *Teoria sprawiedliwości*, Warszawa 1994.
Rugh R., Shettles L.B., *Od poczęcia do narodzin*, Warszawa 1988.

[39] Based on normative regulations, the subjects of the obligations (representatives of the legislative authorities) are specified in a personalized way (by name), who have also the entitlement for their rights to be left not infringed. Using the terminology of legal sciences, it should be emphasized that positive law, simultaneously "equip" these entities with an authorization (power, entitlement) to do so.

[40] The virtue of justice makes one capable of respecting rights of other human beings.

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Online sources

Aristotle, *Nicomachean Ethics*, Book V, https://classics.mit.edu/Aristotle/nicomachaen.5.v.html (access: 14.3.2022).

John Paul II, *Evangelium vitae*, 57, 1995, https://www.vatican.va/content/john-paul-ii/en/encyclicals/documents/hf_jp-ii_enc_25031995_evangelium-vitae.html (access: 16.3.2022).

John Paul II, *Veritatis splendor*, 96, 1993, https://www.vatican.va/content/john-paul-ii/en/encyclicals/documents/hf_jp-ii_enc_06081993_veritatis-splendor.html (access: 16.3.2022).

Legal acts

Act of 25 February 1964 – Family and Guardianship Code (consolidated text, 2020, item 1359).

Act of 23 April 1964 – Civil Code (consolidated text, 2020, item 1740).

Act of 6 January 2000 on the Ombudsman for Children (consolidated text, 2020, item 141).

Code of Medical Ethics of 2 January 2004 (consolidated text containing amendments adopted on 20 September 2003 by the Extraordinary 7th Polish National Congress of Medical Practitioners).

Constitution of the Republic of Poland of 2 April 1997 (Journal of Laws 1997, no. 78, item 483, as amended).

Universal Declaration of Human Rights adopted and proclaimed by General Assembly resolution 217 A (III) of 10 December 1948.

ABSTRAKT

Opracowanie ma charakter przede wszystkim koncepcyjny i zarazem naukowo-badawczy, a analizy w nim zawarte mają charakter uniwersalny. W artykule podjęto zagadnienie relacji sprawiedliwości w życiu społecznym. Zegzemplifikowano je na prawie do życia od chwili poczęcia. Jest ono bowiem pierwszym, podstawowym i nadrzędnym z praw. Rozpoczęto od rozważań dotyczących pojmowania sprawiedliwości. Jako punkt wyjścia przyjęto klasyczne rozumienie wyrażone w formule „oddać każdemu to, co mu się należy" (*suum cuique tribuere*). Zaakcentowano, że sprawiedliwość dotyczy każdego człowieka. Stwierdzono, że sprawiedliwość jako uniwersalna wartość i jako zasada-norma, będąc powinnościorodną, „buduje" relacje między podmiotami. W artykule zanalizowano przede wszystkim relację zachodzącą między podmiotami A i B, gdzie podmiot A to każdy człowiek (przypomniano też dane naukowe uzasadniające, od kiedy jest człowiek), a podmiot B to piastun władzy prawodawczej (ustawodawczej) zawsze, właśnie z uwagi na sprawiedliwość, zindywidualizowany personalnie i jako taki w relacje sprawiedliwości wchodzący.

Słowa kluczowe: sprawiedliwość; sprawiedliwość naturalna; relacje sprawiedliwości; prawo do życia od chwili poczęcia