

Justice seems not to be for all: Exploring the scope of justice

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The idea that “justice is for everyone” seems to be over. A justice perception can have unfair consequences for those who are perceived not to be included within the boundaries of fairness. This is what the scope of justice is all about: who is within and who is outside of the “justice boundaries”. This paper intends to clarify the concept and explain how social psychologists work with it in real-life contexts. We argue that the scope of justice is a key concept that helps us to understand a broad range of intergroup conflicts, besides being an understudied phenomenon that motivates a variety of justice-related issues such as deservingness, animal rights, discrimination and environmental conflict. We also discuss and review the relevant literature concerning the psychological and social functions of the scope of justice, highlighting its possible antecedents and consequences. Finally, we outline the current applied research into the role played by processes used to legitimize damaging behaviors against people who are perceived to be outside of the scope of justice. In light of this concept, the “justice is for everyone” maxim should probably be changed to “justice is for those who are not excluded from our boundaries of fairness”.



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Ten years after 9/11, we witnessed the sympathy of (almost) the whole world for the victims of the attack on the World Trade Center (WTC) in New York. In 2011, the world watched live coverage of the tribute to the 2974 individuals who were killed at Ground Zero. During the tribute the name of each victim was remembered and announced by his or her relatives as a way of recognizing the value of each victim as a unique individual worthy of human appreciation. At the same time, we can easily find in human-rights reports the number of civilian casualties caused in the anti-terrorism war waged by the USA in Afghanistan. Although this number may sometimes be inflated, there appear to be around 40,000 people, including thousands of innocent children, who have been killed in Afghanistan since the beginning of the war.

Although the number of WTC casualties has been compared with the number of Afghan civilian casualties, it can easily be seen that the tributes and sympathy accorded to each group have not been the same. If human life is considered to be so important, and if it has the same value for everyone, then the sympathy felt for the casualties in Afghanistan should be the same or even greater than the sympathy felt for the WTC victims. Why is it then that people express different amounts of worry and sympathy for different groups (i.e., “my” group and “their” group)? Why is it that we do not feel the harm suffered by others as we feel the harm suffered by ourselves? For social psychologists, this is a question of justice concerns.

We often make decisions about justice-related issues in our daily lives. Every day we have to define (at least in our minds) whom it is important to care about and whom it is not. Who deserves our attention and who does not count? Usually, we care about and try to protect what we feel to be our group. In social psychology, this group is referred to as the ingroup, i.e., a social group to which an individual feels that he or she belongs. Similarly, “their group” is referred to as the outgroup, i.e., those social groups from which an individual feels the need to distinguish him or herself, which can be achieved through expressing contempt, opposition, or a desire to compete. When we talk about group comparison, the ingroup and the outgroup are salient for those involved, and we often apply this differentiation between groups to justice-related issues.

In this paper, we analyze an important process that affects the way that social judgments and decisions are made in relation to justice-related issues: the scope of justice. It is important to be familiar with this

concept in order to understand how people morally justify their (good or bad) behavior and how people endorse the behavior of others in everyday life.

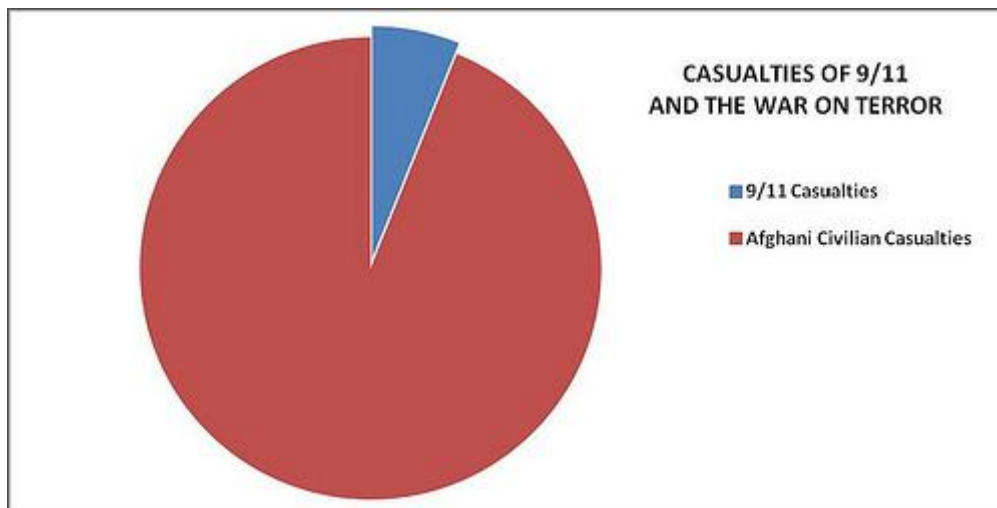
The Scope of Justice

The idea of the scope of justice has emerged in social psychology in the last 30 years (e.g., Opatow, 1990). It is sometimes also referred to as people's perception of what their *moral community* is, that is, a psychological boundary for fairness. The scope of justice describes the perceived relevance of others that allows us to know whether to judge them by the same fairness rules that are applicable to us and to our group members (Beaton & Tougas, 2001; Crosby & Lubin, 1990). More specifically, these rules can be norms, moral rules and concerns about rights and justice that drive our behavior. In sum, these components act as a guide for us to identify who lies inside or outside of our own scope of justice (Hafer & Olson, 2003; Opatow & Weiss, 2000).

In fact, Deutsch (1990) gives an example of how we think in terms of justice concerns. He explains that this concept provides a basis for understanding how Eichmann, a good family man, turned into a mass murderer of Jews in the Nazi era. Despite being considered an otherwise "moral man", he did what he did. With this example Deutsch wanted to emphasize that the process of social judgment and decision-making about what is just or not and who is included or excluded from our scope of justice helps people to overcome moral concerns and engage in barbaric actions such as Eichmann's.

An important point to consider is that the scope of justice is not constant. It is subject to change on the basis of historical and social forces, and this change can lead either to an expansion or a reduction of the scope of justice, depending on the situation in which justice concerns are applicable. For example, Opatow's (1993) experiment analyzed the extent to which a target was seen as beneficial or harmful to the perceiver and how this perception influenced the way that the perceiver thought that animals should be treated (i.e., whether or not they should be protected). Participants in this study read one of two versions of a textbook article about a species of beetle. The text said that the beetle was either beneficial (natural insecticide and pollinator – benefits of \$1 billion/year) or harmful (kills crops, eats stored grain – costs of \$1 billion/year). The results showed that the scope of justice was extended (made more inclusive) when the beetle was perceived to be useful to humans, that is, when participants were exposed to the beneficial information. But the beetle was excluded from the participants' scope of justice when it was considered harmful to humans, which led to a decrease in participants' willingness to protect it.

The scope of justice is often known as a concept that helps us to understand how people endorse both extremely harmful behavior, such as genocide, deprivation of resources and dignity (e.g., Deutsch, 2006; Olson, Cheung, Conway & Hafer, 2010; Opatow, 1995, 2005), and also protective behavior, such as considering mankind and animals to exist within the same boundaries of justice (e.g., Bilewicz, Imhoff & Drogosz, 2011). In fact, theorists and researchers usually work with one of the two functions of the scope of justice in order to understand its context and consequences.



Functions of the Scope of Justice

People's perception of the scope of justice has at least one psychological and one social function. The psychological function of the scope of justice could be the protection of individual well-being. Specifically, the process of defining the scope of justice helps individuals to cope with conflicts and decisions about unjust behaviors without threatening their self-concept as fair people. Indeed, Opatow's (1995) studies suggest that individuals internalize prevailing societal arrangements, reshape their perceptions of marginalized groups, and reconfigure their scope of justice (mostly by narrowing it). In this process, individuals try to "feel ok" about their judgments and decisions of justice toward others. The applicability of fairness in this case is an important way of restoring our perception that "the world is just" (see Lerner, 1980, for more on the just world theory), regardless of whether the outcome is good or bad for others.

The social function of the scope of justice is to legitimize the social system (the status quo and existing social arrangements). People do not ordinarily engage in reprehensible behavior until they have justified the morality of their actions to themselves. This motivation to exclude people from their scope of justice is only possible within a society where people individually engage in moral restructuring, that is, people seek to find moral justification to various inhumane acts (Bandura, 1990). The consequences attributed to the use of the scope of justice in real-life situations propose that if someone is already excluded from one's scope of justice, the tendency is to justify this exclusion, maintaining it (Opatow, 1995, 1997). The exclusion from the scope of justice justifies that this person "had to receive" the (usually bad) outcome. In other words, we justify the harm that befalls those outside our scope of justice as inevitable or deserved, because they are "morally excluded". For example, Lima-Nunes, Pereira and Correia (2013) showed that exclusion from the perceiver's scope of justice acts as a justifying argument to provide support for discriminatory policies toward immigrants (e.g., "immigrants should pay more for social security than national citizens should") just because participants perceived immigrants as being outside of their moral community.

Antecedents of the Scope of Justice

Researchers hypothesize that there are some antecedents for being excluded from the scope of justice (Olson, Cheung, Conway & Hafer, 2010; Opatow, 1995). First, people relate the exclusion to the *perceived*

utility of the target: a low perceived utility could increase the likelihood that a target will be excluded from the perceiver's scope of justice. For instance, Opatow's (1993) research showed that a beetle that was perceived as beneficial was more likely to be included in the scope of justice than a beetle that was perceived as harmful. A second proposed antecedent of exclusion is the *perceived threat* posed by the other, such as incompatibility in the search for resources. In her qualitative and experimental studies, Opatow (1993) demonstrated that increasing conflict severity predicted exclusion from the scope of justice. In the experimental study, the beetle was included in the perceivers' scope of justice only in low-conflict situations, that is, when humans' need for the beetles' habitat was questionable.

Finally, a third proposed antecedent is a lack of identification or perceived dissimilarity between target and perceiver. This was shown by Opatow (1995) to be an intriguing antecedent of exclusion from the scope of justice. In the experimental study that she carried out, it was identified that a perceived similarity to the beetle per se did not predict inclusion in the scope of justice. However, in low-conflict scenarios, participants who perceived the beetle as similar were more likely to believe that considerations of fairness could be applied to the insect.

Inclusion in or Exclusion from the Scope of Justice

People can either amplify or restrict their boundaries of the scope of justice by including some groups in their moral community and excluding others. The decision of whether to raise or lower the scope-of-justice threshold depends on (1) how the perceiver believes that considerations of fairness should (or should not) apply to the perceived group; (2) whether or not he or she wishes to allocate a share of community resources to the group; and (3) whether or not he or she wishes to make sacrifices to foster the well-being of the perceived group (Coryn & Borshuk, 2006; Deutsch, 1990; Hafer & Olson, 2003; Opatow & Weiss, 2000).

Accordingly, for the group that is inside the scope of justice, concerns about fair treatment are salient, whereas for people that are outside the scope of justice, concerns about fair treatment are not applied or they are perceived as irrelevant (e.g., Deutsch, 2006; Opatow, 1990). A typical example of the way in which we include or exclude someone from our scope of justice is the way that we assign as much justice as we think that the other "deserves" (e.g., "This person does (not) have the same rights that I have").

As far as inclusion is concerned, studies exist that demonstrate the effect of this side of the scope of justice (e.g. protection toward animals). In fact, there are theorists who suggest that more aspects of inclusion should be investigated: for instance, the ways in which we can modify moral justifications for social injustice, foster intergroup attitude changes or even modify the strength or scope of one's fundamental justice principles. This could be a way to see the other side of the coin, thus providing ways to achieve social justice (Bilewicz, Imhoff & Drogosz, 2011; Opatow, 1994).

Recent theorizing about the scope of the justice concept has specified two meanings of exclusion from the scope of justice (see Olson, Cheung, Conway, Hutchison & Hafer, 2011). Exclusion means excluding a particular person/group from positive treatment that is given to others or using different rules of fairness for a particular person/group. The result is often negative treatment of the excluded people (whereas the included people are treated positively). This kind of exclusion is seen as fair (or justified on some other basis) to the person who is doing the exclusion (e.g., Bar-Tal, 1990; Lima-Nunes et al., 2013; Staub, 1989). However, exclusion from the scope of justice can also mean that the person doing the exclusion

does not see justice as being relevant to the excluded person/group, in which case the actor could be motivated by self-interest insofar as his/her interests could be served by action that harms the target (e.g., Brockner, 1990; Opatow, 1995). In this paper we consider both forms to conceptualize exclusion from the scope of justice and we use them to exemplify the consequences of “moral exclusion”.

Consequences of the Exclusion from the Scope of Justice

Targets that are excluded from the scope of justice are vulnerable to harmful treatment and apathy towards such harm-doing (e.g. slavery) (Bar-Tal, 1990; Coryn & Borshuk, 2006; Staub, 1989). Some studies show how we rationalize in order to exclude a person or group:

- Individuals excluded from the scope of justice are considered to be “psychologically distant” (Opatow, 1994, p. 59), e.g., targets have different ways of thinking or living. For instance, Bilewicz, Imhoff and Drogosz’s (2011) research into the ‘humanity of what we eat’ showed that omnivorous people might seek a justification for participating in or complying with a complex process of killing animals. Hence, omnivorous people may subjectively minimize the psychological costs of their own actions (e.g., “if animals are primitive and have no human-like feelings anyway, it seems legitimate to kill them”).
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- Excluded ones are not seen as worthy of consideration or the community does not feel a moral obligation to them. In fact, Opatow and Weiss’s (2000) research shows that the denial of self-involvement in environmental conflict is a way of excluding oneself from the problem. Self-exclusion minimizes the extent to which an environmental dispute is relevant to oneself or one’s group, thus making it possible for people to exclude themselves from the scope of justice of environmental conflict. For example, by regarding themselves as “clean” and insignificant contributors to pollution, they assert their non-relevance and consequently accept no moral obligation in this controversy.
- People excluded from the scope of justice can be perceived as being irrelevant or undeserving of application of justice. Indeed, Opatow (1993) showed that participants who read about the harmful (and expendable) beetle expressed less willingness to protect the insect. Moreover, Opatow (1997) argues that, in the affirmative-action debate, the idea that a group does not deserve to have certain benefits makes it more difficult for people to accept affirmative-action policies. This issue is related to the argument that target groups do not deserve special treatment because they are not different from others.
- People may approve unfair procedures and outcomes for those morally excluded, i.e., procedures and outcomes that would not be acceptable if it was directed to someone included in the scope of justice. Hegtvædt (2005) gives an example of this orientation in addressing the seething hatred of Americans against Muslim extremists. Coryn and Borshuk (2006) provided further evidence for this when American participants had to include or exclude a Muslim American family from their scope of justice. The results indicate that participants who excluded the Muslim American family from their scope of justice tried to justify their decision by invoking instances of international conflict situations such as the terrorist attacks on the United States, with the revenge

discourse being prevalent. Thus, the Muslim American family “had” to be excluded as a deserving outcome.

- Research on exclusion from the scope of justice is mainly focused on how people act in determining the size (broad vs. narrow) of the scope and how it is related to people's self-concept. However, a few researchers have taken the victim's perspective of exclusion into consideration (see Hafer & Olson, 2003). For example, Tyler and Lind (1990) investigated the reactions of those who are marginal members of their group. They suggested that these individuals, who are somewhat marginalized in their group, may see justice as being less relevant in their interactions with other group members compared to individuals who are less marginalized. Accordingly, marginalized individuals compared to those more central to the group may respond less intensely to their own unjust treatment. Nagata (1990) has analyzed the reactions of individuals excluded from the ingroup's scope of justice and how their family members and possibly succeeding generations were affected by this type of exclusion.

- ***Current Applications of the Scope of Justice***

- Although the idea of exclusion from the scope of justice could be useful in creating understanding of the reasons why people might resort to extreme harm-doing (e.g., Bar-Tal, 1990), its typical application in empirical research has focused on less severe responses, such as willingness to recommend punishment, deservingness (e.g., Brockner, 1990; Olson, Cheung, Conway & Hafer, 2010; Singer, 1996) and the support of discriminatory policies (Lima-Nunes, Pereira & Correia, 2013).
- In a broad application of the concept, there is some research into the notion of the scope of justice and its relationship with procedural and distributive justice. Procedural justice refers to how we perceive the decision process in justice terms (e.g., Is it a fair or unfair decision process?). The perceived fairness of the process will depend on the final outcomes. By contrast, distributive justice refers to the perceived fairness of the distribution of resources. Therefore distributive justice is also based on outcomes but in a comparison context (e.g., who has more resources?) (Hegtvedt, 2005; Opatow, 1997).
- There is a prevalence of research into procedural (over distributive) justice and the scope of justice, specifically within an explanation of the concept that focuses on “deservingness” (e.g., Hafer & Olson, 2003). For example, Brockner (1990) analyzed whether the perception of procedural fairness was influenced by the feeling of injustice, that is, in a workplace setting, when the employees knew that their peers or other workers to whom they felt attached were laid off. Results showed that workers (i.e., participants in this study) expressed low concern about procedural fairness when non-peers were laid off in comparison to when the layoff victims were similar/close to them (e.g., Heuer, Blumenthal, Douglas & Weinblatt, 1999; Olson et al., 2011).
- According to Hafer and Olson (2003), this type of protection provided by procedural fairness is always available and applied only for those within one's scope of justice but less consistently applied to excluded targets (for whom decisions would be made for reasons other than justice). However, the fairness evaluations of some of these procedures may have depended, in part, on the perceived deservingness of the target. Indeed, Heuer et al. (1999) has shown that respectful

treatment, assumed by many researchers to be one aspect of procedural fairness, may not seem fair when the recipient of the treatment is perceived as undeserving of such consideration.

- Although the scope of justice has been applied to research in classical justice, it has most recently been applied to intergroup conflict studies. For instance, we have analyzed the legitimizing role of the perceived exclusion of the outgroup from the ingroup's scope of justice in the relationship between prejudice and discrimination. Specifically, we analyzed how a narrow scope of justice could influence the transition from prejudice against immigrants to discriminatory behavior against them (Lima-Nunes et al., 2013).
- We hypothesized that this influence should only be true if it happened within a specific justice-perception setting: participants had to think that "the world is just" so as to legitimize the exclusion from the ingroup's scope of justice and, therefore, the discriminatory behavior. This setting is important, because people need to "feel ok" with their decisions about others in order to maintain their sense of well-being. We applied justice perception to a broad explanation of how people legitimize discrimination against immigrants. In social psychology, when we test an explanation of how some variables are related we call it a model. The general model that we adapted to justice perception was the "Justified Discrimination Model" (JDM; Pereira, Vala, & Leyens, 2009; Pereira, Vala, & Costa-Lopes, 2010). This model shows how and when prejudice can lead to the search for explanations in order to justify and, consequently, legitimize discrimination when it faces opposition (e.g., anti-prejudice norm).
- In our studies, we examined the role played by justice perceptions, such as the scope of justice and belief in a just world, in influencing legitimized discrimination against immigrants. We chose these two justice perceptions as justifying factors of discrimination because the scope of justice can be a justifying argument to derogate others and because belief in a just world is a fundamental belief that people receive the treatment that they deserve and deserve the treatment that they receive (Lerner, 1980).
- To analyze the role played by justice perceptions, we used classical measures of prejudice against immigrants and belief in a just world (e.g., Dalbert, Montada & Schmitt, 1987; Pettigrew & Meertens, 1995) and we developed new measures to evaluate discrimination against immigrants (i.e. support for discriminatory policies) and exclusion from the scope of justice. We found that participants legitimized their prejudice and discrimination by saying that "our principles of justice are not applicable to immigrants' concerns", that is, by excluding immigrants from the ingroup's scope of justice. Thus, participants used a narrow scope of justice as a justifying argument to discriminate and this phenomenon was stronger among participants who believed that "the outgroup got what they deserved".
- In addition, we experimentally analyzed whether a (perceived) narrow scope of justice would influence discrimination against immigrants. We used the same justice-perception setting, priming participants with the thought that "the world is just" in order to examine whether or not discrimination would be influenced in the same way. As we predicted, participants showed higher support for discriminatory policies against immigrants when the ingroup's scope of justice was perceived as narrow, especially in a social context where the idea that everybody gets what they deserve and deserve what they get was salient (the idea of a just world).

- **General Conclusion**

- Having analyzed the concept and the related research, we can summarize the above by saying that the scope of justice acts as a psychological parameter to help us answer the question “who”: Who does not count? Who is deserving? Who is irrelevant? Who is important? However, the decision to include or exclude has consequences: as noted above, the scope of justice can be beyond the “moral”, with good and bad consequences for those outside its boundaries. As a justifying argument, this justice concern unfortunately has the potential to legitimize the derogation of outsiders and to promote exclusion (e.g. prejudice and discrimination).
- Finally, the scope of justice is currently recognized as an important tool in uncovering the justice processes that lie behind important real-world issues. Ultimately, empirical studies have shown that the saying “justice is for everyone” is no longer an appropriate phrase to describe people's behavior. It seems that people act much more in accordance with the idea that “justice is for those who are not excluded from our boundaries of fairness”.

- **Glossary**

- **Ingroup and outgroup:** Social groups to which an individual feels that he or she belongs, or, in the case of outgroups, towards which an individual feels contempt, opposition, or a desire to compete.
- **Intergroup conflict:** When groups interact in conflict. It is usually studied when it occurs between the ingroup and the outgroup.
- **Legitimacy:** The process of making something acceptable and normative in a group and/or in society as a whole.
- **Priming:** Exposing people to words, pictures, or activities that activate certain concepts in their minds.
- **Scope of justice:** The perceived relevance of others at work in the decision over whether to apply the same fairness rules to them that are applicable to us (included) or different fairness rules that are applicable to others (excluded).

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