

Justice, thick versus thin

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I. Introduction

Ethicists often divide evaluative terms and concepts into thick versus thin. This distinction is supposed to make a difference for metaethical questions such as whether there's a fact-value gap, whether there are ethical truths, and, if there are such truths, whether they would be objective. Assuming *justice* is an evaluative concept, we can thus ask whether it should be classified as thick or thin, and whether its classification as such might have any significant implications.¹

Of course, the question of whether *justice* is thick or thin depends heavily on what thick and thin concepts are and how they differ. This matter is hotly debated. Three different approaches will be considered later in this entry. But for now, let's focus on a rough approximation. According to this rough account, thick concepts are specific evaluative concepts that are substantially descriptive. Sample thick concepts include virtue and vice concepts like *generosity* and *cowardice*, action concepts like *murder* and *betrayal*, epistemic concepts like *dogmatic* and *wise*, and aesthetic concepts like *gaudy* and *brilliant*. These concepts seem evaluative, much like *good* and *right*. But they also seem descriptive in a way that *good* and *right* are not. *Good* and *right*—along with *bad*, *wrong*, *ought*, *permissible*, and many more—are paradigmatic thin concepts. Roughly, a thin concept is a general evaluative concept that is not substantially descriptive. When Sue says that Max is good—thereby applying a thin concept—she is evaluating Max without providing much description, if any. Thick concepts, by contrast, involve significant description. If Sue says that Max is courageous, she is not only evaluating him but is also describing him as willing to face risk.

What difference does it make whether an evaluative concept is thick or thin? Because of their descriptiveness, thick concepts are especially good candidates for evaluative concepts that represent properties. It's hard to deny that some actions have the property of being courageous, or generous, or dishonest, or treacherous, etc. But, arguably, it's much easier to deny that some acts have the property of being right or good. According to two prominent positions in 20th century ethics—error theory and non-cognitivism—there are no such properties as rightness or goodness. So, if *justice* is a thin concept, then the same metaethical problems that beset *good* and *right* might also apply to *justice*. On the other hand, if *justice* can be classified as a thick concept, then this may provide an avenue for thinking of justice as a genuine value property, alongside courage, generosity, honesty, etc. It should be noted that some argue that thick concepts do not have the sort of significance commonly attributed to them (e.g. Väyrynen 2013). Nevertheless, the classification of *justice* as thick would be an important claim, if we assumed that the thick/thin distinction had the significance it's often thought to have.

For the most part, this entry will focus on the question of whether *justice* should be classified as thick or thin or neither. The question is framed in a way that allows for the possibility that *justice* might be an evaluative concept that's neither thick nor thin. As we'll see, some accounts of the thick/thin distinction allow for evaluative concepts that fall in neither category.

First, however, it's important to note that substantive theories of justice do not automatically entail answers to our main question. To illustrate this, let's consider a specific theory of justice, such as Plato's view that the just person is one with a harmonious soul—a soul whose parts all play their proper roles without interfering in the roles of others (2004, bk. IV, 442d-444e). Given that *proper* is evaluative, it could be argued that the concept of a harmonious soul is thick—i.e. a specific evaluative concept that's also

¹ Italicized expressions refer to concepts and single-quoted expressions refer to words (except when they occur in quotations from other authors).

substantially descriptive. Nevertheless, even if Plato's theory were correct, this would not automatically establish that *justice* is thick. What also needs to be established is that the concept of justice is identical to the concept of a harmonious soul. And Plato does not show that these concepts are identical. At best, he only establishes a weaker claim, such as that these concepts represent the same property. Similar points apply to other theories of justice. Substantive theories of justice don't automatically answer our main question. To answer this question, we must consider the various ways in which thick and thin differ, and whether *justice* bears any similarity to one or the other.

The literature on justice often distinguishes between different forms of justice, such as distributive versus corrective justice, and justice of laws versus justice of persons or institutions. With only one exception (Elstein and Hurka 2009, 522), the thick concepts literature discusses our main question on a very general level, without drawing such distinctions. This entry will not veer from that path, although it's possible that progress could be made if one does.

II. Is Justice Thick, Thin, or Neither?

Various ways of distinguishing thick from thin have been proposed. Although there is currently no consensus around a particular approach, we can consider how the three main ways of drawing the distinction come to bear on the question of whether *justice* is thick, thin, or neither. We begin with Bernard Williams' distinction, which occurs in his 1985 book *Ethics and the Limits of Philosophy*.

II.a. Williams on Thick and Thin. Williams holds that thick terms are both world-guided and action-guiding, whereas thin terms are action-guiding but not world-guided (1985, 152). A world-guided term is one whose usage is "controlled by the facts"—i.e. there are conditions for its correct application and competent users can largely agree that it does or does not apply in new situations. An action-guiding term is one that is "characteristically related to reasons for action" (1985, 140-1). With this distinction in hand, let's return to our main question: Is *justice* thick, thin, or neither?

Unfortunately, the answer is unclear. Indeed, this very question is used to criticize Williams' distinction between thick and thin. Samuel Scheffler claims that Williams' distinction makes it hard to classify many evaluative concepts, and *justice* is one of Scheffler's prime examples (alongside *fairness*, *impartiality*, *rights*, *autonomy*, and others). According to Scheffler, these concepts are relatively general, which makes them seem thin, but they also appear to be world-guided, which makes them seem thick (1987, 417-18). We are thus left to wonder whether Williams' 1985 distinction ought to be rejected. And if not, how then should we classify important ethical concepts like *justice*?

In a later essay, Williams' responds to Scheffler. His response raises a number of issues pertinent to our main question. Williams writes

Obviously, in some sense, thick concepts have a higher empirical content. It is worth adding, as Samuel Scheffler has pointed out, that there is an important class of concepts that lie between the thick and the thin, notably the concept of justice. There is more to it than to a concept like 'right': that an action is just is *one reason* it can be right. On the other hand, the content of 'just' is in a certain way indeterminate or disputable or open to a variety of conceptions (1995, 234). There are four main things to observe about this passage.

First, when Williams mentions "an important class of concepts that lie between the thick and the thin," he appears to be claiming that there are action-guiding concepts that are neither thick nor thin. If so, then his claim in the above passage is inconsistent with his 1985 distinction between thick and thin. According to his 1985 distinction, there are action-guiding concepts that are world-guided, which Williams labels 'thick', and there are action-guiding concepts that are not world-guided, which Williams labels

‘thin’. It’s impossible for there to be an action-guiding concept that doesn’t fall in one of these two categories. So, on Williams’ 1985 distinction, every action-guiding concept is either thick or thin. How then can there be action-guiding concepts “that lie between the thick and the thin”, as Williams later affirms? The answer is unclear. Indeed, the tension leads one to wonder whether Williams rejects his 1985 distinction in favor of a different approach.

Second, the Williams/Scheffler exchange has in fact led many ethicists to a different approach—the view that thick and thin differ only in degree, not in kind. The basic idea behind this approach is that thick and thin lie on opposite ends of a continuum of evaluative concepts, with no sharp boundary between them. For example, *good* and *bad* lie on one end of the continuum, with *kind*, *compassionate*, and *cruel* on the other end. The ends of this continuum can be distinguished based on degrees of specificity, or amounts of descriptive content. In general, a concept must have enough specificity, or enough descriptive content, for it to reside on the thicker end of the continuum. Let’s call this the Continuum Approach. This approach helps to make sense of Williams’ claim that thick concepts have “higher empirical content”—Williams is here using a gradient notion to distinguish thick from thin, just as the Continuum Approach does. This approach also clarifies how it’s possible for an evaluative concept, like *justice*, to “lie between the thick and the thin.” The concept may not have enough specificity and/or descriptive content for it to count as thick, and it may have too much specificity and/or descriptive content for it to count as thin. It’s not immediately clear that Williams accepts the Continuum Approach in his later work, but it is clear that others have accepted it (e.g. Smith 2013; Chappell 2013).

Third, let us pause on Williams’ final comment that “the content of ‘just’ is in a certain way indeterminate or disputable or open to a variety of conceptions.” Williams’ basic point is that proponents of rival theories of justice can engage in disputes about justice without talking past one another. For example, egalitarians and desert-theorists have rival theories of justice but often engage with one another in attempts to resolve their disputes. And their differing theoretical views do not create a situation where they are applying different concepts of justice and are therefore talking past one another. This is arguably an important feature of the concept *justice*.² For our purposes, let us note that Williams and others (e.g. Elstein and Hurka 2009, 522) hold that the feature in question disqualifies *justice* from being a fully-fledged thick concept.³ It’s an important question, however, as to whether such a feature should disqualify concepts from counting as thick. No one has actually defended a restriction like this. And it naturally leads one to ask whether there are also competing theories of, say, courage, whose proponents can disagree about what’s courageous without talking past one another. This would be a problem for the restriction, as well as for Williams’ attempt at using it to preclude *justice* from the thick. Furthermore, even if the feature in question does preclude *justice* from the thick, it behooves us to notice that the feature is shared by most, if not all, thin concepts. The content of ‘right’, for example, is disputable and open to various conceptions (e.g. utilitarian, deontological, etc.), and proponents of rival theories are not doomed to talk past one another. So, even if this feature disqualifies *justice* from the thick, it certainly leaves open the possibility that *justice* might be thin.

And finally, the foregoing should leave us to wonder why *justice* does not count as a thin concept. Williams says only two things aimed at precluding *justice* from the thin, but both claims are inadequate. He claims, first, that *justice* has more empirical content than *right* and, second, that justice is only one reason an action can be right. Notice, however, that similar reasoning would require us to deny that *right* is a thin concept. It seems equally plausible that *right* has more empirical content than *good*. The concept *good* can be applied to various things (e.g. food, cars, consequences, etc.), but *right* presumably has some empirical

² For a general account that explains the feature in question, see Elstein and Hurka (2009, 522)

³ Elstein and Hurka locate *distributive-justice* “in a middle position between purely thin ones and fully thick ones” (2009, 524).

content that prohibits it from being applied to all these things. Furthermore, rightness is only one reason an action can be good—other reasons might be that the act is an achievement, or skillful, or beautiful, etc. So, Williams’ reasoning seems to preclude *right* from counting as a thin concept, which is a problem, since *right* is a paradigmatic thin concept. Williams therefore does not supply any good reason to deny that *justice* is thin.

To sum up, Williams’ 1985 distinction between thick and thin is rendered problematic by the very question we’re concerned with—the question of whether *justice* is thick or thin. Williams replies to this concern by claiming that *justice* is neither thick nor thin, but he does not supply any convincing arguments for such a claim.

We have so far seen two ways of understanding the difference between thick and thin—Williams’ 1985 distinction and the Continuum Approach. However, it’s only according to Williams’ 1985 distinction that it makes any difference whether justice is thick or thin. On Williams’ 1985 distinction, thin concepts are not world-guided and are therefore not “controlled by the facts.” If *justice* turns out to be thin, understood in this way, it follows that justice is not a genuine feature of the world and that our employment of the concept is not controlled by the facts. This would make a big difference to theories of justice, and Williams says nothing convincing that would rule it out. On the Continuum Approach, however, the view that *justice* is a thin concept has no such implication. For a concept to be thin, it needs to have relatively little descriptive content and/or specificity. But this doesn’t imply that such concepts fail to pick out genuine features of the world, or that they’re not controlled by the facts. So, if justice is a thin concept, as construed by the Continuum Approach, there may be no significant implications for theories of justice.

II.b. Hare on Thick and Thin. Williams was not the first to distinguish between thick and thin. That title goes to R.M. Hare, who drew a slightly different distinction in his 1952 book *The Language of Morals* and later in his 1963 book *Freedom and Reason*.⁴ Hare’s view is that both thick and thin terms have descriptive and evaluative meanings associated with them. The difference between thick and thin has to do with the relationship the two meanings bear to the term in question. A thin term is one whose evaluative meaning is “more firmly attached” than its descriptive meaning. And a thick term is just the opposite—a term whose descriptive meaning is “more firmly attached” than its evaluative meaning (1963, 24-5).

What does Hare mean by “more firmly attached”? The more firmly attached meaning is the one that is less likely to change when language users alter their usage of the term. For example, it is less likely that ‘right’ will eventually be used to evaluate actions negatively than that it will be used to describe lying, promise-breaking, killing, torture, and so forth. The reason is that, if we started using ‘right’ to evaluate actions negatively, there’s a great chance we would be misunderstood or accused of misusing the word. In this sense, the evaluative meaning of ‘right’ is more firmly attached than its descriptive meaning. But just the opposite holds for thick terms like ‘generous’. If we started using ‘generous’ to evaluate actions negatively, we would not be misunderstood (Ebenezer Scrooge, for example, could use ‘generous’ negatively and we would still understand him). Yet, if we started using ‘generous’ to describe, say, selfish acts, then we would most likely be misunderstood or accused of misusing the term. In this sense, the descriptive meaning of ‘generous’ is more firmly attached than its evaluative meaning (1989, 125).

It’s worth noting that, unlike Williams’ 1985 distinction, Hare’s distinction allows for a class of evaluative terms that are neither thick nor thin. Any evaluative term whose descriptive and evaluative meanings are equally firmly attached will count as neither thick nor thin. Although Hare never mentions this third category, it is at least a potential category for some hard-to-classify cases, such as those cited by Scheffler.

⁴ Hare actually calls them primarily evaluative words and secondarily descriptive words (1963, 121-2). But he later identifies the former with thin terms and the latter with thick terms (1997, 54).

Might ‘justice’ fall into this third category, as Scheffler’s critique suggests? Or would it classify as thick or thin? Hare does not explicitly address these questions, but it’s possible to argue that ‘justice’ would count as a thick term on his view. First, consider that the descriptive meaning of ‘justice’ is quite firmly attached, more so than paradigmatic thin concepts like ‘right’. A passage from G.E.M. Anscombe helps to illuminate this:

[I]f a procedure *is* one of judicially punishing a man for what he is clearly understood not to have done, there can be absolutely no argument about the description of this as unjust. [...]
Someone who attempted to dispute this would only be pretending not to know what “unjust” means [...].

And here we see the superiority [of] the term “unjust” over the terms “morally right” and “morally wrong.” For in the context of English moral philosophy since Sidgwick it appears legitimate to discuss whether it *might* be “morally right” in some circumstances to adopt that procedure; but it cannot be argued that the procedure would in any circumstances be just (1958, 16).

According to Anscombe, anyone who sincerely claims that it’s just to punish a known-to-be innocent person must fail to grasp the meaning of the word ‘just’. This would count as a misuse of the word, at the very least. But one who sincerely claims that such an act is right need not be making the same sort of mistake. So, it appears the descriptive meaning of ‘just’ is quite firmly attached, more so than the descriptive meaning of ‘right’.

But is the descriptive meaning of ‘just’ more firmly attached than its evaluative meaning? Arguably it is. Consider that one can use the term ‘just’ in a negative way without being misunderstood or accused of misuse. A classic example comes from Plato’s *Republic*, where Thrasymachus speaks disparagingly of justice—e.g. “injustice [...] is stronger, freer, and more masterful than justice” (2004, bk. I, 344c5). Given that such uses are tolerated, without any misunderstanding or accusations of misuse, we can see how the positive evaluation could eventually become detached from the word ‘justice’. The suggestion, then, is that the descriptive meaning of ‘just’ is more firmly attached than its evaluative meaning. If so, then ‘justice’ would count as a thick term on Hare’s view.

Why would it matter if ‘justice’ is thick according Hare’s distinction? First, one might recall a general point made earlier: that thick terms are value terms that plausibly represent properties. Given this point, one might think that the classification of ‘justice’ as thick secures a strong case for taking justice to be a genuine value property. This is a potential conclusion to draw, although it cannot be inferred without an additional claim. To see what else is needed, let’s consider what Hare himself thinks about thick terms. Hare took thick terms to be value-words in a “less full sense” than thin terms like ‘good’ (1952, 121). Indeed, he likened thick terms to slurs in the following way: although thick terms and slurs are both evaluative, there could be “evaluatively neutral” expressions that are coextensive with them (1963, 189). On Hare’s view, then, there’s no reason to think the properties represented by thick terms are value properties, given that the same properties can be represented by value-neutral expressions. So, for one to argue that the thickness of ‘justice’ implies the existence of a value property, one would have to argue that there could not be a value-neutral expression coextensive with ‘justice’. This sort of claim has been advanced by proponents of the so-called Disentangling Argument, originating with John McDowell (1981) and advocated by many others (e.g. Williams 1985, 141). But the matter is hotly contested (Väyrynen 2013, ch. 8).

Another potential implication stems from the claim that thick terms are culture-bound. Many ethicists hold that the meaning of a given thick term ‘T’ must be closely tied to the common beliefs and values of a particular cultural group; consequently, there are bound to be other cultures that lack an expression equivalent to ‘T’. Even if another culture tries to formulate an expression like ‘T’ (say, for the sake of intercultural dialogue), their expression would mean something different from what it means in the

first culture. As a result, members of one culture may be unable to use ‘T’ to deny what speakers of the first culture say with ‘T’. So, moral disagreements between the two cultures may break down if those disagreements are centered on the question of whether ‘T’ applies. Both Hare and Williams agree that thick terms are culture-bound in the sense just outlined (Hare 1989, 121; Williams 1985, 146; 1995, 239).⁵ Now, if ‘justice’ is a thick term, it may follow that ‘justice’ is not an apt vehicle for communication between certain cultures, such as the ones just described. Intercultural moral disagreements about, say, female circumcision might be intractable if they’re framed around the question of whether this practice is just or unjust. For Williams, this might be reason for pessimism about intercultural moral discussion. For Hare, it’s not. Hare holds that thin terms—e.g. ‘good’ and ‘ought’—are culture-independent and are available for use in most intercultural disagreements, even where discussions involving thick terms break down (1989, 122). Thus, Hare would say that intercultural disagreements about whether female circumcision is just might be intractable, although such disputes could be resolved if they’re conducted with a thin term instead of ‘justice’.

Why are thin terms useful in this way while thick ones are not? Recall that thin terms can easily be used with different descriptive meanings without their users being misunderstood or accused of misuse. So, it’s possible for discussants from another culture to agree with us that female circumcision is bad, even if that violates the descriptive meaning they attach to the thin term ‘bad’. Nothing similar is true for thick terms, like ‘justice’ and ‘injustice’, since their descriptive meanings are so firmly attached (1989, 125-6). The upshot is that, if Hare is right, then ‘justice’ might very well be a thick term, although some intercultural disagreements involving this expression might be interminable.

III. Conclusion

This entry has addressed the question of whether *justice* is thick, thin, or neither. We have seen three main ways of understanding the difference between thick and thin—Williams’ 1985 distinction, the Continuum Approach, and Hare’s distinction. The question of how to classify *justice* turns out to be a problem for Williams’ 1985 distinction. And Williams’ way of addressing the problem leads to the Continuum Approach, where thick and thin differ in degree but not in kind. Although Williams and others want to classify *justice* as a concept that lies between the thick and the thin, no one has provided good reasons for classifying it as such. Moreover, if the Continuum Approach is correct, it’s far from clear why it would matter whether a given concept is classified as thick, thin, or neither. Hare’s distinction, on the other hand, allows for a strong case to be made for the claim that ‘justice’ is thick. And if ‘justice’ is thick, in Hare’s sense, then there are at least two potential implications. The first is that justice might be a genuine value property, assuming it’s impossible for ‘just’ to have a value-neutral counterpart. The second is that there might be intractable intercultural disagreements about what things are just.

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⁵ On Williams view, a sympathetic outsider who “imaginatively grasps” the evaluative point of ‘T’, at least for the purposes of anticipating its usage, could become competent with ‘T’ and thus engage in fruitful moral discussion involving ‘T’. However, she could not express the same thoughts in her native tongue (1995, 239).

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