

nicy dyskursu na nich będą opierać swoje stanowiska, nawet jeśli te będą ze sobą sprzeczne. Będzie to więc spór o sprawiedliwość (właściwą formułę i teorię sprawiedliwości) w zastosowaniu do konkretnego przypadku. Oczywiście, nie włącza to użycia w dyskursie innych jeszcze argumentów, które będą wzmacniać proponowaną przez uczestnika dyskursu tezę, to jednak będzie już spór zewnętrzny w tym sensie, że włączone do niego zostają inne jeszcze argumenty.

Kamil Zeidler

ARGUMENT FROM JUSTICE IN THE PUBLIC DISCOURSE

An important feature of modern democratic states is their discursive nature, which results in a constant negotiating situation, which is a special type of communication situation. Moving away from substantive law to procedures and creating the so-called framework conditions result in the need to take argumentative actions in favor of own interests and values. Such situation raises the need to develop communicative skills, and within them the skills of argumentation.

The concept of justice does not have single and unambiguous content. There are many competing theories and justice formulas which are reflected in contemporary discourse and expressed in contents of the applicable law and its principles. The Constitution of the Republic of Poland uses the notion of social justice in art. 2. When justice is used in public discourse we can call it the creation of an argument from justice which can have as different content as the theories and formulas adopted for its construction. Therefore, a dispute over the mere content of such argument can occur. There is often a conflict between the argument from justice and other arguments, in particular legal arguments. Such situation can be considered as hard case.

In practice, the argument from justice has great importance in restoring the violated state of justice in matters of transitional justice and the argumentative approach to the issue of cultural goods restitution.