

Power Relations and Justice: An Interpretative Study of Selected Fairy Tales

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Abstract:

Justice, a concept of ethics and political philosophy, has always been discussed and debated by philosophers, academics, and lawmakers. Despite thousands of years of discourse — from Greek antiquity to modernity, from East to West — the concept of justice remains as problematic and debatable as it was in the time of the Sophists. The question Michael J. Sandel asks, "What is the right thing to do?", is always fresh, and it continually unsettles our inherited understanding of justice. The fairy tales of the Brothers Grimm, however, offer a fabulous imaginative space and a literary landscape in which the dynamics of justice can be explored and the concept renewed. These stories transcend the normative boundaries of justice and stage it in ever-new scenarios in which its definitive concepts are constantly challenged. This paper explores such justice dynamics in the context of power relations, analysing selected fairy tales through the lens of justice, and shows how, in moving from philosophical discourse to literary analysis, power dynamics shape justice in fairy tales.

Keywords: Fairy Tales, Justice, Power Relations, Virtue, Power.

Introduction

The concepts of justice and the fairy tale can seem, at first glance, to sit uneasily together: justice, as a central theme of moral and political philosophy, appears to be something objective, while fairy tales are by definition fictional stories. Yuval Noah Harari, in his bestselling *Sapiens*, points out that human beings have the singular capacity to live and cooperate with people they do not know, on the basis of shared fictions. In Harari's words, "a large number of complete strangers can cooperate successfully by believing in common myths" (Harari, 2013). Justice is one such fiction, shared by the entire human species in much the same way as the nation, money, or human rights: none of these exist objectively, yet Harari argues that they exist powerfully in our collective imagination (Harari, 2013). A related and useful term from Harari's anthropological-historical work is "intersubjectivity": if the nation, money, and human rights are not objective, neither are they merely subjective — it is the *collective* subjectivity of the human species as a whole that makes these fictional concepts function, and that allows people to cooperate effectively and to do things that would otherwise seem entirely unnatural to them.

From Harari's thesis it follows that justice, too, is intersubjective, existing in the collective imagination of human beings. People tend to believe in justice as something real in much the same way that they believe in national borders. Humans are the only species that believes in fictional realities, and the entire human

world is saturated with such fictions. The idea of justice is invested with immense importance, embedded as it is in our everyday language: sorting acts and events into "just" or "unjust," "fair" or "unfair," feels entirely natural and is found in every language. In ancient Greek thought, justice was considered one of the four essential components in the governance of a state (Bhandari, 2014).

As Goppel observes, human beings possess a certain sense of justice because it plays an important role in their own lives:

"In his theory of justice, John Rawls builds on the premise that people ordinarily possess a sense of justice. There is good reason to think that this holds true for the great majority of people, and that justice plays an important role in our lives and in our perception of the world." (Goppel et al., 2016)

At this point it is worth drawing out some of the affinities between the idea of justice and the fairy tale, so as to show that the concept of the fairy tale is closely bound up with the idea of justice — a connection that a long research tradition has tended to overlook.

The fairy tale itself is no unfamiliar term requiring explanation. Fairy tales are populated by magical creatures and an imaginative world in which everything appears beautiful and enchanting. In Jack Zipes's words, fairy tales "breathe life in us" (Zipes, 2012). According to Zipes (2012), we are all inclined to believe in them even while knowing them to be fantasy. Their complex relationship with reality is a crucial starting point for this discussion, since it is precisely their reality that is so often denied. In many languages the term "fairy tale" is used to denote unreality, falsehood, or gossip (Zipes, 2012). As Zipes puts it:

"Fairy tale is thus turned into some kind of trivial story — silly, infantile, not to be believed, moreover, fairy tales are allegedly for children, amusing stories to pass the time away and to be dismissed. If children believe in them, read them and listen to them, they cannot be taken seriously." (Zipes, 2012)

Zipes rejects such claims, arguing that fairy tales are more closely bound to reality than we like to pretend. They are connected to the experiences of real life and arise out of the experience of reality itself (Naithani, 2011; Zipes, 2012). The German folklorist Lutz Röhrich, in an influential body of work, presented time and space as analytical categories for the study of folk narrative. Röhrich developed this thesis against a backdrop of accusations that folk tales had been contaminated by specific ideologies — namely, their appropriation by National Socialism in the German context. Folk tales, however, are documents of reality, essentially shaped by the experience of the socially and politically disadvantaged across every period and place. Powerful elites have always sought to manipulate these tales in order to control the powerless; even philosophers such as Kant and Plato recognised the power of fairy tales and consequently regarded them with suspicion (Naithani, 2011). These narratives reflect the inner psychic reality of ordinary people and play an emancipatory role in their lives (Naithani, 2011).

The folk tale constructs a counter-moral world in which justice is more readily attainable (Zipes, 2012), and it is therefore not merely a story of magical creatures and enchantment but a genuine mirror of our psychic realities and desires. Even as fiction, it tells people their own story, and everyone wants to believe in it.

The question of the origin of the idea of justice is also relevant here, given the desirability of establishing the concept's intersubjectivity. Plato's philosophy, above all in the *Republic*, engages extensively with the idea of justice — but the philosophy of Plato and Aristotle did not emerge in a vacuum. The discussions of the Sophists, prior to Plato and Socrates, are equally significant. The term *dikaion* was used to describe a just person and dates back as far as the archaic Greek literature of Homer; the more general term *dikaosyne* was used to denote justice as applied to political society (Pomerleau, 2013). As Christoph Horn describes the ancient concept of justice:

"The Greek term dikaiosynê and its Latin equivalent iustitia designate the normatively desirable social behaviour of an individual, as well as the morally appropriate condition of a political body, in a more comprehensive sense than our modern concept of justice does. In our modern terminology we prefer to speak here of a 'good person' or a 'good state,' whereas 'just person' and 'just state' sound more specific to our ears, because we associate justice more strongly with questions of distribution." (Horn, 2016)

The Eastern world, too, produced leading thinkers on justice, foremost among them the Buddha and Confucius. In contrast to the Western conception of justice, which centres largely on justice as integral to the political state, Eastern conceptions of justice engage with a virtuous, universal justice. Bhandari, for instance, describes the Buddhist idea of justice as follows:

"Buddha's concept of justice is not confined only to respecting the law, but it also justifies a revolutionary concept of disobedience or defying law, if the law is evil. Buddha clearly instructs to follow the law of virtue and not to follow the law of sin. Buddha answers the question — what is right thing to do — in a logical way that the right thing to do is to follow law if the law is virtuous. The right thing to do is to defy law if the law is evil." (Bhandari, 2014)

The question of justice has always remained fresh, because new cases continually raise new problems for the concept. According to Bhandari, justice has played a significant role in institutionalising social institutions and has shaped systems of distribution; the concept has always held an attraction for politicians, economists, sociologists, and others. Despite its presence across every domain of human thought, its core has still not been fully grasped. The problem of conceptual ambiguity, in Bhandari's terms, has always persisted, and conceptual clarification and interpretation therefore remain in demand (Bhandari, 2014). The idea of justice must always be unfolded anew, and this opens up the possibility of a theoretical foundation for investigating justice through the fairy tale.

It is not only the philosophical conception of justice but also its practical institutionalisation that is frequently called into question. Law, as the institution of legal enforcement, is supposed to guarantee stability and harmony within a given state. Legal and judicial authorities are entrusted with the task of securing justice, but the structural problem with these authorities lies in their very nature: the law of a state does not enforce justice and morality in a society so much as it enforces the political will of the state (Shytov, 2008). According to Confucius, the law should not merely punish people but also educate them; a law reduced to the condition of mechanical administration is, for Confucius, decoupled from justice. Virtue, he held, should be practised at the level of institutions and governance, and where evil at the level of governance is not avoided, the result is tyranny (Bhandari, 2014).

Even the modern institution of law is dominated by the idea of objectivity and functions as the mechanical administration that Confucius characterised. In legal terms this is called legal positivism — that is, the separation of law and morality. Positivist law encompasses "only those rules which the State enforces and the rules which can be found in what is called sources of law primarily identified with the acts of legislation and in some countries with judicial decisions" (Shytov, 2008).

Shytov exposes the weakness of positivist law in its failure to recognise the wisdom shared by ordinary people; at the same time, he proposes solutions by which positivist law might secure justice, drawing on popular wisdom to understand the collective mentality of a people and the shared moral values of a society (Shytov, 2008). As Shytov puts it:

"The spirit of individualism reflected in legal positivism resists any authority of social morality. The spirit of community expressed in folktales upholds it. The main thesis of legal positivism is that law per se is not called to enforce social morality, even though among legal positivists there is no unity as to the issue of

'accidental' enforcement of morals by law. A legal positivist may agree that a law may enforce certain moral values. What he cannot agree with is that law must enforce certain moral values, and if it fails to do that then it ceases to be a law." (Shytov, 2008)

Positivist law, in other words, has failed to trust the goodness of human nature as a social and creative being, and this becomes its weakness even as it purports to secure justice. In the mechanical administration of law, morality plays the smallest possible role, and this constitutes a persistent threat to the guarantee of justice. Shytov argues that the folk wisdom shared in folk tales can render positivist law virtuous and just. In David Luban's words:

"It is, after all, folktales and myths (even more than arguments) that reflect the moral intuitions that stand at the base of all legal institutions." (Luban, 2004)

This raises the question of how folk tales can help us understand and enrich the idea of justice. Following Michael J. Sandel's formulation, the right question with which to unfold the idea of justice would be: what is the right thing to do? (Sandel, 2009).

The answer can be treated more efficiently in fairy tales than elsewhere. Just as Shytov and Harari, in their different ways, discuss the collective imagination of human beings, it is precisely this intersubjectivity that can help us decode the "moral burdens" of communities. Discussions of justice have always taken place among elite groups, and consequently they lack a collective understanding of the socially and politically underprivileged. Laws are institutionalised by those who hold power and thereby exclude the psychic realities of the powerless. The concept of justice has been debated since antiquity and still demands conceptual clarification — which is why the dimension of ordinary people must be brought into the discussion. Folk tales help us understand injustice and justice free of institutionalised objectivity: it is the folk tale that speaks for the social reality of society's underprivileged classes. These oral texts do not merely document their realities; they also idealise justice. They give us the best of kings, the most fragile and imaginative moments, revealing the longings and optimism of ordinary people. Fairy tales are about untruth and injustice, and about overcoming them in fantastic ways. In strengthening the idea of justice, then, it is fairy tales that pose a serious moral problem and thereby provoke debate about the concept itself. To ask what the right thing to do is invites argument to engage with the conceptual fault lines within the concept of justice. Fairy tales constitute a counter-world in which this question can be posed more freely, unconstrained by legally institutionalised compulsion — a world that is honest in its portrayal of the human psyche. In Zipes's words:

"They expose untruth, and the best are bare, brusque and concise. They stamp our minds and perhaps our souls. They form another world, a counter world, in which social justice is more readily attainable than in our actual world, where hypocrisy, corruption, hyping, exploitation and competition determine the outcome of social and political interactions and the degraded state of social relations." (Zipes, 2012)

Fairy tales are mostly fantasy and are consequently felt to be false and not credible. Yet we all know that the claim that fairy tales exist only for entertainment and for children is itself false: we all want to believe in fairy tales. Justice, too, is a collective imaginative act that appears more real within the world of the fairy tale. It is in this imaginative world that justice can speak to us, filling us with optimism and the desire to be just in our actual world.

Power Relations and Justice: KHM 2, 5, 172, 184, 185

Power is a potential concept that can affect every sphere of an individual's or a group's personal, political, or social life. What is power? — this may be the foundational question in any investigation of power relations and justice. Fairy tales are relevant not only to understanding the various forms of justice distinct

from positive law, but also to exploring the very core of justice. They are equally helpful in understanding power as a decisive factor shaping justice. For some Sophists, justice is inseparable from power, and understanding power and power relations is therefore necessary to understanding the dynamics of justice. KHM 2 and KHM 5 are good examples for this discussion, since they reveal power structures and hierarchy and the injustice these structures produce. A discussion of KHM 172 and 185 then considers how the state, as an institution, maintains order and enforces law in order to guarantee justice, and how, within that order, power acts upon justice.

A classical definition of power, generally used by political scientists and others, holds that power is the ability to make others do or stop doing something, now or in the future. Power is a source of order, since the extreme situation in which no one holds power is anarchy (Shah, 2014). According to Moisés Naím, anarchy is an inferior, Hobbesian condition, leading to inferior social outcomes in societies where structures and entities that impose power, boundaries, and rules instead create stability and prosperity. In an interview, Naím notes that some neuroscientists have argued that power is hard-wired into our brains, while evolutionary psychologists regard power as an evolutionary trait — an instinct (Shah, 2014). Power has to do with influence and manipulation. Like justice, power carries many meanings and variants, but in a general sense it can be understood as encompassing all those factors and forces that make things happen at the social level (Meyer & Saar, 2016). One individual or group of individuals can control other individuals or groups, and the entire system of such influence among the members of a given group of people is termed a power structure. More precisely, a power structure can be described as the distribution of power and authority among people within groups — for example, government, nation, institution, organisation, or society (Domhoff & Dye, 1987). The division between those members of society who control and those who are controlled constitutes a power hierarchy, and within a power hierarchy, whoever occupies the topmost position controls the people. Power in this sense appears to be a negative concept, one that oppresses or controls people. Foucault's conception of power, however, is different: for Foucault, power is not repressive but discursive. Whoever controls power controls knowledge, because for Foucault power is knowledge, or truth. Foucault calls for an end to describing the effects of power only in negative terms, arguing instead that power produces reality and brings forth domains of objects and rituals of truth (Gaventa, 2003a).

"We must cease once and for all to describe the effects of power in negative terms: it 'excludes', it 'represses', it 'censors', it 'abstracts', it 'masks', it 'conceals'. In fact power produces; it produces reality; it produces domains of objects and rituals of truth. The individual and the knowledge that may be gained of him belong to this production." (Foucault, 1991, p. 194)

Foucault's notion of power is a kind of meta-power, which he treats as a regime of truth pervading society — a meta-power in constant motion and negotiation. Power, on this account, is constituted through accepted forms of knowledge, scientific understanding, and truth (Gaventa, 2003a). Foucault questioned the assumption that power arises from domination. His conception is significant precisely because it relates power to knowledge and truth, and examines how power itself shapes truth. In the context of fairy tales, it is evident that these tales belong to the socially and politically underprivileged, who are not in power; it is equally evident that the norms defined by powerful elites are treated as the finest forms of knowledge in a society, which is why folk wisdom has consistently been disregarded. Yet the study of these peoples' fairy tales reveals that ordinary people, too, understand the power structures and power relations of their society. It is not only the elite who produce literature as a mirror of truth; people also document truth and power relations in their fairy tales. The dynamics of power relations reflected in fairy tales are therefore

highly relevant to the investigation of justice within them. As the Foucauldian idea holds, power is omnipresent and inescapable, and it plays an important role in our understanding of justice.

KHM 2 and KHM 5 are central to the discussion of power relations and their effect on justice. Simply put, power relations are those relationships in which one person has social agency over another and is able to make the other person do what they want — whether through coercive obedience or through subtler, less compulsory means. In many fairy tales it is striking how frequently characters exercise power over others, compelling them to act in the interest of the powerful. In "Hansel and Gretel," for instance, the stepmother is more powerful in the sense that she persuades the poor children's father to abandon his own children; fairy tales in general tend to portray stepmothers as powerful figures. Such power relations are produced objects, arising from social functioning: they are social objects in which power becomes effective through the nature of a relationship, most often linking a degree of authority to the capacity to bring about a desired effect on another person (Basden, n.d.). The power relations depicted in fairy tales are evidence that ordinary people understand this power structure and resist these power hierarchies in their imagination.

The question that matters here is: how are power and power relations to be understood in the context of justice? In a narrower sense, power can be treated as synonymous with unequal and asymmetrical social relations. To connect justice with power requires questioning the pure ideality of justice and investigating the social preconditions on which any appeal to justice rests (Meyer & Saar, 2016). Neither the validity of justice nor its norms can be understood independently of the power conditions underlying them. Early discussions of the concept of justice always highlight the role of the Sophists among the Greek philosophers prior to Plato and Aristotle, and it is in this context of power and justice that the Sophists opened up a crucial discussion. They regarded all conceptions of justice with scepticism, insisting that such conceptions are saturated with power and grounded in self-interest — and that the enforcement of any particular conception of justice is, in a certain sense, itself an act of violence. Thrasymachus, in Plato's *Republic*, formulates paradigmatically the claim that justice is not an ahistorical, ideal concept independent of power but rather the outcome of practices and calculations shaped by power to the advantage of the stronger (Meyer & Saar, 2016).

There have been various attempts to think justice from the perspective of power. Some expose the weakness of the norm of justice; others reformulate justice, by contrast, in a power-critical — that is, democratic and egalitarian — manner. The sceptical variant holds that nothing stands behind justice but power, while the optimistic variant claims that a sufficiently complex conception of justice can overcome or minimise existing inequality and power relations (Meyer & Saar, 2016).

To understand this relationship between power relations and justice, we turn to KHM 2, which brings out the dynamics of power and the problems of justice with particular clarity.

Contractualist Justice between the Powerful and the Powerless: KHM 2

KHM 2 ("Cat and Mouse in Partnership" / *Katze und Maus in Gesellschaft*) tells the story of a cat and a mouse who decide to form a partnership and live together. The original text opens with the cat establishing an asymmetrical bond:

"A cat had made the acquaintance of a mouse, and had said so much to her about the great love and friendship she had for her, that at last the mouse consented to live and keep house with her." (my translation) — *Grimm & Grimm, 1857, KHM 2*

They buy a pot of fat for the winter and hide it in the church for safekeeping. Soon, however, the cat feels a craving for the fat and deceitfully leaves the house three separate times under the pretense of attending

a christening. Each time she returns, she invents an increasingly revealing name for the newborn child to disguise her consumption of their joint store:

"When the cat got home, the mouse asked: 'Well, what name did they give the child?' 'Top-off,' said the cat coldly. [...] The second time [...] 'Half-gone,' answered the cat. [...] The third time the cat went and finished the pot. [...] 'All-gone,' answered the cat. 'All-gone!' cried the mouse, 'that is the most suspicious name of all!'" (my translation) — *Grimm & Grimm, 1857, KHM 2*

When winter arrives and the storehouse is found empty, the mouse understands the truth behind the cat's treacherous names. The climax of the tale provides direct textual evidence of how brute power silences moral accusation:

"'Ah!' said the mouse, 'now I see what has happened [...] You are a true friend!' [...] 'Will you hold your tongue!' cried the cat, 'one more word and I will eat you too!' [...] hardly had she spoken it than the cat sprang upon her, seized her and swallowed her down. You see, that is the way of the world." (my translation)— *Grimm & Grimm, 1857, KHM 2*

The tale casts a sharp light on power relations, its characters naturally occupying positions within a power hierarchy. The cat, symbolising the powerful animal, easily manipulates the mouse into the partnership, occupying the upper position in the hierarchy; the mouse, who knows that the cat could eat her at any time, enters the partnership out of self-interest, in order to save her life. In the end, however, the poor mouse meets her fate regardless, and the question of the validity of justice arises. It lies in the cat's nature to eat mice, and the mouse already knew this — so how can it be unjust for the cat to have eaten her? For the question of justice to have any purchase here, it is the *partnership* that must be taken into account. If we believe that the eating of the mouse was an immoral or unjust act, this is because it depended on a contract between the two that was broken. Contractualism shows us, broadly speaking, that morality rests on a contract or agreement, and because the agreement between cat and mouse was broken by the cat, the act was wrong. As the Harvard philosopher T. M. Scanlon puts it:

"An act is wrong if its performance under the circumstances would be disallowed by any set of principles for the general regulation of behavior that no one could reasonably reject as a basis for informed, unforced, general agreement." (Ashford & Mulgan, 2018)

The breach of contract produces a sense of immoral or wrongful action and calls the idea of justice, in relation to the contract, into question. Alongside the breach itself, the core idea of contractualism deserves emphasis. As Rinderle formulates it:

"The core idea of contractualism lies in the assumption that the demands of justice are the result of the self-determination of persons, and can thus be understood as an expression of our nature as free and equal rational beings." (Rinderle, 2016)

Contract theories of justice matter because their principal benefit lies in making justice realisable without imposing any particular vision of the good. In a society that adopts contract as its criterion of justice, no one has the right to impose their own view on others, and no one can be bound to anything to which they have not previously agreed (Rosenfeld, 1985). Philosophers who hold the contractual view of justice will accordingly tend to support some version of a social contract, treating as the only just social and political institutions those to which every member of society has agreed. Rosenfeld also draws attention to another important context in which the connection between contract and justice becomes especially relevant — namely, contracts concluded between individuals, or private contracts. The contract between cat and mouse is precisely such a private contract between two individuals, and the justice of such contracts is invoked whenever there is a dispute about whether they should be enforced, or what an appropriate remedy

for their breach should be. According to Rosenfeld, the justice of such a contract between two individuals — as in the case of cat and mouse in KHM 2 — depends on two factors: either the fact that genuine agreement was reached, or the actual terms of the agreement. Where a contract rests on a fact both parties have agreed to, Rosenfeld holds that it can be called *intrinsically* just; in other cases it may be *extrinsically* just. Where contracts are inherently or intrinsically just, the fullest possible provisions for contractual freedom would be guaranteed (Rosenfeld, 1985). The contract between cat and mouse rested on the premise that the cat showed love and care toward the mouse, and that the mouse took this to be genuine — but the love was not genuine, since the power relation between them was the greatest obstacle to it. Scanlon's version of contractualism is concerned not only with determining right and wrong actions but also with the justification of reasons and forms of reason-giving; it offers an account of the authority of moral norms and of what constitutes right and wrong (Ashford & Mulgan, 2018). For Scanlon, injustice is the property of being unjustifiable (Ashford & Mulgan, 2018).

Although the cat's act appears wrong not because of any imposition of the good but because of the breach of contract, the idea of justice itself, in this case, confronts the serious question of its own existence. The Sophist position on justice, as already noted, was always sceptical of its relation to power. The Sophists justified the creation of laws by the strong and the powerful few through appeal to their own arbitrary will, producing the "right of the stronger" in the sense of a natural law (Meyer & Saar, 2016). Since the cat was the stronger party in the partnership, she made her own law and broke it arbitrarily, in accordance with the natural right of the stronger. In Plato's *Gorgias*, too, the figure of Callicles holds this position, setting nature against law — the rights of the stronger against the morality of the weak. A similar position is advanced in Friedrich Nietzsche's *On the Genealogy of Morality*, where he makes the following claim about the powerful, affirming the rights of the stronger:

"He who can command, who is by nature 'master,' who comes on the scene forceful in deed and gesture — what has he to do with contracts! One does not reckon with such beings." (Nietzsche, 1988, vol. 5, p. 324, cited in Meyer & Saar, 2016)

This position justifies the cat's act as her natural right and resists any charge of moral wrongdoing, on the grounds that morality and equality for all are set by the weak in order to render the strong subservient. Even for Nietzsche, the idea of a universal and egalitarian distribution is absurd (Meyer & Saar, 2016). KHM 2, then, raises the question of power in relation to justice and displays the influential Sophist position on the power-boundedness of the concept of justice. This fairy tale also raises the question of the validity of contracts between individuals, and asks whether contract theory of justice can be applied at all to unequal power relations.

Virtue and the Power Hierarchy: KHM 184, 5

KHM 184 ("The Nail" / *Der Nagel*) and KHM 5 ("The Wolf and the Seven Young Kids" / *Der Wolf und die sieben jungen Geißlein*) address the question of whether power can prevent an individual from doing what is right, or from being virtuous. In KHM 184, a merchant earns well at the fair and travels home, stopping twice along the way to rest at an inn. In the text, the servant twice warns his master about a loose horseshoe nail:

"At the first inn, the groom said to him: 'Master, a nail is missing from your horse's left hind shoe.' 'Let it be missing,' answered the merchant, 'the six miles I have still to go; I am in a hurry.' In the afternoon [...] the groom said: 'Master, a nail is missing from your horse's right hind shoe.' 'Let it be,' answered the master, 'it will hold out for the few miles that are left; I am in a hurry.'" (my translation) — Grimm & Grimm, 1857, KHM 184

Eventually the horse's nail breaks; the horse falls, along with all the baggage and the merchant, and the merchant blames the nail and walks the rest of the way home.

In KHM 5, a goat goes out, warning her seven young kids not to open the door until she returns. A wolf arrives and, pretending to be their mother, asks the kids to open the door — but they answer that his voice is too rough to be their mother's. The wolf returns with a softened voice, having eaten a large lump of chalk, but this time the youngest kid notices his black paws and recognises him again as the wolf. The text then shows the wolf coercing members of the working community into helping him complete the deception:

"So the wolf ran to a baker and said, 'I have hurt my foot, spread some dough on it.' And when the baker had spread his paw, he ran to the miller and said, 'strew some white flour on my paw.' The miller thought, 'the wolf wants to deceive someone,' and refused, but the wolf said, 'if you will not do it, I will eat you.' Then the miller was afraid, and made his paw white. Yes, that is the way of mankind." (my translation)—*Grimm & Grimm, 1857, KHM 5*

The wolf finally succeeds in deceiving the young kids and eats all but the youngest, who escapes by hiding in the clock-case. When the old goat returns, she finds her home devastated, and together with her surviving youngest child she tracks down the sleeping wolf:

"She cut open the monster's stomach, and hardly had she made one cut than one little kid popped its head out, and as she cut further, all six leaped out one after another [...] Then the mother said: 'Now go and look for some big stones, and we will fill the wicked beast's belly with them while he is still asleep.' [...] When the wolf woke up [...] the stones in his belly knocked against each other and rattled. [...] And when he came to the well and stooped over the water to drink, the heavy stones made him fall in, and he drowned miserably." (my translation)—*Grimm & Grimm, 1857, KHM 5*

Both tales raise the question of justice as an individual virtue and of the power hierarchies that constrain virtue. The virtue of justice stood at the centre of ancient ethical thought; in modernity, however, the idea of the good life fundamentally reshaped conceptions of just institutions and communities, and the notion of justice as an individual virtue receded as justice came instead to be conceived as a virtue of institutions and of states and governments (Borchers & Guinebert, 2016). In KHM 5, the incident at the miller's shop calls the miller's virtue into question — a virtue shaped by power relations. Despite being aware of what is right, the miller cannot act virtuously, because he is powerless before the wolf. What is at stake in the story is the virtue of justice on the individual level, a concern shared by many philosophers: the Buddha holds that true knowledge and equanimity of mind can be attained only by following the law of virtue and resisting the law of evil; for Confucius, too, virtue is the standard (Bhandari, 2014). Similarly, in KHM 184, the power relation between the merchant and his servant becomes an obstacle to the servant's virtue: the servant knows what the right thing to do is but cannot, because of the power hierarchy, act on it. In both tales the state, as institution, is absent, and the question of justice therefore remains confined to the individual domain. In KHM 184, treating justice as virtue is more pertinent than the injustice suffered by the horse, since what is at stake is whether members of a society are virtuous, not merely whether its institutions are sound. Amartya Sen has focused on everyday transgressions of justice rather than on institutional deficiencies, treating behavioural transgressions as remediable injustices (Bhandari, 2014). For Sen, tolerance without regard for justice cannot cope with a genuinely conflicting demand of justice. Yet the dimension of power is not systematically discussed as a virtue in any of the major theories of justice, and KHM 5 calls into question the very possibility of virtue within a power hierarchy. Neither the miller in KHM 5 nor the servant in KHM 184 is able to resist the injustice each encounters, and this reveals

a real deficit of justice in ordinary human life. Sen calls for the creation of social conditions in which people can actively resist oppression, hunger, and the like, rather than concentrating solely on the design of just institutions (Bhandari, 2014).

For Aristotle, virtues concern a right proportion of effect in a given situation and toward those involved in it, a proportion intelligently calibrated by reason; justice belongs among the central virtues and can thus itself constitute a distinct disposition. Justice, like every other virtue, is central to morality (Siep, 2016). Justice, then, ought to prevail in human life and be regarded, at the individual level, as a virtue. As Aristotle observes, happiness is the highest of all goods attainable through human action, and those who locate happiness in virtue represent the highest form of human achievement (Bhandari, 2014). The tales discussed in this section embody this Aristotelian idea of the highest attainable good — virtue. To be without virtue contradicts reason, since virtuous acts are self-sufficient and require no further justification. The merchant in KHM 184 shows no sign of any awareness of his own lack of virtue and consequently, as Buddha would advocate, deserves the punishment he ultimately receives; the wolf deceives the innocent young kids and is entirely without virtue, and he too receives his just punishment. Wrongful acts, as Scanlon puts it, cannot be justified — and neither, even under the influence of power, should the virtue of being just be shaken.

The State and Justice: KHM 172 and 185

Here a brief summary is given of the tales discussed in relation to the role of the state, and of how power exerts its influence in this context as well.

KHM 172 ("The Flounder" / *Der Butt*) is a short tale of the kingdom of the fish, in which no order prevails. The text establishes this state of nature directly:

"For a long time there had been no order in the kingdom of the fish. No one paid attention to anyone else; they swam to the right and to the left as it pleased them, swam between those who wanted to stay together, or got in the way of the stronger, and the larger struck the smaller with their tails, threw them out of the way, or swallowed them outright. 'How fine it would be,' they said, 'if we had a king who administered justice among us!'" (my translation)— *Grimm & Grimm, 1857, KHM 172*

The weak are repeatedly exploited by the strong, and consequently wish for a king who might bring order to the kingdom. A swimming race is organised to choose a sovereign; the nimble herring wins, and the flounder, arriving last and envious of the outcome, mocks the new king — "'Der Hering?' rief der neidische Butt, 'der nackte Hering?'" ["'The herring?' cried the jealous flounder, 'the naked herring?'"] — for which, as punishment for his envy and defiance of the newly established authority, his mouth is left crooked to this day (Grimm & Grimm, 1857, KHM 172).

KHM 185 ("The Poor Boy in the Grave" / *Der arme Junge im Grab*) tells the story of a poor boy whose father and mother have died, and who is placed by the authorities in the care of a rich man for his upbringing. The text captures the master's cruelty directly:

"The rich man and his wife had no children, but a proud and stingy heart [...] When the boy made the slightest mistake at work, the master threatened him: 'If you fail again, I will break every bone in your body, and knock you into a crooked bundle!'" (my translation)— *Grimm & Grimm, 1857, KHM 185*

A judge recognises the boy's innocence when he is sent to deliver grapes that the rich man had sent him with, and, impressed by the poor boy's honesty, urges the rich man to look after him properly and to teach him right from wrong. Yet the rich man continues to threaten the boy with broken limbs should he make any mistake at work. On one occasion, when the rich man is away with his family and the boy has been

set the heavy task of chopping straw, he feels warm, takes off his jacket, and accidentally cuts through it with the straw-cutter. Terrified of the punishment that awaits him, he seeks death:

"The boy wept bitterly and said: 'My life is over. My master has threatened that he will break my limbs if I ruin anything.' [...] Recalling that his master kept a pot of 'poison' [...] and 'deadly venom' [...] in the cupboard, he drank the whole glass of wine and ate the honey, hoping to die. He went out to the churchyard, lay down in a newly dug grave, and said: 'Here I will wait for death.' Through the freezing cold of the night and the intoxication of the wine, he fell asleep and died peacefully in the grave." (my translation)— *Grimm & Grimm, 1857, KHM 185*

Fearing legal proceedings against them, the rich couple eventually have their house burned down, and thereafter live out their lives in poverty.

In both tales, the role of the state appears to consist in maintaining order — the chief characteristic of the state being the creation and enforcement of law (Sabine, 1920). Bound up with the idea of the state is the idea of the just state, or the just order, achieved through the enforcement of laws — a rule-governed system backed by organised power. For Plato, a just state consists of a specific set of duties for each class and each individual, and a set of obligations to the community that produce harmony for the community as a whole when everyone observes these duties and obligations; in a just state, a person who does what they ought receives fitting reward, and deserves punishment for failing in their duties (Wright, 2012). The idea of maintaining order arises directly from the chaos and disharmony revealed in KHM 172: the kingdom of the fish stands for the diversity of power relations within a society and for the problems of anarchy in the absence of a just order. The principal critique of the state comes, of course, from anarchists. The radically anarchist position holds that even where the state enforces generally binding laws, those laws always benefit only the particular group that controls the state; the state itself is a party with particular interests and thus cannot solve the free-rider problem (Cheneval, 2016). In the tale of the poor boy (KHM 185), it is the state that attempts to do justice by the orphaned boy, transferring responsibility for him to a wealthy household. Yet the rich man treats the boy as a servant, fails even to feed him properly, and beats him severely. The state has failed to secure justice for the poor boy, and the boy ultimately prefers death to a life of misery and torment. There is, however, a fairy-tale form of justice at work here, which punishes the rich man for his wrongdoing and renders death sweet and painless for the poor boy. This tale brings out the problems of justice and the state that many scholars term the incompatibility thesis of justice: on this thesis, the state is, in principle, a form of domination to which justice cannot be attributed at all — a position that radically rejects the very possibility of making a state just, or of realising justice through a state (Cheneval, 2016). This incompatibility seems borne out in the tale of the poor boy (KHM 185), since the authorities enforced the law of placing an orphan with a wealthy family for his upbringing without taking into account other factors, such as the character of the household. In Confucius's terms, this is a mechanical administration of law, because justice is here decoupled from law (Bhandari, 2014). The Buddhist idea of justice seems particularly apt for fairy tales, because fairy tales reveal the deepest wishes and the optimistic approach to justice. Justice was unattainable within the given order in KHM 185; it was death alone that could open the gate to justice for the poor boy, because only death could remove all his misery — and so he died in a fairy-tale manner. The rich man, too, received his just punishment, since wealth was the source of his wrongdoing, and so he received poverty, misery, and torment for the rest of his life.

Another position on the relationship between state and justice, however, treats the state as a necessary condition. As an institution, the state stands for the comprehensive realisation of a just order; justice is the

very purpose of the state, and the realisation of justice is dependent upon it (Cheneval, 2016). A similar position emerges in the tale of the fish kingdom (KHM 172), where the absence of order in the kingdom, and the consequent imbalance of power, produces the exploitation of the weaker party. This imbalance of power threatens justice for the weak fish, since they have no rights whatsoever and can be devoured by the powerful at any time. The wish for a just order thus confirms the necessity of the state. Thomas Hobbes, too, in his theory of the state, holds that the state is the necessary condition for the very possibility of justice: the distinction between just and unjust behaviour has no basis in a condition in which there is no state — a stateless condition of humanity — as is also reflected in KHM 172 (Cheneval, 2016).

These two almost opposing positions on the relation between state and justice stand at the centre of the tales discussed here (KHM 172 and 185). Nonetheless, power remains an important aspect that many state-sceptics deploy as a weapon, in the manner of anarchists, to criticise the state. This factor of power is equally present in the fairy tales, revealed through the imbalance of power relations. Both tales make clear that justice is not confined to law, and therefore demands greater attention, if the mechanical administration of law is to be avoided — precisely where the purpose of the state is, in fact, to maintain a just order and to secure justice for its subjects.

CONCLUSION

As noted, justice has been debated since before Plato, and we continue to hope for greater clarity regarding its concept. Because the term justice is used by nearly everyone in daily life, conceptual ambiguities persist; whenever a serious question of justice arises, it becomes necessary to reflect anew on its core. Yet most debates about justice engage primarily with its political and legal context and thereby fail, in some sense, to reach the concept's core. Law, as the institution supposed to guarantee justice, is granted the greatest importance, and there have been a great many cases in which justice has not been achieved through law. This separation of law and justice — what Confucius calls the mechanical administration of law — remains an obstacle to the realisation of genuine justice.

The psychological realities reflected in fairy tales, however, are of great help in understanding our own need for justice and for a virtuous life. As Bruno Bettelheim observes, fairy tales concern the inner process taking place within an individual. Although often regarded as primitive, the fairy tales of ordinary people contain the wisdom urgently needed to understand the core ideas of justice. Fairy tales readily reflect modern conceptions and theories of justice, and the inadequacies of these theories become questionable when examined from the perspective of individual psychology. Fairy tales offer a convenient means of addressing the gaps in the concept of justice, because they convey an idea of justice that is acceptable and desirable to everyone. This fairy-tale justice engages with the inner realities of the individual and is, for that reason, universally applicable — comforting to all, despite its cruelty and violence.

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