

CHAPTER 7



DOING JUSTICE IN THE PUBLIC SQUARE

Seek justice, encourage the oppressed. Defend the cause of the fatherless, plead the case of the widow.

Isaiah 1:17

When Christians do evangelism, they can only count on the support and understanding of other believers. But when believers seek to do justice in the world, they often find it both necessary and desirable to work with others who do not share their faith. Christians who are concerned to do justice in particular neighborhoods—or who want to work for some social reform such as the betterment of public schools, or the end of ethnic “cleansing” in another part of the world, or the elimination of “sweatshops” in urban areas—will find many allies who are willing to work with them.¹²⁹

Should Christians work together for justice in society with members of other religions or no religion?

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If so, how should they do it? In order to answer these questions, we must first take a look at the public square in late modern society, where discussions about the definition of justice have almost completely broken down.

“This Is a Justice Issue”

I once heard a debate among several staff members of a nonprofit organization over who should get the privilege of representing the agency at an important conference. Some believed that it should be the female member of the staff who had the most seniority. Others proposed a younger man who, though having served for fewer years, was unusually gifted in public presentation. Those backing the woman grew more and more agitated during the conversation. Finally, one said, “I’m sorry, but for me this is a *justice* issue.” There was an abrupt, awkward silence. Soon the group agreed to award the conference trip to the woman, but it was clear that the backers of the young man felt they had been steamrollered. Why? It was because in our society naming something a “justice issue” is a kind of trump card. If you are arguing against someone who suddenly proclaims that his position is the one that promotes justice, there is no defense. To continue to press your argument is to stand on the side of injustice, and who wants to do that?

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There's a big problem with this move, however. Those staff members who were backing the young man were not convinced. They valued ability over seniority, but instead of discussing these two sets of values on their merits, one group simply labeled the other group's position unjust. The woman's supporters had won the battle but had created resentment.

The reason it is not convincing to simply cry "injustice!" is that our society is deeply divided over the very definition of justice. Nearly everyone thinks they are on justice's side. Both pro-life and pro-choice partisans frame their position as the one that is on the side of justice. Both opponents and proponents of affirmative action insist that their way is the way of equity and the other side is perpetrating unfairness. But underneath all the name calling are sharp differences of opinion about what justice actually is. Democrats think of it more in collective terms. They believe a low tax rate is unfair because it deprives the poor and minorities of the help they need to overcome years of discrimination. Republicans think of justice more individualistically. They believe that a high tax rate is unjust because it robs people of their due who have risked much and worked hard to keep what they earn.

The fact is that the word "justice" does not have a definition in our culture that we can all agree on. So we just use it as a bludgeon. We self-righteously imply

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that those on the other side *know* they are simply being unjust. But they don't.

Empty Concepts

"Wait," you may say. "Isn't justice a matter of common sense? Isn't it simply respect for equality and individual freedom?" But these terms "freedom" and "equality," as they are used in our society today, do not help us much in defining justice.

Michael J. Klarman of Harvard Law School says, "Freedom, much like equality, is an empty concept. . . . Whether freedom is good or bad depends entirely on the particular substantive cause on behalf of which freedom is invoked."¹³⁰ Another law professor, Peter Westen, wrote a famous essay in the *Harvard Law Review* entitled "The Empty Idea of Equality," making the same argument.¹³¹ What are they saying?

When we appeal to the principle of freedom we usually mean that people should be free to live as they choose, as long as they don't harm or diminish the freedom of others.¹³² The problem with this seemingly simple idea is that it assumes we all agree on what harm is. To use a well-known example, someone might say that it is unjust to have strict obscenity laws, that they constitute a violation of our freedom of speech. No one is forcing the use of "adult" literature and movies

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on anyone unless they choose to purchase them and use them. "What I do in private doesn't harm anyone" is the justification. In this view, it is unjust to curtail the freedom to produce and use such material, since it does no harm.

However, it could be argued that such a position is sociologically naïve. For one thing, what you do in private shapes the kind of person you become. The movies and literature you use affect how you talk and act, and how you relate to other people. Since you interact with the community, what you do in private does affect others. And besides, if you purchase such materials you create a market for them, and that means they will be available for the children of people who vehemently prefer that they would be inaccessible. So your purchase and use of these things forces some people to live an environment that they do not want for their families. The same situation that you consider "free," others consider an oppressive imposition on them.¹³³

Many other examples could be cited. What if you began a new business that competes with mine, and because it is far more efficient and profitable, it will soon drive me into bankruptcy. Could I not claim that you are harming me severely, and that you should be shut down? In America we would say that your new business does not constitute harm, because free enterprise in the long run is better for human flourishing.

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However, there are many other cultures that believe otherwise. So freedom is indeed something of an "empty" concept, as Klarman said, because the causes for which freedom is invoked are always matters of deeply held beliefs, rooted in particular views of human nature and happiness and right and wrong that are matters of faith. We all agree that freedom should be curtailed if it harms people, but we can't agree on what harm is, because we have different views of what healthy, flourishing human life looks like.¹³⁴

So it was not helpful for the supporters of the senior female staff member to simply cry "injustice." As Klarman says, you have to discuss the merits of the underlying values for which justice is being invoked. But that conversation never took place among those staffers, and this story is a picture of our society today.

Competing Visions

The philosopher Alasdair MacIntyre has written a book entitled *Whose Justice? Which Rationality?*¹³⁵ In the volume MacIntyre lays out the competing visions of justice in our society, which he traces back to thinkers such as Aristotle, Aquinas, and Hume. The best book for revealing how these competing views operate is Harvard law professor Michael Sandel's *Justice: What's the Right Thing to Do?*¹³⁶ Sandel lays out three

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current views of justice, which he calls "maximizing welfare," "respecting freedom," and "promoting virtue."¹³⁷ According to one framework, the most just action is that which brings the greatest good to the greatest number of people. According to the second, the most just action is that which respects the freedom and rights of each individual to live as he or she chooses. According to the last view, justice is served when people are acting as they *ought* to, in accord with morality and virtue. These views lead to sharply different conclusions about what is just in particular cases.¹³⁸

Why do we have such gridlock in our society over justice? Underneath all notions of justice is a set of faith assumptions that are essentially religious, and these are often not acknowledged. In an important book, *The Disenchantment of Secular Discourse*, law professor Steven D. Smith reminds us that by the rules of secular discourse that reign particularly in government, politics, and the academy, no one is allowed to ever bring religious beliefs into public argument. We are not supposed to talk about moral rights and moral evils, because that would get us into endless disagreements over which religious faith is the true one. We should only talk about justice in the supposedly neutral terms of freedom and equality that we can all agree on. But as we have seen, this does not

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work because our ideas of justice are rooted in views of life that are nonprovable faith assumptions. Smith writes:

The secular vocabulary within which public discourse is constrained to operate today is insufficient to convey our full set of normative convictions and commitments. We manage to debate normative matters anyway—but only by smuggling in notions that are officially inadmissible. . . . The fact that we must smuggle in . . . our real commitments [that we] often cannot articulate . . . even to ourselves—ensures that our discourse will often be barren, unsatisfying, and shallow. . . .¹³⁹

To use a simple example, it is often argued that corporal punishment violates the rights and human dignity of a child, and therefore should be illegal. Smith reminds us, however, that there is no secular, scientific basis for the idea of human dignity, or that human beings are valuable and inviolable. Historian Carl L. Becker famously said that, from a strictly scientific viewpoint, human beings must be viewed as "little more than a chance deposit on the surface of the world, carelessly thrown up between two ice ages by the same forces that rust iron and ripen corn." Scien-

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tist Stephen Hawking agrees that "the human race is just a chemical scum on a moderate size planet" and most recently Harvard psychologist Stephen Pinker wrote an essay entitled "The Stupidity of Dignity." The prominent philosopher John Gray, who teaches at the London School of Economics, writes in his book *Straw Dogs: Thoughts on Humans and Other Animals* of the self-deception of those who embrace science and still hold to the tenets of liberal humanism, such as belief in human dignity and rights.¹⁴⁰

So, concluded Smith, to say that corporal punishment violates a child's dignity and rights seems more objective than to say, "I think corporal punishment of children is morally offensive," but the latter statement is a more frank expression of how you reached your conclusion.¹⁴¹ The rules of secular discourse lead us to smuggle moral value judgments into our reasoning about justice without admitting it to others or even to ourselves. And so the deeper discussions over the true points of difference never happen.

Sandel gives us another, far more controversial example of this. He says that the most familiar liberal argument for abortion rights "claims to resolve the abortion question on the basis of neutrality and freedom of choice, without entering into the moral and religious controversy."¹⁴² Abortion rights supporters charge that their pro-life opponents are trying to im-

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pose a particular set of moral and religious views on society, but that pro-choice people are not. They are simply arguing for freedom of choice. Sandel retorts:

But this argument does not succeed. For if it's true that the developing fetus is morally equivalent to a child, then abortion is morally equivalent to infanticide. And few would maintain that government should let parents decide for themselves whether to kill their children. So the "pro-choice" position on the abortion debate is not really neutral on the underlying moral and theological question; it implicitly rests on the assumption that the Catholic Church's teaching on the moral status of the fetus . . . is false.¹⁴³

Sandel's point can be further illustrated by reference to the issue of slavery in America. Why did we not give people the freedom to own slaves or not? It was because as a society we made the moral determination that members of all races were fully human. So if our society gives women the freedom to have abortions, it is because we also have made a moral determination. Sandel concludes: "It is not enough to say that the law should be neutral on moral and religious questions. The case for permitting abortion is no more neutral than the case for banning it. Both positions presup-

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pose some answer to the underlying moral and religious controversy."¹⁴⁴

Sandel, who is not a religious believer and who is a supporter of abortion rights, concludes that justice is always "judgmental."¹⁴⁵ Beneath all accounts of justice are sets of essentially religious assumptions that we are not allowed to admit or discuss, and so our society stays in a deadlock over these issues. We can't agree on what justice is because we can't talk about our underlying beliefs.

Cooperation and Provocation

How should Christians proceed to do justice in this kind of environment? I propose that Christians' work for justice should be characterized by both humble cooperation and respectful provocation.

Christian believers have many temptations to be neither humble nor cooperative with others. Believers have many of the criteria for a righteous and just life laid out in the Bible. How easy it would be to disdain all non-Christian accounts of justice as being useless, just as many secular people dismiss religious belief.

However, Christians' own theology should lead them to appreciate the competing views of justice that Sandel outlines in our society because they know from the Bible that they are all partly right. The utilitarians

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are concerned with the common welfare. And in the book of Proverbs, we learn that people living justly do not consider their money to belong to them alone, but also to the community around them. Liberals are most concerned with individual rights. And, as we have seen, the Bible gives us the strongest foundation for the idea of rights that there is. According to the Bible, your neighbor comes into your presence with certain claims on you, that you treat him in ways that enhance his well-being, that you don't torture, defraud, or abuse him. Why? Because, as Genesis 9:6 says, he has an inherent worth, an inviolable dignity because he is made in the image of God.

Finally, conservatives believe justice is a matter of giving people what they deserve and of promoting virtue. As Sandel and others have shown, neither the utilitarians' "harm" principle, nor the liberal emphasis on equal rights is sufficient for doing justice. Under the call for freedom and equality is always a set of moral intuitions and value judgments. Christians will heartily agree with this. Biblical guidelines give believers many important insights for determining the kinds of cases Sandel presents. Sometimes Christians will side with one school of thought, other times they will side with another.¹⁴⁶ In other words, according to the Bible, virtue, rights, and the common good are all crucial aspects of justice.

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Why should Christians expect that many who do not share their Biblical beliefs will nonetheless want to work for the same goals? The apostle Paul taught that human beings who have never read or known the Bible, nevertheless "show that the requirements of [God's] law are written on their hearts, their consciences also bearing witness" (Romans 2:15). Theologians have called this "general revelation" as contrasted with the "special revelation" of the Bible. God reveals much of his will to human consciences through what has been called "the light of nature."¹⁴⁷ For example, even if someone does not believe the Biblical teaching that God made man in his own image, nevertheless the sacredness and dignity of every human being can be known intuitively, without belief in the Bible.

As a result of this general revelation, Christians believe that there is much "common grace" in every culture. The implication of James 1:17 is that God scatters gifts of wisdom, goodness, justice, and beauty across all the human race, regardless of people's beliefs.¹⁴⁸ Christians see all skill in science, scholarship, crafts, government, art, and jurisprudence as being from God.¹⁴⁹ This grace is called common because it is given to all, not just those who have found salvation in Jesus Christ, yet this grace "provides the basis for Christians to cooperate with, and learn from, non-Christians," as theologian Richard Mouw points out.¹⁵⁰ In short, the

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Bible warns us not to think that only Bible-believing people care about justice or are willing to sacrifice in order to bring it about. As one theologian puts it: "Acts of kindness and self-sacrifice surface among every race and class of human beings, not because we are simple mixtures of good and evil, but because even in the midst of our deep rebellion, God restrains us and displays his glory and goodness."¹⁵¹

Christians should realize then some part of society will always recognize some of what the Bible calls "justice." When we speak publicly, we should do so with thoughtfulness and grace, in recognition that Christians are not the only ones who see what needs to be done in the world. We should not simply be quoting the Bible at people. As author Ken Myers says, "When Christians articulate cultural values, they should be values that non-Christians can embrace as well, not because we have some prior commitment to 'pluralism,' and thereby seek to be inoffensive, but because we have expressed values which [because of common grace] are in fact common values."¹⁵²

Christians should identify themselves as believers as they seek justice, welcoming and treating all who work beside them as equals. Believers should let their co-workers know of how the gospel is motivating them, yet also, as Myers says, they should appeal to common values as much as possible.

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What we are laying out here is a balance. On the one hand there are Christians who want to work for social reforms, citing only Biblical reasons, and speaking aggressively against those who do not share their religious beliefs. On the other hand there are those who counsel Christians to not seek social justice at all, predicting that such efforts only make Christians more like the world. Instead, they say, Christians should concentrate on only bringing individuals to faith in Christ and building up the church. The former group is too triumphalist, while the latter group is too pessimistic about the possibilities of cultural change and social reform. Theologian Don Carson writes that once we shed utopian dreams of producing a "redeemed culture," we can look at history and acknowledge that it is possible to "improve and even transform some social structures":

Sometimes a disease *can* be knocked out; sometimes sex traffic *can* be considerably reduced; sometimes slavery *can* be abolished in a region; sometimes more equitable laws *can* foster justice and reduce corruption. . . . In these and countless other ways cultural change is possible. More importantly, doing good to the city, doing good to all people (even if we have special responsibility for the household of faith), is part of our responsibility as God's redeemed people. . . .¹⁵³

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We have said that Christians should acknowledge "common grace," that non-Christians share with us common intuitions about the good, the true, and the just. We should appeal to those common values and work alongside our neighbors in an effort to improve justice in society. We should agree that, according to the Bible, all the various views of justice out there in our society are partly right.

But they are also partly wrong. Each of the theories that Sandel outlines makes one of these factors—virtue, rights, or the common good—into a "bottom line" that trumps the other two. However, the Biblical understanding of justice is not rooted in any one of these, but in the character and being of God himself. This means that no current political framework can fully convey the comprehensive Biblical vision of justice, and Christians should never identify too closely with a particular political party or philosophy.

Many churches have uncritically adopted a liberal political agenda, one that has a very expansive view of government. Others adopt a politically conservative approach to justice, one that insists that poverty, at least in America, is not the result of unjust laws, social structures, and racism, but only a matter of family breakdown. As we have seen, the Biblical material is too nuanced and balanced to fit neatly into either of

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these schemas. And if we tie the Bible too tightly to any particular economic system or set of public policies, it bestows divine authority on that system.

So even as Christians practice humble cooperation with their allies, they should at the same time be respectfully provocative with them, arguing that their models of justice are reductionistic and incomplete.

“Justice Is Inescapably Judgmental”

Why should we do this? Wouldn't it be best to be pragmatic, to just work together and not to talk about how our beliefs are different than those of others who may be interested in the same basic social goals? In the short run that might be less bother, but in the long run it won't be good for our society.

Our society can't come to grips with the underlying beliefs that inform our differing views of justice. Because we insist that all discussions omit any reference to moral or religious beliefs, we cannot talk about *why* we think something is right and just. Sandel has shown that the ideal of “liberal neutrality,” which has dominated modern law and jurisprudence for decades—namely that “we should never bring moral or religious convictions to bear in public discourse about justice and rights”¹⁵⁴—is actually an impossibility. He writes:

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Justice is inescapably judgmental. Whether we're arguing about financial bailouts . . . surrogate motherhood or same-sex marriage, affirmative action or . . . CEO pay . . . questions of justice are bound up with competing notions of honor and virtue, pride and recognition. Justice is not only about the right way to distribute things. It is also about the right way to value things.¹⁵⁵

And “valuing things” is always based on beliefs about the purposes of life, human nature, right and wrong—all of which are moral and religious.

The ancient Greek philosophers believed all things and persons were designed by transcendent forces for a purpose, a *telos*, and without reference to that *telos* it is impossible to determine how we should live. For example, imagine I am a person from a very remote part of the world and I've never seen a cell phone (or a phone, for that matter). You give it to me, and I immediately try to pound a stake into the ground with it. It breaks, of course, and I complain, “This thing you gave me is no good.” You will explain that the cell phone was not designed for driving stakes into the ground, but for communicating across distances. Unless you know the *telos* of something, what it is *for*, you can't make right judgments about whether the thing is good or bad.

How do we determine what is good or evil human

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behavior? Aristotle and his followers answer: Unless you can determine what human beings are here *for*, you can't answer that.¹⁵⁶

One of the best examples of what Aristotle argues is the very concept of human rights. Many still believe that the idea of human rights was developed by thinkers of the secular Enlightenment such as Hobbes and Locke. Brian Tierney of Cornell University has demonstrated that, on the contrary, it was within Christian jurisprudence of the twelfth and thirteenth centuries that human rights thinking began, rooted particularly in the Christian doctrine that all human beings are created in the image of God, and therefore have inherent dignity.¹⁵⁷

We heard from Stephen Hawking, Stephen Pinker, and John Gray that there is no neutral, scientific basis for proving that every human being, regardless of gender, race, age, and ability, has inherent worth. Therefore even atheist and agnostic philosophers acknowledge that the concept of human rights requires a religious dimension. Raimond Gaita has written that when secular thinkers speak of "inalienable rights" they are "trying to make secure to reason what reason cannot finally underwrite," because the idea of human rights has its origin in the concept of "human sacredness," which was born in religious traditions.¹⁵⁸ Even the philosopher Jacques Derrida agrees:

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Today the cornerstone of international law is the sacred, what is sacred in humanity. You should not kill. You should not be responsible for a crime against this sacredness, the sacredness of man as your neighbor . . . made by God or by God made man. . . . In that sense, the concept of crime against humanity is a Christian concept and I think there would be no such thing in the law today without the Christian heritage, the Abrahamic heritage, the biblical heritage.¹⁵⁹

Marxist literary critic Terry Eagleton also resists the efforts of atheist writers such as Richard Dawkins and Christopher Hitchens to devalue the contribution of religion to the maintenance of justice in human society. "The difference between science and theology," Eagleton writes, "is one over whether you see the world as a gift or not."¹⁶⁰ He goes on in his book *Reason, Faith, and Revolution* to argue that it makes an enormous difference to how one lives in the world if you see human beings as accidental beings rather than a sacred creation and gift of God.

This in no way means that nonreligious people cannot believe in human dignity and human rights. Millions of them can and do.¹⁶¹ But any such belief is, in itself, essentially religious in nature.

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A New Conversation

Sandel, Smith, and many others say that we must begin again to talk about moral and religious beliefs in public discourse. The rules of secular public discourse will not allow us to talk about such matters, since, it is feared, discussions of religious beliefs will lead to endless public disagreement. However, we are *already* locked in endless disagreement, largely because we live with the illusion that we can achieve moral and religious neutrality. And because we can't talk about our real differences, we simply make power plays to weaken and marginalize our opponents, not persuade them. We have to change these rules and this climate of discourse. Christians can be an important part of changing this climate from one of yelling "injustice!" to one of talking and seeking justice together.

Another important figure who seems to agree with all this is U.S. president Barack Obama, who has said:

Secularists are wrong when they ask believers to leave their religion at the door before entering into the public square. Frederick Douglass, Abraham Lincoln, William Jennings Bryan, Dorothy Day, Martin Luther King—indeed, the majority of great reformers in American history—were not only motivated by faith, but repeatedly used re-

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ligious language to argue for their cause. So to say that men and women should not inject their "personal morality" into public policy debates is a practical absurdity. Our law is by definition a codification of morality, much of it grounded in the Judeo-Christian tradition.¹⁶²

There will still be plenty of voices urging Christians to be quiet about their faith in the public square, but these are voices who continue to believe that it is possible to argue for justice on the basis of "neutral, secular reason." That viewpoint may be on the wane.

The pursuit of justice in society is never morally neutral, but is always based on understandings of reality that are essentially religious in nature. Christians should not be strident and condemning in their language or attitude, but neither should they be silent about the Biblical roots of their passion for justice.

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