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Doing Justice to Justice

Strangely, some philosophers and theologians have had a hard time justifying self-love, the loving response to one’s own value. For them there must be the complete absence of all motives relating to self-interest. This “purity” of intention is neither realistic nor necessarily moral. For example, moral worth can be ascribed only to behavior that has no “self-interested motives,” Schopenhauer argued in his work The Basis of Morality. “The absence of all egoistic motives,” he believed, “is thus the criterion of an action of moral value.” The enemy that he and others fail to target is egoistic self-love that gives the self a hierarchical and inherently hostile prominence above all other values. The recognition of one’s own value as a person is not only not at odds with love of others but is the only feasible base for such love. The need to love ourselves and feel ourselves loved is essential to mental health and normal socialization. It is a rule of nature that love engenders love. Only the gift of love and the experience of our own lovability can release us from a cringing self-centeredness and empower us to love.

The personal life that makes your neighbor valuable is a life in which you also share. It is a participated glory. And it is no less valuable for being yours. Out of love you may sacrifice yourself for another person as that person might also for you. Such sacrifice is not caused by low esteem for self; it is a mysterious response to the person-related values that at times merit such an awesome gift.

Because life is sacred does not mean that continued existence is an absolute obligation. Morality also deals with the quality of life and not just with the mere physicality of existence. Life is more than any single moment of its embodiment and sometimes death better serves that more than continued living. There is a perplexing and enduring paradox here, but the truth is not served either by negating the authenticity of the supreme sacrifice or by denying the validity of one’s own value. The paradox is heightened by the fact that it is from persons who have achieved a high degree of self-actualization and confidence, born of proper self-love, that heroic self-sacrifice could be anticipated. (A morbid self-sacrifice is possible from a number of psychiatric causes. These, however, would not be perceived as heroic when fully understood).
Self-love is legitimate and unavoidable also because of the very nature of moral values, values that shape us as persons. If we are clumsy, poor at mathematics, nonaffluent, or ugly by common standards, it is unfortunate. We lack certain values, but it does not make us bad people, because the values we lack are not moral values. Such nonmoral values do not make us but grace our presence. Moral values make us what we are as persons; they make us human. Failure here is drastic and not just unfortunate.

To be moral by being benevolent, fair, and just to others is also good for the self. It is self-serving in the good sense and gives us self-fulfillment. Even Schopenhauer in his assessment of self-love had to admit that “conduct having real moral worth... leaves behind a certain self-satisfaction which is called the approval of conscience.” This conclusion is understandable since it is humanly normal (that is, humanly normative) to be moral and hence it has its own built-in satisfactions. By the very nature of moral value, being moral is self-love as well as love of the other. How you love yourself in relation to others is where the ethical questions rise.

**Justice as the Minimal Shape of Other-love...**

The foundational moral experience includes a positive response to the value of self and of others and an appreciation of the link between the two. In order to explain the basic response to the value of others, we must turn to the generic concept of justice. Justice is the minimal manifestation of the foundational moral experience and the minimal manifestation of other-love.

Justice is the least we can do in response to the value of persons. It is love in embryonic form. When this justice-love matures, it moves beyond its concerns for rights and obligations and is transformed into the superior dynamism of love, friendship, and community. Community is friendship at a societal level. Since love is not in full bloom in society, justice presents itself as the minimal expression of moral sentiment. What we are beginning here is the philosophical spelling out of the implications of the FME. Moral concern is a never-ending process in which all our faculties conspire to discover, in more specific ways, what does or does not befit the dignity of persons and their environment. The whole of the method developed throughout this book discusses the process and the various ways that are required to argue morally defensible conclusions. In citing justice as the minimal expression of morality, we are drawing on many cultural and intellectual resources. It is not arbitrary to say that justice can be seen to be the only coherent and fruitful basis for a moral and viable society.

Justice is variously and sometimes narrowly defined. But in its broadest meaning, justice, as Aristotle says, is “not part of virtue but
virtue entire, nor is the contrary injustice a part of vice but vice entire." Justice is fairness and it means giving others their rightful due as persons. Justice is the first fruit of the foundational moral experience, that is, the fruit of the experience of the value of persons and their environment. It is said of the value or sanctity of life that it is so basic a notion that life is unlivable if it is not allowed. The same can be said of justice because its absence would subject human existence to unbearable chaos. Without some achievement of justice, human society as such disintegrates. All laws are efforts to express justice. A law that is not just is no law at all.

It seems true to say with Cicero that people are called good chiefly from their justice or to say with Plutarch that persons are honorable if their relations are just. So what then is justice and why do we see it as the primordial and minimal expression of our perception of the value and dignity of persons?

Basically it can be said that there are three kinds of justice: individual justice, distributive justice, and social justice. All three forms of justice involve rendering to others what their due is, and without all three there is no justice. Justice is the first expression of our response to the value of persons, and it recognizes that their value is such that they may lay claims on us. Justice is the first of many virtues telling us how we should respond to persons in view of what they are. In its relationship to other virtues, justice is not seen as simply the first among equals. Rather, it is the first-line response to the value of life. All of ethics, i.e., judging what befits persons as persons, is based upon some anthropology, on some conception of what persons are. One's anthropology or conception of personhood first shines through in the explanation one offers of justice. The definition of the three forms of justice will show this fact to be so. The model on p. 30 illustrates the three forms that justice takes. All three forms of justice are essential. There is no justice unless all three forms are realized to some degree.

Individual justice renders what is due in relationships between individual persons, or between discernibly individual social entities such as nation-states or corporations. (More clumsily, it could be called interindividual justice, but the term "individual" will do.) Examples are agreements or contracts to mow someone's lawn for a certain price, or a sale by Ford to Chrysler of some automotive parts. Negatively, individual justice would involve reparation for harm done. If I stole your bike, I owe you a bike's worth of reparation. Notice that individual justice is marked by equality and freedom. I needn't bother to deal with you about your lawn and Ford might not decide to trade with Chrysler. There is freedom at this level of justice. Also, if we do deal, it should be on an equal basis. The lawn-cutting and the price should be equal, and so for all contracts. This form of justice is highly de-
Common Good

**Generic Demands**
- respect and hope for all
- including the environment

**Specific Demands**
- taxes
- jury duty
- affirmative action
- eminent domain
- etc.

**Agents of Distributive Justice**
- government
- corporations
- lobbies
- schools
- arts
- churches and synagogues
- citizens and citizen groups

**Marks of Social Justice**
- equality and liberty
- diminished
- sacrificial sharing

**Social Justice**
- Distribution

**Distributive Justice**
- Individual

**Individual Justice**
- Marks of Individual Justice
- equality and liberty

- Individual

...developed in American culture and we have an army of lawyers waiting to enforce it.

Social justice represents the debts of the individual citizen to the social whole or the common good. Every nation knows that we have debts to the common good. Every nation taxes and drafts citizens to do jury duty or public service when necessary. Notice that social justice does not involve equality or freedom. Taxes, jury duty, military drafts, and affirmative action programs are not voluntary programs. They don’t work on a basis of free choice. Neither are they equal, since not everyone is drafted and not everyone drafted gets the same treatment or assignment. Not everyone pays the same amount or proportion of taxes. The reason is that social justice looks to the needs of the common good. And needs are not equal. Meeting essential needs is also not optional or free. No government suggests that we pay taxes out of the goodness of our hearts. Social justice seeks to meet needs that are too basic to be optional or left to voluntary programs. We don’t seek volunteers for our juries.

This causes a great deal of confusion in American culture because we tend to be fixated in our imagination at the level of individual justice, which is characterized by equality and freedom. Neither equality nor liberty reign in social justice and that makes Americans, with their
p penchant for extreme individualism, suspicious of programs or policies that meet social needs. Of course, the complete individualist is a freakish and rare bird, since most people, even American individualists admit of some manifestation of social justice, such as payment of taxes and fines or admitting the rights of draft and eminent domain. Extreme forms of communism have similar problems since they are fixated at the social level and downplay individual rights. What is needed is a creative tension among all forms of justice.

**Distributive justice** directs the fair distribution of goods and burdens to the citizens by those who hold power and the wealth that accumulates in any political and economic community. It moves from the social whole to the individual. The agents of distributive justice are listed on the right side of the model. The government is the prime agent of distributive justice. Government can even be defined morally as the primary agent of the common good. Other agents have debts to the common good (social justice), but government does not function for profit and growth like corporations, nor does it seek to build a private nest like a family. Its purpose is the promotion of the “general welfare.” All the other agencies listed have distributive power and must use it justly. Even individual citizens through their voluntary associations can influence political and corporate power, and they have an obligation in justice to do so.

Justice, therefore, moves between individuals (individual justice), from individuals to the common good (social justice), and from the coffers and powers of our common life back to individuals (distributive justice). In each case persons are rendering what is due to others. We pay what we owe to other individuals (individual); or the society through its official representatives distributes what is due to individuals (distributive); or we give what is due to society in the form of such things as taxes, military service, and social action for the common good (social).

When we allege that there should be an even stress on all three forms of justice, we are establishing a basic anthropology upon which a system of ethics will be based. We submit that if there is excessive emphasis upon the individual or upon the social whole, our view of what persons are is distorted.

We are individuals, but we are individuals in society; in other words, we are **socialindividuals**, even if such a word does not exist in our dictionaries. Just persons in this view must not only pay their debts and make due reparation to those they have wronged or with whom they have contracted (individual justice), but they must also pay their debts to the social whole so as to fulfill their human duty to create a society marked by equity and harmony. We are social beings not by contract or convenience but by our very nature, and both social and distributive
justice reflect that sociality. Our basic ethical anthropology may not presuppose from that fact or limit discussion of our debts to the interindividual level, as the spirit of individualism would have us do. To do so distorts our nature and constitutes an ethical error of a foundational sort, since it defines persons atomistically and non-socially. It is similarly inaccurate to stress our sociality as to downgrade our individuality, as is done in collectivist theories. The balancing tension between the one and the many is real and must be maintained in one’s fundamental view of personhood. A stress on all three forms of justice does maintain this balance and does present us with a fundamental view of what personhood entails. A denial of these forms of justice is an invitation to chaos.

Notice here that we have moved a reflective step beyond the foundational moral experience. We said that it involves (1) a respect for one’s self, (2) a respect for others, and (3) a recognition of the link between the two. Justice, as explained, gives theoretical formulation to all this and stresses that respect for others unfolds in a social context, not in a context of atomistic, separatist individualism. Justice, of course, is not enough. It is only the minimal expression of what respect for persons entails. In fact, justice should be superseded by friendship as our regard for others matures. “When men are friends,” Aristotle writes, “they have no need of justice.” Both justice and friendship, as Thomas Aquinas says, are forms of sharing. Friends share at such a generous, unmeasured level that the lesser sharing of justice becomes irrelevant. That is what Aristotle was saying.

Justice is pointed toward friendship; it is incipient friendship. And justice sets the stage upon which friendship in society may grow. It also serves to give us the earliest intimations of the least we should do in response to the value and dignity of persons — the discovery of which is the beginning of ethics.

Every legal system and every government are working out the theory of justice. If you were to look at every one of the some 160 nations in the United Nations, you would see that they are making sure that all three forms of justice are operating with some adequacy. If any of the forms of justice were radically missing, the nation would collapse into confusion. Justice is the bulwark of every society. All governmental and corporate power is under the authority of justice.

Morality is not just a matter of private life. Governments and corporations do not exist in a moral vacuum. The corporations that submitted bids to build Hitler’s ovens could not say they were simply doing “business.” They were also participating in social and distributive injustice. Corporations that knowingly do damage to our environment may be able to do so legally (due to imperfections in the law), but they cannot do so morally.