

Justice

Fourth in a series on vices and virtues.

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Woe to you, scribes and Pharisees, hypocrites! For you tithe mint, dill, and cummin, and have neglected the weightier matters of the law: justice and mercy and faith. It is these you ought to have practiced without neglecting the others (Matthew 23:23).

The first moral virtue that occurs to young children is justice – usually when they see themselves as victims of injustice. Have you ever heard a preschooler cry, “It’s not fair!”?

Children are acutely aware of who gets what. Any four-year-old will tell you it’s not fair if *she* gets to go watch the movie but *he* doesn’t, or Joey gets two cookies but Johnny gets only one. Nothing is more obvious to children than that everyone should be treated fairly.

Justice is our first moral intuition. In fact, it’s the foundation for how we teach children to treat other people. If Billy steals Tommy’s toy, Mom intervenes and says, “Billy, how would you like it if Tommy took your toy?” Billy may pout, but he can’t deny the logic: It’s not fair to take somebody else’s things if you don’t want them to take yours.

The Golden Rule, “Do to others as you would have others do to you,” is golden and universal because it’s basically an appeal to justice. Lots of other moral laws make sense in light of that one. Don’t steal because you wouldn’t want somebody else to steal your stuff. Don’t mess around with your neighbor’s wife because you wouldn’t want him to mess around with yours. Don’t gossip and spread bad rumors about people: you wouldn’t like that either if it was about you.

John Rawls, the late Harvard philosopher, wrote an influential book in the 1970s called *A Theory of Justice*, in which he said that justice is fairness, but he added an interesting twist. Rawls defined fairness as a situation that any reasonable person would agree is fair *before that person knew what part he or she played in the situation*. I’ve described this before as the problem of the last piece of cake.

A mother has one piece of cake and two children who want it. How does she solve the problem? She lets one of them cut the cake, and the other pick the first piece. If you do this at home, you'll be amazed at the precision that goes into cutting the cake, and the intense deliberation that goes into picking the first piece. It's Rawls's point exactly. The cake cutter goes to great lengths to make sure the pieces are even, because he doesn't know which piece he will get.

All this shows how fundamental justice is to our whole notion of morality.

Now everyone is for justice in the abstract. Nobody ever says, "To heck with justice. I'm for *injustice!* I want things to be unfair!" Everyone is for justice. But if that's true, then how does injustice ever happen? How can it be that everybody wants justice, but some people are still treated unfairly?

The answer has to do with a criticism of Rawls's theory. Rawls said that a system would be fair if reasonable people agreed it was fair *before* they knew what part they would play in the system. If two pieces of cake are of different size, children would say that's unfair, because they might get the smaller piece. If you considered slavery in light of Rawls's theory, you'd say slavery is unjust because you might turn out to be a slave. The trouble is, in real life, people already know what part they play in the system. They already know which piece of cake they have. They know whether they are the slave or the master.

Then what happens? Typically, slaves and people with the smallest pieces of cake think the system is unfair, and they protest. But masters and people with bigger pieces of cake tend to see things differently. They benefit from the way things are, and so they have powerful incentives to think the system is fine the way it is.

All human beings, except sociopaths, have a conscience, and nothing is more basic to conscience than the notion of justice as fairness. If we *suffer* injustice, we protest and try to change things. But if we *benefit* from an unfair situation, and somebody points that out, then we have a problem, and we really have only three choices.

First, we can agree that the situation is unfair but hold on to our advantage anyway. But then we have to live with a guilty conscience. That's what slave holders like Thomas Jefferson did. They came to believe that slavery was wrong, but they weren't prepared to give it up because they were economically

dependent on the system, so they lived and died with a guilty conscience.

It's hard to live with a guilty conscience, though, so a second option is to give up some of our advantage until the system is fair. But that would cost us something, and the more we benefit from the system, the more it might cost us to make it fair. It takes courage and a strong sense of justice for people willingly to give up any of their own advantages.

That brings us to the third option, which is to tell ourselves that the situation we benefit from is not really unjust after all. If we look at things differently, it may be all right for us to have the biggest piece of cake.

This last option is the easiest, and therefore the most common. Living with a guilty conscience is hard to do for very long, and it might cost a lot to give up our advantages. The most convenient solution, then, is to reframe issues in a way that justifies our advantages.

The thing about moral reasoning is that, when we think about issues involving ourselves, we are prosecutor, defendant, and judge all in one. When we ask whether our own actions are right or wrong, we get to decide the answer. That's very different from the way courts work. If a case comes before a judge and the judge has a personal interest in the outcome, the judge turns the case over to somebody else. In the legal system, you don't get to decide a case where you have a vested interest. But in our own minds we do it all the time. Every time we ask ourselves, "Am I being fair?" or "Am I doing the right thing?" we get to decide the answer. The very bias that would disqualify us if we sat on a court bench colors every decision we make about our own behavior.

The really clever thing about our brains is that they keep us mostly unaware of our biases. The alarm of conscience, our sense of fairness, would kick in if we saw that we were doing something unjust because it benefited us, so our brain has to keep inconvenient facts from coming to the surface. And in fact, most people are pretty good at doing that. Psychological literature is full of evidence to show how easily we cherry pick facts to suit our interests.

In other words, we rationalize. Reason is often the servant of desire. Often we just don't think about things that interfere with what we want. And when troubling thoughts do arise, the judge in our brain overrules the prosecution and gives free rein to the defense until we pronounce ourselves "Not guilty."

It's obvious to us that *other people* rationalize, but the genius of rationalization is that it blinds us to our own. This is a very old insight. As the biblical proverb says, from 3000 years ago, "All deeds are right in the sight of the doer, but the Lord weighs the heart" (Proverbs 21:2).

The Lord weighs the heart. Scripture says that justice and righteousness are the foundation of God's throne (Psalm 89:14). God judges the heart, so God knows when we truly want to do what's right, and when we're just rationalizing self-interest.

Justice is the habit of seeking fairness – not only what benefits us, but what's best for everyone. To be truly just takes courage, which is another reason why the virtues go together. If courage is doing what needs to be done when it would be easier to do something else, justice is doing what's right even when it costs us. Justice always asks, "What would I think was right if I were in *that* person's shoes?"

We all like to think of ourselves as fair. But God sees the way we treat one another, and God sees the world as a whole, including those who have a great deal of cake and those who have only a few crumbs, and God has a broader view. God sees some people who show up in church to worship, but fail to do what's right in their homes, or their business, or in the world at large, and God is not pleased.

"I hate, I despise, your festivals, and I take no delight in your solemn assemblies," God says through the prophet Amos. "But let justice roll down like waters, and righteousness like an ever-flowing stream" (Amos 5:21-24). Jesus says, "Woe to you, scribes and Pharisees, hypocrites! For you tithe mint, dill, and cummin, and have neglected the weightier matters of the law: justice and mercy and faith...." Anyone who claims to worship God without practicing justice is simply a hypocrite, according to the Bible.

Justice, like love, may be costly in this world. It may require sacrifice to make things right for everyone. But that's exactly what God does for us in Jesus Christ. "Though he was in the form of God," Paul writes, "he did not count equality with God a thing to be exploited, but emptied himself" for our sake (Philippians 2:6-8). Jesus had all the joys of heaven, and the power of divinity, but he saw what was best for us, and poured himself out to save us from our sins. And so the just died for the unjust, the righteous for the unrighteous.

God expects justice from all of us. God promises justice in the long run to all who suffer, and God demonstrates justice and love by coming in the flesh to save us. Jesus practices what he preaches, and he expects his followers to do the same.

To be a child of God is to bear some family resemblance to Jesus. It means doing for others what we would have others do for us. It means doing justice, and loving kindness, and walking humbly with our God.