

Whose Justice?
Proxe Station Instructions

whose



Can Science Define Justice?

“What if I believe that the highest moral good is [individual freedom], while you believe that the highest good is [happiness for some group] Who decides ” what is a successful life?

—Atheist physicist Sean Carroll (paraphrased) to Sam Harris, on why science cannot define justice and morality

There is a way to decide

There is no way to decide

Of These Below, Which Most Irritates You?

- Unequal pay for equal work
- Growing economic inequality
- Excessive taxation
- Racial bias in the criminal justice system
- Power of lobbyists
- CEO's being rewarded for failure
- No restitution for past rights violations
- Infringement on freedom of religion
- Under-resourced schools

Which Ruling Was the Most Unjust?

Select one

- D.C. v. Heller 2008** (Gun control laws are unconstitutional)
- Citizens United 2010** (Corporations are people; hand-picked laws/oversight without service in militia, can be kept loaded in the home; campaign donations are free speech and do not need disclosure)
- Roe v. Wade 1973** (Abortion is legal until fetus viability)
- "Obamacare" 2012** (Government can require individuals to purchase health care)

Redistribution of Wealth = Justice?

Years of Jubilee

"This fiftieth year is sacred—it is a time of freedom and of celebration when everyone will receive back their original property, and indentured servants will return home to their families...The land, moreover, shall not be sold permanently, for the land is Mine; for you are but aliens and sojourners with Me." —The Bible, Leviticus 25:10, 23

Unjust ————— Just

What is the Most Just Way to Treat People? According to...

Select one

- Our merits (Meritocratic Justice)
- Our needs (Distributive Justice)
- Our freedom & liberty (Libertarian Justice)
- A vision for healthy relationships (Restorative Justice)

Criminals Should

- Suffer themselves (meritocratic/restorative justice)
- Help restore the harm they do (restorative justice)

Liberty = Justice?

Select as many as you believe

Justice means freedom...

From other people's religions

From other people's moralities

To secede from any union you don't want

From unwanted relationships

Congress of the United States

What Do You Owe Everyone Else? (as in contributing to X)

Select as many as you believe

- Clean air, water, food
- Affordable housing
- A level playing field
- Nothing
- Public education
- Medicine, health care
- Secure retirement
- Other

Why Should Your Definition of Justice Prevail?

Select one

WE MAKE THE RULES

- Majority opinion
- Minority opinion
- Tradition
- Theological foundation
- Philosophical foundation
- There is no justice; only power
- I don't care
- I don't know
- Other

Purpose

The goal behind this proxe station is to engage people on a personal and intellectual level about the topic of justice. It aims to challenge both Christians and non-Christians alike. I believe in the idea of a Christian restorative justice that has concrete implications for critiquing other types of justice (libertarian) and reframing other types (meritocratic, distributive). For non-Christians, I think they struggle with the sense that the four main types of justice (meritocratic, distributive, libertarian, restorative) are arbitrary and don't have a foundation. They don't have a true way of ordering them. Nor do they have a way of knowing if their version of justice is right; they have no epistemology. Hence, they may get to the last slide and confess, 'There is no justice; only power.' For Christians,

I think many American Christians have been misled to think that libertarian justice is biblical, which leads to a laissez-faire market and the priority of the individual. I aim to challenge both types of people.

Christian restorative justice is rooted in the creation order and is affirmed and restored by Jesus' teaching, personhood, and work. It is epistemologically grounded in the historicity of Jesus' resurrection, the significance of which is explained by the Scriptures. Hence there is a way of knowing that this type of justice is factually true.

'Whose Justice?' Proxe Station Introduction

1. Invite people to participate: 'Hi, I'm _____ and I'm with InterVarsity Christian Fellowship. We're asking people how we experience friendships and what we think about them.'
2. Give them a set of 'dots' and a quick overview: 'Answer the questions with the dots. Go top to bottom, and left to right.'
3. Tell them that you'll 'When you're done, if you have time, I'd like to ask a few follow-up questions.'
4. Give them time to engage with the material.

The Big Picture Conversations: The conversations I'm hoping to have can move from:

1. *Consistency Question:* Ask if they think they are consistent
 - a. For example, one person put 'Criminals Should Help Restore the Harm They Do' (restorative justice) and then answered 'Which Justice is Most Important' as 'Meritocratic'. How is that consistent?
 - b. Another person, on the slide, 'Liberty = Justice?' put three of the four, except 'Free to Secede from Any Union You Want.' When I asked, 'Why not that one?' he had no answer. He said that nation-states need to be preserved. But I asked why. Why does an individual need to surrender their libertarian freedom in favor of the nation state? The logical end of libertarian freedom is divorce, broken friendships, secession, and Civil War. The American Civil War is the logical end of the tradition of libertarian freedom in the U.S.
 - c. Another person put 'Redistribution of Wealth = Justice' as 'Unjust' and then answered 'What Do You Owe Everyone Else?' with 'A Level Playing Field.' But the Leviticus 25 text and the Jubilee principle is the ultimate level playing field. You can't pass down advantage or disadvantage to your grandkids.
 - d. Some people don't know what they're saying when they answer 'Can Science Define Justice?' They think you can balance things, but that's a presupposition. There is no way to arbitrate between two directly competing moral claims like 'individual freedom' and 'maximizing economic wealth' for people or some group of people.
2. *The Truth Question:* Push people on the last slide. Most people don't want to say, 'There is no justice, only power,' but won't know how to really avoid that reality, ultimately.
 - a. There is no secular basis for organizing the four types of justice – meritocratic, distributive, libertarian, restorative – in an intellectually grounded way. What makes your way of organizing this inherently superior to someone else's way?
 - b. What philosophical foundation is there? Human dignity doesn't just float in midair. It has to be grounded in something.
 - i. Libertarian freedom has no intellectual foundation. Only Rousseau and later John Locke started with the individual, to maximize civil freedom, and built society up from there. Rousseau's theory was that we are born into the state of nature as free individuals. So the society and the government that interferes the least is the most just, by definition. But that is an arbitrary move. As an Asian person looking at Western philosophy and culture, I would offer this critique: I was under the impression that we are not born free individuals into some 'state of nature.' In fact, Rousseau's idea came from his vague impressions of Native Americans, whom he as a European continental philosopher had never in fact met. Instead, we are born into *families*, with benefits and obligations. That is

when Enlightenment political philosophy left the other disciplines of history and anthropology and sociology. It became completely unmoored in an unreality. Convenient and perhaps an attractive political theory, but utterly illusory.

1. See Michael Sandel, *Justice: What's the Right Thing to Do?* See his last chapter! (see below for quote)
 - c. There is a theological foundation in Christian theology, which is grounded in the historical Jesus and his resurrection. God is restoring people to who He always meant for us to be.
 - d. AND IF THERE IS A RESTORATIVE JUSTICE THAT IS ROOTED IN GOD, THEN EVERY OTHER CLAIM TO JUSTICE IS ACTUALLY AN OBSTRUCTION OF JUSTICE. HOW DO YOU FEEL ABOUT THE POSSIBILITY THAT YOU ARE OBSTRUCTING JUSTICE???
3. *The Human Nature Question*: This does not come up on the slides, but it's worth mentioning. I don't think that the problem of injustice is just conceptual. It is also emotional and spiritual. We oppose God's true justice. Something in us doesn't want to give up. And something in us doesn't want to accept this.

“God took human nature in the person of Jesus to heal and transform human nature itself. He shared in our broken human nature so we might share in His healed human nature. So we could become more just people.”

- a. Have you heard it put this way before?
- b. Do you want to hear more about that?
- c. How do you explain why we do evil and unjust things? Three options:
 - i. Relativism: There is no real good and evil.
 - ii. Because of external things: Bad circumstances make us do bad things
 - iii. Because of internal things: This is scary for most people because there is no belief system other than Christianity that claims to deal with the internal, human nature problem.

Quotes:

“Over the course of this journey, we've explored three approaches to justice. One says justice means maximizing utility or welfare – the greatest happiness for the greatest number. The second says justice means respecting freedom of choice – either the actual choices people make in a free market (the libertarian view) or the hypothetical choices people would make in an original position of equality (the liberal egalitarian view). The third says justice involves cultivating virtue and reasoning about the common good. As you probably guessed by now, I favor a version of the third approach. Let me try to explain why.

The utilitarian approach has two defects: First it makes justice and rights a matter of calculation not principle. Second by trying to translate all human goods into a single uniform measure of value it flattens them and takes no account of the qualitative differences among them.

The freedom-based theories solve the first problem but not the second. They take rights seriously and insist that justice is more than mere calculation. Although they disagree among themselves about which rights should outweigh utilitarian considerations, they agree that certain rights are fundamental and must be respected. But beyond singling out certain rights as worthy of respect, they accept peoples' preferences as they are. They don't require us to question or challenge the preferences and desires we bring to public life. According to these theories, the moral worth of the ends we pursue, the meaning and significance of the lives we lead, and the quality and character of the common life we share all lie beyond the domain of justice.

This seems to me mistaken. A just society can't be achieved simply by maximizing utility or by securing freedom of choice. To achieve a just society we have to reason together about the meaning of the good life, and to create a public culture hospitable to the disagreements that will inevitably arise.

It is tempting to seek a principle or procedure that could justify, once and for all, whatever distribution of income or power or opportunity resulted from it. Such a principle, if we could find it, would enable us to avoid the tumult and contention that arguments about the good life invariably arouse.

But these arguments are impossible to avoid. Justice is inescapably judgmental. Whether we're arguing about financial bailouts or purple hearts, surrogate motherhood or same sex marriage, affirmative action or military service, CEO pay for the right to use a golf cart, 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.” (Michael Sandel, *Justice: What's the Right Thing to Do?* (New York, NY: Farrar, Straus, and Giroux, 2009), p.260 – 261)