

Religion NOW

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JUSTICE

"Love and justice are the same,
for justice is love distributed, nothing else."

- Joseph Fletcher

Justice is a word used badly among us. There has often been a distinction between people who practice a cultic form of religion and those who have cultivated a sense of the God of compassion. Justice speaks of principle, a principle that always obliges us in conscience. In fact, justice and love are the same, for justice is love distributed, nothing else.

It is said that the noted Supreme Court Justice, U.S.A., Oliver Wendell Holmes, would become angry at any lawyer in his court if the lawyer used the word "justice". Holmes said it showed the lawyer was shirking his job. The problem in every case is what should be done in the particular situation. It does not advance a solution to use the word "justice".

Justice is a subjective, emotional word. It is too often thought of as the fulfillment of ones particular belief or common sense. We can be quite ambivalent in our use of the term. On the one hand we can be quite passionate in seeking to obtain justice for the unfairly treated. We would seek justice for persons oppressed, and wish to deal justly with our neighbours. We think of justice in terms of fair dealing, helping the exploited and the disadvantaged, and we associate it with freedom, social progress and

democracy.

On the other hand, when justice is "meted out", justice is "served", it is "satisfied" or "paid". It is punishment which somebody else sees to it that somebody else gets; not something good, helpful, or valuable, but something that hurts. It is the penalty of retribution for transgressors.

So justice is commonly seen as to give help to some, pain to others.

Christians should know better than this. The theologian, Dr. Paul Tillich, declared that love "is the ground, the power, and the aim of justice." He pointed out that love is "the ultimate principle of justice."

The Hon. John Crosbie in an address to the Empire Club of Canada once said that the true measure of the success of our society is the ideal we hold of justice and the effort we make to achieve that idea.

In many minds it appears justice is equated with the term "fairness." But fairness does not mean the same to

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all parties. To say justice is fairness wrongly assumes that everyone is equal. It is obvious that all persons are not equal in society. As Oliver Wendell Holmes said, "There is no greater inequality than the equal treatment of unequals." We can see this happening everyday in our social systems at the present.

The best we have of Jesus' teachings is to be found in his stories or parables. Jesus was very good at telling stories that illustrated the meanings of life. In one of his stories he told of a farmer who employed persons to work in his vineyard at the first, third, sixth, ninth and eleventh hours. Each were offered, and agreed to accept, the usual daily wage. At the day's end he paid each worker the same wage.

However, this seemed preposterously unjust to those who had borne the daylong burden, and naturally they cried, "Unfair!". The farmer replied, "Friend, I am doing you no wrong; did you not agree with me for the usual daily wage? Take what belongs to you and go; I choose to give to this last the same as I give to you. Am I not allowed to do what I choose with what belongs to me? Or are you envious because I am generous? So the last will be first, and the first will be last." (St. Matthew 20:13-16).

To understand this parable we have to recognize it is a challenge to every type of person. It challenges our feelings by telling us that what is fair is not what is important, but demonstrates it is what helps that makes the difference.

Jesus saw society, not as a business community, but as a political society within the realm of God. In this society all are equal in value, differentiated only by our

capabilities, opportunities and disadvantages. Jesus taught that in the midst of the unfair we are to give ourselves to help one another.

So justice does not speak of what is fair, but how we serve and provide for each other.

Long ago the Greek philosopher, Aristotle, said of impartiality: "Equity bids us to be merciful to the weakness of human nature; to think less about the laws than about the (person) who framed them, and less about what (they) said than about what (they) meant; not to consider the actions of the accused so much as (their) intentions, nor this or that detail so much as the whole story; to ask not what a (person) is now but what (they) have always or usually been. It bids us remember benefits rather than injuries, and benefits received rather than benefits conferred; to be patient when we are wronged; to settle a dispute by negotiation and not by force."

Justice is one of the principles of creation. It is not a human invention but an integral part of life. The quest for justice has been part of creation's unfolding since the beginning of time. Homeostasis, the scientific word for justice, or a state of balance, is now recognized as a basic principle of the universe.

The essence of Christianity is eternal morality; the goal of the church is the triumph of right in humanity. When the church aims at a different goal, it loses its reason for being.

Morality must cease to lean on theology for support, it must free itself from all so-called revealed

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Editor: Rev. Ross E. Readhead

(edited comments@religionnow.ca).

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dogmas, and base itself solely on conscience and the innate principle of justice, without requiring the support of the belief in God and the immortality of the soul.

During the present century we have learned a great deal about the nature of human behaviour. We know now that each person is subject to irrational compulsions and needs which lead to actions little understood by themselves or by society. The background and the early environment of each of us often explain our actions. Conspicuous among many of our lawbreakers are persons defeated by despair, frustration, ignominy, poverty, and bitterness. Pressures mount until they result in social aggression and unsocial behaviour.

In our frustration we still turn to imprisonment in dealing with criminal acts in spite of evidence that such punishment is self-defeating. Our society must be shown the expensive misery of today's prisons. Despite our fears and anger can we justify state-inflicted pain? Is punishment's weak deterrence too costly in terms of the harm it does to the human psyche?

One of the requirements for us as community members is the prevention and control of crime. We have a responsibility to be a moral force in the community to seek ways of justice that rehabilitates and restores offenders to unoffending

life in the community.

A thing to remember about justice is that it is never "done". The sentence cannot completely balance the offence, the punishment can never fit the crime. Laws and penalties are a means of justice, never an end, and must be continually revised to ensure that no undue wrong is suffered and the public good served.

An essential part of justice is rehabilitation, which recognizes that we are dealing with not only the crime, but the criminal. Conviction of a crime does not erase the convicted offender's humanity. Although the penalty inflicted by the law has as its aim the reparation of a crime, it is intended also to reform the lawbreaker. We must do more to restore the offender to his or her rightful place in the community and society.

For those of us of the Christian tradition Christian love, "agape", the greater love that Jesus and early Christians spoke about, uses our heads to calculate our duties, obligations, opportunities, and resources. It is often difficult to decide, but the dilemmas of conscience are as baffling for legalists as for the liberal minded.

Justice is love coping with neighbour welfare; and we have to think of neighbour in the plural. Our neighbours include all our neighbours. Justice must be responsible, thoughtful, and careful, considering all.

Another integral part of justice is mercy. Jesus taught: "Blessed are the

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merciful, for they will have mercy shown them." Those who show compassion and mercy are not necessarily soft or unrealistic. They are the most legitimate and authentic. Pity is not to be despised. Mercy can find expression in all aspects of life.

Last June at the Annual Meeting of the Hamilton Conference of the United Church I presented on behalf of the Justice Network of the Conference an aim and policy for the collective practicing of justice. They are:

- 1) The aim is to witness justice; that is, to furnish evidence of justice in the community.
- 2) The policy is to enact parables; that is, illustrations of justice in action.

This is where we start in supporting justice among us. The products of our actions will follow from this aim and policy.

An impelling description of love and mercy prompting justice is found in William Shakespeare's speech by Portia in the play, "Merchant of Venice."

"The quality of mercy is not strain'd;
It droppeth as the gentle rain from heaven
Upon the place beneath it; it is twice bless'd;
It blesseth him who gives and him who takes;
'Tis mightiest in the mightiest: it becomes

The throned monarch better than his crown.

His sceptre shows the force of temporal power,
The attribute to awe and majesty,
Wherein doth sit the dread and fear of kings;
But mercy is above this scepter'd sway,
-
It is an attribute of God himself;
And earthly power doth then show likest God's
When mercy seasons justice."

*I act, and faces I shall never see
And lives that I cannot guess
Will be faithful or false because of me,
Will curse the world or bless.
Think! I so weak and frail and small
This deathless power am given,
That by word or deed a host may fall
Or a legion be raised to heaven.*

- Author unknown

*Students of a wise rabbi once asked,
"Master, when do we know the dawn is coming and night is past? Is it when we can tell a sheep from a goat even though they are out in the pasture? Is it when we can distinguish an oak from a cedar tree?"*

"No," the Rabbi replied. "You know a new day is breaking when you can look into the eyes of a stranger and see your brother or your sister. Until that time comes, we are still in the night."

The moral person is not the one who merely wants to do what is right and does it, nor the person without guilt but he or she who is conscious of what they are doing

Hegel (1770-1831)