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Chapter 5

Justice

The cry of the prophets in the ancient Jewish Scriptures (the Old Testament) was for God's justice. It was the cry of Jeremiah, of Micah, and Ezekiel. They sought justice for the poor, the suffering, the widows and orphans. They yearned for justice for the Jews—and for the enemies of Israel and Judah. The philosophers in ancient Greece speculated and argued about justice. They sought it just as intensely, though by different routes. Both the Hebraic and the Greek traditions constitute the earliest records in the West of sophisticated philosophical/religious concern with justice, though there seems little doubt that all human societies have had standards of justice.

Today justice is front and center in the realm of philosophy and even more in the events and crises of everyday life. Desire for justice continues to exercise an unmistakable, formidable sway over the human mind and heart. We all want justice, and our desire for justice is as much a part of our era as of those of the ancient Greeks and Hebrews.

Roman Catholic liberation theologians and the local, political communities they inspire are one example in which some third world peoples in Latin America and elsewhere echo the age-old desire. They represent an influential combination of two of the most justice-oriented outlooks of human history, the Judeo-Christian religion and the philosophy of Karl Marx.¹

All over the world, racial and ethnic groups from South Africa to the Soviet Union speak in the language of justice, in demanding their place in the sun. So do numerous other political, economic, and social movements today in the United States and elsewhere. Feminists invoke justice on their behalf. Recently men's groups are speaking up, demanding their justice regarding child custody and rights. Gay rights organizations demand justice; so do

workers, teachers, the disabled. The list is endless. Justice is the master political word of the age.

Who would dare say as we peer uncertainly into the future that this situation will change? The particular occasions for debating justice may change; indeed they will change. But we can expect the cry for justice to continue undiminished. All we need to do is to look at the environmental movements now more and more active in the United States and around the world and we will expect justice to continue to be the cry of the future. With increasing frequency, justice is a crucial concept for environmentalists: just treatment for animals, for the nonsmoker, for the globe. Survival is not the only word in the environmental vocabulary. More and more it is justice for the "rights" of nature.²

Yet it is not only the realm of great issues that brings justice into our consciousness. Justice is not only out there, far away. Its greatest presence is in the realm of the ordinary, daily life. It is then for all of us that justice—its equivalent, "fairness"—comes up most frequently. Justice is, in fact, people's most common political topic—always. After all, everyone wants to be treated fairly or with justice and most of us want the same for others.

So often do matters of justice arise in practical life that we don't necessarily notice how much justice and fairness are integral to our day-to-day vocabulary. We routinely invoke justice and fairness regarding rules, grades, pay, in relations with lovers, family, and friends; concerning the courts, bureaucratic decisions, tax burdens. Declaring our views on justice or—more often—injustice is thus a basic part of human existence.

Moreover, we have no reason to expect that a day will come when "justice" will somehow disappear as a factor in ordinary life. All that we know of human history suggests that people have always been concerned with justice in their daily existence. The future should be no different. How we are treated is not likely to cease to exist as a chief concern even if the forms and the focus of justice may change over time. We have no reason to think that men and women will not continue to be justice-seeking creatures.

Utopians of all ages have dreamed otherwise. They have visualized a world where (their) justice is realized at last. The allure of this ancient hope also appears to be eternal in human affairs. It is premised on the assumptions that we could ever agree on what justice ought to be and, second, that we could ever discover how to realize it in practical life. Neither has much foundation, for better or for worse, in the light of the long history of human discourse and disagreement about justice.

Some of us may find this prospect disconcerting or discouraging. We may ask, what is the point then? We think that the point is that we all want justice and will continue to do so even though there is little chance that some shared perfect justice will be realized. Given that fact, we are required as citizens and ethical people to come to grips with what justice is and ought to be. We must know the alternative conceptions of justice and the arguments among them, for different ideas and arguments will govern this disputed concept everywhere it is employed. Because justice and disputes will be part of our

lives and our society's, we must face it as a contested concept, understand the grounds of disputes, and ultimately make our own choices.

Our discussion of justice in this chapter concentrates on two central issues. First we ask, what is justice, what do all understandings of justice share, and where do they differ from each other? Second, we explore whether or not justice is really what people want. Or, to put it another way, we pose the issue of the relative importance of achieving justice (however it is defined). Though justice and fairness are often on our lips, they are not self-evidently the most important human values or even important to everyone. There are other candidates for this honor. In noting them and their appeals, we simultaneously observe the limitations of thinking about the world in terms of "justice."

The first great written record we have of serious philosophical consideration of justice comes from Plato's work in fourth-century-B.C. Athens. His discussion in *The Republic* is stunning in its originality and brilliant in its argument. Plato has the memorable Socrates consider a range of answers to the question, "What is justice?" In the process, Plato begins the journey on which we still continue, the fascinating investigation of the multiple answers to this classic question.

Justice can mean doing one's traditional duties, as Plato's character, Cephalus, suggests to Socrates. Or it can mean being good to one's friends and hostile to one's enemies, as Polemarchus proposes. Or, perhaps, it is nothing more than the triumph of the stronger, as the cynical Thrasymachus observes. Plato's own view is that justice is each person in his or her proper place in society, where each deserves to be, based on their innate ability.³

Thrasymachus really suggests that "justice" discussions and politics concerned with justice are something of a hoax. For cynics in all ages, people who pursue justice are naive at best and evil at worst. They either don't know there is no justice or they do know it and use grand phrases about justice as a cover for their own effort to seize power. Either way, the argument is that justice is a phantom in any principled sense. It cannot be found in theory and it is never, in any case, followed in practice.⁴

For Plato and most others since, such pessimism is unworthy. It denies human ability to discern some kind of truth about justice or to develop wisdom about it and to struggle toward its realization. Undoubtedly Plato's broadest insight into what the concept of justice concerns is on target. As he understood it, justice is about what is due to a person, what each deserves. From Plato's time to ours, when people talk of justice, they are almost always speaking as he would. They are speaking of justice as people getting their rightful due.

This idea is clear, but what remains very much contested is, what is a person's due? That is, the debate over justice is not on the meaning of the general concept but about the specific standards to be employed in assessing what people deserve. What ought people receive as their due? This question is the focus of all justice talk. It calls us to address what principles we should use to decide what a person deserves in any given situation.

There is now, as in the past, no shortage of competing answers regarding what should be the standard or substance of justice. Our discussion that follows explores the case for and against a number of these standards, all of which are familiar to us when we think about them. As we do so, we will also consider that in alternative situations or aspects of life, it may be that contrasting notions of justice apply. What is due to us in one area of life may be quite different from what ought to happen in another of its dimensions. Justice in the courtroom and justice in an economic system are not necessarily the same thing.

JUSTICE AS EQUAL OPPORTUNITY

It is obvious that for many citizens justice is intimately connected with equal opportunity. If we have received equal opportunity, the view goes, then we have obtained justice. Certainly in our age the air is filled with demands for equal opportunity and charges that it has not been afforded to one group or another, to one individual or another, which underlines how integral the concept is in justice thinking.

In politics it is common for citizens to speak the language of equal opportunity and to watch carefully to see that, if they want it, they have equal opportunity to influence the political process. Whenever the almost constant charges arise of too much special interest influence or of Political Action Committee (PAC) money having entered the political process, implicit is the ideal of justice as equal opportunity and injustice as the denial of equal opportunity. The same is true in the sometimes bitter disputes over affirmative action for various minorities, differentials in school financing resources, or struggles about whom or what should be considered in school curricula. Over and over in our politics, the issue is equal opportunity, its importance, and how to achieve it.

However, equal opportunity is, in fact, rarely anyone's final definition of justice. Almost always those who favor equal opportunity do so as part of a larger vision of justice. It is usually ~~a means~~ rather than an end value. For example, those who define justice as rewarding people according to their achievements must and often do include equal opportunity as an integral part of their system. They appreciate that varying outcomes based on achievement—for example, varying incomes—would be fair only if people have a roughly equal start in the competition. That is, they must have equal opportunity at the start or the expected pattern of unequal outcomes at the end is suspect. Few think that it is fair for the poor to be poor unless they have had a chance and have not succeeded. Fewer are impressed with the justice of the achievement of the successful if they have simply inherited their position or otherwise have had far more than equal opportunity in life.

We need to ask why equal opportunity is a part of justice or fairness for most of us. The reason is that justice for most people involves respect for every

person. Justice ~~must~~ honor each of us in some basic (perhaps we may say equal) fashion; it must honor our moral worth and our very personhood. Why we think this way receives alternative defenses, but the assumption itself is pervasive. Of course, this does not mean that justice must therefore be properly defined as equality in all matters. That is one, but only one, view. It is one thing to argue that justice involves equality of respect as one element and quite another to hold that equality is all that justice is about.

Despite the popularity of equal opportunity's close connection with justice, the critics of this connection very much exist. They can be harsh as they stress their conviction that equal opportunity is scarcely alluring once we go beneath its shiny surface. In particular, they may argue that attention to equal opportunity in matters of justice leads in the end to injustice. Perhaps it even encourages injustice.

This complaint sometimes comes especially from those dissatisfied by inequalities in one dimension or another of existence. After all, equal opportunity is a process view of justice. The process—that of providing equal opportunity—is what counts, ~~not the outcome~~. Thus if equal opportunity were the only principle of justice (as it rarely is), then it could justify every outcome of inequality (if all started roughly equally). It could legitimize rule by a few, or unchecked wealth accumulation by a few, or whatever.⁵

Other arguments might be made—and more often are—to the opposite point, that equal opportunity tends to be congruent with a system of justice which opens things up for more people. Equality of opportunity may not be about substantive equality, but it is directed to equal respect because it is built on the equal respect that equal opportunity advocates.

In every case, however, the arguments ~~wend~~ their way back to how to achieve equal opportunity. Here the problems and disagreements are sometimes staggering. For instance, does equal opportunity require special advantages to individuals or groups which are now way behind in the assorted competitions of life? This query is about "affirmative action," the divisive and controversial policy dilemma so much a feature of life now in the United States. It is a part of the larger public policy issue that forces us to ask if we can increase opportunity for everyone at the same time. Aren't painful choices inevitable among people and opportunities, given limited jobs, modest resources, and the existential constraints in every life? There are troubling practical challenges here, and how to meet them is no light matter. They reemphasize the point that politics is not only about principle but also practice, and no political theory is worth much if it does not connect with practice.

Moreover, almost all efforts to realize equal opportunity in the various arenas of life require government action: laws, rules, taxes, and public officials. How much do we want to commit to this task? And where is the line (in economic life, for example) beyond which the pursuit of equal opportunity becomes absurd, when government regulation and taxes are so great that equal opportunity to succeed becomes worthless in practice?

DESERT OR MERIT

If equal opportunity is a frequent starting juncture in reflections on justice, the desert or merit standard is a familiar ending point. From this perspective, justice is giving all their due as defined by their respective and varying merits (or deserts).

While there is no unanimous agreement on what a merit or desert test should look like, the most frequent version defines merit in terms of productivity.⁶ It holds that rewards should be given on the basis of what one achieves. This conception of justice underlies all merit pay schemes, the usual practice in the private sector and sometimes in the public sector as well. Higher pay for better work is the principle.

Another version is more committed to merit defined in terms of character rather than achievement. What counts here is not what one does but what one is. Such a mode of thinking is not especially dominant today, but the philosophers in ancient Greek civilization argued that the just person was one who had proper character, above all else. The ancient Hebrews connected righteousness (proper being and living) with justice just as tightly. In our own time, character may be undergoing a revival among political theorists and among citizens, too, as recent discussions of our presidential candidates have shown.⁷

In merit discussions of justice, however, achievement is the usual standard. Proponents make two points. First, they argue that people should be rewarded for what they actually do in life. Mere existence is nothing special in an overpopulated world, and it deserves no particular honor or recognition. Rewarding people for what they do, on the other hand, is honoring people for what they as individuals accomplish, what they put their stamp on. In this fashion, merit philosophers insist that they are respecting the individual. They celebrate each for what he or she does (or doesn't) do and assume that people are responsible for much of what they do or fail to do. In the process, they insist that they respect people not as some abstraction called human beings but as living persons who do what they do and must accept responsibility for it.

To be sure, most merit theorists have their limits. They favor desert as a principle in questions of income, job promotion, or academic grades, but not in matters such as free speech rights, degree of religious liberty, or the right to vote. Here they are much more inclined to understand justice in egalitarian terms. However, even in largely political realms, they judge outcomes acceptable only if they respect merit. The candidates with greater achievement records—they often argue—deserve to win, and those with lesser records do not.

A second advantage merit theorists cite for their view of justice is that it tremendously benefits society. They contend that merit provides incentive for people to work and to work hard and fruitfully. Those who do in a merit society will benefit personally and so will society as a whole. The classic pie of production will expand this way and the benefits will be broad.

Moreover, desert advocates suggest, a society governed in its economy by the merit system will encourage and reward the talented and creative. These people will tend to get ahead, and their accomplishments in science, technology, the arts and entertainment, business and finance will redound to the common good. No society can flourish without such people. The United States has attracted such individuals from all over the world and continues to do so. Why? merit thinkers ask. For them the answer is that income in the United States is sometimes distributed according to merit, and it is only natural that the creative want to go where they are freer, including freer to obtain very concrete rewards.

A complete merit theory also stresses that all should have roughly equal opportunity to participate or compete. A good way to tell if a merit theorist is serious is whether or not he or she makes efforts for equal opportunity that go beyond mere rhetoric. Some merit thinkers do not, but all must. Otherwise the inequalities that the merit system necessarily generates cannot be justified.

There is one other proviso that may be found in merit systems, though it is not always self-conscious. That is an insistence on a kind of utilitarian qualification. Merit thinkers believe merit should be rewarded only if it does in fact benefit society as a whole. They hold that the achievement that merits approval is what the market rewards, but they do not propose to reward the successful robber or rapist or flimflam artist. Merit theory honors individuals and their particular achievements, but it also recognizes that we live in a society. Thus they are also utilitarians who agree that society and its standards must and will help shape which achievements we judge are admirable and deserve reward.

One special version of a merit test of justice employs the criterion of effort. This standard is familiar to every student who complains that he or she should have done better on the hour exam because of having worked hard. The standard is that effort merits reward. It is natural to us to think this way, and we all do it. Yet few merit supporters are enthusiastic about the effort test. The reason is that they fear the social consequences. If effort alone is what we take into account, then we may end up with a society of drudges or drones, plodding along. Such a society will not reward creativity or striking achievement. It will turn stagnant, dull, and unproductive.

On the other hand, effort is definitely a kind of achievement. All merit theorists favor effort in life. The issue is how much it should weigh in comparison with achievement in determining reward, especially in the economic system. The same with grades: should the highest grade go to the best answer, regardless of the effort put into it? Merit theorists would generally say yes. At the same time, they might pass the poor student who tried as opposed to the poor student who did not.

There are, of course, many skeptics of the merit conception of justice. They often complain about the kind of society that they fear a merit system encourages. They think it will result in a social order with too much competition and too little community. In merit societies they see too many individuals

devoted to themselves or their families pushing to get ahead and too few people who have concern for others or society itself. They also worry about those who lose in the merit competition. And there are losers, of course. Romantic notions aside, where there are winners there must be losers.

Skeptics are also suspicious about how much equality of opportunity merit advocates really favor. Are merit people serious about equal educational opportunity, for example? How do they feel regarding tough inheritance laws? Critics suspect that often merit theory is little more than a justification for those on top to stay on top.

EQUALITY OR NEED

Many critics of the merit advocates have a preference for some form of egalitarian justice. Certainly no ideal of justice has resonated more widely nor caused more revolutions in the twentieth century. None has so transformed the modern world.

Chapter 7 discusses equality in considerable detail. For our purposes here, we approach it specifically as the context for a theory of justice. We might start with the idea that justice as equality means giving each the same—the same vote, the same wage, the same grade. However, if we think about it we realize that to get to actual, substantive equality, we must often give unequal amounts of things. This insight lies behind Karl Marx's famous proclamation, "to each according to his needs."⁸

Egalitarians like Marx sought equality in all dimensions of life but knew that to reach this goal the reality of differing needs had to be addressed. For example, if our objective is equal income and you have three children and I have none, we cannot both get the same income. You will have to receive more. If our goal is equal health care and you are healthy and I am not, we cannot both receive equal medical care payments. I will need more. In short, we sometimes have to have inequality to achieve real equality.

The argument of egalitarians for equality as justice is straightforward. It is almost always an argument that concentrates on the claim that each of us is a person of great and equal worth, regardless of our ability or background. Given this assumption of equal human dignity or worth, they insist it follows that justice requires people be treated equally. People of equal worth should have equal political power, equal financial status, and equal justice in the courts. They should see their high and equal dignity affirmed everywhere.⁹

One recent effort to reason about equality as justice that makes a somewhat different argument is John Rawls' *Theory of Justice*.¹⁰ Rawls contends that equality must be the basic principle of justice in the political and economic realms of society, with equal opportunity central for jobs. The reason he gives has to do with an implicit natural law. He suggests that people who have a normal amount of interest in their success and yet also have concern for others—and *who do not know their future in life*—will agree on a basically egalitarian conception of justice.

In his famous formulation, Rawls maintains that when we are in such a (necessarily imaginary) situation, what he calls the *Original Position*, we would choose equality. We would do so because we would calculate that we need protection in political and economic existence and that equality in both would ensure this to us. From Rawls's analysis, we are cautious as humans and thus will take a bird in the hand over the risk of losing big in a merit system in the future *as long as we do not know that future*.

While Rawls may seem to argue for equality on the basis of consent (we would choose equality in the *Original Position*), in fact he grounds equality in natural law. For what he says comes down to the idea that humans are a certain way by nature, which would come out if we did not know what is particular about us (our future), and which should govern us morally.¹¹ By nature we would choose equality, and that must be our stance for a good society.

Rawls goes on to recognize that economic equality cannot be fully achieved. All we can do is work toward it by undertaking to close the gap between the poorest and the rest. We are to concentrate on the least well off and do what we can even if it means allowing some to benefit unequally if they help close the gap between the least well off and society in general. The goal is always equality, and Rawls believes it can be best approached by expanding the pie and helping the poor into the system rather than by promoting drastic redistributions of wealth or income.

Another place where today there is considerable sympathy for equality as justice is in gender studies, the study of relations between men and women. Consider, for instance, Susan Moller Okin's argument for equality for women.¹² It is Okin's position that many discussions of justice are embarrassingly silent on the proper relations between men and women and always have been. Where they have not been silent, they have too often celebrated traditional patriarchy, inequality in which men rule.

Okin wants to change this approach to justice and raises the issue in terms of gender and the family in particular. She is convinced that when we do, we must opt for justice as equality in these areas of mutual existence, between men and women and within the family. She calls her system "humanist" justice, underlining her equal respect stance. Much of her argument rests on a more or less implicit utilitarianism. Equality is good for everyone, and failing to provide it for women—or anyone else presumably—makes them vulnerable and denies them the chance to grow and choose as human beings.

The line which Okin walks is a narrow one between favoring equality of opportunity and favoring substantive equality. Women and men, according to her, must have equal roles in such vital arenas as the family or politics. On the other hand, Okin tilts toward equal opportunity in terms of jobs and, to some degree, toward merit in terms of income. She takes for granted that not everyone can have the same or as good a job as everyone else, but she insists they can all have generous equal opportunity.

While there are numerous other arguments regarding equality and justice in the context of the family and elsewhere, we need to have an aware-

ness—with this form of justice as with all others—of what the opposing perspectives look like. One frequent complaint is that egalitarians misunderstand what honoring people is about. It is, say critics, about respecting people as individuals and acknowledging their unmistakable differences. Only a theory of justice (such as merit) which builds from such an obvious truth can be valid.

Another frequent objection is practical. In each form it points in the same direction and protests that equality is simply a theory that will not work. Equality doesn't work—skeptics protest—in politics, even when we try to make it do so, and it certainly won't do so in economics. People regularly seek to get ahead of each other (even if they deny it), and pretty sentiments about equality cannot change the way the world is. Why—critics may ask—promote a theory of justice, especially in the economic realm, that contradicts human nature and in the process will lead to a giant, freedom-denying bureaucracy that will endeavor to force people to be what they are not?

UTILITARIANISM

Quite another pathway to justice is cut by utilitarians. They agree that justice is what is due to us, but to decide what is due to us, they argue that we must look at the common good or the greatest good for the largest number. Justice for them is not so much an individual as a social or community concept. We have justice, by this view, when the general community sees its due as met. Most utilitarians of this sort, those we call social utilitarians, leave open what people may consider their due or their needs or their pleasure. They know that views will vary among individuals, societies, and over time. What counts for them is not some hallmarks of justice—neither an established set of needs nor a fixed means to distribute income or political power. Merit or equality or effort is not the answer. The answer is what society decides should hold sway in one or all aspects of the community.

Most utilitarians are interested in the process by which this decision is made. They are generally democrats, though there is nothing inherently democratic about utilitarianism. At the least, some utilitarians have maintained that the greatest good could be determined better by experts or a wise leader. However, most utilitarians favor some means by which popular judgment may be brought to bear to reach a social decision. Majority rule, with minority political rights, is the norm and thus the mechanism by which the substance of justice is established.

Skeptics of utilitarianism have plenty of doubts. There are doubts about whether majority rule is much of a guide to people's sentiments. How much does simply counting noses tell us about the intensity of people's feelings? And always with utilitarianism there is the dilemma of minorities. The greatest good for the greatest number is a formula which could be and has been interpreted to justify evils such as enslaving a minority or, indeed, their genocide. Justice defined by a majority—no matter how grand the phrases

surrounding it—can be only as impressive as the majority that gives it definition.

Safeguards can and would be incorporated by most modern utilitarians to ensure equal political opportunity for everyone (as part of the common good). The larger issue, though, is whether there really is any substantive theory of justice in utilitarianism. To the classic query, "What is justice?" utilitarians have no particular answer. It depends on what the community (or its leaders) decide. To skeptics this is their weakness. Yet to utilitarians it is a strength. It reflects a flexible and democratic view of justice of which they are proud.¹³

OTHER PERSPECTIVES

While the views outlined in the preceding sections are among the most famous candidates for what justice ought to be and mean, there are also many more. This proliferation occurs because the concept of justice is so important in human lives. It matters and so we can expect that there will be many alternative conceptions of justice. One of the most influential in human history has been—and continues to be—the idea that justice is what God says it is. For the devout Muslim, for example, there can be no other definition. This is true, indeed, for the committed of any religion. For all of them the final standard of justice is God's will.

That this norm often differs from religion to religion is true, despite optimistic claims that all world religions are essentially the same. But that there are sometimes disagreements about what God teaches is justice does not mean all versions are false. When they disagree, they cannot all be right, obviously, but one view or another may be. And for the devout, there can little doubt as to what view that would be.¹⁴

Similarly, the appeal to nature as the guide to justice is popular in our nation. Founded with appeals to natural rights in our Declaration of Independence, the United States has always had many who look to nature as the source of justice. Such an approach tends to stress individual freedom and individual protection for the enjoyment of freedom as essential to any conception of justice and to emphasize that these rights are absolute.

More recently, environmentalists have begun to define justice in terms of nature as they understand it. No longer is the model Jefferson's nature in the Declaration of Independence, but now it is nature conceived as an integrated whole, where animals and all elements of nature have rights within the eco-space of planet Earth as part of nature. In such a world of holistic nature, justice is often seen as equality requiring us to concentrate less on the human and more on the rest of nature. This form of justice as nature will be heard more and more in the future, for better or worse, as environmental and ecological concerns advance.¹⁵

Citing nature as the norm of justice has its limitations, too, of course. Even if one can show that something is natural, why does it follow that it ought to be the norm for our life? Nature may or may not have an understand-

ing of justice. Yet that does not automatically mean it should be ours. Nor is there any more agreement about the teachings of nature than there is about the commands of God. Both need to be argued, long and hard. What does characterize conceptions of justice that call on God or nature is their absoluteness. These standards are about truth with a capital T or, more accurately, about conflicting truths each with a capital T.

Far away from this world is another perspective, that which looks at justice in terms of procedures. The idea here is that justice is about rules of the game, or procedures, not about outcomes, such as merit or need, or definitions based on the common good or absolute truths of God or nature. This point of view is found among some legal systems and among those who are enamored of a legalistic justice. Some contend that justice means such things as giving all people a fair trial or due process, ensuring that they have available a set of procedures which allow them a chance to defend themselves. What it does not mean is a certain resolution of the trial or a certain distribution of goods and services in society at large. Instead it is about life as a fair trial, about getting due process, whether in the courtroom or in society.¹⁶

Most people do agree that justice must include a fair shake in the procedures of the courts and beyond. But in defining what a fair shake means, we are led beyond procedures to a more substantive sense of justice. What is fairness? It is more than procedures because *which* procedures we will want will depend on what our substantive theory of justice is. Is it about procedures designed to guarantee equality? Is it about procedures ordained by God?

Moreover, while we want a fair criminal trial, for example, we want more than that, if we are innocent. We also want to be found not guilty. Justice for us also involves a fair outcome. It includes our getting—in the end as well as along the way—what is due to us. So we value procedural justice, and we should, but this alone still leaves us hungering for more than procedural satisfaction.

THE PLURALIST MODEL

Whatever path we travel in pursuit of justice, few of us will use the same definition in every aspect of life. People may not have thought it all out, but they generally have a complex justice theory which employs different criteria in different arenas. In the courts, one may see justice in terms of procedures (a fair trial); in economics as merit (to each according to his or her achievement); in politics as equality and equality of opportunity (one person one vote and everyone should be able to run for office); or in personal morality as following God's teachings ("Thou shall not commit adultery").

Aware of this reality, those who describe justice in a pluralist fashion argue that we must not seek the principle of justice but rather always to consider the context in which we ask, "What is justice?" Michael Walzer is the

contemporary theorist who has developed this approach most fully. He argues that we are and we should be justice pluralists. We should honor a wide variety of conceptions of justice—recognizing that different ones may be appropriate—depending on the part of life we may be considering.

Walzer has in mind what justice should mean in a variety of areas and he argues his views vigorously. But his larger point is that there is no single answer to justice questions. There are many answers, not just in the sense that people disagree, but also in the sense that in any one person's life a range of answers fit and, in fact, are used by most of us.¹⁷

Walzer invites us to explore justice not as a single problem with a single answer, but as different things to each of us in various spheres of our existence. This may seem a big challenge, but Walzer knows that he is merely asking us to do what we already do. He just wants us to be self-conscious about it and to argue what we conclude.

CONCLUSION

Justice can be an overwhelming concept. It is hard to think of an ideal which has affected so many people and for which so many have in fact sacrificed their lives. The "pyramids of sacrifice" formed by those who died or were killed in causes and revolutions in pursuit of justice have often, too often, been staggering in size. Even as the legitimate debate rages over what justice ought to look like, perhaps we should step back and wonder if there are not alternative ways to think about human interaction.

There are those who warn us to beware of the voices who cry for justice. They ask, Do such proponents of "justice" promise what we really want in society and in our own lives? This is not a matter of disputing one or another claim about justice. It is about justice thinking as a whole. It is about whether the idea of "giving each person his or her due" is what we want to be about.

How, for example, would we rate justice as a goal as against love or mercy? How would we rank it as against friendship? Such values may well point in different directions than justice. They point to union and community, whereas justice points to truth and may lead to social conflict in search of justice. Consider marriage. Is this a world we should think about in terms of justice? Surely it is about love, friendship, and forgiveness more than about justice. Perhaps we may say that justice and its questionable servants—lawyers and the police—arrive when marriages or societies are in decline, when human relationships have deteriorated.

We don't seek a just friend or a just spouse particularly, do we? Why would we stress a just society, particularly a just society above all else? Perhaps some of us would rather have Epicurus's ancient model of the good society, the society of friends.¹⁸ Or perhaps it is a society based on love that we would want, as not a few of the world's major religions have proposed. How would justice stand in such a society? How would those who put (their versions of) justice first stand in such a society?

The alternatives to justice as the master organizing principle of society are all but endless. Each has value, though, in stimulating us to wonder about justice in society and for us. Each asks us to consider how much we want to try to erect a society devoted to rendering to each what is his or her due. Whatever our answer, issues of justice will continue to be important in every society. And the age-old search for justice will go on, as it should. In our grappling with justice, if not in our conclusions, we can be sure Plato would be pleased with us.

GLOSSARY OF KEY TERMS

- due** What is owed to people by right or custom in justice theory.
- egalitarians** Term describing people who believe strongly in equality.
- equal opportunity** Giving each person the same chance to succeed or fail, usually in the economic and educational spheres of life. A public policy designed to remove racial, sexual, social, or similar impediments to equal competition.
- equality or need** A standard of justice that says people ought to be rewarded proportionally to their needs. Alternatively, that all people ought to be equally rewarded.
- desert or merit** A standard of justice that says people ought to be rewarded proportionally to what they produce or accomplish. An achievement standard.
- humanistic justice** A standard of justice that argues that men and women must be equal.
- natural law** The immutable principles of the universe that some hold ought to be the inspiration for human values and laws.
- pluralist justice** Places justice in a sociopolitical context. Honors a wide variety of conceptions of justice because each may be appropriate in a different area of life.
- process view of justice** A theory that holds that processes (especially exhaustive and fair processes) determine justice, as opposed to outcomes or principles.
- Roman Catholic liberation theology** A combination of Judeo-Christian religion and Marxism that advocates a more just social and political order for the third world.
- utilitarian justice** The standard that holds that justice is avoiding pain and pleasure for individuals and for the greatest number possible.
- utopians** People who yearn for and/or work toward an ideal future that embodies pure justice.

SUGGESTIONS FOR FURTHER READING

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NOTES

1. See the classic: Gustavo Gutierrez, *A Theology of Liberation* (Maryknoll, N.Y.: Orbis Books, 1973).
2. See Roderick Nash, *The Rights of Nature: A History of Environmental Ethics* (Madison: University of Wisconsin-Madison Press, 1989).
3. Plato, "The Republic," in *The Portable Plato* (New York: Viking, 1960), chapters 1 and 2.
4. *Ibid.*
5. John H. Schaar, "Equality of Opportunity, and Beyond," in *Equality*, ed. J. Roland Pennock and John W. Chapman (New York: Atherton, 1967), pp. 228-249.
6. See, for example, Milton Friedman, *Capitalism and Freedom* (Chicago: University of Chicago Press, 1962).
7. See these examples of the character and community movement: Clarke Cochran, *Character, Community, and Politics* (University: University of Alabama Press, 1982); or Stanley Hauerwas, *A Community of Character: Toward A Constructive Christian Social Ethic* (Notre Dame, Ind.: University of Notre Dame Press, 1981).
8. Karl Marx, "Critique of the Gotha Program," in *The Marx-Engels Reader*, ed. Robert Tucker (New York: W. W. Norton, 1978), pp. 525-541.
9. See S. I. Benn and R. S. Peters, *The Principles of Political Thought* (New York: Macmillan, 1965), chapters 5-7, for a discussion of justice and equality arguments.
10. John Rawls, *A Theory of Justice* (Cambridge: Harvard University Press, 1971).
11. Of late, Rawls has taken to saying that he is speaking only of those in liberal cultures; he thus seems to be moving toward a cultural rather than natural law argument.
12. Susan Moller Okin, *Justice, Gender, and the Family* (New York: Basic Books, 1989).
13. On Utilitarianism, inspect three classic discussions: Jeremy Bentham, "Principles of Morals and Legislation," in *An Introduction to the Utilitarians* (Garden City, N.Y.: Doubleday, 1961); John Stuart Mill, *Utilitarianism* (New York: Dutton, 1951); Rawls, *Justice*.