



Global Faculty Initiative

**The Faculty Initiative
seeks to promote the integration
of Christian faith and academic disciplines
by bringing theologians into conversation with scholars
across the spectrum of faculties
in research universities
worldwide.**

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LEADER GUIDE | JUSTICE MODULE 4 | JUSTICE AND RIGHTS

Session Objectives

1. To understand Wolterstorff's proposal that the best explanation of justice, one compatible with Scripture, is one based on giving each person her or his due and rights
2. To appraise whether or not this is the most fruitful approach in our disciplinary fields and in our own scholarship
3. To explore what might ground such rights when the inherent dignity or excellence of each human is the prime ethical value

Reading

Wolterstorff: Theology Brief - '[What is Justice?](#)' (Justice and Rights, page 18) [15 minutes to read]

Wolterstorff: Theology Brief - '[Why the Recognition of Rights is Important](#)' (Justice and Rights, page 21) [12 minutes to read]

Wolterstorff: Postscript - '[Uneasiness with thought and talk about rights](#)' (Justice and Rights, page 199) [6 minutes to read]

Wolterstorff: Postscript - '[Amplifying what was said concerning the nature of rights and their relation to duties](#)' (Justice and Rights, page 201) [11 minutes to read]

Summary

Wolterstorff states that there is a lack of a definition, theory or even explicit explanation of justice in the biblical texts themselves. He then turns to philosophy in order to develop an account of justice that is compatible with 'what the biblical writers say about justice'. Having identified the view of the Roman jurist Ulpian - '*All instances of first-order justice are cases of an agent rendering to another what is their right or due; all instances of first-order injustice are cases of an agent not rendering to another what is their right or due*' as the most fruitful (Justice and Rights, page 18), Wolterstorff is led to consider the basis or grounds of rights, particularly of those rights considered 'natural' or 'non-conferred'. After considering and discarding other views, Wolterstorff settles on rights as grounded by the 'dignity' or 'excellence' of human beings. The second part of this section defends the moral concept of rights against the common criticism

that it both reflects and conduces to ‘possessive individualism’, which is prominent in contemporary culture. In his [Postscript](#), Wolterstorff modifies his view of Ulpian and widens his defense of rights, not only applicable for rights that are claimed (for oneself) but also rights that are acknowledged (as applicable to others). Wolterstorff considers these to be congruent with Jesus’ love command: to ‘love your neighbor, as you love yourself’ (Justice and Rights, page 199).

Questions

Q1: Wolterstorff says, ‘The biblical writers do not explain what justice is; they assume we understand what they are talking about when they speak of justice. They do not offer a “theory” of justice. For an explanation of what justice is, a theory, we have to turn to philosophers’ (Justice and Rights, page 18).

Do you naturally appreciate (a) the narrative accounts of justice found in the biblical texts, where we are ‘shown’ rather than ‘told’ what justice (and injustice) might look like, or (b) the more theoretical account of justice Wolterstorff develops out of the philosophical tradition?

Leader prompts:

- Is one account – ‘narrative’ or ‘theoretical’ – easier than the other to apply to your research and teaching?
- Case emphasizes that ‘correct justice’ refers not only to justice (mishpat) as judgement, but also to justice (tsedaqah) as righteousness. Case also asks the question ‘does God render to each according their right?’, discussing it in relation to the Pauline dilemma around judgement, work and mercy ([God rendering to each according to his right](#), [Pauline Dilemma](#), Case, Justice and Rights, page 56).

Q2: **In your field of research, which is more helpful: (a) the Aristotelian account of justice as equity that draws upon Aristotle’s characterization of just situations as fair distribution of benefits and burdens, or (b) Ulpian’s more relational account which focuses on rendering one another what is due?** For a more detailed and nuanced distinction between Aristotle’s and Ulpian’s accounts of justice, refer to Wolterstorff’s [Postscript](#) (Justice and Rights, page 190).

Leader prompts:

- A psychologist notes that in children fairness seems to be more basic and intuitive than the concept of rights: ‘I’m interested in how children come to understand justice. For instance, the

development of sharing and fairness in children, how children learn right from wrong, and how their social group can impact upon this learning and acceptance' ([non-WEIRD, Western, Educated, Industrialized, Rich, Democratic, societies'](#) understanding of justice, Messer).

- A legal scholar draws the two accounts together: *'If the society's resources are concentrated unfairly on the rich and powerful, or if the rules of the society are designed in such a way that the poor's resources or what is their due are being unfairly taken away or withheld by the rich, the society fails to fulfil social and economic rights to all equally or to achieve social justice'* ([social justice, human rights norms and resources distribution](#), Kong, Justice and Rights, page 120).
- Another legal scholar identifies market failures as obstacles to first-order justice and agency rules as tools that can address market failures by rendering to each what is due to them ([market failure and first-order justice](#), Lee, Justice and Rights, page 122). Lee also states that the agency rules used to pursue second-order injustices can also cause further injustice since they might produce a mix of good and bad effects ([limitations in perusing second-order justice](#), Lee, Justice and Rights, page 122).
- A sociolinguist highlights the importance of the fair distribution of voice and access to information: *'Language is also a social fact, implicated in the shape of society. It is an identity bearer, a means of self-expression. Our voice in particular is always embodied, personal, situated... It is the role of such a sociolinguistics to "give voice". This includes giving voice to ourselves, but saliently it also stresses the need to enable the voices of others. To accept someone's voice is to accept them; to reject someone's voice, rejects them'* ([sociolinguistics and justice](#), Bell, Justice and Rights, page 80).

Q3: Does your discipline frequently utilize rights discourses? Is there any 'rights-talk' in your field or academic setting? Do you find this generally helpful or unhelpful as you conduct your own research?

Leader prompts:

- Helpful: A number of scholars draw attention to the way rights help to highlight the linked obligations of wealthy states towards poorer countries ([the rights of disadvantaged groups and obligations of advantaged groups](#), Glanville, Justice and Rights, page 177; [justice in international relations and between states](#), Day, Justice and Rights, page 167), rights talks can elucidate the work of restorative justice ([rights restorative justice](#), Marshall, Justice and Rights, page 100); rights can help identify the obligations and entitlement of collective identities which are helpful in addressing the needs of displacement and duty towards displaced persons ([justice for displaced persons](#), Hays, Justice and Rights, page 88).
- Unhelpful: *'Would it not be more appropriate to maintain that the value (or worth, as it is said in*

the preview) of every human being means all people have obligations in how they treat others'? (human value and worth instead of rights, Strine, Justice and Rights, page 50); it is questionable whether rights is enough in addressing justice (rights is not enough, Glanville, Justice and Rights, page 176); a rights focus may be unhelpful in fostering parental obligations (familial justice, Parkinson, Justice and Rights, page 113); first-order justice requires more than 'mere justice', but also trust (the importance of trust in promoting justice, Vanney, Justice and Rights, page 186).

Q4: Does your discipline or academic context explicitly or implicitly recognize an inherent dignity or excellence of humankind? If so, how does it ground this dignity? And how does it understand the dignity or excellence of non-humans?

Leader prompts:

- Dignity of humans: *'The idea of first-order justice as predicated on the inherent excellence and dignity of persons resonates strongly with my current research into the notion of sexual dignity I am also interested in collaborating with indigenous researchers to consider comparative dimensions of the dignity of persons'* (sexual justice and injustice, High). White states that the 'idea of justice presupposes some form of human exceptionalism' (justice and personhood, White, Justice and Rights, page 37).
- Rights of non-humans: *'Can I treat my dog unjustly, if no other human is concerned? Can I treat a river unjustly, if my interaction with it has no effect on other human beings? I think a Christian approach has unique things to say about this'* (justice in social contracts, Watkin, Justice and Rights, page 55).

In Depth

See links to GFI scholar original writings

The Christian grounding of human rights

[Religious roots of human rights](#) (Justice and Rights, page 62) [Coffey | History | U of Leicester]

[The dignity of human beings is grounded in their being image-bearers of God](#) (Justice and Rights, page 37) [White | Theology | Angelicum]

Human needs and Dignity

[Economic rights in human needs of food, fuel, housing, clothing, education, health](#) (Justice and Rights,

page 71) [Sloman | Politics | U of Cambridge]

[Rights and dignity: A feminist understanding of sexual dignity in relation to sexual violence](#) (Justice and Rights, page 117) [High | Law | U of Otago]

[Do academics in the Global North have obligations to repair injustices experienced by their colleagues in the Global South](#) (Justice and Rights, page 174) [Samararatne | Law | U of Columbo]

Tensions between rights and justice

[Beatitudes \(Matt 5:1-12\): peace-making rather than pursuing rights in legal contexts](#) (Justice and Rights, page 116) [Parkinson | Law | U of Queensland]

[Peace-making or rights orientation in family separations which involve children](#) (Justice and Rights, page 115) [Parkinson | Law | U of Queensland]

[Contemporary rights-talk is not enough](#) (Justice and Rights, page 176) [Glanville | International Relations | Australian National U]

[On whether God renders to each according to her or his right](#) (Justice and Rights, page 57) [Case | Theology | Harvard U]

[On conflicting obligations and complex social spaces](#) (Justice and Rights, page 107) [Aroney | Law | U of Queensland]

[On conflicts between individual rights and common good](#) (Justice and Rights, page 159) [VanderWeele | Public Health | Harvard U]

[On the right to pollute and climate justice](#) (Justice and Rights, page 128) [Hay | Economics | U of Oxford] [Menzies | Economics | U of Technology Sydney]

Justice, Judgment, Works and Mercy

[On the Pauline Dilemma between works, judgement, and mercy](#) (Justice and Rights, page 58) [Case | Theology | Harvard U]

[On the relationship between judgment and works](#) (Justice and Rights, page 58) [Case | Theology | Harvard U]

[On the works of the law](#) (Justice and Rights, page 59) [Case | Theology | Harvard U]

[On the relationship between Justice, Mercy and Love](#) (Justice and Rights, page 38) [White | Theology | Angelicum] Creation

[Pure science focus on excellence, worth, and dignity of God's creation](#) (Justice and Rights, page 147)

[Hutchinson | Physics | Massachusetts Institute of Technology]

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