

# MORALITY AND ECONOMIC JUSTICE

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To explore the relationship between morality and economic justice, it is important to define both concepts carefully. With each concept, it is useful to provide a definition in two stages. In the first stage, one specifies the general nature of the concept, and in the second, and perhaps more controversial stage, one specifies the particular content.

Beginning with morality, a first-stage definition of morality is that it describes the way good people behave. This is a description of morality that one might reasonably expect to be non-controversial. In the second stage of the definition, one specifies how it is that good people behave.

Consider a famous quotation from Luke (10: 25-29): Just then a lawyer stood up to test Jesus. "Teacher," he said, "what must I do to inherit eternal life?" Jesus said to him, "What is written in the law? What do you read there?" The lawyer answered, "You shall love the Lord your God with all your heart, and with all your soul, and with all your strength, and with all your mind; and your neighbor as yourself." And Jesus said to him, "You have given the right answer. Do this and you will live."

But wanting to justify himself, the lawyer asked Jesus, "And who is my neighbor?" Jesus replied with the parable of the Good Samaritan, which makes the point that everyone is our neighbor. Thus Jesus was saying that the meaning of "love your neighbor as yourself" is that we must love everyone as we love ourselves. There is an interesting parallel between Jesus' prescription in the parable of the Good Samaritan and the Utilitarian prescription that what is good is what maximizes the total happiness of all sentient being. Both prescriptions say that a good person, a moral person, will count his own well-being as no more and no less important than anyone else's, in deciding what to do.

If morality consists of counting the well-being of all persons equally in deciding what to do, the difficulty with morality is that we need to be saints to follow this prescription. And there are few saints among us.

Now consider justice. At the first definitional stage, justice is the principles of equality and evenhandedness that explain why coercion is acceptable. Evidence that this is what justice is comes from the image of justice that adorns many public buildings. Lady Justice, the Greek goddess Themis and Roman goddess Iustitia, has a sword in her right hand, a pair of scales in her left, and a blindfold across her eyes. Actually, the blindfold seems to have first been added by German artists in the 16th century, who wanted to suggest that people were interfering with the clear vision of Justice. But the symbol was re-interpreted as demonstrating impartiality, and has remained. Lady Justice does not need to see who you are to know how to treat you. She treats all alike.

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The scales are also subject to at least two interpretations. Some say that Lady Justice places the arguments of disputants in the two pans of her scales to see which has the greater weight. But there is another use of scales. They can be used to ensure equal division. A divisible substance of value is divided justly when the portions in the two pans balance. This is the interpretation that I prefer.

The sword symbolizes the willingness to threaten or use force to ensure that people abide by the dictates of justice. The feminine gender of Lady Justice adds to the credibility of the idea that someone with a sword might use it only to ensure that justice is done, and not for self-aggrandizement.

The second part of the definition of justice specifies the content of the principles of equality and evenhandedness that justify coercion. One possibility is that justice is the process that we use to ensure that people behave morally. I believe that this is a misunderstanding of justice. If justice is used to require people to be moral, then morality as human decisions to do what is right disappears. Furthermore, it is dangerous to trust anyone with the power that is necessary to ensure that people behave morally.

Finally, there is the biblical injunction, "Judge not, that you be not judged." To me, this does not mean, "You better not judge others, or else God will judge you," but rather, "If you go around making judgments about who deserves to be punished for their lapses in behavior, you are likely to start subjecting your own behavior to the same scrutiny, and you will suffer from your own judgment of yourself." It is not healthy to encourage people to judge others.

As an alternative to justice as enforcing morality, I suggest that justice is what we fall back on when different ideas about morality bring us into conflict. Morality is a sphere in which each person is allowed to make his or her own decisions, while justice is based on a few principles that are so fundamental that breaches of them cannot be tolerated.

I suggest the following two basic principles of justice.

1. Every person has a right to himself or herself.
  2. All persons have equal rights to the gifts of nature.
- The fundamental role of a right to oneself in Western thought is reflected in the abhorrence we feel toward countries that try to prevent their citizens from leaving. Whatever else justice may mean, it means at least that people are allowed to separate themselves from those whom they feel are oppressing them.

The idea that justice requires equal sharing of the gifts of nature is less obvious. The gifts of nature are land, minerals, water, the frequency spectrum, geosynchronous orbits, and anything else that is scarce, not incorporated in human bodies, and not the product of human effort.

The plausibility of a principle that all persons have

equal claims on the gifts of nature can be appreciated by considering the alternatives. Present human practice allows for claims on the gifts of nature based either on having appropriated a thing first, or having held it for a fairly long time since grabbing it from someone else. If first appropriation is allowed as the basis for a respectable claim, then it is possible that all land will be claimed, and a person who is supposed to have a right to himself will have no where to exercise that right. When he says, "If that is yours, where is mine?" he is told, "You don't get any. You didn't get here soon enough." A rule of just ownership by first possession also induces people to waste resources trying to be first.

When recognition is granted to claims on the basis of the amount of time that has passed since their unjust origin, grabbing from previous claimants is encouraged by the prospect of the recognition that will come if one can just hang on long enough to what has been grabbed. Saddam Hussein might reasonably have calculated when contemplating the invasion of Kuwait, that, based on past human practice, if he just managed to hold onto it for a few years it would be recognized as just as legitimate a part of Kuwait as any other region was a legitimate part of any nation. We recognize the inherent equality of all humanity when we recognize an obligation of every person and nation to leave gifts of nature for everyone else of the same value as what they appropriate for themselves.

Such a rule has an interesting effect on the interaction between morality and justice. People who have rights to themselves may want to use those rights to form communities or nations that impose moral standards on their citizens, standards such as an obligation to support those in need by providing a specified fraction of one's income. A person who is reluctant to abide by such a rule can say, "Don't I have a right to myself? How is it just that you seek to impose this obligation on me?" When an obligation to share the gifts of nature equally is recognized, such a person can be answered, "We have appropriated for ourselves only our share of land and other gifts of nature. We have left gifts of equal value for you. Our rules represent our conception of a good society-what we wish to devise with our shares of the gifts of nature. If you don't like it, you are free to combine with others who share your vision of a good society, using your share of land and other gifts of nature."

Thus a concept of justice based on the right of every person to himself or herself, and on equal rights to the gifts of nature, makes it easy for people who disagree with each other about morality to treat each other with respect, each continuing his or her efforts to persuade others to adopt a particular morality while respecting the rights of others to themselves. Justice specifies that when we disagree with one another about what morality requires of us, we should each be able to appropriate an equal share of the gifts of nature, on which to pursue our own conception of morality.

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