

Thoughts on Justice

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August 23, 2009

The concept of justice is important to the Unitarian Universalist community. It is the only concept mentioned twice in our principles. I had chosen this topic before the advent of the Judge, now Justice, Sotomayor affair. This brouhaha will however illustrate some of my points a bit later in this discourse.

Justice is a frequently espoused goal, a word everyone seems to know what it means. However if one is pressed to define it, this causes some difficulty. Partly this is due to the fact that thinkers who have spent much time puzzling over this word have defined several different types of justice. One of the more common is retributive justice, which is “an eye for an eye”. I will call this “retro-justice”, indicating that I consider it destructive and outdated. A second, practical type of justice is legal justice-that is jurisprudence. These two types of justice will only be discussed in passing.

As Unitarian Universalist the most often implied idea, when speaking of justice, is distributive justice, also called social justice, a topic whose best-known recent writer was the philosopher John Rawls in his well known book “A Theory of Justice”. These three forms of justice seem to have little in common in terms of the kinds of problems they deal with as well of the types of resolutions used in attempting to deal with the specific problem. But if one looks at the negative, that is, when one asks what is unjust, the commonalities of the meanings become clearer.

Injustice is perceived when a state of affairs or relationships are found to clash with an imagined state that is more equitable or one that one feels needs to be undone, rectified, or balanced. Furthermore Justice must fit in with a more general ethical system. This naturally leads to discussion of right and wrong. The hard question is whether these concepts of right and wrong are arbitrary, or based on some natural law-including (as a possibility) a nature that includes a planner-God. At this time, in the company of such notables as the philosopher and mathematician Lord Bertram Russell, I find the latter scenario unproductive and unresolvable. Our knowledge of the characteristics of the God-given absolute good seem to be totally dependent on revelation. Revelation is by definition an unshared experience. I personally have not been granted such an experience, and I cannot differentiate between the various personal truths expounded by those that claim to have felt revelation’s touch.

So the question becomes, can ethics and therefore justice be based on an understanding of the natural world-without revelation-but on the imagination, tempered by scientifically gained knowledge. I believe that given the advances in our understanding of the workings of the universe a more positive response can be given than even 100 years ago..... If you’re starting to feel that this is all getting a bit abstract and far from your concerns, let me read you a poem that I wrote some 20 years ago.

Since my day job is being a pediatrician, it will not be surprising that the poem deals with children. It is called "View point"

View Point

The stars are shining, all unseen

Behind the city's smoky screen.

City's child sees by the light

of neon sign the urban blight.

.

Waves, crash on distant shore

Unheard by ears of child so poor

Who hears, instead of gulls and terns,

Sirens scream of death and burns.

.

Is the world the same to these

Who in the dark and dampness wheeze

As those who may enjoy, partake

Of wondrous nature, pristine lake?

.

Judge we not the child of need

Who could not choose where its seed

Carelessly was quickly planted

In a world so darkly slanted.

...

For me, this poem captures both the yearning we have as Unitarian Universalist for distributive justice, as well as a warning against falling into a judgmental, and from there into a retro mode of thinking.

This poem is a call for justice based on need and want for starlight; the inherent need to wonder at birds flying free; the need for a healthy physical as well as a complete and safe social environment. The poem also evokes, I hope, the distortion of perceptions that lead to injustice: the smoky screen leading to a less complete world view; the false color of neon lights promising light but announcing falsehood; the lack of balance between the sounds of nature and the sounds of man – all leading to a slanted view of life.

We are, as UUs, **not** normally in an eye for an eye, tooth for tooth mode. But do we, as UUs, support and share a meaning and not just the word. I will not be able to provide you with **the** meaning, but I will share with you my thoughts as developed over many years.

In a sense, justice – like a utopia, is in the eye of the beholder. It is indeed a view point.

The point of the poem is that when judging a person or society, one needs to take the background, the history, into account.

Seeing through another's eyes can be done in a sympathetic or an empathetic manner. The former is passive and reflective; the latter is more likely to lead to action. This is where the empathy part of the judge Sotomayor affair fits in. Perhaps in pure legalistic jurisprudence the historical facts that lead to the dispute are not wanted. But, can injustice indeed be blind-and yet not have placed on its scales the smoke, the blight, the screams, the burns, the narrowness of experience and the lack of wise childhood council? What is it judging then?

Whenever I ponder these philosophical questions I have had but three sources -all equally important -all equally fallible. They are:

1. Science, both method and the knowledge thereby gained
2. Readings and discussions in philosophy
3. My own imagination

Each of these sources contributes to the result in a different ways. It is at this time enough to say that every time we think about the future or how things might or ought to be we are using our imagination. The content of such an imagination is limited only by one's gift in that department and one's experience. The latter of course includes reading and discussion. Science adds the delimiters of what it is reasonable to suppose and believe.

After I concluded that the concept of injustice was based on a perception of a state of affairs that needed to be addressed because harm was being caused, I began to concern myself with what was different about the three major forms of justice.

If, as I propose, a person's history, both biological and social-environmental, should be factored into justice-and if empathy is indeed involved-we have a problem.

Just as no utopia is the same for any two persons, but each is a personal vision, an egotopia as I call it, so, what justice is is also a very personal vision. There will be large overlaps in like-minded individuals-but even then differences and nuances will persist.

What differentiates us the most, as UUs, from others in our society is that we are, for the most part, not theists. We believe we must do what we can to promote our sense of justice in the face of the retro-justice and cold-blooded jurisprudence of our larger society. Both of these latter forms of justice are based on the idea that an ideal, universal justice does exist, and that it has been revealed by prophets and lawgivers wiser than we.

Can we do better?? In our efforts to serve our concept of justice, we must march forward – for the immigrant, the poor, the GLBT, and others more or less outside of the current large self-righteous segments of our society. In this we should be guided by our imagination of a better future recalling the frailties of the human condition.

And I hope my poem shows that I believe (and I hope most UUs believe), that a person's genetics, upbringing and life experience, all in the context of pertinent social norms, need to be addressed for justice to be forthcoming.

As a final note, for this particular congregation that welcomes GLBT persons, hopes to help the immigrant population, and feels the frustrations of dealing with the injustices perpetrated by societies on various subsets of humanity, I offer these thoughts. We must be passionate, but patient. Many persons in our society have very little empathy outside their own little group. We should lead by example, and not hide our example out of fear of general criticism and outrage. We can act locally, and voice our visions and concerns broadly. Finally, we must remember that moving a mountain a shovel at a time may be frustrating, but that it is a lot less destructive than using weapons of destruction.

In all our endeavors for social justice we must persevere, if not for us, then for the children's sake, without destroying the other principles that we hold dear.

Peace!