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Preview Response

I HAVE PROFOUND DIFFICULTIES WITH WOLTERSTORFF ON JUSTICE

Oliver O'Donovan

Professor Emeritus, Christian Ethics and Practical Theology, University of Edinburgh.
Honorary Professor, School of Divinity, University of St. Andrews
Emeritus Student & Canon of Christ Church, Oxford.

It will be no news to my friend Nicholas Wolterstorff, I am afraid, that I have profound difficulties with his approach to the topic of justice, since our differences on the topic have in the past appeared in print. The following statements of the disagreement are no more than Summary headings:

- The essence of justice lies in what he calls "second-order justice", i.e. in the act of judgment which distinguishes innocence from guilt and creates a new public context of right. Many of the biblical texts that refer to "justice" are in fact referring to the "act of justice" - which is Aquinas' name for judgment. Judgment is performed primarily by God, and by humans as authorised under God. Justice is the name for the condition established by judgment.

- The overarching normative moral category governing interactions among persons considered apart from the exercise of judgment, is not justice, but love. That our day-to-day interactions may be qualified as just is determined by the fact that they are, in fact, always governed by divine judgment that precedes them. The "ordinary" interaction is never prior to the act of judgment. It is for this reason that human interactions qualified primarily by other virtues may and must also display justice as well as the other virtues. So while I agree with NW in his claims for the comprehensiveness of justice as a criterion for all kinds of interaction, I think he fails to explain how it is that a relation clearly normed by the virtue of wisdom, such as that between teacher and pupil, must also display justice.

- Justice is always a public state of affairs, a set of relations among or between different agents, and cannot be accounted for as a sum of subjective rights held by individual or particular agents. The conception of subjective rights is a medieval development, and it has its areas of usefulness. But rights derive from justice, not justice from rights.

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