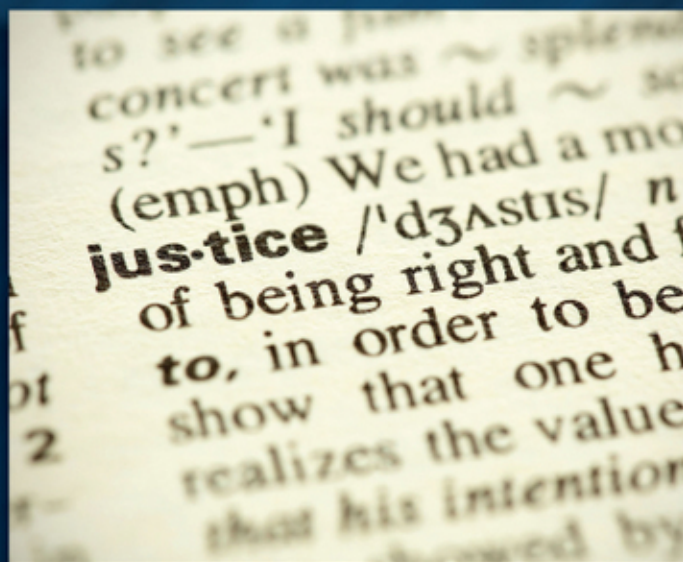


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RELIGION AND SOCIAL JUSTICE



EDITED BY

Michael D. Palmer and
Stanley M. Burgess

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Introduction

Michael D. Palmer and Stanley M. Burgess

Rationale for the Project

In today's cosmopolitan environment, one is struck by how much public discourse on questions of social justice is addressed (or addressable) in the arenas of politics, economics, public policy, or international affairs. Daily, news media broadcast consequential reports from any or all of these arenas: Can Egypt and Tunisia successfully transition to democratic rule? Who should pay for the economic catastrophes in Greece, Portugal, and Iceland? Should the United Nations recognize a Palestinian state? Can Tibetans ever expect to gain a measure of autonomy given the authoritarian control exerted by the People's Republic of China? When so much that is important can be framed in the language of state and economy, one wonders whether religion remains a relevant force in public discourse, especially discourse that concerns social justice.

The answer to this question is yes. Despite the fact that a growing (though still small) minority of the world's people claims no religious affiliation, religion continues to provide an important window into human motivation and aspiration on matters of consequence, including questions of social justice. While other domains of discourse (political, economic) have much to offer, religion provides both a historically important and continuingly significant perspective on social justice in at least two ways.

First, religion has social justice implications in the way it shapes what its adherents believe about their roles and prerogatives in society. Consider, for example, that historically all three of the Abrahamic religions – Judaism, Christianity, and Islam – have struggled with questions about the status of women. Are women equal to men or subordinate to them? From one generation to another, leaders in these religions, mostly men, have advanced religiously grounded views about the relative roles of men and women, and these views have affected the lives of women in profound, often negative, ways. The continuing relevance of religious discourse in matters of social justice is

evident in the fact that religious dialogue over the status of women has continued into the present and is more lively and engaging than ever, with women taking the lead.

Hinduism reveals another way in which religion has social justice implications. Its caste system, which ancient sources suggest was originally established as a means to advance societal and individual well-being by arranging divisions of labor appropriate to the skills and aptitudes of the people, has for centuries perpetuated social discrimination and class oppression. Hinduism's religious ideology gave rise to a social arrangement (the caste system) that shaped how its adherents could expect to be treated by others and had deep and negative impacts on certain of its adherents, especially the *dalits*.

Quite simply, religion has had and continues to have social justice implications. This much seems clear and worth exploring. But there is a second point that also merits attention. The way in which social justice is or is not administered has religious implications. Two examples – one ancient, one modern – illustrate this line of thought.

The ancient Hebrew Scriptures called for Jews to release slaves after six years; those who released them were expected to provide them with the necessities for living. This expectation was expressed as a commandment issued by their God: "Remember that you were a slave in the land of Egypt, and the Lord your God redeemed you; for this reason I lay this command upon you today" (Deuteronomy 15:15). What is interesting and noteworthy here is the relationship between experience and moral/theological ideology. The moral edict, the commandment, was embedded within a larger religious framework and justified by reference to a prior experience that informed the moral/religious sensibility of the people.

Among modern religious people, adherents to the Bahá'í Faith have exhibited a strong concern for social justice. Their commitments to human rights, racial unity, and women's issues are all well documented. But what is the source of this overt commitment to justice? From the beginning of the religion in the nineteenth century, Bahá'í leaders were persecuted by civil and religious authorities, mainly in Muslim countries. In the 1980s, for instance, Iran declared the Bahá'í religion to be an unlawful, criminal organization, banned it, and executed a number of its leaders. Clearly, Bahá'í moral sensibility has been shaped by historical experiences of unjust treatment.

The accounts of the ancient Jews and the modern Bahá'ís are hardly unique. Among adherents of many religions and sacred belief systems a certain theme recurs: powerful experiences of unjust (or sometimes just) treatment inform a people's moral sensibility in a way that profoundly shapes how they understand and practice their religion. Thus, to study the religion is to study more than a set of theological claims. It is also to engage a set of experiences that inform and enliven the adherents of the religion. If their experiences have social justice implications, then those implications will likely be reflected in the religion's essential ideology, norms, and narratives.

Do all religions deal with issues of social justice? The question does not admit of a simple yes or no response. Clearly, many do not use (or have not historically used) the language of social justice. At the same time, that a religion does not use (or has not historically used) the language of social justice does not mean that it has not struggled with issues that in some way qualify as social justice issues. Virtually all major religions, religious movements, faith traditions, and sacred belief systems have found ways to

express what may broadly be called social justice concerns. These include beliefs and practices by which peoples and individual persons express concern for weak and vulnerable members of the community; sustain the community; treat each other fairly; resolve disputes and grievances; distribute community resources; uphold the dignity of the human person; promote peaceful interaction; enhance political or economic participation in the community; or encourage a sense of stewardship for the natural world. It is this complex set of concerns – concerns situated at the intersection of religion and social justice – that this book explores.

Overview and Arrangement of Essays

The essays in this book are arranged into four parts: (I) Major World Religions; (II) Religious Movements and Themes; (III) Indigenous People; and (IV) Social Justice Issues.

Major world religions

Essays in this part deal with the world's major religions. As discussed in the Introduction to Part I, the expression *major world religion* is not uncontroversial. Suffice it to say at this point that the term *major* refers to a religion's geographical distribution, antiquity, and cultural influence. Major religions include Buddhism, Christianity, Confucianism, Hinduism, Islam, and Judaism. This part includes twelve essays, two on each of the religions. The first essay for each religion addresses the historical development of the religion's approach to social justice; the second focuses on the religion's approaches toward and expressions of social justice in recent decades, as well as in today's world.

Religious movements and themes

Essays in this part offer examples of what social justice means and how it functions practically within a variety of religious settings. Except for the conscious effort to avoid focusing attention exclusively on one or two religions, no attempt has been made to be exhaustive or even representative, only illustrative. Each essay was chosen for a distinctive reason, which is addressed in the part Introduction. What the essays share in common is that they deal with social justice from the perspective of some religious movement or theme.

Indigenous people

Essays in this part discuss the approaches to social justice of eight indigenous peoples, each in a distinct geographical region of the world: Central America; West Africa; Australia; Southern Asia; Europe; North America; New Zealand; and the Middle East.

The expression *indigenous* is intended to identify peoples (usually relatively small in population) that have traditionally occupied specific regions of the world. As used here, the expression refers primarily to a people whose underlying organizational principle is a social relationship such as family, clan, band, tribe, or other social structure, rather than the religion or sacred belief system to which they subscribe. Thus, for example, native peoples of North America (Native Americans) are classified as indigenous people partly because they have historically occupied particular geographical regions of North America, but also because their fundamental organizational principle is the band or tribe to which their members belong, not the sacred beliefs to which they subscribe. The essays on indigenous peoples provide historical, cultural, and geographical information, but their primary purpose is to elucidate how the sacred beliefs, experiences, narratives, and social arrangements of the people in question inform their beliefs and practices about social justice.

Social justice issues

Essays in this part include a representative sampling of issues that have social justice implications and that religions address, but that are not unique to any single religion. The topics were chosen because of their importance in the contemporary conversation about social justice. The purpose of the essays is not to resolve the debates, but to deepen our understanding of the issues and to show how some (although not all) religions deal with the issues in question.

Social Justice

The Italian Roman Catholic Jesuit scholar Luigi Taparelli D'Azeglio (1793–1862) is generally credited with being the first to use the expression *social justice*. Drawing heavily on the moral teachings of the thirteenth-century theologian Thomas Aquinas, he focused mainly on problems associated with the industrial revolution of the nineteenth century.

Today, the expression *social justice* covers a broad semantic domain, both secular and religious. The word *social* suggests that social justice has to do with matters of justice at the societal level rather than the personal level. Thus, for example, social justice is not principally about individual persons acquiring the virtue justice. However, beyond this general insight clarity is difficult to achieve. The expression is in fact used in a number of ways throughout this book. Depending on the context, it can be a near-synonym for any one of several forms of justice, including distributive justice, compensatory justice, retributive justice, procedural justice, or restorative justice. In some instances it even applies to types of behavior or interaction that are known more commonly by other names, such as *potlatch*, hospitality, *zakat* (almsgiving), or *g'meelut chasadim* (deeds of kindness). In short, although it may be desirable to have a succinct definition of *social justice*, no such definition exists. Rather, we have something more akin to interlocking circles: definitions that relate to each other as members of a family

(to borrow a phrase from Wittgenstein) but do not finally reduce to a univocal statement.

Social justice as distributive justice

Distributive justice (an ancient concept, explicated at least as early as Aristotle) is essentially a comparative concept, having to do with the just or fair allocation of benefits and burdens among the members of a social group. In “The concept of social justice,” William Frankena (1964) expresses distributive justice as a purely formal principle: equals should be treated equally and unequals should be treated unequally in proportion to their inequality. More recently, David Miller has described distributive justice somewhat more concretely:

Very crudely, I think, we are discussing how the good and bad things in life should be distributed among the members of a human society. When, more concretely, we attack some policy or some state of affairs as socially unjust, we are claiming that a person, or more usually a category of persons, enjoys fewer advantages than that person or group ought to enjoy (or bears more of the burdens than they ought to bear), given how other members of the society in question are faring. (Miller, 1999: 1)

Questions about distributive justice arise when available resources (e.g., food, money, education, healthcare) are insufficient to meet everybody’s needs or when the available resources, even if sufficient, are allocated in a way that does not meet the needs of all members of the social group. Questions about distributive justice also arise when burdens (e.g., onerous work, inadequate shelter, care of the very young, the very old, and those with disabilities) are excessive or unfairly imposed.

Whether we use Frankena’s version of the principle or Miller’s, certain difficult questions inevitably emerge. For instance, the preceding discussion may suggest that it is relatively easy to determine what benefits and burdens are to be distributed. It may seem obvious, for instance, that such things as wealth, income, and opportunity must be distributed fairly. But in point of fact, cultural factors (including religion) often frame and define the benefits and burdens. These same factors may also prescribe or proscribe who or what distributes the benefits and burdens, and may even determine who qualifies for benefits or who must bear the burdens.

Distributive justice shows up as the predominant way of interpreting social justice in a number of the essays in this book. For example, in “Confucianism: Historical Setting,” Joseph Chan discusses whether Confucianism contains the concepts of distributive justice and then explores whether it articulates any ethical principles governing the distribution of resources. Chan’s thesis is that Mencius advanced a social ideal of “a multilayer system of care and help” and examines “its relations with other values such as justice, personal responsibility, and individual merit”(this volume: 77).

As noted earlier, some instances of behavior that go by names not commonly associated with justice might nonetheless qualify as social justice expressed as a form of distributive justice. For instance, *potlatch*, hospitality, *zakat* (almsgiving), or *g’meehut*

chasadim (deeds of kindness) might be understood in this way. What is the basis for this conjecture?

The *potlatch* is a ceremony that has existed since time immemorial among the indigenous peoples of the Pacific Northwest Coast of the United States and Canada. A festive ceremony involving singing and dancing, the *potlatch* involves gift giving. As Ana María Pineda explains in her essay “Hospitality”:

While the *potlatch* ceremony may vary among the different indigenous communities of the Pacific Northwest, the primary purpose of the ritual is to redistribute wealth. The *potlatch* is thus a practical embodiment of distributive justice in which the riches of the community are shared equally by all. (This volume: 315)

In short, among this indigenous people a certain practice of gift giving – the *potlatch* ceremony – achieves the aims of social justice.

Without belaboring the point, something similar, though with interesting and important thematic variations, can be said for hospitality, the Christian practice of welcoming the stranger, which has its roots in ancient Judaism (Pineda); *zakat*, the Islamic practice of almsgiving, which is one of Islam’s Five Pillars (Azim Nanji); and *g’meehut chasadim*, the ancient Jewish practice of engaging in deeds of kindness (W.E. Nunnally). In each case, people with a religious worldview or sacred belief system are called on to engage in a type of behavior that redistributes wealth and thereby aims at achieving a more just social result. Clearly, the religious or sacred worldviews that motivate and sustain such expressions of redistribution of wealth make for a very different perspective on social justice than one finds in the secular version advanced by John Rawls.

Social justice as compensatory justice

As the name suggests, compensatory justice has to do with compensating someone or some social group. To compensate is to make whole, to make fair restitution to someone or some social group that has incurred loss or suffered injury because of someone else’s wrongful act. The restitution may take many forms. It could be the replacement of a lost, damaged, or destroyed item; monetary compensation; or restitution by work.

Compensatory justice is governed by social rules, some of which are explicit and codified and others of which are implicit and context dependent. For instance, typically the perpetrator of the loss or injury (not someone else) is expected to provide restitution to the victim. But what if the injury or loss occurred long ago, has persisted without remedy, and the actual perpetrators no longer survive? Is anyone then responsible to make restitution?

This and other related questions are not simply hypothetical musings. They emerge with some measure of exigency in several of the essays devoted to indigenous people. The Aborigines of Australia, the Māori of New Zealand, the Gonds of central India, the Asante of West Africa, and the Ojibwe of North America all in one way or another make claims of compensatory justice against the larger, dominant cultures in which they are imbedded. Often their grievances are related to the disposition of land that they

inhabited (“owned” would be the wrong word) from time immemorial, but from which they were disinherited during periods of occupation.

Social justice as retributive justice

Retributive justice concerns the various ways in which we blame or punish people for their wrongful acts. In thinking about the fairness of blame or punishment, contemporary western theorists often look to the *conditions* under which it is just to blame or punish someone for doing wrong. They consider such factors as the person’s capacity to act and relative level of knowledge. (Lack of capacity to act on one’s own initiative and inability to understand the meaning of one’s acts are often – though not always – regarded as mitigating or exculpating factors in ascribing responsibility.) In assessing blame or punishment, western theorists also commonly consider the relative certitude that the accused person actually committed the wrongful act. In addition, they value consistency (treating similar cases in the same way) and proportionality (fitting the punishment to the wrongdoing).

Do people in non-western societies employ a concept of retributive justice and, if so, do any distinctive features emerge? There is no simple or singular answer to this question, but Robert Baum’s essay on the Diola people of West Africa presents an intriguing case study. The Diola have a highly nuanced moral code that is intimately integrated with their spiritual view of reality. For example, they arrange moral behavior along a spectrum ranging from things that are absolutely forbidden to those that are absolutely required of members of the community.

Violations of the obligations imposed by various spirit shrines – including the penetration of sacred forests or other spirit shrine sites that one has no right to attend; violations of behavioral norms associated with gender roles (e.g., menstrual avoidances, male avoidance of maternity houses, and female avoidance of cemeteries); the taking of life outside of war; most cases of theft; witchcraft and sorcery – are all considered absolutely forbidden and are subject to spiritual sanctions by the spirit shrines or by the Supreme Being, Emitai. The spirit shrines afflict wrongdoers with specific diseases, such as leprosy, which is associated with theft, but could afflict not only the thief, but anyone in his or her family that benefited from the theft. The Supreme Being judges the moral worth of individuals when they die and determines the nature of their afterlife. (This volume: 352)

It is a distinctive feature of western moral thinking that moral evaluation – praise and blame – accrues to the individual, not to groups or collectives. The classic expression of this view is given by the British philosopher H.D. Lewis:

If I were asked to put forward an ethical principle of particular certainty, it would be that no one can be responsible, in the proper ethical sense, for the conduct of another. Responsibility belongs essentially to the individual. (Lewis, 1971: 121)

This feature of western moral appraisal is by no means universal. Here again the beliefs and practices of the Diola people are instructive. In the words of Robert Baum:

Underlying Diola concepts of justice is a collective sense of responsibility, reward, and benefit. In a very literal sense, in Diola society, one is one's brother's keeper. Anyone who benefits from the wrongdoing of his or her kin could be subject to sanctions. (This volume: 352)

With respect to social justice, important theoretical questions can be framed from this contrast between the so-called western approach to responsibility ascription and the collectivist approach that Baum attributes to the Diola. For instance, which view best serves social justice: a view that makes individuals the primary targets of responsibility ascription or one that holds collectives accountable? Is there in principle a way to answer this question, or is social justice so intimately integrated with the society's view of accountability (individual or collective) that the question is unanswerable? These and other related questions situated at the intersection of religion and social justice merit careful reflection.

Social justice as procedural justice

In North America, questions about procedural justice have almost exclusively to do with a debate over competing models about how to render justice in the criminal justice system. Herbert Packer (1968) made famous a distinction between two extreme positions, one called the *due process* model, the other called the *crime control* model. The crime control model places primary importance on suppressing criminal conduct through arrests, convictions, and judicial sentencing. Efficiency and economy are its hallmarks (Packer, 1968: 12–16). Its extreme alternative, the due process model, is known for its formality and strict adherence to rules. Packer describes it as unwieldy as an “obstacle course” (Packer, 1968: 16). Its principal virtues are that it presumes the accused is innocent until guilt is established and that it places a priority on formal equality of the people brought into the judicial system. Despite these laudable virtues, the due process model has engendered deep skepticism about the possibility of achieving justice, due to its inefficiency and labored formality.

Some critics charge that both models are excessively indebted to retribution theory as a philosophy of punishment. They also assert that the models assume a Hobbesian world of irreconcilable struggle (Griffiths, 1970: 371, 463). Is there a better way?

One alternative has been tried in South Africa. Following the demise of the Apartheid system of government in the 1990s and the multiracial elections of 1994, South Africa established a court-like body called the Truth and Reconciliation Commission (TRC). Based in Cape Town, the TRC was established under the auspices of the *Promotion of National Unity and Reconciliation Act*, No. 34 of 1995. The TRC's mandate was to bear witness to, record, and in some cases grant amnesty to the perpetrators of crimes relating to human rights violations, as well as reparation and rehabilitation. The TRC had a number of high-profile members, including Archbishop Desmond Tutu (chairman), Dr. Alex Boraine (Deputy Chairman), Mary Burton, Reverend Khoza Mgojo, Dumisa Ntsebeza (head of the Investigative Unit), Dr. Wendy Orr, Denzil Potgieter, Dr. Fazel Randera, and Glenda Wildschut (author of “Human Rights: The South African Experience” in this book).