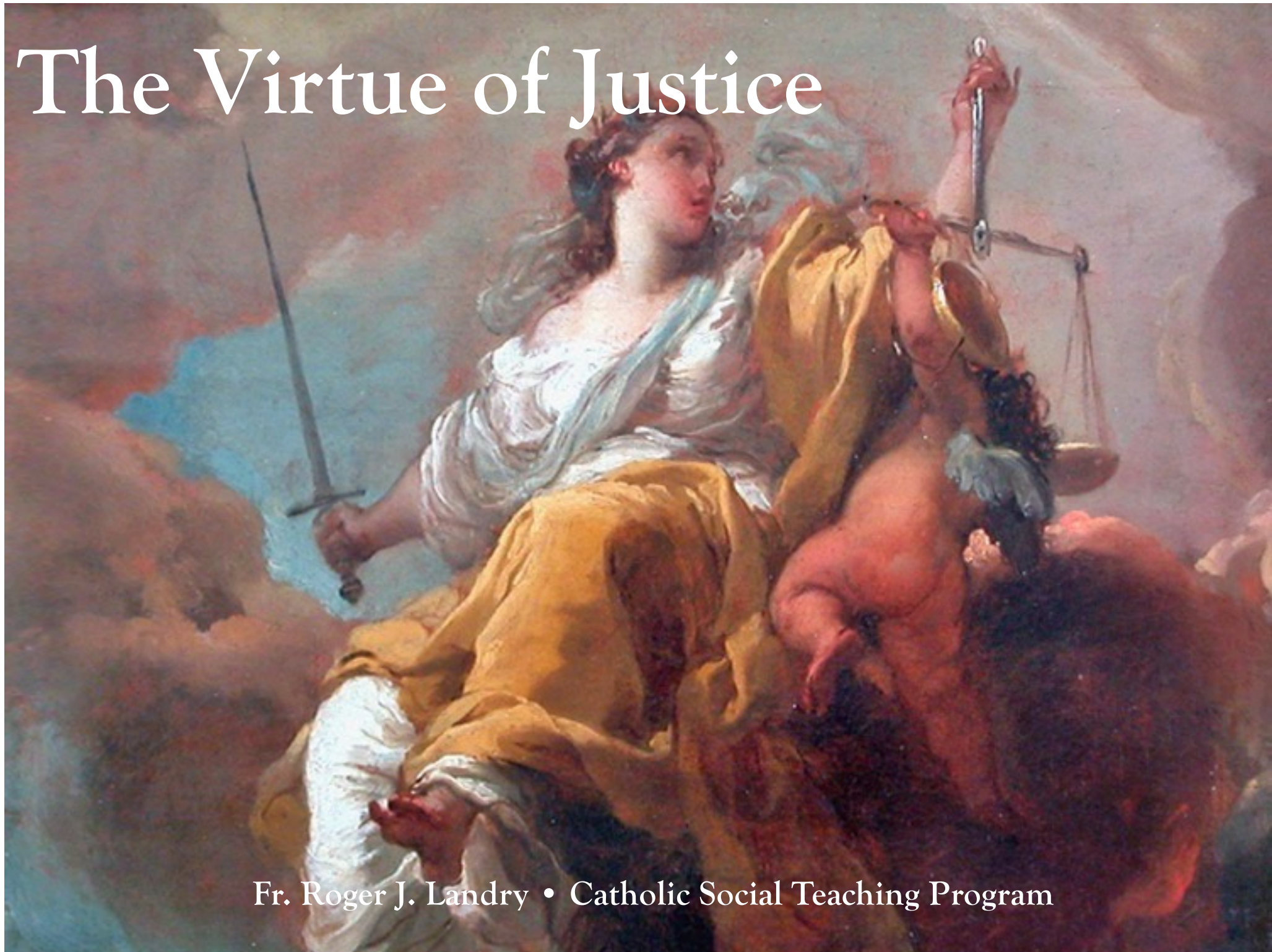


# The Virtue of Justice



Fr. Roger J. Landry • Catholic Social Teaching Program



# The Virtue of Justice

- Along with the cardinal virtues of prudence, courage, and moderation, the cardinal virtue of justice refers to the “constant and firm will to give to others their due.”
- Subjectively, it is based on the will to recognize the other as a person.
- Objectively, it is the decisive criteria of morality in the interpersonal and social sphere.



## Image of Lady Justice

- Feminine, pointing to firm and constant will.
- Scales of justice represent the weighing of evidence or of rights from different parties. Some say they weigh truth and fairness.
- The scale is suspended to show that rights claims or evidence should be weighed on their own merit without intervening forces. Since the 16<sup>th</sup> century, Lady Justice is often blindfolded to show objectivity and impartiality.
- There is often a sword to refer to the power to enforce a just outcome. The sword is unsheathed, meaning justice is supposed to be transparent and never just an implement of fear.



# The Virtue of Justice

- The Church has in general recognized various expressions of justice:
  - Commutative – regulates those actions that involve the rights between one individual and another or between social groups.
  - Distributive – regulates those actions that an individual may claim a fair share from society.
  - Legal (procedural) – makes and implements decisions according to fair processes that seeks to ensure “fair treatment”
  - Retributive (restorative) – ensures that people be treated in a way that restores justice as a response to past injustice or wrongdoing.
  - Social – inclines one to cooperate with others to make social institutions better serve the common good and allow people to obtain what is their due.



# Justice Within

## Catholic Social Teaching

- Justice is central to the proper understanding of the pillars of Catholic social teaching:
  - Human Dignity – Justice seeks to ensure and protect the dignity and rights of every person.
  - Common Good – Justice maintains a responsibility for the whole.
  - Solidarity – Justice seeks to ensure that others receive at least the minimum, but justice alone is not enough. Solidarity opens justice to generosity (liberality) and love.
  - Subsidiarity – Justice ensures that their needs are met in a way that best engages their dignity as protagonists of their own development.



## Justice in Action: Pope Francis at the UN (2015)

- “The work of the United Nations ... can be seen as the development and promotion of the rule of law, based on the realization that justice is an essential condition for achieving the ideal of universal fraternity.”
- “To give to each his own, to cite the classic definition of justice, means that no human individual or group can consider itself absolute, permitted to bypass the dignity and the rights of other individuals or their social groupings. The effective distribution of power (political, economic, defense-related, technological, etc.) among a plurality of subjects, and the creation of a juridical system for regulating claims and interests, are one concrete way of limiting power.”
- “Yet today’s world presents us with many false rights and – at the same time – broad sectors that are vulnerable, victims of power badly exercised: for example, the natural environment and the vast ranks of the excluded.”



## Justice in Action: Pope Francis at the UN (2015)

- “Solemn commitments, however, are not enough, although they are certainly a necessary step toward solutions.”
- “The classic definition of justice ... contains as one of its essential elements a constant and perpetual will: *Iustitia est constans et perpetua voluntas ius suum cuique tribuendi*. Our world demands of all government leaders a will that is effective, practical and constant, [as well as] concrete steps and immediate measures ...”
- “Such is the magnitude of these situations and their toll in innocent lives, that we must avoid every temptation to fall into a declarationist nominalism that would assuage our consciences. We need to ensure that our institutions are truly effective in the struggle against all these scourges.”



## Justice in Action: Pope Francis in Fratelli Tutti (2020)

- We cannot “forget that inequity affects not only individuals but entire countries; it compels us to consider an ethics of international relations. Indeed, justice requires recognizing and respecting not only the rights of individuals, but also social rights and the rights of peoples” (126).
- “To give to each his own – to cite the classic definition of justice – means that no human individual or group can consider itself absolute, entitled to bypass the dignity and the rights of other individuals or their social groupings. The effective distribution of power (especially political, economic, defense-related and technological power) among a plurality of subjects, and the creation of a juridical system for regulating claims and interests, are one concrete way of limiting power” (171).
- “Today’s world presents us with many false rights and – at the same time – broad sectors which are vulnerable, victims of power badly exercised” (171).





# Justice in Action:

## Pope Francis in Fratelli Tutti (2020)

- “Thinking of those who will come after us ... is what authentic justice demands” (178).
- “What is now happening ... is the reduction of ethics and politics to physics. Good and evil no longer exist in themselves; there is only a calculus of benefits and burdens. ... The law is no longer seen as reflecting a fundamental notion of justice but as mirroring notions currently in vogue. Breakdown ensues: everything is ‘leveled down’ by a superficial bartered consensus. In the end, the law of the strongest prevails” (210)
- “Truth, in fact, is an inseparable companion of justice and mercy. All three together are essential to building peace; each, moreover, prevents the other from being altered” (227).



## Justice in Action: The International Context

UN Charter: “We the peoples of the United Nations, determined to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind, and to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small, and to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained, and to promote social progress and better standards of life in larger freedom ...”



# Justice in Action: The International Context

- Four Pillars
  - “To save future generations from the scourge of war” (Peace)
  - “To reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small” (Human Dignity and Rights)
  - “To establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained” (*Pacta sunt servanda*)
  - “To promote social progress and better standards of life in larger freedom” (Integral Human Development)



# Justice in Action: The International Context

- Justice and the First Pillar (Peace and War)
  - The international community has often intervened to restore justice to war torn areas.
    - Peacekeepers
    - International Tribunals
    - Peacebuilding activities
  - The Security Council has the mandate to keep a just international order. Built-in disparity.
  - Often national interest is placed over international common good.
  - The lack of a “constant and perpetual will,” leading to the virtue signaling of verbal condemnations but not the righting of wrongs.
  - From “just war” to the “responsibility to protect”
  - The problem of nuclear weapons



# Justice in Action: The International Context

- Justice and the Second Pillar (Human Dignity and Rights)
  - Universal Declaration of Human Rights (1948).
  - Convention on the Prevention and Punishment of the Crime of Genocide (1948)
  - International Convention on the Elimination of All Forms of Racial Discrimination (1965)
  - International Covenant on Political and Civil Rights (1966)
  - International Covenant on Economic, Social and Political Rights (1966)
  - Convention on the Elimination of All Forms of Discrimination against Women (1979)
  - International Convention on the Rights of the Child (1989)
  - International Convention on the Rights of Persons with Disabilities (2006)
- Treaty bodies to ensure compliance



# Justice in Action: The International Context

- Justice and the Second Pillar (Human Dignity and Rights)
  - Attempts to decree fundamental human rights to abortion, contraception, euthanasia (sexual and reproductive health and reproductive rights), and various SOGI rights (sexual-orientation-and-gender-identity), comprehensive sexuality education
  - The attempt to pile together rights under omnibus terms like the fight against “multiple and intersecting forms of discrimination.”
  - Ideological colonization.
  - The failure to promote the rights enshrined in the UDHR to life, family, parental role in education, religious freedom, etc.



# Justice in Action: The International Context

- Pope Francis to Diplomats (Jan 8, 2018)
  - “Over the years, particularly in the wake of the social upheaval of the 1960’s, the interpretation of some rights has progressively changed, with the inclusion of a number of ‘new rights’ that not infrequently conflict with one another. ... Debatable notions of human rights have been advanced that are at odds with the culture of many countries; the latter feel that they are not respected in their social and cultural traditions, and instead neglected with regard to the real needs they have to face.”
  - “Somewhat paradoxically, there is a risk that, in the very name of human rights, we will see the rise of modern forms of ideological colonization by the stronger and the wealthier, to the detriment of the poorer and the most vulnerable. At the same time, it should be recalled that the traditions of individual peoples cannot be invoked as a pretext for disregarding the due respect for the fundamental rights proclaimed by the Universal Declaration of Human Rights. At a distance of seventy years, it is painful to see how many fundamental rights continue to be violated today.”



# Justice in Action: The International Context

- Justice and the Third Pillar (Justice and Respect for Obligations)
  - Justice requires fulfilling obligations and commitments, to live up to international agreements, conventions and laws.
  - There have been many instances of international law being followed to the good of peoples and individuals. There can be, nevertheless, a culture of impunity with regard to those who break laws.
  - Some at the UN no longer mention this third pillar because it is so often violated – countries do not fulfill their commitments – that they pretend as if this pillar doesn't exist and that the UN doesn't exist to maintain “justice and respect for the obligations arising from treaties and other sources of international law.”
  - Treaty bodies can be used to go beyond what the international agreements warrant and push particular ideologies.





# Justice in Action: The International Context

- Justice and the Fourth Pillar (Development, Social Progress, Better Standards of Life, Freedom)
  - There has been much progress on the right to development, with many being lifted out of extreme poverty since 1990.
  - The Millennium Development Goals (2000-2015) and Sustainable Development Agenda (2015-2030) have led to many advances in economic, environmental and social development.
  - Various abuses: corruption, linking development to ideology, population control, human trafficking, harm to the environment, leaving many behind.



## Justice in Action: Personal & Interpersonal Context

- “What does the Lord require of you but to do justice, and to love mercy, and to walk humbly with your God?” (Mic 6:8)
- Doing justice involves fulfilling responsibilities that flow from rights.
- These responsibilities are, first, personal, before they’re social.
- “Repay to Caesar what belongs to Caesar and to God what belongs to God.” (Mt 22:21).
  - Do we fulfill our responsibilities to God?
  - Do we fulfill our responsibilities as citizens?
  - Do we give to others what they are due?
  - How personally involved do we get when others suffer personally or social injustice?



## Justice in Action: Personal & Interpersonal Context

- Some Cultural challenges
  - Entitlement culture
  - People using “human right” to refer to what they would “like to have.” One’s desire is elevated to the level to have it fulfilled.
  - Clash of rights without a sense of a hierarchy of rights based on human dignity.
  - Culture of debt (personal, corporate, national) and defaults
  - Lack of accountability for the fulfillment of responsibility, at the personal, political and international level.
  - Habituation to chronic injustice.
  - Impunity for some in various social classes
  - Lack of intergenerational solidarity.

# The Virtue of Justice

A classical painting of Lady Justice, blindfolded and seated on a rock. She is wearing a white and gold robe. In her right hand, she holds a sword, and in her left hand, she holds a pair of scales. The background is a dramatic, cloudy sky.

*Thank you!*

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