

KNOW WISDOM: KNOW JUSTICE

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THE ONE WHO STATES HIS CASE FIRST SEEMS RIGHT, UNTIL THE
OTHER COMES AND EXAMINES HIM. ~ PROVERBS 18:17

The goal of this paper is to stimulate further inquiry and promote constructive dialog. The thoughts expressed within the content are solely those of the authors and do not reflect the opinions and beliefs of the website or its affiliates.

Most of us cheer at the end of a movie when heroes win and villains get their comeuppance. There is something satisfying when justice prevails in both fiction and nonfiction. Imagine how wrong and unsettling it would be if Luke Skywalker or Harry Potter did not triumph. The real-life stories of justice and injustice in the daily news provoke similar yet deeper visceral reactions. What is it that makes justice such an endearing virtue? Why is injustice so prevalent in the local,

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regional, state, national, and international arenas? What makes justice more arduous and relatively slow compared to injustice? How do we create and maintain just workplaces and societies?

A starting point for answering these questions is understanding the nature of justice – a concept not easily reduced to simple explanations, thus making it often misunderstood. Justice is elusive largely because it is treated as a standalone virtue when it is not. While this essay attempts to unpack the nature of justice, the conclusion is that without its companion virtues, especially wisdom, it risks being arbitrary and potentially unjust.¹ As one example, how much justice is too much or too little? Justice without mercy is tyranny, and mercy without justice is license. Wisdom is necessary to discern when to err on the side of justice or mercy in any given situation.

WHAT IS THIS THING CALLED JUSTICE?

At the most basic level, justice is the benevolent act of providing people what they deserve.² The opposite of justice is more complex. There are two general sources of injustice and corresponding categories of justice. The more grievous one is the intentional or unintentional and unwarranted privileging of oneself over others. It usually manifests itself in the wronging of others by taking something away from people without partiality.³ For example, it is wrong to steal from another person, and as such, society has made laws to protect people from becoming victims of theft and balance the scales of justice when a robbery occurs.

In this case, the law against theft is not why it is wrong to steal. History teaches that there are just and unjust laws. Rules of this nature are codified values. A governing value that requires a law against theft is honoring the dignity of people without partiality and the fruit of their honest labors. Different philosophical and theological camps provide their justifications for what makes it wrong to steal (e.g., consequentialists, deontologists, and virtue ethics),⁴ but all would agree that it is unacceptable to take without permission something that does not belong to us regardless of the presence or absence of codified law.

There are four types of justice to protect people from being wrongfully taken advantage of by others and to provide remedies when they are.

- Retributive justice is based upon the premise that people get what they deserve, no more or no less. This “eye for an eye” justice requires that punishments are proportional to the nature of the offenses. If we steal, we should have appropriate consequences.
- Restorative justice makes amends and returns compromised scenarios to their original or ideal states. It is the quest to make things right, as they should be. If we steal, it is right that we should compensate the owner.
- Procedural justice is that people are treated with due process and without unwarranted biases, thus ensuring that those in authority will apply decision-making criteria equally and fairly to all people. If we steal, we are considered legally innocent until proven guilty.
- Distributive justice is the more controversial and complex type of justice. It posits that all people should share societal resources and benefits on some scale based on their individual needs. If we steal to avoid starvation, the mitigating circumstances will temper the consequences of the theft and may even motivate the original owner to extend mercy.

Justice is a complicated virtue. It has to negotiate six values: fairness, equality, equity, liberty, meritocracy, and rightness. Justice cannot happen without these values, and when justice happens, these values are upheld. In other words, we must do the right things the right way to make the right things happen.

- Fairness requires that people are treated equally without partiality and unwarranted bias. We must give people the benefit of the doubt just as we want due process for ourselves regardless of our gender, ethnicity, race, and religion. For example, it is unfair for referees to be inconsistent when calling and not calling fouls during the game.
- Equality means that all persons are entitled to the same rights and responsibilities. We must not exclude others from opportunities for unjustified reasons, just as we do not want to be discriminated against because of our gender, ethnicity, race, and religion. For example, there is no equality when referees favor one team over the other when calling and not calling fouls.
- Equity is proportionately providing what is necessary for people to have what they need to flourish in their present and future situations, given the unequal distribution of resources. We need to be benevolent to others just as we benefit directly and indirectly from the charity of others to gain advantages and opportunities to thrive. For example, it would be inequitable for referees not to allow players to wear corrective lenses or hearing aids and compete on par with other players.

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- Liberty is the value that governs the other values. Individuals thrive when they can pursue any set of goals they wish without being compelled by others unless that pursuit is at the expense of others. We want the freedom to pursue our goals as we see fit. Referees do not prescribe which team members are on the court or what plays the team use, but instead, they adjudicate what is not allowed to happen on the court. Referees call fouls, not plays.
- Meritocracy is axiomatic to liberty and treats people with partiality based on warranted judgments. When we are free to pursue how and what we will contribute to society (liberty), then we should be rewarded according to our abilities and accomplishments. We must allow others to profit from the fruit of their honest labors just as we want to reap what we sow. Referees do not give points but verify points earned and acknowledge victory to the team with the most points.
- Rightness is an ontological value, meaning it is an ideal moral state according to self-evident standards. It is concerned with the way things ought to be. Making things right is the telos, or purpose, of justice. It is what makes the “Golden Rule” golden. It is proper that referees remain objective as they enforce the game rules, adjudicate fouls, and award points with fairness, equality, and equity.

The second category of injustice arises when cherished values and rights collide. Unlike the former, this injustice is not necessarily malicious but the result of inevitable conflicts between individual and social morality. Political theologian Reinhold Niebuhr noted, “As individuals, men believe that they ought to love and serve each other and establish justice between each other. As racial, economic and national groups they take for themselves, whatever their power can command.”⁵

Justice must be accompanied by its companion virtues to be fully realized.

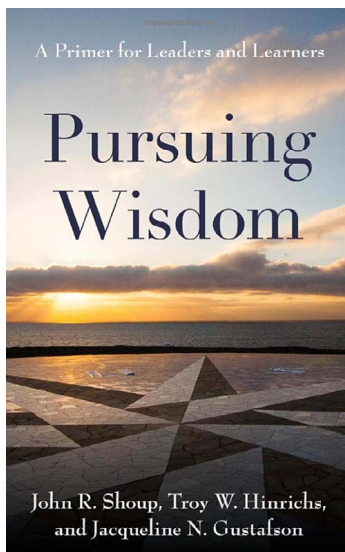
Injustices arising from moral dilemmas are qualitatively different from injustices when people victimize others by privileging themselves. When the values associated with justice come into tension, they can create their own injustices.

For example, the concepts of eminent domain and paying taxes might infringe on individual liberties while at the same time providing what is deemed good overall for the community. Private and religious liberties allow groups to have membership requirements that exclude others which might perpetuate inequalities by being selectively inclusive. These examples capture the essence of a classic dilemma – when do the needs and rights of the group outweigh the needs and freedoms of the individual and vice versa? A dilemma is choosing between two good options rather than between obvious right and wrong options. The U.S. Supreme Court, for example, often decides which set of values should take precedence over others in particular cases.

Hopefully, it is evident that justice is not as simple as often suggested on Twitter or 30-second sound bites. Different categories and types of justice intersecting with multiple values must be considered when discerning and practicing justice. More importantly, justice is not a standalone virtue.

Justice must be accompanied by its companion virtues to be fully realized. For example, if we know what is right but lack fortitude (i.e., courage and endurance), justice will not prevail. Wisdom is the *primus inter pares* (the first among equals) of the virtues. Wisdom helps us discern when to be courageous and avoid being reckless, what type of justice is at stake lest we confuse them, and which values should take precedence over others in particular situations. As is evident from the French Revolution, unless tempered by wisdom and the other virtues, it is too easy for one set of supposed justices to create new injustices.

WHAT IS THIS THING CALLED WISDOM?



That is a more extended conversation for a future essay in this series. In the interim, we direct you to a book we wrote, *Pursuing Wisdom: A Primer for Leaders and Learners*, that explores the nature of wisdom from philosophical, theological, and empirical traditions and provides a model to understand, acquire, practice, and teach wisdom.

Please use the scan code to access additional information about the book and other resources for living and leading wisely available at the Dr. Paul & Annie Kienel Leadership Institute website.



- ENDNOTES -

¹ Fortitude, temperance, faith, hope, and love are the companion virtues that govern justice and wisdom and vice versa and are necessary to promote human flourishing. Wisdom and justice are emphasized in this brief essay.

² Jean Jacques Rousseau submitted his Discourse on Inequality to a 1754 essay competition on “What is the origin of inequality, and is it authorized by natural law?” Rousseau noted that there are natural and moral injustices. The former is established by nature and consists of the range of physical advantages and disadvantages people inherit at birth, such as health, mental acumen, and material circumstances. The latter is perpetuated by people of advantage when they place disadvantages upon others to privilege themselves. This essay deals with justice in the moral sense. Both sets of justices suggest that things ought to be a certain way.

³ Justice is a positive corrective action to an injustice. Injustice is a negative action for the benefit of the perpetrator. For example, violent crime takes liberties away from the victims, hence a negative action.

⁴ McManus, Ward, & Perry (2018) provide a cogent overview of the significant ethical frameworks in their edited book, Ethical Leadership: A Primer. Edward Elgar.

⁵ Reinhold Niebuhr, Moral Man and Immoral Society: A Study in Ethics and Politics (Louisville, Ky.: Westminster John Knox Press, 2001), 9.



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HE WHO KNOWS ONLY HIS OWN SIDE OF THE CASE, KNOWS
LITTLE OF THAT. HIS REASONS MAY BE GOOD, AND NO ONE
MAY HAVE BEEN ABLE TO REFUTE THEM. BUT IF HE IS EQUALLY
UNABLE TO REFUTE THE REASONS ON THE OPPOSITE SIDE; IF
HE DOES NOT SO MUCH AS KNOW WHAT THEY ARE, HE HAS NO
GROUND FOR PREFERRING EITHER OPINION.

JOHN STUART MILLS, ON LIBERTY p. 53
