



JUSTICE: THE ORDER THAT LOVE REQUIRES

A Christian Perspective on Justice and Human Rights

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I. What is Justice?

The prophet Micah proclaims “He has shown thee, O man, what is good and what the Lord requires of you – to do justice, love mercy and walk humbly with your God.”¹ So how does the Bible² define justice? What does it mean to seek justice for the poor and oppressed in today’s world? Justice can be defined as the exercise of power and authority to order society according to God’s standards.³ Put more simply, justice is *the order that God’s love requires*.

II. Accountability, Restoration and Transformation

Scripture makes it clear that God's justice requires accountability, restoration and transformation. Justice includes the exercise of power and authority to (i) **hold offenders accountable** for their abusive/oppressive behavior⁴, (ii) **restore victims of injustice** by removing them from the abusive/oppressive situation and bringing healing and relief, as well as **restore offenders** to society (where possible) through restitution and other appropriate rehabilitative measures⁵ and (iii) **transform unjust structures and systems** into those that more

¹ Micah 6:8

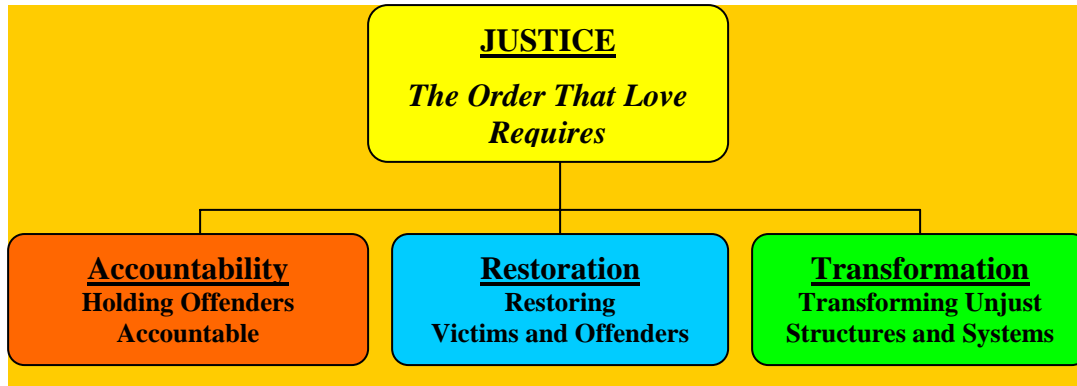
² For purposes of this essay, the term "Bible" means the Hebrew Bible (Christian Old Testament) and the Christian New Testament.

³ Gary A. Haugen, *Good News About Injustice*, Intersity Press (1999) at 71 [hereinafter “Haugen”].

⁴ Often called retributive or *criminal justice*.

⁵ The term “restorative justice” is increasingly used in the criminal justice field to describe a holistic approach to crime that focuses on victims, offenders and the community where the crime occurred. For example, Prison Fellowship’s Center for Justice and Reconciliation defines restorative justice as “a systematic response to wrongdoing that emphasizes healing the wounds of victims, offenders and communities caused or revealed by criminal behavior.” See generally, www.restorativejustice.org. See also, Zerr, *Changing Lenses*, Central Mennonite Committee (1999). Zerr argues that true biblical justice is achieving “shalom” as defined in the Old Testament.

justly distribute the benefits of society (i.e., security, economic opportunity, education, political participation, etc.).⁶



Components of Justice

III. Love and Justice

Some theologians have argued that the concept of justice is limited to accountability or retribution and that concepts of restoration and transformation are not really justice at all but rather an expression of love. But as Stephen Charles Mott points out, “justice is not a different principle, in contradistinction to love; rather it expresses in terms of fixed duty and obligation the appropriate response to love in certain social situations.”⁷ Loving actions may take place in an evil society, such as a slave society. But if the order of society is not changed then love itself is thwarted. Justice, then, is *the order which love requires*.⁸ As depicted in the diagram below,

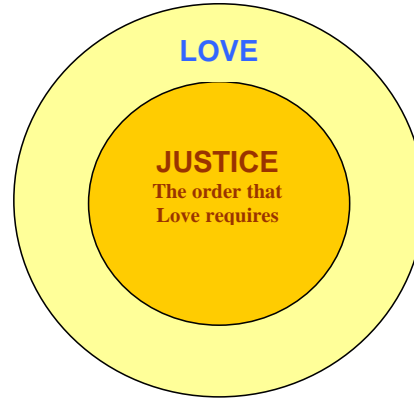
⁶ Some authors have defined this as “distributive justice.” See, e.g., Stephen Charles Mott, *Biblical Ethic and Social Change*, Oxford University Press (1982) at 56ff [hereinafter “Mott”]. See generally, John Warwick Montgomery, *Human Rights and Human Dignity*, Probe Ministries International (1986) [hereinafter “Montgomery”]. Mott uses the terms “retributive justice” and “distributive justice.”

⁷ Mott at 54. See also, Reinhold Niebur, *Christian Realism and Political Problems* (New York, Scribner’s, 1953), 167 “The effort to confine agape to the love of personal relationships and to place all structures and artifices of justice outside that realm makes Christian love irrelevant to the problem of man’s common life.” Id. See generally, Chester Woods, *A Biblical Theology of Justice* (Unpublished Manuscript).

⁸ Mott.

while justice is the order that love requires, love transcends justice. Love can never do less than Justice. It can only do more.⁹

***Love can never do less than Justice.
 It can only do more***



The Bible applies the terminology of justice extensively to restorative and transformative functions, which in the Bible are continuous with the concept of love. Of the Hebrew words for justice, *sedaqah* has the sense of a gift, of abundance and generosity, and *mispat*¹⁰ also often communicates relief, release, and deliverance.¹¹ Moreover, principles of restitution set forth in

⁹ Mott at 250. [quoting Daniel Day Williams, *The Spirit and the Forms of Love* (new York, Harper, 1968)]. To paraphrase 1 Cor. 13:3 “if I work for justice but do not have love, *I am nothing*.” Unless a loving attitude of respect for my neighbor motivates justice, the act is empty from a spiritual perspective. Moreover, loving acts may go well beyond what justice demands. While justice does not require a soldier to throw his body on a grenade to save his companions, love may motivate him to do so. “Greater love hath no man than that he lay down his life to save his brother.” John 15:13.

¹⁰ Mispat most commonly means either a legal decision or the legal claim of an individual. In the plural it signifies laws and ordinances. Mott at 79.

¹¹ Mott at 62-63. The language of justice in the Bible is not always readily apparent to the English reader due to the ambiguity of the terms righteousness and judgment. The following chart shows the primary Hebrew and Greek words which approximate the English term *justice*.

| <u>Language</u> | <u>Original Term</u> | <u>Translation in English Bibles</u> |
|-----------------|-------------------------------|--|
| Hebrew | Sedaqah mispat | righteousness, justice justice, judgment |
| Greek | Dikaiosyne krima krisis | righteousness, justice judgment, justice judgment, decision, justice |

Generally, where *righteousness* or *judgment* are used in the context of social responsibility or oppression, the better translation would be *justice*. *Id.* See also, *Haugen* at 71, “In the Old Testament [Hebrew Bible] the Hebrew words for justice and righteousness are almost interchangeable, both indicating a conformity to God’s standards of holiness or moral excellence.” *Id.*

the Scriptures reflect God's concern for the restoration of both victims and offenders.¹² Some of the best examples of laws related to restoration and transformation in Scripture are set forth in the Mosaic legislation regarding the Year of Jubilee and the Sabbath Year.¹³ In the agrarian society of ancient Israel, land was the basic means of producing wealth. Land was initially divided equally among God's people. Thereafter, the land could be used by each family or transferred to others for their use but at the end of every fifty years all land was to be returned to the original owners.¹⁴ This law ensured that the means of producing wealth would never become concentrated into the hands of only a few individuals. Instead, the means of production would be *restored* to each family at the end of 50 years. Similarly, restorative and transformative justice principles in ancient Israel required that debts be canceled at the end of seven years, that forced labour be abolished and that Hebrew contract labourers be treated as hired servants (rather than slaves) and released from their contract after six years of service.¹⁵ These principles ensured that individuals would not become trapped in an endless cycle of slavery or debt but instead would have access to the means of producing (through hard work) an abundant life for themselves and their family.

IV. Biblical Duties and Human Rights

Principles of justice related to accountability, restoration, and transformation set forth in the Bible establish God's standards regarding the proper ordering of society and lead to the idea of human rights.

¹² See e.g., Ex 22:1-14.

¹³ Leviticus 25; Deut. 15.

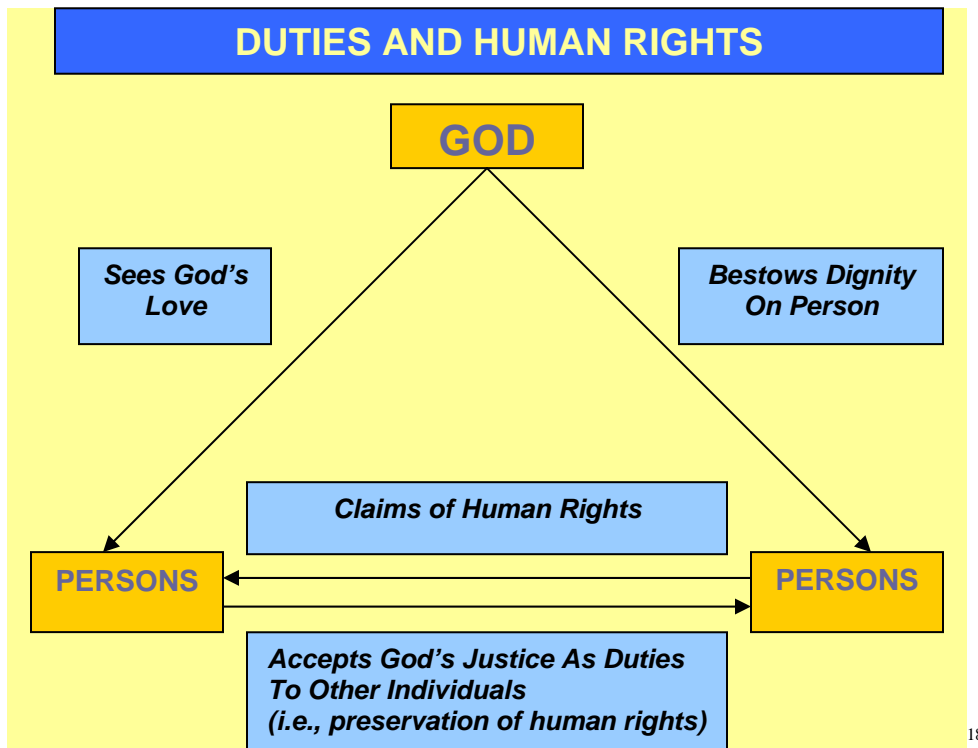
¹⁴ Land could not be permanently sold because "the land is mine" Lev. 25:23. Lev. 25:39-40;43. In addition, certain assets such as a mill or an upper millstone could not be taken as security since in the Hebrew society, life virtually depended on them. Deut. 24:6.

¹⁵ Exod. 21:2

As Mott explains:

Although the Bible does not have a catalogue of duties called “human rights,” it does reveal claims of justice which function as rights for each member of the community; some translations perceptively translate the justice terminology at times as *rights* (e.g., Jer. 5:28: “They do not defend the *rights* [mispāt] of the needy,” RSV). The later practice of specifying human rights in a catalogue or bill is an important development, for it clearly identifies the agreed-upon minimum in social relations.¹⁶

These claims are the fabric of justice, defining the order that love requires.¹⁷ These rights are not claims against God but rather claims against other men based on God’s love for all humanity.



Because God bestows dignity on each person, each person in society (individually and collectively through the institutions of society) has a duty to treat all persons with dignity and

¹⁶ Mott at 52.

¹⁷ “Defined and acknowledged rights are an essential element of justice” Mott at 53. See generally, Montgomery. See also, Woods , Chapter 2, discussing Genesis 2. “In God’s eyes all mankind is royal. All of humanity is related to God, not just the king. This kind of insight lays the ground work of understanding that God’s intention for humans is that all should have rights before God and therefore in society.”

¹⁸ Adapted from Mott.

respect and individuals have a corresponding right to such treatment.¹⁹ In terms of justice, these duties fall on the government as well as individuals and private institutions with the capacity to ensure that the rights are realized. As John Warwick Montgomery points out: “If God Almighty declares--as He has done in the Scriptures--that widows, orphans, the disenfranchised, and the downtrodden are to be taken care of by the more fortunate--then the rights involved are made highly specific and the corresponding duties fall on every person in a position to help.”²⁰

Since rights arise from corresponding duties, human rights can be derived from Scripture by examining duties set forth in the Bible related to ordering society. These duties and their corresponding rights include political rights, security rights and economic/social human rights as set forth in detail in the attached exhibits. For example, in the political sphere, Deut. 16:18 states “do not pervert justice or show partiality” and Amos 5:12 says “[do not] deprive the poor of justice in the courts.” From these passages and others, it is clear that there is a biblical duty of impartiality and fair procedures in the courts, regardless of economic or other status. The corresponding right, is a right to due process, to fair procedures before the court.

In the area of security, the Bible teaches that there is a duty to refrain from practicing forced labour or slavery.

If a fellow Hebrew, a man or a woman, sells himself [by choice] to you and serves you six years, in the seventh year you must let him go free. And when you release him, do not send him away empty-handed. Supply him liberally from your flock, your threshing floor and your winepress. Give to him as the Lord your God has blessed you. Remember

¹⁹ Mott at 53. At the same time, individuals have certain duties towards society (e.g., the duty to work (if, able), 2 Thes 3:10; and the duty to submit to governing authorities, Rom. 13:1).

²⁰ Montgomery at 173. This is the same argument that Nobel Prize winner Amartya Sen makes in his book *Development as Freedom* (Random House, Inc.) 1999 [hereinafter Sen]. As Sen explains, in addressing the question of how one can be sure that rights are realized unless they are matched by corresponding duties, “While it [may not be] the specific duty of any given individual to make sure that the person has her rights fulfilled, the claims can be generally addressed to all those who are in a position to help.” Sen at 230. See also, United Nation Development Program, Human Development Report 2000 (Oxford University Press) (2000) at 19-26.

that you were slaves in Egypt and the Lord your God redeemed you. That is why I give you this command today. Deut 15:12-15

The corresponding right is a right to be free from such forced labour and slavery.

In the area of economic and social rights, the Year of Jubilee and the Sabbath Year principles establish a duty to provide all citizens with access to the means of production. The corresponding right is a right to access to the means of production and to basic standard of living adequate for the health and well-being of oneself and of one's family. That right also requires personal responsibility on the part of each person since it only promises access to the "means" of production. As Thessalonians 3:10 says "if a man will not work, he shall not eat".

Justice, then, is the societal order that God's love demands. It requires the (i) exercise of *retributive* power and authority to hold those accountable who violate another person's God-given rights, (ii) *restorative* power and authority to restore victims of injustice to a position in society where they experience healing and relief as well as to restore offenders to society, where possible, and (iii) *transformative* power and authority to transform unjust structures and systems to ensure that each person in society can enjoy their right to life, dignity, liberty and the fruits of their love and labor.

God calls us to intervene for victims of injustice and by the power of the Holy Spirit to seek and achieve justice within the spheres of influence where we exercise power and authority. As the prophet Amos declared, we are called "to let justice roll on like a river, righteousness like a never-failing stream!"²¹ For more information about how you can help those suffering injustice contact Justice Ventures International at info@justiceventures.org or visit our website at www.justiceventures.org.

²¹ Amos 5:24.

HUMAN RIGHTS DERIVED FROM BIBLICAL DUTIES

| <u>POLITICAL</u> Biblical Duties and Corresponding Human Rights | | |
|---|--|---|
| <u>Duties</u> | <u>Human Right</u> | <u>Related Article(s) in Universal Declaration of Human Rights</u> |
| Duty to submit to the rule of law (Rom. 13:1, Dt. 17:18-20; 1 Pet 2:13-14) Duty to punish violators of the law and treat citizens fairly (Rom. 13:4) Duty to treat individuals impartially in judicial proceedings. Exod 12:49; Lev. 23:22; 24:22; Num. 9:14; 15:15-16 Duty to pay taxes (Rom. 13:1) | Right to equal treatment before the law Right to a participatory form of government (i.e., right to participate in making laws) | Article 6 Article 7 |
| Duty to ensure everyone has access to the legal system and is afforded a fair trial. (Ex 23:6,8; Lev. 19:14-15; Dt 1:17; 10:17-18; 16:18-20; 17:8-13; 19:15-21) Duty to give true and accurate testimony (Ex 20:16; Dt 5:20; Ex 23:1-3; Lev 19:16; Dt 19:15-21) | Right to access to legal services (right to litigation and transactional legal services in criminal and civil matters) Right to due process (fair legal procedures) | Article 10 Article 11 |
| Duty to provide restitution to victims. (Ex 22: 1-14) | Right to an effective legal remedy for rights violations | Article 8 |
| Duty to allow individuals freedom of thought, conscience and religion. (John 7:17; Romans 14; Rev. 3:20) ²² | Right to freedom of thought, conscience and religion | Article 18 Article 29 |

²² As Montgomery explains:

Jesus never forces Himself on man, and the true Christian believer can hardly justify doing what his Master will not do. Thus, even viewed from the standpoint of absolute truth of the gospel, repressing non-Christian beliefs is indefensible: in removing freedom of religious choice, one removes in principle the opportunity genuinely to choose Christ himself.

Montgomery at 171-172.

| <u>SECURITY RIGHTS</u> Biblical Duties and Corresponding Human Rights | | |
|---|--|---|
| <u>Duties</u> | <u>Human Right</u> | <u>Related Article(s) in Universal Declaration of Human Rights</u> |
| Duty to ensure persons are free and secure from physical harm. (Ex 20:13; Dt 5:17; Ex 21:16-21; 26-31; Lev 19:14; Dt 24:7; 27:18) | Right to life, liberty and security of persons. | Article 3 |
| Duty to refrain from practicing forced labor or slavery. (Ex 21:2, 5-6; Lev 25; Dt 15:12-18; Dt 24:7) | Right to freedom from forced labor/slavery. | Article 4 |
| Duty to refrain from excessive or dehumanizing punishment. (Dt 25:1-5). | Right to freedom from torture, or cruel, inhuman or degrading treatment or punishment. | Article 5 |
| Duty to refrain from arbitrary police action and detention. (Dt 19:15-19) | Right to freedom from arbitrary arrest, detention or exile. | Article 9 |
| Duty to ensure each person's property is secure from theft or other harm from others. (Ex 20:15; Dt 5:19; Ex 21:33-36; 22:1-15; 23:4-5; Lev. 19:35-36; Dt 22:1-4; 25:13-15) | Right to security of property. | Article 17 |
| Duty to preserve marriage and family relationships. (Ex 20:14; Dt 5:18; Lev 18:6-23; 20:10-21; Dt 22:13-30; Eph 5:22-33; Lev 20:1-3) Duty to care and provide for spouse, children, and other relatives (1 Tim 5:8) | Right to marry and to be free from abuse within the family relationship. | Article 16 |
| Duty to refrain from sexual exploitation. (Lev 18:6-23; 19:29; 20:10-21; Dt 22:13-30, 23:17-18) | Right to protection from sexual exploitation. | Article 3 Article 4 |

| <u>ECONOMIC/SOCIAL RIGHTS</u> Biblical Duties and Corresponding Human Rights | | |
|---|---|---|
| <u>Duties</u> | <u>Human Right</u> | <u>Related Article(s) in Universal Declaration of Human Rights</u> |
| Duty to provide all citizens with access to the means of production. Lev. 25:25-28; 36-36; Ezek. 47:14; Micah 4:4; Deut. 15:4; 1 Kings 21; Isaiah 65:21-22; Num. 26; Deut 24:6; | Right to access to the means of economic production (access to capital, e.g., land, equity, loans; access to information; access to training and technical assistance including legal services to organize, mobilize and protect capital, labor and information; and ability to trade freely) | Article 25 |
| Duty to work. (Ex. 20:8; 2 Thes. 3:1-13) Duty to treat workers fairly. Duty to rest and ensure available rest for those under your authority. Ex 20:8-11; Dt 5:12-15; Ex 23:12. Lev. 19:13; Dt 24:14; 25:4; Jas. 5:1-5; | Right to work, and to equitable conditions of work (including, but not limited to, equal pay for equal work, safe working conditions and periodic rest) | Article 23 Article 24 |
| Duty to care for the poor and other vulnerable members in society through the provision of basic food, shelter, health care, security and other basic public/community services. (Lev. 19:9-10, 23:22; Dt. 14:28-29, 15:4, 11; 24: 6, 19-22; Isaiah 58; Ex. 23:11) Duty to work. (Ex. 20:8; 2 Thes. 3:1-13) | Right to a standard of living adequate for the health and well-being of oneself and of one's family (including access to basic food, shelter/housing, health care, security and other basic community/public services) Note: this right is qualified by an individual's duty to work. | Article 25 Article 29 |
| Duty to educate individuals about God and the world. (Dt. 6:7, 11:19; Matt. 28:18-20) See also, biblical references related to other duties/rights, i.e., duty to educate is implicit in duty to ensure access to means of production, freedom of religion, and other duties, etc.) | Right to education (especially with respect to information/knowledge required to exercise/realize other rights) | Article 26 |