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Introduction to Ethics

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Love or Justice

“Justice is an approximation of love under conditions of sin.”

Although Reinhold Niebuhr never defined justice using these words, this one statement summarizes his thoughts surprisingly well. This connection between love and justice is beautiful in its simplicity and expansive in its implications. It gives us the means (justice), the motive (the ideal of love), and the opportunity (our whole world, which is marked by imperfection and sin) for doing good in the world.

It is also extremely controversial. Almost every term is packed with multiple, obscure denotations, infinite connotations, and almost as many theories developed in attempts to make concrete exactly what we mean when we say them. Under many reasonable interpretations of the words, the statement is untrue. A careful reading of Niebuhr can uncover what he meant by those words, only after which is it possible to evaluate what he meant by the statement as a whole. As ethicists, it is then our duty to evaluate the implications of this statement against other theories and common sense to determine if its normative content is concurrent and useful.

1 Niebuhr's Thought

Niebuhr speaks against those idealists who try to “substitute the law of love for the spirit of justice instead of recognizing love as the fulfillment and highest form of the spirit of justice.” Such a substitution is both impossible and its attempt harmful through the obfuscating rhetoric associated with it, because we live in a world where the law of love cannot be fulfilled.

When Niebuhr speaks of the “law of love” he refers to law exemplified in Matthew, 22:35-40:

One of them, an expert in religious law, asked him a question to test him: “Teacher, which commandment in the law is the greatest?” Jesus said to him, “Love the Lord your God with all your heart, with all your soul, and with all your mind. This is the first and greatest commandment. The second is like it: Love your neighbor as yourself. All the law and the prophets hang on these two commandments.”

In this world, we are inevitably too distracted by our own self-interests to follow the law of love. “The pronouncements of church bodies and the preachments of the pulpit tend to smell of sentimentality in our day because the law of love is presented without reference to the power of the law of self-love” (26)¹.

¹Note: unattributed page numbers are from *Love and Justice*

2 The Nature of Love

Love is an ambiguous term in any language, and more so in English than some others. The Greeks, for example, has four words for love. *Éros* is sexual or physical love or attraction. *Philia* is love between friends. *Storgé* is familial love, as between parents and their children. *Agápe* is used for unselfish love and might be translated “cherishing”. In addition, one can consider such related terms as devotion, philanthropy, compassion, which all have aspects of love.

In addition, love can exist in different forms, perhaps simultaneously, perhaps solely. Our most intuitive understanding of love is as a feeling. The feeling of *eros* is exemplified in limerence, and other forms of love can have similar feelings. Some of the feelings that might be associated with *storgé* and *agápe* are of security, calmness, and confidence.

Love sometimes (perhaps always) also exists as an action. Once again, *eros* provides a convenient example: unrepressed desire or lust finds its home in the pursuit of the thing sought. It is often said that the goal in Christianity is to follow God’s path and that good works will naturally follow from that— *agápe* in action.

Finally, love can be a state within which one can exist. Love is not something that can go away when one gets distracted; it is part of someone in themselves, and this explains why it hurts so badly when it is taken away. Love as a state is characterized by the nature or self of the person imbued with it changing. The exact nature of this change is difficult to

describe, but it seems to be related to the Romanticist view of love, where the self is changed by a kind of opening up of one individual to another or sharing between the two of who they are in themselves. One comes to consider another (such as one's neighbor) as important as oneself.

Niebuhr notes that the love asked of us in the law of love is *agápe*, and that while this is difficult, in isolated cases, it is possible. He says that "the love that is asked of us does not move on the plane of emotion" (220). It also becomes clear that his love is neither feeling nor action, but state. He hints at the sharing of selves involved by noting that "where love is perfect the distinctions between mine and thine disappear" (32).

At the same time, Niebuhr acknowledges that love cannot be perfect in our world. There is too much self-love, and that will always get in the way the love of one's neighbors. In the essay, "When will Christians Stop Fooling Themselves?", Niebuhr speaks out against idealists who would deplore selfishness because they fool themselves into believing the "illusion that they can be so unselfish that they will be able to grant other people justice without any pressure on [themselves]" (42). Elsewhere he says that "a simple Christian moralism counsels men to be unselfish. A profounder Christian faith must encourage men to create systems of justice which will save society and themselves from their own selfishness" (28). Were perfect, universal love possible, society would "work" with no laws other than the law of love, but it is not possible.

3 The Nature of Justice

Because perfect love is impossible, we need systems of justice. Justice is almost as ambiguous a term as love, because it is very difficult to say just what it is, how it is obtained and used, and what it feels like to be under its influence. Niebuhr claims that “love is the fulfillment and highest form of the spirit of justice” (25). However, no where does Niebuhr define justice in specific terms (Callen 1).

John Rawls developed a theory of justice based on what might be necessary to create a just society, in his book A Theory of Justice. Rawls claimed that it is impossible to design a society that is completely just in our current states, because we will invariably be blindsighted by our prejudices and biases (the self-love of Niebuhr). Instead we must be made to know nothing of our position, natural abilities, or connections in the our newly designed society, a condition Rawls calls a “veil of ignorance.”

Actually putting a person or group behind a veil of ignorance is unlikely, if not impossible. However, using this as a thought experiment, Rawls described what he believed would be designed. Much of Rawls theory is outside the bounds of this essay, however the two most important points of his just society are that (a) Every individual have as much liberty as possible for all to have that much, and (b) inequalities are designed to be to everyone’s advantage and attached to positions open to all.

In general, justice is not as context-free as this. Libertarians are quick to point out the

justice of a society wherein everyone is free to make any kind of contract. If everyone in such a society is initially given a fair share of available resources, by means of voluntary contracts, some will soon have more resources and wealth than others. The Libertarian claim is that the initial state was fair and just, and the effects of every contract which both parties voluntarily entered is perfectly just, so the final state must be just.

Such logic is difficult to argue against. Nonetheless, such a society would see many things alien to the law of love. Persuasive and sly individuals would soon possess more resources by convincing less intelligent or more ignorant individuals to enter into unfair (but just) contracts. Moreover, when an individual, through folly or accident, found themselves in a poor situation, none would have any obligation to help them.

Judgments are always a necessary part of justice. In fact, one can say that judgments alone (along with their effects) are the things which can be called just or unjust. For a judgment to be just, it must consider the truth of each side without preconceptions or bias. In other words, it must evaluate the situation starting from behind a veil of ignorance.

The two most important features of just judgments are non-arbitrariness and disinterest. That is, justice must take into account as much of the applicable information as possible and use that information in a way that is previously defined and agreed to. It must also take into account the applicable information without regard to the non-applicable aspects of the situation, as prejudice and self-interest on the part of the judge would encourage. Justice comes from clear understanding of rights and responsibilities.

The issues that arise in arguments against Libertarians may be addressed in a manner similar to the arguments against the law of love. In the Libertarian society, people are allowed to make deals which irrevocably worsen their situation in life. However, in the ideal Libertarian society, where all contracts are made with complete knowledge, that would not happen. The reason people make foolish deals is because they are encouraged to see only part of the effects of the deal.

Again, it is impossible to obtain the ideal in this world. Absolute knowledge is no more possible than universal love, and Libertarians make the same mistake as the Christian idealists be speaking only of the splendiddness of their structure for society without reference to how that splendiddness will be warped in our world. For example, philosophically, under a Libertarians system, there's no need for laws regulating business practices save in the honoring of contracts and initiation of force, "consequently, we oppose any government attempts to regulate private discrimination, including choices and preferences, in employment, housing, and privately owned businesses" (qtd. in Finkelstein). The dangers of trying to implement their ideal in the world as it currently is are obvious.

4 The Differences between Love and Justice

If Niebuhr is right that justice is an approximation of love, then love and justice should have the same or similar aspects, except where love has the aspects in a purer form and where

justice has “patches” to make up for the imperfection of the law of love.

One difference which supports this view between attempts at universal *agápe* and complete justice is that arguably a society based on less-than universal *agápe* would be asymptotically more ideal, while a society based on less-than complete justice might not be. For example, if everyone failed to love their neighbors as themselves, but society was set up such that people showed benevolence toward their neighbors, life would be better for all. However, if the Libertarian society were developed when people only have partial knowledge of the effects of their contracts, the results could be devastating.

However, there are also differences which do not suggest this. Justice has as a fundamental component the concept of rights and responsibilities. Within justice, differentiation and individual action is not only assumed— it is essential. Love has no such reliance. In fact, the law of doing unto others as you would have them do to you may be relies on the coherence of individuals.

If there is a law of love, which says to love your neighbor as yourself, one can similarly construct a law of justice. The law of justice is to be just to your neighbor, even as he is just to you. The law of justice is basically a statement which says that justice should be everywhere.

Niebuhr believes that in a state of universal love (*agápe*), the law of love and the law of justice become one and the same. He acknowledges that such a state is impossible for human beings,

but maintains that the connection is profoundly useful even in a world as sinful as ours.

Niebuhr's strongest argument for this claim is that in the state of universal love, there is no reason or significance to distinguishing between my claims, possessions, and position and yours. "Justice requires discriminate judgments between conflicting claims" (28). "Where love is perfect the distinction between mine and thine disappear" (32).

Clearly these statements are not true under any of the definitions of love presented above. If love is a feeling, then universal *agápe* acts as a complete discouragement from pursuing any evidence of these differences, although they may exist. If love is an action, then it can be synonymous with the action of not pursuing such differences as might exist.

If love is a state, the state of giving oneself up entirely to another (and hopefully an equal in return), then does it make sense for there to exist differences, and if so, do those differences require the tool of justice?

In other words, one expects that if justice is an approximation of love, as love becomes more perfect and universal, justice would improve and expand similarly. Instead, one finds that the concept of justice has no bearing on the situation. It is not that justice becomes ideal or corrupted, but rather that justice ceases to exist under the law of love.

I claim that justice and love are fundamentally different in their purpose, recipient, and desired goal. Consider the difference between justice, fairness, love, and charity.

One difference between all of these is what is considered to be the same and different between the individuals involved. In justice, all individuals judged from the same point of view, but each with an arbitrary number of individual, different factors. In love, everyone is a neighbor (a fellow human being, worthy of love), but the ways this love shows is completely individualistic. In fairness, every individual is placed in the same situation, whether or not it suits them similarly. Charity differs from love in that people are considered deserving in proportion to their suffering, but similar in individualistic actions.

All this requires some interpretation. People can be approached in different ways: here either as all the same or without preconceptions. Ideally, love and fairness approach people as fundamentally the same, while justice and charity approach them as different in to-be-determined ways. The manner in which people are treated can be determined different ways: either by internal factors (what they are) or external factors (their situation or context). Put another way, it can be determined by how they affect their situation or by how their situation affects them. In their ideal form, love and charity are based on internal factors, while justice and fairness are based on external factors.

There are also a variety of levels upon which one can apply the concepts of justice, fairness, and charity. They can be used with an individual, and this is the sense in which they are often used. They can also be used with a group, whether of a few individuals, or of a complete society. Because justice is based on rights and responsibilities, in as much as these are defined, just decisions may be made with respect to such groups. Similarly, they can

be compared to other groups of their same size or type or context for the distribution of opportunity and aid, with fairness and charity.

Can love be applied or used with a group? Martin Luther King, Jr. seems to think so. In answering the question, “Who is my neighbor?”, he says

“I do not know his name,” says Jesus in essence. “He is anyone toward whom you are neighborly. He is anyone who lies in need at life’s roadside... He is ‘a certain man’—any needy man— on one of the numerous Jericho roads of life.”

However, there is stronger sense in which it is not possible to love someone whom you have never met. One cannot become one with someone one does not know. Love is based not only on the appreciation for similarities, but necessarily also on the appreciation of differences. Niebuhr believes that “nations, classes, and races do not love one another” although “they may have a high sense of obligation to one another” (25).

The type of society based on a single law of that aspect would be different in each case. A society based on the law of love would be a paradise of community— everyone would be as a single person. This is similar to how Communism is supposed to work, in a Marxist sense. The Libertarian society based on perfect knowledge along with the law of justice would also be a paradise, but it would be one of individuality and self-improvement. A society based on the law of fairness alone would be dangerous for the ambitious indeed! Finally, the society of the law of charity would have absolute security— socialism carried to its furthest extent.

The societies of fairness and charity could converge to the same, but let us assume that the society of fairness maximizes the freedom of its members, except for maintaining equal opportunity.

Each of these societies differs from the others in certain aspects. For example, consider freedom. The most free of these societies is that based on fairness because one could do anything and recover from it. Second to this is the Libertarian society, in which one is constrained only from doing things which harm others. On the other side of the spectrum are societies in which one is required to actively take part in the betterment of those who need it. The society of charity is the most extreme, and one's life would be dominated by doing and giving to help those incrementally less fortunate than oneself. The society of love is little better— the concept of individual freedom is of little use, and helping one's neighbor is a constant duty.

Niebuhr argues that we could not have a society based solely on justice. He claims that “without the 'grace' of love, justice always degenerates into something less than justice” (28). However, the same could be said of love: without justice, self-interest is too powerful a thing. In the ideal state of love, it is true that justice is unnecessary, but the same is true of the ideal state of justice.

These examples suggest that in some aspects ideal love and justice are differ only by a matter of degree; in others, they are polar opposites. Love and justice are not the same things. In fact, they are different at a fundamental level. They are also independent, as shown by the

fact that a reality based only on the law of love or only on the law of justice is conceivable to us.

This all results in a devastating pair of conclusions. In a state of universal love, there is no need for justice. In a state of complete justice, there is no need for love. The resulting societies are very different— perhaps even diametrically opposed. The ideals of each converge to different worlds, and at those ideals, the two do not overlap. However, in between and beyond those two ideal states (where beyond may be interpreted as less than ideals, skewed away from both love and justice), the two are complimentary. “The law of love is involved in all approximations of justice, not only as the source of the norms of justice, but as an ultimate perspective by which their limitations are discovered” (Niebuhr, An Interpretation 85). In our normal world, “natural justice is good as far as it goes, but it must be completed by the supernatural virtue of love” (49) and visa versa.

5 A Meta-Ethical Search

Elsewhere in philosophy, when presented with two incompletely opposed ideals, it is considered a duty to search around to understand why there are two, if that many and that few, and to see if there is something which ties the two together, even as it explains their separate existence. I assume the same is true of the study of ethics.

The many things that are the same or similar between these two are ideals include

Universality By virtue of being laws, these ideals are meant to apply to everyone and be applied by everyone, as much as is possible. For justice, everyone is expected to practice a lesser form of the law: either to not interfere with the rights and responsibilities of others or to know to take a situation to one capable of judging it. For love, everyone is to love their neighbors.

Reciprocity Each law applies as a relationship between two groups, in equal ways. Both love and justice are to be applied to those around us, and we hope that those around us similarly apply them to us.

Normativity Obviously, both these laws have an ethical message. Following the law of love is ethically the right thing to do; to give justice and act justly is the right way to act.

There are many differences between the two. A few of them are:

Reactivity The law of justice is passive; it requires nothing of us, although it does restrict us from doing some things. The law of love, on the other hand, is active; it requires that we go forth and show love to those in need of it on one of the “Jericho roads of life.”

Arbitrariness Justice, by definition, is not arbitrary. It is precisely as fluid and differing as it is designed, in writing, to be. Love, on the other hand, requires the full use of one’s reason and predictive ability to make the help given in the situation as personalized and appropriate as possible.

Degree of Constraint The law of justice allows complete freedom and requires individual, independent activity. The law of love seeks to place different people in a relationship which makes them work in concert— as one.

There is another law which combines all of these aspects. It is the golden rule, in at least some of its forms. One form of the Golden presented in the Gospels of Matthew (7:12) and Luke (6:31) is consistent with both the laws of love and justice. In these passages, there is no mention of love, only treatment. The two say the same thing: “Whatever you wish that men would do to you, do so to them.” This essay will not delve into the meaning and interpretation of the golden rule, except in its relationship to love and justice.

Much has been said about the universality of the golden rule. It plays central roles in many religions, some so far as to say that it is the summary of their entire ethical teaching. For example, Hinduism, in the Mahabharata, “This is the sum of duty: do naught to other which if done to thee would cause thee pain.” In Judaism, from the Talmud, “What is hateful to you, do not to your fellow men. That is the entire Law; all the rest is commentary.” Along with the above loving one’s neighbor, it is said that the law to love God, “On these two commandments depend all the law and the prophets” (Matthew 22:40).

One major difference between these and the golden rule from Christianity is that the quotes from Hinduism and Judaism suggest a negative, passive rule— one which constricts what one can do. In contrast, the Christian rule is positive and active: it places the restriction that one do something one would otherwise not do. This points to the tendency for Christians

to mix up the law of love and the golden rule.

Consider how the golden rule stands up to the various similarities and differences between these two laws.

Universality The golden rule is a law, like the other two, and as universal. It calls all people to follow it in everything they do (everything that involves other people, which is essentially everything).

Reciprocity The golden rule is worded like the law of love: act in such a way toward others and they should act the same toward you.

Normativity Not only is the golden rule Normative to the highest degree, it has that role in many, many religions, including (arguable) Buddhism, Hinduism, Islam, Judaism, Shinto, and Christianity.

Reactivity The law of justice is restrictive (and passive); the law of love is prescriptive (and active). The golden rule is reactive— in as much as you do unto others, the golden rule specifies how it is to be done.

Arbitrariness The golden rule is not meant for making anything but personal decisions, and as such it uses the whole of one's personal knowledge. It cannot be arbitrary, nor can it be enacted without independent decision-making, however the essence agrees more closely with the spirit of the law of love.

Degree of Constraint In this case, the golden rule agrees with the law of justice. Human beings are naturally free, and the Golden Rule does not try to change that.

Both the laws of love and justice agree on the golden rule, but the golden rule does not specify a complete guide to the conduct of one's life. It can do so, but only on the assumption that it is right and good to otherwise follow one's independent inclinations (of self-interest) with otherwise complete freedom. This is the gist of the Wiccan Rede, "An it harm no one, do what thou wilt."

Joseph Butler would argue that this is precisely what human beings were meant to do. Human nature itself is so designed that self-interest is eventually synonymous with the good of all, he claims. "Conscience and self-love, if we understand our true happiness, always lead us in the same way" (53). The discussion of whether or not he was right is outside the bounds of this essay, however his ideas suggest a hole which would complete this ethical theory of personal conduct.

There is one strong reason for why Reinhold Niebuhr chose the law of love over the golden rule. Niebuhr was writing during the most destructive and devastating wars in history. Niebuhr supported this war because, he said, it would be unrealistic and foolishly idealistic. In a letter to a pacifist, Niebuhr said,

Your difficulty is that you want to try to live in history without sinning . . . our effort to set up the Kingdom of God on earth ends in a perverse preference for

tyranny, simply because the peace of tyranny means, at least, the absence of war
(270).

The golden rule, alone or without warping interpretation, is clearly against such an evil as war. It is wrong to kill another (because you would not wish him to do the same to you). QED.

Just War Theory concerns the conditions which make a war just. One can develop an analogous “Loving war theory”, although the theory would be deceptively simple: a war is never loving. War is the response to living under conditions of unacceptable sin.

Under such conditions, love is still possible, as Martin Luther King, Jr. showed. The kind of love is, once again, “neither of *eros* nor *philia*; he is speaking of *agápe*, understanding and creative, redemptive goodwill for all men” (King 52).

Niebuhr claims that, unlike the reactive law of the golden rule, the law of love does allow such a thing as a Just War. Like King, Niebuhr claims that it is possible to love one’s enemy, in the sense of *agápe*, even if it is not possible in the sense of *philia*.

However, King also showed that it is possible to win a war without violating the golden rule. Even in a situation as unjust as one which requires change, Jesus speaks out against war. “He said to them, ‘Behold, I send you forth as sheep in the midst of wolves.’ And he gave them a formula for action, “Be ye therefore wise as serpents, and harmless as doves” (King 13).

The golden rule rises above the laws of justice and love to call for living the lives of serpents and doves. The law of love asks us to show love to our neighbors constantly, just as the law of justice asks us never to think we know the future, but instead to do unto people as they have been asked to be done. The law of justice is not an approximation of love. It is a law that implies different things and suggests different modes of actions and structures of society. The fact that the laws of love and justice are part dependent and part independent suggests that they are not entirely separate things, but were cut from the same root. That root is none other than the golden rule, and it is as complete as the other two. Life need not be love and justice; life can be love or justice, as each individual finds suitable.

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