

Preface

Making Sense of Justice

Dr. Graham Wagstaff

One has only to focus on any real-life dispute to be reminded how daunting are the claims of “justice” and “desert.” In March, 2000, Pope John Paul II made a pilgrimage to Jerusalem in the hopes of promoting world peace. The Pope acknowledged that Jerusalem is “a part of the common patrimony of Christianity, Islam and Judaism, the Holy city par excellence.” He urged that Jerusalem be designated an international Holy City.¹ It wasn’t more than a few minutes before leaders in that Holy City were squabbling. In Tel Aviv, Israeli president Ezer Weizman, acting more like a politician than a statesman, greeted the Pope by insisting that Jerusalem was “the capital of the state of Israel and the heart of the Jewish world.”² An Israeli Rabbi added: “Jerusalem is ours. . . . In ancient times, God promised Abraham, Isaac, and Jacob the land of Israel. You may not like it. You may object. But it is God’s will. We are the Chosen People.”

The next day, in Jerusalem, Yasser Arafat described Jerusalem as the “eternal capital” but this time he was speaking of the capitol of Palestine. Grand Mufti Ekrema Sabri, Jerusalem’s chief Islamic cleric, added to the chorus, warning that Jerusalem is “eternally bonded to

Islam.”³ An Arab resident of the Old City added: “Who lived in Palestine for centuries before the arrival of the Zionists? The Arabs. Who paid for these stones with their tears and blood and sweat? The Arabs. Who owns the land of Palestine? It is the Palestinians.” Within minutes after the Pope left the Al Aksa Mosque, young people, frustrated at the loss of their land, began crying “Jews, the army of Muhammad will come back!” and started to hurl pebbles.

In this brief visit, we see all the problems that have plagued generations of philosophers and psychologists who have attempted to understand the nature of justice and deservingness. What counts? God’s promise? But who today can testify as to what that was? What sort of inheritance counts? Christians, Arabs, and the Jews *all* see themselves as the descendants of the patriarch Abraham, and therefore as inheritors of the Promised Land. The Christians and the Jews, or Israelites, trace themselves to Isaac, son of Abraham and his wife, Sarah. Arabs trace their lineage to Ishmael. Which lineage counts? What is the place of tradition, documents, and deeds in all this?

In this scholarly manuscript, *Making Sense of Justice*, Graham F. Wagstaff tackles one of life’s thorniest questions: What is the nature of justice? In Parts 1-3, he reviews the attempts of distinguished philosophers and psychologists to define justice and to promulgate rules for deciding what is just and what is not. This comprehensive review

tells philosophers and psychologists all they need to know about the current state of theory and research. Dr. Wagstaff's scholarship would have done the old Biblical/Talmudic/Qur'anic scholars proud. As the author notes: "New principles of justice seem to spout like weeds in a garden."⁴ The advantages and problems with each of the theories are made clear. Sometimes voluminous evidence is marshaled to devastating effect; at other times all that is needed to demolish a theory is one skewering example. As an example, in Chapter 12—"Aristotle's Justice: The Mathematics of Desert"—Wagstaff reviews a staggering number of Aristotle's calculations. Then the author says simply: "If virtue is its own reward, why should we assign 'goods' according to virtue? Is this not rewarding the virtuous twice?" Ah hah! We see the problem. At the end of the first section, we are left agreeing with the author that, at present, the various definitions of "justice and desert" leave us with "a burgeoning terminological and conceptual confusion."⁵

In Parts 4 and 5, influential theories of equity and desert are reviewed. Part 4 focuses on the views of the Greek classicists: Socrates, Plato, and Aristotle. Part 5 centers on the theorizing of the Stoics, of early Christians, of Enlightenment theorists such as Hobbes and Kant, and Utilitarian theorists such as John Stuart Mill and Karl Marx. The author concludes, on the basis of this overview, that although philosophers and theologians may have had problems defining what they

meant by “justice,” nonetheless the idea of justice as desert, in the form of equity as desert, has run through all the commentaries.

In Part 6, the final section: “Towards an Integrated Perspective on Justice,” Graham Wagstaff attempts to bring order out of chaos. One morning Oliver Wendell Holmes Jr. was climbing the marble steps of the United States Supreme Court when he met a new law clerk. “Do justice, Judge Holmes,” the newcomer called to him. “I don’t do justice,” the Chief Justice replied. “I merely apply the law.” In the final section, the author reminds us that in different historical eras, it is not just “law” and “justice” that have meant very different things. “Justice” itself has been equated with a number of very different concepts: i.e., what is “moral, virtuous, just, fair and equal, worthy, equitable and deserving.”

In a final coda, the author comes full circle. He concludes that if what the evolutionary psychologists and biologists tell us is true, then the prevailing view of “justice” (in the form of “Equity-as-deserving”) does derive from an instinct for self-preservation. It is indeed a “natural law.” Wagstaff speculates that perhaps that is why early philosophers viewed justice as “in accordance with the will of God.” In all historical eras, in all philosophical and religious traditions, perfect justice exists “when all receive exactly what they deserve.” (p. 457). This section is exciting and most rewarding. I suspect that Dr. Wagstaff’s book will reap the attention it “deserves.” That would only be justice.

¹ *New York Times*, Monday, March 27, 2000, p. A. 10.

² *New York Times*, Thursday, March 23, 2000, p. A.8.

³ *New York Times*, Monday, March 27, 2000, p. A. 10.

⁴ Folger, Sheppard, and Blair (1995); Wagstaff, (in press), p. 151).

⁵ Greenberg (1990a), p. 261.