

JUSTICE AND JUSTIFICATION

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WHEN ONE discusses justice and justification in the New Testament, one immediately confronts a semantic problem. One must discuss a greek word which translates a hebrew word; and the hebrew word which underlies the greek word does not signify what the english word 'justice' signifies. The translators of the authorized version recognized this problem, and they coined the english word 'righteousness' to take care of the difference; but since 'righteousness' meant nothing to the englishman, it is doubtful whether anything was gained. But at least the translators protected their readers from thinking that the bible spoke of 'justice' as the readers understood the word; they protected the readers from misunderstanding by communicating no understanding. There is probably no single word in which the difference between hebrew thought-patterns and greek and latin (and english) thought-patterns are more clearly perceived than in the words which in the english bibles are translated as 'righteousness' and 'justice'.

Nevertheless, our topic here is justice; and little service will be rendered to the reader if we embark on an extended argument that our topic should be 'righteousness'. When Jesus said to John the Baptist (in the Rheims version of the New Testament), 'let it be now; for so it behooves us to fulfil all justice',¹ I think most readers understood the sentence to mean that we must at the moment fulfil all obligations. They were probably less certain of his meaning in Mt 5,20 (again in the Rheims New Testament): 'Unless your justice abounds more than that of the Scribes and Pharisees, you shall not enter the kingdom of heaven'. How does justice 'abound'? And they very probably misinterpreted his words in Mt 5,6: 'Blessed are they who hunger and thirst after justice, for they shall have their fill'. One can from this translation get a vision of a number of hangings, all the work of justice.

¹ Mt 3, 15.

Whether we call it justice or righteousness, we use a word which has echoes of law and legal procedure. The just man in the bible is not only the man who has justice on his side, but who is proud to have it; he is innocent, victorious, in the right, and he has a judicial declaration to prove it. We do not intend to breathe life into the old catholic-lutheran controversies concerning the nature of justification, whether it meant a real change in the status of the forgiven sinner or merely a declaration that he was 'right with God'. In modern lutheran-catholic dialogue this is not a living problem. But for our purpose it is useful to recall that the legal and forensic quality of the 'justice' by which the christian is a 'just' man was once the object of acrid controversy. The declarations of the Council of Trent on this question denied the thesis that the christian is just merely by declaration; but the Council did not deny that complete justice demands a declaration.

The controversy between Luther and the roman church was a controversy about the meaning of Paul; and Paul wrote in response to a jewish ideal of justice which dominated pharisaic judaism of New Testament times. We must not over-simplify either Paul's thesis or the position of pharisaic judaism by making it simply an opposition between justification by faith and justification by works. Pharisaic judaism based its relation to God upon the observance of the Law. The Law was the five books of Moses, and in these books God has revealed his moral will completely and without ambiguity. We may say more here than we ought to say; but the rabbis believed that the will of God was clear and needed interpreters only to apply the Law to situations which it did not expressly cover. The technique of interpretation could find an answer to any problem of conduct. This did not prevent the rise of differing opinions and of different schools; but the separate schools agreed in believing that the revealed will of God was perfectly clear and responded to every moral problem. Their opponents simply misunderstood a perfectly clear document. It was not admissable that God, in giving moral directions which were sanctioned by judgments like the destruction of Jerusalem by the babylonians, would fail to give these instructions with all desired clarity. It would hardly be 'just' of him.

The rabbis counted 613 different commandments in the Law, dividing them into 248 positive commandments and 365 prohibitions. But rabbinical interpretation, in its effort to find a direction not only for every practical problem but for every conceivable situation, developed the commandments to an extent which far exceeded

the enumeration of the verses of the bible. The prohibition of 'working' on the sabbath day, for instance, was defined by counting 39 'works' which were forbidden. Readers of the gospels will recall the disputes between Jesus and the scribes concerning problems of the sabbath observance and the maintenance of levitical cleanliness.² The full observance of this complex of rules was possible only to the devout, who were the pharisees. Most of the common people could not combine the full observance of the Law with ordinary employment and ordinary living. The hostility between the pharisees and 'the accursed crowd that knows not the Law'³ is reflected not only in this verse, but in other ancient sources. Jesus himself is quoted as saying that the observance of the Law had become an intolerable burden.⁴ This was the price of the security achieved through the revealed will of God.

And one should not underestimate the security which the Law furnished to the devout. Psalm 119, probably the least poetic passage of the bible, praises the Law sincerely if monotonously for 176 verses. Observance of the Law removed any doubt as whether one was just before God; one was surely right before God, because God himself had laid down the terms by which he recognized the just man. To question the validity of the Law was blasphemy; it was to challenge God himself.

Yet this was exactly what Jesus did. He proposed a new relationship between the Father and men, a relationship which was not at first seen to extend beyond the jewish community. Jesus reduced the 613 commandments to two; the love of God above all things and the love of the neighbour as oneself.⁵ The rabbis graded the commandments according to 'weight'; in a conflict of obligations the case was resolved by the relative weight of the obligations. In Matthew's account of this saying the two commandments are said to equal in weight the other 611. This was as close to an explicit annulment of the Law as the gospels come. These two commandments were within the reach of 'the accursed crowd that knew not the Law'. Furthermore, Jesus was express enough in saying that pharisaic observance of the Law often did not achieve the observance of these two commandments;⁶ and since these two equal all the rest in

² Mt 12, 1-14; Mk 2,23-3,6; Lk 6, 1-11; Mt 15, 1-20; Mk 7,1-23.

³ Jn 7, 49.

⁴ Mt 23, 4.

⁵ Mt 22, 34-40; Mk 12, 28-34; Lk 10, 25-28.

⁶ Mt 15, 1-10; 12, 1-14.

weight, the Law is not observed at all when they are not observed.

The identity of Jesus with 'the accursed crowd' – the poor, the tax collectors and the prostitutes, the friends of Jesus⁷ – is clear beyond doubt in the gospels. These were the people who could not achieve the security of pharisaic observance; they could never be sure they were 'right with God'. They were, in the words of Alfred P. Doolittle, those who could not afford middle-class morality. They were sinners by official declaration, and they could approach God only with a confession of guilt, like the tax collector in the parable.⁸ The pharisee could stand before God confident in his justice. Jesus destroyed that type of security.

Did he replace it with a security founded on the way of love? He did not. The Law furnished not only a floor, it also furnished a ceiling. It was a burden, but it could be weighed, and when it was complete, it could be recognized. There is no ceiling on the commandment of love. One loves God with all one's powers and one's neighbours as oneself. The two terms of comparison are identical; for to love oneself with all one's heart and all one's mind and all one's strength is natural to man. One achieves justice by doing what one ought; and one does not fail by omitting what one ought not to do. The mandate of love is fulfilled only when one has done one's utmost.

The slaves in the parable confess that they are unprofitable because they have done what they ought.⁹ So much for the demands of justice.

Interpreters have often disputed whether Jesus rejected the Law as a means of salvation; they have never disputed whether Paul rejected it. I am permitted to express my personal opinion, reached after mature reflection, that Jesus and Paul reached the same decision on this. There are problems involved in this statement; there are problems involved in denying this statement, and I find the first set of problems easier to live with than the second. There are reasons why Paul was more explicit than Jesus, as far as we know, was.

Paul was the apostle of the gentiles. Unlike Jesus, he spoke to those who were completely ignorant of judaism. Whatever they knew of judaism would not have differed from the vulgar anti-jewish prejudice of the hellenistic-roman world. This vulgar prejudice is found in such literate romans as Horace, Tacitus and Juvenal; there was nothing christian about their anti-semitism. Paul

⁷ Mt 11, 19.

⁸ Lk 18, 9-15.

⁹ Lk 17, 10.

proclaimed to them 'justice' or 'righteousness' directly; he did not go through judaism or the Law to God. I said that Jesus was called a friend of 'the accursed multitude'; Paul also seems to have spent nearly all of his time with the lowest levels of ancient urban society. He at least hints this for Corinth when he says that church did not include many wise, powerful or noble.¹⁰ Few readers realize that this verse is a not subtle paraphrase of a reminder to the corinthians to remember the gutters where they belong. They were the social equivalent of the poor, the meek, the mourners of the palestinian villages whom Jesus blessed. To them Paul offered the security of justice before God, a justice achieved by faith that God had wrought reconciliation in Christ and by the love which was the only commandment of Jesus. They had been 'immoral, idolaters, adulterers, homosexuals, thieves, greedy, drunkards, revilers, robbers';¹¹ Paul is explicit. These moral dregs are now 'washed, sanctified, justified'.¹² We know how Paul responded when some of his fellow-christians taught that they were not washed, sanctified, justified; they had simply been put in a position where they could acquire that justice which comes from observance of the jewish Law.

There were religious movements in the hellenistic-roman world which offered security to their members; Paul's christians could have known something of these even if they were strangers to judaism. Various mystery cults, as they were called, invited members to pass through a ritual initiation which established them in a state of permanent communion with the gods and goddesses who were worshipped in the cults. The process normally passed through several degrees; but it always ended in 'the perfect'. Not all worshippers completed all the degrees, but there was security in being on the way. A corinthian might have thought of jewish christianity as the 'perfect' form of that religion in which he had elementary instruction from Paul.

But Paul knew that if pharisaic observance of the Law was impossible for palestinian peasants, it was equally impossible for the poor labourers of the cities who formed the bulk of his congregation. There could be no christianity for such; in fact there could be no religion for such. Actually there never has been; no one but Jesus ever proclaimed an authentic religion to the dispossessed, and few of those who, they believe, continue his mission have had much to say to the dispossessed. They must remain as religiously impoverished

¹⁰ 1 Cor 1, 26.

¹¹ 1 Cor 6,9-10.

¹² 1 Cor 6,11.

as they are culturally impoverished. Justice either before God or before men is not within their reach. Could they read Plato's *Republic* they would say that the fellow who says that justice is the interest of the stronger is talking sense.

The question of how to get right with God is the main thesis of Galatians and Romans, and it enters to some extent into every one of the genuine pauline epistles. The positive answer of Paul is always, in a phrase of Galatians, 'faith working through love'.¹³ But Paul gives much more than a positive answer; as a jew, he was agitated by the problem of the value of the Law. He reached a quite revolutionary answer rather early in his career; with faith in Christ the value of the Law is none. The one work of faith is love; the power to love has been communicated by the Spirit who comes to dwell in the believer at baptism. Love fulfils the whole Law.¹⁴

More than this, as Paul pursues the topic in Romans, the Law is an obstacle to salvation rather than a means. Many interpreters have wondered whether Paul here was not somewhat carried away by his own rhetoric. It must be admitted that the arguments of Romans are stretched as far as they will go. Yet we have to remember Paul's rabbinical background. We have seen that the perfect observance of the Law was possible only for the devout minority; for 'the accursed crowd' the Law was not a means of salvation but a sentence of condemnation. As Paul says in Romans, the Law revealed sin where previously it was not known. As we have noticed, Paul's christians could not possibly have observed the Law. To make salvation dependent upon this was to damn them. So he adopted the thesis of total opposition to the Law. Once the salvation of God was revealed in Christ, the Law was not only unnecessary but harmful.

Paul does not seem to be aware that he has destroyed the security of the Law. Since he flatly does not believe that the Law furnished security, he is consistent with himself. Jesus, we said, had removed the ceiling which the Law graciously imposed upon the moral will of God. Paul accepts this removal. Security for him reposes not in man but in God. No one can be perfectly just merely by observance of the Law; in this sense the works of the Law do not justify. Man becomes just before God by surrender to God, by committing himself to God revealed in Christ. The consciousness of justice achieved by the observance of the Law yields to hope in God's forgiving and saving grace. One can never do all that is possible; one is secure

¹³ Gal 5,6.

¹⁴ Rom 13,8.

because God can do and does all that is possible, even what to man is impossible.

We must be candid; any one who studies roman catholic morality and the discussions of the rabbis about the Law recognizes that the two groups belong in the same world. I wrote in another context that we theologians are likely to become the scribes of the new Law. This was said politely; in fact we have become the scribes of the new Law, and it is dishonest to deny it. We are not satisfied with the vagueness of the commandment of love; we need more precise instructions. We believe that we cannot imperil the christian moral imperative by leaving it to the moral decision of the individual christian. It was the purpose of the scribes to furnish a prefabricated moral decision for every conceivable moral situation. The devout jew did not need to make a decision; he simply had to consult the experts, who had already decided what was the right thing to do. Has roman catholic moral theology since the sixteenth century differed from the rabbis, really? It has speculated about extreme and unreal cases in order that it might have a ready answer for real and practical cases. It is all the more remarkable that in such real cases as the techniques of modern war it has not come up with a prefabricated answer. It has not done this because traditionally it has left the morality of such decisions to political authority. It has given this authority the ethics of the just war, and left the authority to do what it will with this ethic. Now we are aware that this was not a decision which moral theologians should have renounced. I am permitted, I think, to state my personal belief that the ethics of the just war are pre-christian; in the present context of roman catholic moral teaching this is probably the most I am permitted to do. I once wrote elsewhere that Jesus taught men how to die, but not how to kill.

Lest I be carried away with the ethics of the just war, I return to my observation that roman catholic moral theology has accepted the role of the scribes of the new Law. The relevance of the ethics of the just war is that it is easy to see that these ethics cannot be deduced from the new law. Jesus did not establish a new law; he stated the exclusive and absolute moral imperative of the two commandments. The ethics of a just war were an effort to compromise the morality of the gospels with a political ethic which goes back without modification to Nar-mer of Egypt (about 2850 B.C.). This is merely a single example, notable because it is so obvious, of the effort to write the book for christian behaviour corresponding to the Law as interpreted by the rabbis. It constructed a ceiling under

which men could follow their aggressive desires, as long as they did it under public authority. Without public authority it would be the ethics of the duel; and even roman catholic moral theology could not bring the duel into its scheme. If space permitted, one could allege other examples of compromise with the possible. In the same way, they would be examples of the effort to write the book for conduct which is both beneath the ceiling and comes under the mantle of security afforded by the revealed moral will of God interpreted by official competent teachers. It does furnish security against the risks involved in a total commitment to the imperative of love.

But surely, one may say, roman catholic moral theology has been submitted to enough criticism, even to indignity and abuse, that we may spare it more obloquy. We have heard of situation ethics, and similar efforts to make the principle of love dominant in conduct – or if not the principle of love, at least efforts to escape the oppressive theology of prefabricated decisions. The scribes of the new Law have fallen into ill-repute in the contemporary church. Many of them, recognizing that they no longer occupy the chair of Moses, have attempted to strike off in new directions free from what they think are antiquated traditions. We are now and for a long while delivered from the rabbinical type of theology which not only taught principles but also solved cases. Personal decision and personal responsibility are receiving a respect which formerly was not paid them. It has been said so often that the emphasis of moral theology falls excessively on questions of sex that I am safe in repeating it. We have turned to considerations of justice between states and between social classes within the state. We have even turned to the relationship of love between persons and the mission of reconciliation, although it must be confessed that in these directions we have not moved very far very fast.

In spite of these progressive movements, one wonders uneasily whether pharisaism may not be a permanent feature of organized religion. I realize that the term may have unpleasant implications, but it is established in english as a religious term. My own desk dictionary (*Webster's New World*) thus describes it: '1. of the pharisees. 2. emphasizing the letter but not the spirit of religious law; self-righteous; sanctimonious. 3. pretending to be highly moral or virtuous without actually being so; hypocritical'. Such an adjective, I suppose, is as offensive to jews as the adjective 'jesuitical' is to jesuits. Let us agree that both adjectives describe a condition or tendency unfairly identified with a particular group. There was

pharisaism in judaism and there is pharisaism in christianity; it is not a specifically or exclusively jewish condition or tendency, if that observation will save me. It probably will not.

The discomfort which many of us feel in the modern world arises from pressures which identify justice with particular causes. Readers may not forgive me for illustrating what I mean from phenomena in the United States; this is, after all, an international journal published in England. They would forgive me even less readily if I were to illustrate from phenomena in the United Kingdom. For some years we have had in the United States some vigorous discussions of war and peace. As a card-carrying pacifist, it is painful to be told that I am with the warmongers because I do not take part in demonstrations. I am not sure that effective work for peace demands that I do something which will get me into prison; and this is said with all possible respect for those whose convictions have led them to such actions. Is there or ought there to be room for differences in tactics? We also have had vigorous discussions about wealth and poverty. One finds suddenly that the poor are above criticism, that they are in no way at fault for any social problems, that they literally can do no wrong. One must deal with them as children, indeed as infants, as passive objects. We have had discussions about crime; and one finds that the only victim in crime is the criminal, who himself is a victim of society, the one great criminal.

There are examples of what appears to be or may become the new Law, the book by which one may achieve perfect justice. If one attempts to urge that Jesus, clearly identified with the poor, nonetheless proclaimed the cause not of the poor but of mankind, he will be charged with toadying for the Establishment. Pathetic efforts have been made to identify Jesus with the zealots and with revolution. It does little good to say that revolutionaries do not do things, if they can help it, which will get them killed; and if they do, they do not die without resistance. Jesus excluded no one from his gospel and from his mission.

In its essence pharisaism is a form of élitism; it does exclude most people from its scope. Every recurring form of pharisaism has this essence: it is not a gospel for every one, it has enemies and it cherishes them. Unlike the gospel, pharisaism feeds upon its enemies. If it has no enemies, it perishes. As Jesus said, one must go beyond its justice. He left no recommendations on how to go beyond it except the commandment to love the enemies and to do good to those who hate. In the gospel this and nothing else is justice.