

Quarterly essays (in English and French) on the theme
"Querying economic orthodoxy"

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Justice and Charity

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Distributive justice is a large area. It draws the entire world of goods within the range of philosophical reflection . . . we come together to share, divide and exchange.

Michael Walzer, *Spheres of Justice* (Basic Books, New York, 1983), page 3.

The problem of just distribution

Inequalities within our societies have expanded, continue to expand, and are widely seen to be exorbitant. It is no surprise, then, that *distributive justice* is a hot topic today. This means, ideally, that money and other benefits are distributed in such a way that everyone has what is thought to be a fair and reasonable share. This is also called *economic justice* or *social justice*, and some people view it with suspicion as a modern socialist gimmick.

It is nothing of the kind. It was discussed by Aristotle in his *Nicomachian Ethics*, which dates from around 330 BC. *All are agreed that justice in distributions must be based on desert*¹ wrote the philosopher, *desert* meaning 'merit' or 'what one deserves'. In Aristotle's day, as he himself remarked, there was a variety of opinions as to who deserved what.

And so it is today. At one extreme, there are *egalitarians* who hold that we should all possess near-equal amounts of income and capital. In the early days of the American republic, many people thought that, in the absence of old-world class privileges, everyone would have equal opportunities, and the outcome would be that everyone would be more or less equally well off.

With hindsight, it is clear that this view was naïve. For even if opportunities are equal, people will differ in what they do with their opportunities. Some will make fuller use of them than others. Some of us are ambitious and keen to rise in the world; others are content to stay as they are. Some are energetic and hard-working; others are lazy. Some are spendthrifts, others are savers. Some are clever, some stupid; some robust, some feeble; some greedy, some unworldly; some have the 'Midas touch', while others are chronic losers. So inequalities would occur naturally, even if it were possible for everyone to start from positions of equal wealth and equal opportunity. It seems that equality of means is not the natural condition of human beings.

In fact, the only way to achieve equality in ownership of assets is to rule that no-one can own any assets. That is what happens in a monastic community, all of whose property is held in common; thus, according to the Rule of St Benedict, a monk should not own even a pen or a tablet of writing paper.² Such an arrangement is acceptable when a number of people agree to it voluntarily. But attempts to force whole societies into a pattern of communal ownership have disappointed and failed.

At the opposite extreme from the egalitarians we find the *libertarians* who demand maximum individual 'liberty' or 'freedom', by which they mean freedom from external constraints imposed by other people (especially those people who govern us). They argue that individuals have *absolute rights* to whatever assets they acquire lawfully; they have no obligation to share their wealth with anyone else. Therefore, any requirement for rich individuals to contribute to aid for the poor is an unacceptable intrusion upon the fat cats' personal liberty. In Milton Friedman's words, *equality comes sharply into conflict with freedom; one must choose.*³ Ayn Rand put it rather differently: *poverty is not a mortgage on the labour of others.*⁴ On this view, the better-off, however wealthy they may be, must not be obliged to assist the less fortunate, however impoverished they may be. The poor can be helped only by voluntary charity; never by taxation, controls on wages or rents, or any other legally-binding constraints.

Redistribution in the Bible

But the notion of mitigating inequalities by means of obligatory transfers from richer to poorer is as old as the Old Testament. The Torah (Law of Moses), in the first five books of the Bible, contains many rules to this effect. There is a quite complex system of tithes, designed to provide for the stipends of the Temple priests (the Levites, who had no land of their own), for the upkeep and ceremonial of the Temple, and for the relief of poverty. There is the rule of *pe'ah* or 'corners': a farmer is not allowed to reap the corners of his fields; he is required to leave part of his crop standing so that poor people may gather it.⁵ There are the rules of *leqet* and *peret* concerning 'gleanings': one must not return to gather up any grain or fruit that

the harvesters have left behind in one's fields, vineyards or olive groves; the gleanings must be left for poor people to gather.⁶ One year in seven is a sabbatical year, when fields must lie fallow; in that year anything that grows there is to be available for the poor.⁷ All these rules form part of the Law; respect for them, or for their modern equivalents, is obligatory for observant Jews.

Theories on distribution

Just distribution is a topic that has spawned all manner of strange theories. Devout believers in the religion of the free market scornfully reject the very concept of 'social justice', arguing that we are bound to bow to the dictates of the market. These dictates, they assert, are neither just nor unjust. According to Friedrich von Hayek, *the results of an individual's efforts are necessarily unpredictable, and the question of whether the resulting distribution of income is just or unjust has no meaning.*⁸ Economists of his school see the free market as a natural phenomenon, subject to universal laws of nature; to complain that its consequences are unjust is as silly as to gripe that water is unfair to us, because it declines to run uphill. But, in reality, markets are human institutions; they function in accordance with how we design and regulate them. They are not beyond our control. If the workings of our markets have objectionable consequences, then our markets need reform.

In Deuteronomy 15: 11 we read that *the poor will never cease out of the land.* According to some Jewish commentators, this means that *God intentionally created a class of needy people*⁹ so that others might gain merit in God's eyes by assisting them. This seems an odd interpretation. If I were one of those needy people, and were told this, I might well consider it a mean trick on God's part. But in the very same chapter of Deuteronomy (verses 4 and 5) we read that *there will be no poor among you . . . if only you will obey the voice of the LORD your God;* these words surely imply that poverty is caused by human misbehaviour, not by God's intention. Yet the notion that some people are poor, because God deliberately made them so, has often been entertained. It was implicit in the old belief, once common among Christians, that a person's status in society was ordained by God and had to be accepted without question or complaint.

The early Christian theologian St Basil the Great, bishop of Caesarea,¹⁰ preached a famous sermon on the rich farmer in Luke's gospel, who proposed to destroy his barns and build bigger ones so as to increase his hoard of grain.¹¹ Basil exhorted his hearers to distribute generously to the poor, *so that your riches may become the price of your redemption;*¹² a phrase which unhappily suggests that you can buy your way into Heaven by charitable giving. But anyone who gives primarily from self-interested motives risks falling foul of St Paul's warning: *if I give away all I have . . . but have not love, I gain nothing.*¹³

Some people, not in sympathy with the quest for social justice and the elimination of poverty, have argued that if this quest were to succeed, we might become hard-hearted and callous, since no-one would then need our compassion. That is a feeble argument; quite apart from poverty, there are plenty of causes of human suffering; one need only think of sickness, bereavement, earthquakes, hurricanes, wars, terrorism, disappointments of many kinds. *No-one is so rich that he does not need another's help*,¹⁴ as Pope Leo XIII observed at the beginning of the twentieth century.

Those who wish to reform our institutions, so as to attack basic causes of poverty, come up with other odd ideas. They have been known to disparage the whole concept of voluntary charity, even accusing those who practice it of *using the poor as vehicles of their own salvation*, like the unloving givers whom St Paul criticized. Pope Leo remarked that *the socialist cries out [against almsgiving] and demands its abolition, as injurious to the native dignity of man*.¹⁵ Left-wingers have sometimes imagined that, in a well-ordered welfare state, there would no longer be any need for charity. But the state cannot foresee and cover every need. Personal concern and friendship can do more than official insurance, and can supply needs that are not simply financial.

Justice and Charity in tandem

There is a basic fallacy in the notion that 'distributive justice' and 'charity' are alternative and opposing principles, one supported by the Left, the other by the Right, each derided by proponents of the other. On the contrary, the two principles are complementary; neither is sufficient on its own. We see this explicitly stated in Jewish tradition, based on the Law of Moses. There we find a clear distinction between two ways of transferring money or other resources.

First, there are the transfers that are required by the Law, some of which we have already described. These come under the heading of *tzedakah*, a word whose basic meaning is *justice*. They are payments or transfers which are *legally obligatory*,¹⁶ because justice requires them, on the basis that all the riches of this world belong primarily to God, who wishes each person to have at least a basic sufficiency of them. These are transfers for the benefit of the poor, who would otherwise not have enough for a basic living, and would thus suffer injustice. The Old Testament rules prescribing these benefits demonstrate that there is nothing new about the practice of obliging the rich to help the poor. Far from being a new-fangled socialist invention, it can be traced back to Moses.

Second, there are gifts that are purely voluntary, not required by law; these are called *gemiluth hasadim*, commonly translated as 'loving-kindness'. These include both gifts to help the poor and gifts to those who are not in need, as one gives presents to one's relatives and friends simply as an expression of love and

friendship. There is a rabbinical saying that *an act of loving-kindness is greater than an act of tzedakah*,¹⁷ though the latter is obligatory and the former is voluntary. So, both are necessary.

In Catholic teaching we find a parallel distinction between these two kinds of giving. Pope Benedict XVI wrote that *I cannot 'give' what is mine to the other without first giving him what pertains to him in justice*.¹⁸ A Vatican II document reminds us that *the demands of justice must be satisfied first of all; that which is already due in justice is not to be offered as a gift of charity*.¹⁹ And, to quote Pope Benedict once again, *charity goes beyond justice and completes it*.²⁰

The idea that we need not bother with social or distributive justice, since charitable handouts will compensate for any excessive inequalities, is nonsense. It is basically a theory put forward by rich individuals who dislike paying taxes, and by economists who serve their interests, dressing up their bad advice as a defence of 'freedom'. To pay inadequate wages, and attempt to make good the deficiency through charity, is demeaning to the workers, who deserve an adequate living wage for their work. A civilized economy and society needs both economic justice and charity.

¹ Aristotle, *Nicomachian Ethics*, trans. Harris Rackham, 1131a.

² *Rule of St Benedict*, chap. 33.

³ Milton Friedman, *Capitalism and Freedom* (University of Chicago Press, 1962), chap. 12.

⁴ Ayn Rand, *The Objectivist*, September 1969.

⁵ Leviticus 19: 9 and 23: 22.

⁶ *Ibid.* and 19: 10.

⁷ Exodus 23: 10-11.

⁸ Friedrich von Hayek, *The Constitution of Liberty* (1960), page 99.

⁹ Alan Avery-Peck in *The Encyclopedia of Judaism* (Brill, 1999), article *Charity in Judaism*.

¹⁰ Now called Kaisarieh, in the region of Ankara (Turkey).

¹¹ Luke 12: 16-21.

¹² St Basil, *Homily on Luke 12: 18*, at the end of the homily (*Patrologia Graeca* vol. 31, col. 278).

¹³ 1 Corinthians 13: 3.

¹⁴ Leo XIII, encyclical *Graves de communi re* (1901), par.16.

¹⁵ Ibid.

¹⁶ Nevertheless, Jewish writers often translate *tzedakah* as *charity*, whereas Christians and others generally understand *charity* to mean voluntary giving, as it does in this essay.

¹⁷ Babylonian Talmud, *Sukkah* folio 49b.

¹⁸ Benedict XVI, encyclical *Caritas in Veritate* (2009), par. 6.

¹⁹ Vatican II, decree *Apostolicam Actuositatem* (1966), par. 8.

²⁰ Benedict XVI, encyclical *Caritas in Veritate* (2009), par. 6.

Quotations from the Bible are from the Revised Standard Version, Catholic Edition.