

Justice as a Main Challenge for the 21st Century

Ingeborg Gabriel

The 20th century was an era of gigantic change in all areas of human existence. It was characterized by technical progress with its positive but also negative consequences, which changed life radically. The 21st century confronts us with the challenge to provide these developments with sense and a humane dimension. The distinguished religious thinker and researcher *Teilhard de Chardin* expressed this concisely: "Progress means to become more humane, or it means nothing."¹ A new cultural and religious consciousness developing in our era in manifold ways corresponds to this search for a humane forming of our world in change.

1. Justice as a basis for human coexistence

Justice represents the central category of human coexistence, starting with the family, continuing with nations and religions up to the world community. Without the readiness and ability to realize justice, these communities in the long term are endangered in their existence. The classical Greek philosophical definition of justice is: "Every human being shall receive his or her due as a human being." In this context, I cannot go into the critical objections, which have been raised against this definition. The most significant of these most probably is that what the individual is entitled to was interpreted and determined differently in different cultures and periods of time. Today, these different opinions on the historical and cultural dimension of justice are emerging in view of a new cultural awareness in a more explicit way. But at the same time, these differences in the comprehension of justice in the communication-technology-linked world of today necessarily become the subject of dialogue. Human beings coming from different cultures and religions are confronted with the question, which of the different models, ideologies, institutions can lead to just solutions. This question implies that there indeed are goods of a material and immaterial

¹ *P. Teilhard de Chardin*, Sur le progrès (unpublished), quoted from: *Th. Broch*, Das Problem der Freiheit im Werk von Teilhard de Chardin, Mainz 1977, p. 326.

kind, which every human being as a human being is entitled to; that justice is more than a relative or subjective idea, even if opinions with regard to contents and solutions differ. In order to find concrete attempts towards solutions, serious examinations are needed, which are free from false claims of absolute truth and ideological immunization. But this alone is not enough. Above that, a deeply founded motivation is needed in order to realize more justice. The monotheistic religions share this central concern with the humanistic traditions of European Enlightenment. This broad consensus, in my opinion, is a source of hope, in spite of the fact that concrete ideas of justice differ due to different cultural and religious contexts. That is exactly where there is also a chance of a constructive discussion, a peaceful contest for humane solutions to the manifold problems of our world.

2. Secular ideologies and justice

At this point, one should recall that justice is also the ultimate aim of those secular ideologies, which have characterized world history since the 19th and 20th century. The legitimation and power of motivation of Marxism consists in the fact that it promises a classless, i. e. just society after class struggles and revolutions. Liberalism demands political justice in the form of human rights as civil liberties and rights of participation, that is a state under the rule of law and democracy, as well as economic justice. The latter shall be realized with the free (world-)market as best possibility to guarantee an optimum distribution of goods. The Marxist utopia of justice retrospectively appears as a tragic historical experiment, which destroyed millions of human lives, and which discredited – a fact that today has an extremely negative effect – the idea of a just social distribution through political measures. But the ideology of economic liberalism, which claims to establish justice with the help of the market alone, is inherently utopian as well. The free market lacks a regulatory counter-force – in this respect, Marx's criticism was correct – which would keep concentration of wealth and therefore also an increasing unequal distribution of income. This is proven by history as well as the increase of the gap between poor and rich in the past decades. The strong point of liberalism is that the political idea of liberty, which is embodied in human rights and in the establishment of correspondent institutions, is a possible regulative counterpart against these tendencies of growing inequality. This however requires the active commitment of the persons affected.

3. Conclusions for the present

What are the consequences of this concerning the question how to realize justice as the basis of national and international coexistence?

Firstly: an extensive analysis of the situation is needed to evaluate the potential of existing legal and institutional instruments. For the believers of religions, this presupposes the recognition of the fact that these institutions, although they are secular of origin, can be a contribution to the humane shaping of the world in accordance with the will of the Creator. The tragedy of Marxism, but also of religious revolutionary ideologies, is that they radically despise the existing order and often want to get rid of it by use of force. This is, above all, true for civil liberties and rights of participation of political liberalism. The elimination of misery and poverty, i. e. the accomplishment of social human rights, is in the same way a *conditio sine qua non* for a peaceful coexistence. This is to say that the accomplishment of civil liberties and rights of participation have to be complemented by the creation of a world-economic order which deserves this name. As the Indian Nobel price winner A. K. Sen explains to us, civil liberties are a value in themselves.² But it also holds true that liberty rights and social human rights, as the Conference on Human Rights at Vienna in 1993 emphasized, are indivisible. The realization of social human rights, i. e. the fulfillment of the basic needs of all human beings, wherever they might live, is, as it were, the second leg in international order. And it is the challenge of our era to use available human creativity to make it possible. What kind of institutional mechanisms are necessary to come up with a new distribution of material goods? Which forms of life correspond to the limitation of goods and of natural resources? How can human greed, which asks for more and more, be contained? These are the fateful questions of the 21st century. It might seem to be an utopia to find a satisfying answer in view of dissimilar global balances of power, a neo-liberal economic ideology, and fundamentalistic separating tendencies. And still, it is the only human and therefore also religious way towards finding a peaceful and human coexistence.

Without the mutual efforts on behalf of the religions, and especially the monotheistic religions, which are fundamentally obliged to justice, coping with this task is impossible. This is also true for the fact that justice can-

² A. K. Sen, *Development as Freedom*, Oxford University Press 1999, pp. 54–87.

not be created only by institutions. They rather grow from a commitment to justice, which individuals choose and cultivate in liberty. It presupposes the knowledge that we have duties towards God and our fellow-beings, and that our value as human creatures depends on its realization. Justice is more than a problem of reason and technology. Human coexistence needs human beings who are ready and apt to acknowledge the other as a person with equal rights; who know, as the Qur'ān and the Bible explain in the same way, that they are responsible for the realization of justice. This person-centered approach is largely neglected in a thinking that is, above all, orientated towards institutions and rights.

It is a priority task of religions to demonstrate this and to support the commitment to justice in particular. This is the basis for the development of new, just solutions for problems in a rapidly changing world. This is also acknowledged by non-religious parties. The international study "Our Global Neighbourhood", for example, states: "The most important change that people can make is to change their way of looking at the world. We can change studies, jobs, neighbourhoods, even countries and continents and still remain much as we always were. But change our fundamental angle of vision and everything changes – our priorities, our values, our judgments, our pursuits. Again and again, in the history of religion, this total upheaval in the imagination has marked the beginning of a new life ... a turning of the heart, a 'metanoia', by which men see with new eyes and understand with new minds and turn their energies to new ways of living."³ In order not to dry up, the attitude of justice has to be fed from the deeper sources of a 'spirituality of justice', the God-relatedness of the individual.

But at the same time, this attitude has to be put into practice under the conditions of the present time: and that is in an increasing pluralistic society at national and international levels. Non-denominational associations, the so-called NGOs, play an important role in this context. An example, which can be taken for many others, is the women's movement. These associations of women influence public opinion and the shaping of politics with the aim of reducing discrimination against women and to facilitate for them a full participation in social life. The NGOs concentrate the powers of individuals engaging for justice and make their voices heard

³ *The Commission on Global Governance* (Ed.), *Our Global Neighbourhood*, Oxford University Press 1995, p. 47.

at the political level. It would be good to think about how religions could engage themselves more intensely in order to fulfill their task to show commitment to the human future and the kingdom of God. Furthermore, the believers have to engage in politics, in the shaping of national and international structures and organizations: which contribution could and should the UN, the World Bank-Group, etc. make towards a just international order? Which structures have to be created in order to realize a new global social contract? Religious groups should make concrete statements on these and similar questions. This presupposes the readiness to co-operate with all those who engage themselves for justice. At issue are the more humane solutions, respectively the fight against egoism, greed, and ideologies enslaving human beings.

Here the believers are supported by the knowledge that justice is also the eschatological aim of history. There will never be a perfect justice in this world, but God will create perfect justice, in the creation of "new heavens and a new earth, wherein dwelleth righteousness" (2 Pt 3,13). This shall protect us against fanaticism of justice, force as well as resignation in coming to terms with prevailing conditions. At the same time, it is the strongest motivation to "seek the kingdom of God and its justice" (Mt 6,33), i. e. to engage oneself for it, doing all in one's power, in order to realize that kind of justice which mankind needs to survive in the 21st century.

Questions and Interventions

one justice
for all?

KHODR In certain religious circles, statements concerning the topic of justice always are somehow embarrassing to me. Do the monotheistic religions really believe that there are the same rights for every human being? Does a Jew for instance really believe that he owes the same justice to the non-Jew, the Goyim, as to his Jewish fellow-believers? Does not the Muslim's or Islam's theory express the belief that there is one justice for the Muslims and another justice for the Christians and again another one for those who profess another faith? Did Roman Catholics in the 19th century not still hold the opinion that they were obliged to assert – as this was done 1864 in the Syllabus of *Pope Pius IX* –, that there is no freedom in religious matters and quite generally no freedom of thought? When we officially profess the Charter of Human Rights, is this in fact not some kind of double-talk? In brief: do we really believe that there is a justice which is rooted in God himself and, grounded on him, holds in the same way true for every human being?

GABRIEL My lecture possibly sounded too harmonizing. Yet, in a Christian perspective I would decisively understand myself as bound to speak of a universal justice, of a justice we owe to every human being. Also to our enemies. This would as it were be the outward form of justice, which is our obligation. In this context one would certainly also have to speak of the relation between justice and love, where justice as it were ends and love begins. In the same way one would, from a historical perspective, also have to speak about the question why it has been so difficult, especially in the religious domain, to allow the respective space for the freedom of opinion and thought. However, here this would go too far.

A great challenge for any understanding of justice of course remains the well-known fact that we have conceptions of morality that rather refer to our own group, perhaps not on the intellectual and theoretical level, but after all on the existential one. The term 'insider morals' denotes it. Therefore one will realistically have to proceed from the fact that on this existential level the effective universalization of this conception will always and at all times remain a great challenge.

on the changes in
the understanding
of Marxism

KHIDOVATOV Some historical remarks on the concept of Marxism: At the time of Soviet totalitarianism, Marxism served as a curtain to cover reality. However, already in the 19th century, one has to distinguish be-

tween early Marxism in the middle of this century and the Marxism at its end: whilst, in the middle of the 19th century, for *Marx* the dictatorship of the proletariat was oriented towards controlling the mass of the people and to safeguard the government against wrong developments, for *Lenin* the dictatorship of the proletariat was a dictatorship of the one class without limitation, without rule, without law. Later on the dictatorship in the sense of *Marx* became the ideology of the Social Democrats in Germany, whilst in the sense of *Lenin* it became determinant for the political development in the Soviet Union.

A last remark on the motto of *Marx* that religion is the opium for the people: sometimes opium serves as a medicine, sometimes however it is harmful. As long as religion is the personal persuasion of man, it is a medicine for the people, if however it is turned into a dominant ideology, it can do great damage.

GABRIEL It was not my intention to speak about Marxism in general, but to point out that it had a fundamental inspiration to do justice to the people. The tragedy came about when one moved over to apply a completely wrong understanding of justice to the organization of social relations. Here I cannot go into further details in this respect. In the lecture, however, I mentioned how fatal a wrong concept of justice can be – and here it should be our task to reach an understanding of justice that is truly humane and not cynical.

justice in view of
human equality
and inequality

KHOURY There is no doubt that in this context a more precise definition of justice would be at stake too. In my view one should distinguish here between two concepts. It is beyond doubt that there is *the* human being in general and *the* human beings in concreto. In general, as being human, all humans are equal; as concrete human beings, however, they are in many respects unequal. Therefore, all human beings are 'unequally equal'. Equal they are concerning their fundamental needs, for instance in the sense of human rights. Unequal, however, they are regarding the different nature of their concrete needs. In this perspective, justice would be concerned to provide the same guarantee for human beings' needs, which differ in many respects. This was also mentioned in the lecture, where the *Aristotelian* definition of justice was pointed out: that everyone should be given what is due to them. Yet, the way it is defined more precisely differs from culture to culture. In our world, where cultures get more and more close to each other, the issue would therefore be to take this different na-

ture of the various cultures into careful consideration and to define also the concept of justice not on the basis of a certain cultural tradition, but in the dialogue of cultures.

Hence, two levels would have to be distinguished: the one where justice means the endeavour to guarantee the fundamental rights of man, which means to guarantee them in the same way for all human beings. The other is that where in the dialogue of religions, in the dialogue of cultures, efforts are made to attain a differentiated definition of justice, which is in keeping with the different natures given.

BSTEH A short time ago, there was a concrete example concerning the claim not to understand justice in the sense of levelling; this was in the context of pregnant women's right of a period of motherhood protection as it is guaranteed in Austria: in certain countries such a legal regulation was rejected particularly on the part of extreme feminists, based on the argument that there have to be equal rights for all human beings. Since all human beings are equal, women would indeed have to work up to the day they give birth to their children.

POTZ In this context the fact was of course overlooked that the principle of equality is breached if one does not deal differently with different matters. If one does not take differences into account, this is the very occasion when people are not treated equally. That women become mothers and that in this respect specific legal regulations are needed, does not however justify any discrimination in another sphere.

'in-group morality'
possible more and
more only
for humanity
as a whole

As to the question of 'insider morals', which has already been mentioned in the preceding contributions – that in fact for one's own group, in which one lives, a higher standard of justice is claimed than for those groups, which also exist –, then this is one of the challenges that will be decisive for the future: we have to

learn that this in-group morality concerns humanity as a whole. In this respect there is no alternative in a globalized world.

women's rights
need criteria of
their own

S. MAHMOOD I have to ponder the idea that Marxism set out raising the claim of re-establishing justice, then liberalism raised the same claim and now it is the turn of feminism. I am asking myself whether we do not

think in political terms referring to civil and political rights, when justice, rights, etc. are at stake? Where the issue is women's rights, is it not necessary to apply yet another kind of criteria?

GABRIEL This question is also on my mind. In a seminar, for which we chose the title "Women's Rights as Human Rights", our concern was of course the question of equality and differences. What would be the aim of such endeavours? In this context I ultimately have the *Aristotelian* idea in mind that every individual has to be granted the possibility to develop their own potentials.

The next question then is what people need to do this. And there is first quite a number of requirements, which are the same for men and women. However there is also a series of aspects that are of a different kind. The example quoted by Father Bsteh shows very directly that the solution cannot be to deal with all people in the same way, regardless of existing circumstances. Yet, this has to be defined precisely – last but not least in the intercultural and the inter-religious dialogue. Presently we are in any case not in the position to assess that it is precisely this or that which confers on women their very own dignity. In my view one would be wrong not to see that here much intensive thinking and dialogue is still needed.

about the neces-
sity of constant
growth ...

MARBOE I would like to come back once more to the concept of intemperateness that is rightly connoted negatively or to the necessity of moderation – in the sense of a criterion of ethical conduct. Yet, is not the whole economic system of the West based on the notion of growth? Alternatives like Marxism – communism did not succeed. Thus, without a certain constant growth the economy does not seem to work. At least according to the opinion prevailing today.

... and the notion
of a 'sustainable
development'

There seems to be a direct contradiction between the claim of moderation and the economic requirement that time and again what has been achieved has to be surpassed in the interest of its sustainability. In this field of tensions, the notion of 'sustainable development', which has been fostered in the course of the last years, can be seen as a certain hope. In the domains of environment legislation and development cooperation – also within the frame of the United Nations – this notion is about to find recognition, even though as to its content not much has been specified so far. In the domain of current economic life however, it has not yet acquired a position of its own.

task of politics to
provide common
welfare

GABRIEL It will not be easy to find a solution for the problem mentioned last. Here just two things may be pointed out: there is a tendency today to see all spheres of human life from an economic point of view, which

leads to a kind of proliferation of economic thinking in all domains. Can action be taken against this current development? In this respect one possibility would be to strengthen the political level, whereby presently one would have to proceed from a globalized economy and fragmented politics. Politics would however – unlike the economy – have the task of promoting common welfare and of providing a just order of living together.

intemperateness
to be at first
overcome in the
individual

The deeper problem however seems to be the individual. In this respect one has to agree with Professor Schabestari: at first intemperateness has to be overcome in the individual. Values have to be revived time and again in ourselves, have to be turned into a living experience. According to the genuine biblical understanding, the true grounding of human identity lies in this realization of values. For human existence has its foundation in faith, which is of course not based on a theoretical concept, but which is, in the sense of the Old Testament, the realization of the relationship to God and justice among humans.