Dr. Michael Harbin, Social Justice for Social Outliers in Ancient Israel, Part 3, What is Social Justice?

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This is Dr. Michael Harbin in his teaching on Social Justice for Social outliers in Ancient Israel. This is Part 3: What is social justice?

Shalom, I'm Michael Harbin from Taylor University, and we are studying social justice for outliers in ancient Israel.

This session is part three, looking at the question of: What is Social Justice? We began this study by looking at the culture of Israel for the period of time when God gave His Torah, the Pentateuch, and the land to the nation of Israel in what we call the Late Bronze Age. In my forthcoming commentary on Leviticus, I conclude that God gave the material in the book to Moses to provide the newly created nation, the nation of Israel, with guidelines on how the nation was to become unified as a kingdom of priests. As such, the book is divided into two major parts.

The first ten chapters give direction for corporate worship to replace the individual and family worship the descendants of Abraham had observed up to the time of the Exodus. The last portion of the book gives guidelines on how the people of God were to live together, forming what I call the social fabric of the nation. In anticipation of the land that God promised the nation, at Sinai, God gave precepts that if followed, would produce a strong social fabric that would preserve that national and social structure through rough times.

Today, we often think of these collectively as social justice. While that term is not used in the Old Testament, the concepts are there being woven into the Torah or the teaching that God was given. As we look at the Old Testament, following the national failure at Kadesh Barnea and the subsequent 40 years of wandering through the wilderness, the nation settled into the land that God had promised, much like on this map.

According to Joshua, we find that they settled into several hundred locations, usually several miles apart, in a culture where the primary means of transportation was going on foot. Communication was face-to-face. As such, the nation of Israel, during the time of the Judges and even during the early part of the kingdom, was really a collection of several hundred small, rather socially isolated communities tied together partly by a common ancestry but more importantly by the common experience of the Exodus event, resulting in a common worship system of the one true God and a common teaching on how society was to function.

In Part 1, we looked at how a single community might be structured, and we examined some of the social norms that structure produced within the community. Our goal in this series of lectures is to derive principles out of that social structure by which we might then apply today's culture as guidelines for social justice. But as I began to study the idea of social justice in the Old Testament almost 15 years ago, I discovered that there are a number of different understandings of what social justice is.

Consequently, we first need to clarify by what we mean by social justice according to the term. According to Friedrich Hayek, the term social justice is a relatively modern term, apparently translated from an Italian phrase coined by an Italian priest, Luigi Taparelli d'Azeglio, in 1840. Michael Novak agrees with that assessment, and both agree that the term was loosely defined.

In a lecture that Novak gave in 2009, he gives five different ways the phrase is used popularly. The idea originally was to recover the general sense of justice in Aristotle in a contemporary form. As we look at these individual things that Novak picks up, he defines them as follows.

One is distribution. This is a rather generic view that shows up in the dictionary, where social justice is defined as the distribution of the advantages and disadvantages in society. Novak objects to the addition of the term to the term distribution because it seems to add some extra-human force, the visible hand, so to speak, which does the distribution. In terms of instituting social justice, this is usually viewed as a powerful human agency, generally government.

Equality. This addresses the idea of advantages and disadvantages. This view begins with the premise that equality is good and ought to be enforced. Novak goes on to note that the view actually distorts the idea of equality, separating it from fairness, equity, or equitable to equal portions. This is basically the picture we have when kids argue over who has the biggest piece of cake when one kid is five years old with little appetite while his brother is a teenage football player.

Novak maintains that what is equitable is rather than giving what is proportionate to the efforts of others—three, common good. The idea of common good is a term that goes back to Aristotle, and it sounds worthwhile, but Novak observes that the hang-up is the one who decides what the common good is.

In small communities, usually in the ancient world, this was done by the wisest and the strongest person. Under modern governance, with the rise of the modern state, Novak suggests that this authority has been preempted by the bureaucratic state. And rather than a single individual who would be accountable, it's organizations in red tape with no accountability. He claims that the common good is really an excuse for total state control and totalitarianism.

Four, progressive agenda. Novak argues that the progressive agenda developed as Europe began to shift from an agrarian society to crowded commercial towns at the beginning of the industrial age.

While these were not the first factories, they were the beginning of a mass migration to the cities and the industrial revolution in the industrial centers. In essence, the progressive agenda was a reaction to what had happened in the cultural transition as it cut off working people from their farms. They no longer grew their own food.

They worked in the factory for money to buy food. Both farmers and factory workers worked from dawn to sunset and found differences in the nature of their working conditions and their living conditions. In the agrarian society, the normal farmer had a home and food to eat.

While they were not rich, they were not poor. Because of the nature of European society, they lived on or near the land they tended. In the city, circumstances were different.

They were totally wage dependent. While they also lived near their workplace, the living conditions were much more crowded and unsanitary. The idea of the progressive agenda was to right or correct some of the wrongs that came about as fallen human beings struggled to adjust to new conditions.

Five, compassion. Compassion seems to have become a catchphrase of anything that's done ostensibly to help the poor. This includes almost all modern revolutions.

Novak states, quote, more sins have been committed in the name of compassion in the last 150 years by the Nazis, by the communists, and by the African and Asian despots who justify their regimes as socialists than by any other force in history. End of quote. The most common concept of these seems to be that of distribution.

Novak uses a dictionary definition of the distribution of advantages and disadvantages in society. This, in essence, is the meaning found on popular web resources, including the web resource Wikipedia. It begins its article on social justice with this definition.

Social justice is justice in terms of the distribution of wealth, opportunities, and privileges within a society. I have found this to be similar to the definitions elsewhere. Through various internet searches of organizations that advocate for social justice, I find a definition such as this.

The National Association of Social Workers in 2015 says it's the view that everyone deserves equal economic, political, and social rights and opportunities. The Office of

Social Justice and Human Rights, headed by Matthew Robinson at Appalachian State University, expresses something similar. He says the right to equitable treatment and support for their human rights and fair allocation of community resources.

This is a more extensive discussion preceding this brief definition. Like many other definitions that I have heard or seen, usually assumed, all three of these focus on what may be termed rights and opportunities. My immediate reaction to this idea is affirmation.

After all, one of the basic foundational premises of the United States, as expressed in the Declaration of Independence, is that every individual has, quote, certain unalienable rights which include life, liberty, and the pursuit of happiness, end of quote. However, deeper consideration has raised several questions. First of all, what constitutes a right? More foundationally, we might ask, who or what is the authority that delineates these as rights? Thomas Jefferson states that these rights were endowed by our Creator.

Jefferson, like most of the founding fathers, expressed a Judeo-Christian perspective, which actually derived directly from the same Old Testament text we will be looking at in this study. As such, contemporary Christians should have no problem with this since we would agree that our rights are inherent to the world that God created. However, for a non-Christian, especially one who claims to be agnostic or atheistic, this raises a problem.

If life is merely a product of time and chance, and the foundation of life is survival of the fittest, then the idea that everyone has equal rights contradicts their basic premise that everyone is competing with everyone else to survive. Within an evolutionary framework, there are no rights. Third, what about when our rights conflict? If we assume we do have rights, whether or not we acknowledge the source, then another question is, what happens when my rights conflict with someone else's? For example, John Locke developed the fair allocation concept of Robinson, which we looked at briefly at the Appalachian State, and Locke limits one's rights to what he calls fair share.

He illustrates this concept with an analogy of gathering acorns and argues that one's fair share is only what he or she can reasonably use, quote, before it spoils. Whatever is beyond this is more than his share, end of quote. As I understand Locke, if we have so much that it spoils because we can't use it, then we really don't have a right to it.

But based on that description, Locke's proposition about the fair share of acorns really only applies to goods that spoil. He says, or he does not address how it determines the fair share of non-perishable items. Further, even for perishable goods like acorns, it only works if the tree is in the forest, which all have access.

That is, they are community resources. What if that oak tree is in my backyard? If it produces so many acorns I cannot use them before they spoil, have I lost the right to use my tree? Do I no longer have the right to privacy or property? And what if that oak tree matures to the point that its branches hang over my neighbor's yard, shading his garden so his tomatoes don't grow? To make it more complex, what about acorns from my oak tree that fall into his yard? While there are a number of issues we could discuss or even debate, I would suggest that a clear point is that my rights are not absolute at the expense of someone else's.

The fourth question is, what is the opportunity? I find it interesting that so many of the definitions of social justice use the term opportunity. What does it mean to say that all should have an equal opportunity? Further, how do we address barriers to equality? Generally, we view it as a proactive concept intended to eliminate barriers that preclude someone from a given activity or direction. But what does that mean? We generally construe this to mean that there should be no arbitrary or artificial barriers, such as race, gender, or personal beliefs when the individual otherwise meets all the qualifications. Sometimes, however, there is a fine line between an artificial barrier and a real one, and it would seem that today there is much confusion regarding that difference.

Many aspects of life are not barriers per se, but they do affect our opportunities. It begins with who our parents are and how they raised us. It includes our siblings, how many we have, where we live, where we go to school, what our God-given abilities are, what our strengths and weaknesses are, and what our likes and dislikes are.

All of us will face situations where we will not have an opportunity that we would desire because of a multitude of limitations. As an illustration, in Matthew 19:12, Jesus notes a variety of eunuchs, individuals who will never have children. Jesus stated, There are eunuchs who were born that way from their mother's womb, and there are eunuchs who were made eunuchs by men, and there are also eunuchs who made themselves eunuchs for the sake of the kingdom of God.

While his point is that some people voluntarily choose not to have offspring for the kingdom of God, there will be some who do not have the opportunity to have children because they were born sterile. Others will not have an opportunity to have children because they have been neutered. How do we handle accidents? Beyond limitations, as we go through life, there are a wide variety of accidents that eliminate opportunities.

Countless individuals have suffered setbacks because of accidents. As Ecclesiastes puts it, The race is not to the swift, the battles not to the warriors, and neither is the bread to the wise nor wealth to the discerning nor favor to men of ability, for time

and chance overtake them all. Ecclesiastes 9:11. Even if we have opportunities and we take the opportunity, another factor that gets overlooked is the matter of failure.

Just because I am able to take an opportunity does not guarantee success. In the U.S., one area of opportunity open to everyone is establishing a new business. According to the Small Business Association, about 30 percent of new businesses fail within the first year, and about half fail in the first five years.

The reasons vary. While in some cases, it is the result of accidents, mostly, they seem to come under the category of preparation and resources. Either the new owner has not done adequate preparation to ensure that he or she indeed has a viable market for the product, or the entrepreneur has not developed adequate financial resources to handle the cost of setting up and weathering the generally slow start of a new business until it can stand on its own.

A similar observation can be made regarding higher education, that is, college. Here, the failure rate is virtually the same as that of businesses. Specifically, according to the U.S. Department of Education, nearly half of all students who begin college do not graduate within six years.

There are a number of reasons for this, but generally, they come under the broad categories of preparation or resources. On one hand, a student may not be prepared for college work, and there are many reasons why this may be so. On the other hand, he or she may lack the resources and, in some cases, financial needs, which may be a preparation issue.

However, it most often is a lack of desire or motivation, to be honest, a matter of ability. Many things can lead to failure. One that is not addressed adequately is that failure may be the result of mistakes, often in the issues of morality.

While they may not directly affect the job, they do affect character. As I prepared this lecture, I read about a sheriff who lost his job because he had propositioned a prostitute. Even as lacking as our culture is, moral issues still matter.

Catlin's young men and women have been permanently derailed from success or even have died because of experimentation with drugs, alcohol, illicit sex, or a wide variety of misconducts. The bottom line is that these definitions of social justice and many others that are similar seem to present what I call a truncated concept of social justice. The first definition is what is a fair share? We don't define fair share, so then how do we know that we've got it? Theorists seem to support the priority of the fair share concept, but there are a lot of differences as to what a fair share constitutes.

In reality, this is almost always used in conjunction with rights. That is, it addresses the benefits I get for being in society. There is much we could discuss on this, and it's

something that I have wrestled with regularly since I started exploring this issue, not only in terms of theory and cultural application but also in my own life.

What is my fair share? What is the basis of comparison? There's really no good definition, and it's not agreed upon what my fairness should be. And while there seems to be an increased push towards the idea of equality, much of it seems to come from, frankly, jealousy and greed. Those who don't resent those who do.

And those who do resent what they perceive as an attempt to take away what they do have. Further, the definition is ambiguous. Takes us back to our definition.

How do we usually address physical goods? Distribution is somewhat ambiguous because it can be used passively or actively, and it often confuses needs and wants. A passive definition or use of distribution can suggest random dispersion. An example might be the pattern of pellets in a shotgun blast.

In the case of social justice, it would reflect a dispersion of advantages or disadvantages where what one possesses is simply a matter of chance. Essentially, they are items over which one has no control. Here, we might think of the abilities or disabilities one is given or born with or the situation in which one is born.

The use of active distribution suggests that the advantages or disadvantages that one receives through life may or may not be the result of one's birth situation. It could be a direct force of social forces, whether intentional or accidental. Social justice literature generally uses the term in the latter sense and attempts to change social forces to correct inequalities.

As Novak describes it, most people view distribution as a process whereby a society or a culture distributes goods and services, implying that some extra-human force or the visible hand does the work. That is, there are some very powerful human agencies, usually the state. While both advantages and disadvantages are factors, the modern discussion has generally focused on the disadvantages, and much of the social justice endeavor has generally seemed to be an attempt to intentionally counteract that previous dispersion and artificially correct disadvantages.

However, more recently, there has been an overt effort to use social force to eradicate advantages regardless of the origin. Another reason why this is truncated is that it only addresses what I should get. It leaves out, I think, what I should give.

There is another way in which modern justice is truncated. That's the foundation of the issues with distribution. In their introduction to their textbook on social justice, Matthew Clayton and Andrew Williams give a broader definition that incorporates both advantages and disadvantages.

They say issues of social justice in the broadest sense arrive when decisions affect the distribution of benefits and burdens between different individuals or groups, and I have added the italics. As such, true social justice includes not only the wealth, the opportunities, and the privileges but also the production of wealth, the dangers involved, and the responsibilities within a society. Another way of putting this would seem to be that the basic concept of social justice derives from two questions that should be asked, should be asked regularly, and should be asked emphatically by every individual.

First, am I getting my fair share? That's the benefit. Second, and more importantly, am I pulling my fair load, the burdens? All too often, the second question is completely overlooked, even though it has historically been an essential quality of understanding justice in general. In fact, these two questions seem to historically been asked in tandem throughout history up until the last couple hundred years, in the sense that one's fair share could vary based upon the load one pulled and vice versa.

To put it in the words of Jesus, from everyone who has been given much, much will be required. That's in Luke 12:48. In later history, this has been described with the French expression, noblesse oblige.

Even Karl Marx seems to, at one point, have held this view as he developed communism. His classic phrase in the book, the work, and the critique of the Gotha program is, as he asks, raises the question of what fair distribution is, and ends up as, to each according to his ability, to each according to his need. His response ties fair share into the issue of equal labor and the question of what is everyone's fair load.

Further, when I start asking my wife what my fair share is, my perspective confuses needs with wants. We joke about this, especially, for example, when I might use the phrase, I need a piece of pie. She looks at me and says, need? Did I have to qualify it? As Marx develops his concept, he claims that this ideal would be present only when what he calls the higher phase of communist society is developed, when everyone is only a worker, like everyone else.

While it is not clear what he means, it seems to suggest that managers do not work. In the interim, the idea of equal portions and collective ownership has been presented as the standard, which ignores the ability side, my fair load, of the equation. Once more, a truncated view.

In this case, the so-called progressive view. The presumption is that if we do not have private property, then we eliminate greed, which is viewed as the source of oppression of so many of the masses. But this is based on a very naive view of human nature.

Whether one takes a biblical view or an evolutionary view, it is naive. The biblical view is that human beings are fallen with a self-centered nature that is in conflict with God and our fellow man. The evolutionary view is that human beings are fighting to be the fittest and thus survive, and in the process, express a self-centered nature that's in conflict with our fellow man and has no room for God.

Greed, then, is just a strong manifestation of our human self-centeredness. It is not just the rich who possess greed. We all have it.

And its presence becomes evident the moment we begin to utter the word, mine. While Marx and his followers argue for communal property, that is, no one owns anything. Unfortunately, the reality is that, as the saying goes, if everyone owns it, no one owns it. That is, no one takes care of it.

In essence, collective ownership and the loss of private property actually result in the loss of fair share because it removes the motivation for working to the best of one's ability, and as a result, all suffer. This is the lesson learned the hard way by our Puritan ancestors, the first settlers in America. When Plymouth Plantation was first settled, it languished under the common course and condition aspect.

As William Bradford, the governor, describes it in his work of Plymouth Foundation, they thought, quote, that the taking away of property and bringing in community into a commonwealth would make them happy and flourishing, as if they were wiser than God, end of quote. Instead, they starved. When they abandoned this structure and gave each family its own parcel of land, the colony, quote, had good success, for it made all hands very industrious end of quote.

These hard lessons were important to the founding of our country, as David Barton points out in his book, The American Story, The Beginnings. In contrast to Marx, John Locke argues that private property as a product of labor should be a product of labor. Like Marx, Locke recognizes the problem of greed but suggests a different solution.

He proposes limits. He argues my share is only what I can reasonably use before it spoils. Whatever's beyond this is more than my share.

This sounds good, again, but it raises two issues. The first issue here, as we look at this point, is what do I do with surpluses? When one's labor produces more than one can use, what do I do? Using the analogy of gathering acorns, Locke claims that the extras would be left for others. As noted earlier, this works only for trees growing in the woods or similar sources, so this analogy does not translate easily into complex economic systems where labor produces multiple commodities.

Further, when gathering acorns, one could stop gathering when one has enough. The rest would lie under the tree where others could freely pick them up, or squirrels

would gather them, or they would grow into a new oak, or they would just rot. In a complex economic system, one cannot readily turn his or her labor off.

Locke misses two other factors in his illustration. First, he does not allow for preservation to provide for long-term ... let's see, where are we ... surpluses, long-term provision of seasonal goods. The second factor is that the person who gathers acorns doesn't really produce them.

They grow naturally on the oak tree, and as the poet said, only God can make a tree. Extrapolating this, so God is the one who gives the sources, and as we get into the Old Testament concept of social justice, this would be the first premise. First, God is the only Creator.

All that we have was made by Him. The biblical perspective is that we are stewards or managers of what He has created. When we look at Genesis 1 through 3, we see two critical facts that underlie this discussion.

In Genesis 1:28 through 30, God declared that the newly created mankind, which according to Genesis 2 consisted of just two individuals, a male, and a female, was to multiply and fill the earth with fellow managers. Corporately, they were to subdue the entire globe. The Hebrew word here might be construed to suggest that mankind was to bring the world under management.

The second fact is that Genesis 2:28 notes that this original couple was placed in a garden that God had planted. This garden would have been a very limited geographical location that was somehow differentiated from the rest of the created world. Given the limitations of two people, two people who moved on foot, I would suggest that it was likely very small compared to the world.

In essence, the humans, Adam and Eve, and their descendants were to become co-creators as we convert the very good world that God created into a global garden. So, managers of certain assets, and then for Israel, after the fall, God's directions for the nation at Sinai somehow echoed this process. The nation of Israel was to go into the land that God gave them and become a kingdom of priests, mediators between other nations and God.

And in the process, they were to be stewards or managers of the land that God gave them. A stress throughout the Old Testament is that individual Israelites did not own the land. The land on which they farmed, which they possessed, was not theirs.

As we noted in the first part of this series, each extended family had a portion of the land that was theirs to manage, and only in that sense did they possess it. It's within this context that as we study the Torah, we see guidelines for people to live together so that each person would enjoy life to the fullest. In essence, we are talking about

both corporate and personal social justice, and the purpose is to prevent social injustice.

That is, it gives guidelines that are designed to prevent the development of social injustice, remembering that each individual entering the land was going to be given land that was farm-ready. That is, they could move in and immediately start farming. Apparently, the amount of land each family received would be adequate to support them.

But also, it was the right amount for the extended family to readily work on it, not too much and not too little. The Torah especially, within the book of Leviticus, provides principles for living in a community which, if followed, would, if not eliminated, certainly alleviate social injustice. In addition, the text provides examples of how these principles should be carried out.

But the Torah also provided significant remedial aspects designed to correct injustices that were tied specifically to the social and economic system of the day. It's important to recognize that the way the Torah presents its principle emphasizes the Am I following my fair load question. This is shown in several ways.

First of all, the Old Testament is very clear that individuals within the nation of Israel, indeed we would say all mankind, were not equal. Whether in terms of social economic status or family status into which one was born or in terms of natural ability. To use Rawls' terminology, these are aspects of either the social lottery, my family status, or the natural lottery, my natural abilities.

But instead of viewing these differences as random, the lottery concept, the Old Testament ties them to a sovereign, omnipotent God, noting things like in Psalm 139 and Isaiah 44. As such, rather than setting forth guidelines designed to offset differences in position or ability, the Old Testament standard seems to be that where there would be different expectations, the load they bear on individuals is based on these various factors. In essence, the expectation was that the individual would have specific ability or position for the good of the community.

The office of the priesthood might be a good example. In the nation of Israel, not everybody could be a priest. Rather, this office was limited to the tribe of Levi, an issue of family status, which was given the responsibility for taking care of the tabernacle and all of its equipment.

Numbers 1 lays that out, as well as Numbers 8. But not even all Levites could be priests, the individuals who had specific responsibilities for the sacrifices. While not absolutely clear, Exodus 28 and Leviticus 8 seem to indicate that the actual priesthood was limited to male descendants from Aaron. Sadly, Korah, a Levite of the

Kohathites, who was responsible for the upkeep of the tabernacle, a very important position, was not satisfied with his role and demanded to be part of the priesthood.

Because of his rebellion, he and those who supported him died when the earth swallowed them alive. It should also be noted that priests had certain higher standards of lifestyle and greater burdens. For example, priests could not marry divorced women or widows.

Further, priests were expected to work on the Sabbath rather than to have it as a day of rest. Given this background, the words of Jesus, each according to his ability, which he utters in the case of the parable of the talents, would not have seemed strange to the Jewish audience. Biblically speaking, the proper evaluation of ability would seem to be God-based.

That is, whatever abilities I have were given to me by God, and his expectation was that I use them within the culture I was placed to bring glory to him. This is something that is extremely unpopular today, where it is assumed that should I so desire, I can ignore even basic physical properties determined by my DNA at conception. A second observation is that within the Old Testament, success and failure were viewed both in a corporate and an individual sense.

Both corporate and individual successes were contingent upon two items. First, maintaining a proper relationship of trust with God and properly using what God has given the individual. 1 Samuel contrasts the first two kings of Israel, Saul, and David, individually in this regard.

Saul is viewed as a man who really did not understand who God is and, as a result, did not use the ability that God gave him. One of his early failures was his confrontation with Goliath. As king, he would have been expected to represent the nation in this type of conflict.

Rather, he dawdled and then let the youth, David, take his place. Ultimately, Saul ended up a failure, committing suicide on the battlefield. In contrast, David is viewed as a man after God's own heart and, despite grievous mistakes, is viewed as the greatest king Israel ever had.

Corporately, the Old Testament perspective seems to be that if everyone in the nation indeed trusts God, has a corporate faith, and is doing their jobs and corporate work, God would bless the nation corporately, and each individual would share in that corporate blessing. I find this counter to Dworkin's idea that luck is a key element that determines outcomes. As we look at these issues, we need to recall that the Old Testament also reflects a fallen world, where flawed, sinful human beings struggle and run into problems not readily explained by the simplistic view of sin.

That is, not every failure is viewed as a direct result of a mistake on the part of the individual. We've already noted that the book of Job points this out very powerfully, as Job, a righteous man by everyone's admonition, faced unfathomable loss. Today, we see similar issues.

Buildings collapse, storms wreak havoc, tools break, animals die, people get sick or hurt, and all these seem to occur at the most inconvenient times. The net result is that people do not prosper in accordance with their abilities and efforts, but as Ecclesiastes notes, time and chance overtake them all. Because of this, the Old Testament concept of social justice, while it begins with the premise that every individual needs to pull his or her fair load and because of that emphasizes prescriptive justice, recognizes that things happen and each individual does not get what he or she might expect from his or her labors.

Life is not fair is a good description of that problem. Therefore, the Torah lays out what we might call a safety net, designed to catch individuals who encounter unexpected tragedies in life in order to allow them to get back on their feet. Because of the structure of society, we call these people social outliers.

A number of these safety nets and safety lines are interwoven into the specific stipulations of the Torah, but we'll cover those in part four.

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