

Biblical Justice vs. Social Justice

by E. Calvin Beisner

INTRODUCTION

My sixteen-year-old son A. J. and I just finished playing a bunch of games of ping-pong. We do it a couple of times a day lately, a good way to get me away from the computer for much-needed exercise and give the two of us a fun and, with me at 55 years old and overweight, often humorous time together.

As people would normally count them, the scores in our games aren't usually very close. In fact, they're generally pretty lopsided—so lopsided that some people would think them embarrassing. I won't tell you who generally wins, but observers might consider the almost-constant winner pretty hardhearted, maybe even disrespectful. We don't want to foster embarrassment or defeatism in one, or pride or viciousness in the other. What's to be done?

If we listened to the Progressive message, the message of social justice, we'd add up all the points each of us scores and divide by two, ensuring an equal outcome to every game. Surely that would be justice, wouldn't it? It would recognize our fundamental equality as made in God's image. It would compensate for the significant disadvantages one of us has, and the significant advantages the other has, through no fault of his own. (Well, at least partly no fault of his own.) It would alleviate the temptations to pride, envy, discouragement, and heartlessness. It would help one not to feel inferior, and the other not to feel superior. Wouldn't it?

Or would it instead generate resentment on the part of the one whose points were taken away? Might it cause the recipient of the redistributed points to lose incentive to work hard to improve his health, his strength, his coordination, his play? And might it cause the better player to be lazy, knowing it doesn't matter who wins any given point, since everything's going to come out even in the end?

Such arguments seem a little contrived and ludicrous when applied to a game of ping-pong, but they're the stock-in-trade of people on both sides of the debate over "social justice." However, opponents of ping-pong-point redistribution, and of wealth redistribution, despite all their arguments from the unintended consequences of redistribution, face a significant handicap in the public mind because advocates of redistribution appeal not just to practical outcomes but, much more importantly, to a bedrock principle of human relations: *justice*. Social *justice*, they assert, demands equality—or at least something closer to equality than what arises in the absence of any forced redistribution.

Simply by appropriating the title "social justice" for their vision, Progressives, Leftists, Socialists (with or without the capital *s*), call them what you may, have given themselves a marked advantage in the debate. (Never mind that according to their philosophy that advantage is an inequality that ought immediately to be mitigated by some form of forensic redistribution!) As social philosopher Friedrich Hayek put it over thirty years ago, "The expression of course described from the beginning the aspirations which were at the heart of socialism." Further,

The appeal to 'social justice' has . . . by now become the most widely used and most effective argument in political discussion. Almost every claim for government action on behalf of particular groups is advanced in its name, and if it can be made to appear that a

certain measure is demanded by ‘social justice’, opposition to it will rapidly weaken.¹

Anyone who argues against policies set forth in the name of “social justice” can be cast as defending injustice. And who wants to do that?

That means the real burden on critics of “social justice” is not to bring up all the sad unintended consequences but to go to the heart of the issue: the very meaning of justice itself, and whether in fact it requires the sort of equality advocates claim it does. That is my intent in this brief essay. But I’m going to approach it in a roundabout way that should make the detailed discussion of the meaning of justice easier to grasp when we get to it. I’m going to start by evaluating some common claims that the Bible itself requires, as a matter of justice, equality of outcome—or some approximation of it—in wealth, power, respect, or social stature, and in housing, education, health care, or whatever might be the subject at hand.

DOES THE BIBLE REQUIRE WEALTH REDISTRIBUTION AND EQUALIZATION?

Jesus and the Rich Young Ruler

Some who claim that the Bible requires equalization through wealth redistribution reject the Bible’s authority, sometimes even for that very reason. Libertarian economist Robert Higgs, for instance, in listing proponents of communism, which he of course rejects, wrote, “Jesus told his disciples to sell all that they owned and give the proceeds to the poor.”² A little more careful reading of Jesus’ words and their context (Luke 18:18–30) reveals, however, that Jesus didn’t tell His disciples to do that. He was speaking to a particular man—the rich young ruler, full of pride, confident that he’d fulfilled all of God’s commandments from his youth up, but blind to the fact that he’d broken the very first one by making his riches his god. This man had a particular problem, and Jesus prescribed a particular cure, one targeted directly at that problem. The prescription wasn’t universal; it didn’t apply to everyone.

In the very next chapter (Luke 19:1–10) we read that Jesus encountered another person, Zaccheus, the socially despised tax collector, detested by his neighbors for cooperating with the oppressive Romans, a man who implicitly admitted that he’d overcharged some of his countrymen on their taxes to enrich himself. Zaccheus came to Jesus humbly, confessing his sin, and announced his willingness to repent by repaying anyone he’d wronged and then giving half—not all, but half—his remaining wealth to the poor. How did Jesus respond? By saying, “Oh, no, Zaccheus, you must give *all* you have to the poor”? No. He said, “Today salvation has come to this house”—not, by the way, because Zaccheus had bought his way into Heaven but “because he, too, is a son of Abraham,” i.e., his actions manifested his faith in God’s covenant with Abraham (Romans 4:9–17, 24–29; 9:1–9).

Contrary to Higgs, then, Jesus didn’t tell His disciples to sell all they had and give everything to the poor.

¹Friedrich A. Hayek, *Law, Legislation and Liberty*, volume 2, *The Mirage of Social Justice* (University of Chicago Press, 1976), 65.

²Robert Higgs, “Communism’s Persistent Pull,” *The Beacon Blog*, December 9, 2010, online December 11, 2010, at <http://www.independent.org/blog/index.php?p=8826>.

But there are others who claim the Bible requires equality through (at least periodic) redistribution of wealth and who, unlike Higgs, profess to accept the Bible's authority. They gain considerable hearing in our churches today—men like Jim Wallis, the founder of the Sojourners community in Washington, D.C.; Ronald Sider, founder of Evangelicals for Social Action; and Liberation Theologians Gustavo Gutierrez and Jose Miranda. They claim to find support for wealth redistribution and equalization from four teachings in Scripture.

The Sabbatical Year Law

The first Biblical teaching to which Progressives appeal to justify wealth redistribution and equalization is the Mosaic law's requirement regarding debts in the Sabbatical year: "At the end of every seven years you must cancel debts" (Deuteronomy 15:1, NIV). That seems pretty clear. Or is it? Another translation puts it differently: "At the end of every seven years you shall *grant a release*" (ESV). Do they mean the same thing? More important, what does the underlying Hebrew mean?

The Hebrew translated *cancel* by the NIV and *grant a release* by the ESV is the verb עָשָׂה (*'asah*), meaning "to make" or "do," followed by the noun שְׁמִטָּה (*shemittah*), which a standard Hebrew lexicon defines as "**a letting drop** of exactions, a (temporary) **remitting**."³ It is that parenthetical word *temporary* that interests us. Was the "release" or "remitting" or "letting drop" of debts in the Sabbatical year really a cancellation—permanent? Or was it a suspension, temporary? For the progressives' application to be correct, it must be permanent.

The noun *shemittah* occurs only four times in the Old Testament (Deuteronomy 15:1–2, 9; 31:10), all of them in connection with this law, so OT usage won't answer the question. However, the noun comes from the verb שָׁמַט (*shamat*), which the lexicon defines as "let drop, fall."⁴ Indeed, we find both the noun and the verb in the very next verse: "And this is the manner of the release (*shemittah*): every creditor shall release (*shamat*) what he has lent to his neighbor. He shall not exact it of his neighbor, his brother, because the LORD's release (*shemittah*) has been proclaimed" (Deuteronomy 15:2).

The earliest OT use of *shamat* is in Exodus 23, again in the context of the Sabbatical year. In this context, however, it describes what the Israelites were to do not with debts but with agricultural land: "For six years you shall sow your land and gather in its yield, but the seventh year you shall let it rest and lie fallow" (Exodus 23:10–11). Were the Hebrews to abandon a particular plot of ground forever after the Sabbatical year? Clearly not. They were to "release" it during that year but resume cultivating it the next. The requirements to release land and debts in the Sabbatical year were analogous to the requirement of rest on the weekly Sabbath stated in Exodus 23:12: "Six days you shall do your work, but on the seventh day you shall rest; that your ox and your donkey may have rest, and the son of your servant woman, and the alien, may be refreshed." Just as people would be refreshed by a weekly Sabbath, so land and debtors would be refreshed by a year of release every seventh year. But just as people would return to work the day after the Sabbath, so land would be cultivated again in the year after the Sabbatical year, and debtors would resume

³Francis Brown, S. R. Driver, and Charles A. Briggs, ed., *A Hebrew and English Lexicon of the Old Testament* (Oxford: Clarendon Press, 1907, 1953, 1978), p. 1030; boldface and parentheses original.

⁴Ibid.

paying their debts.

The verb *shamat* appears elsewhere in the OT only five times: in 2 Samuel 6:6 (parallel to 1 Chronicles 13:9); 2 Kings 9:33; Psalm 141:6; and Jeremiah 17:4. In none of them is a permanent dropping implied, and in the last the context shows that it must be temporary.

Thus in every instance in which *shamat* and *shemittah* are used regarding the Sabbatical year, they must be understood in the sense of a temporary, not a permanent, release. Indeed, Deuteronomy 15:3, “Of a foreigner you may exact it, but whatever *of yours* is with your brother your hand shall release (*shamat*),” makes it clear that what the creditor had loaned remained his even during the Sabbatical year—he simply couldn’t collect payments on it during that year.

In short, the Sabbatical year debt-release law required not permanent cancellation but a year-long suspension of payments on debts. This ensured that debtors could still be refreshed by resting in the Sabbatical year and that creditors would still have their loans repaid.

The Jubilee Year Law

The second Biblical teaching to which Progressives appeal to justify wealth redistribution and equalization is the Mosaic law’s requirement regarding land, houses, and slaves in the Jubilee year—the year following every seventh Sabbatical year (Leviticus 25). When God brought Israel into the Promised Land, He divided the land among the tribes, providing each family with a plot over which it became steward and that it should hand down to its descendants. Differences in personal diligence, intelligence, and physical ability; differences in soil quality and water supply; or oppression or natural tragedies, however, made it inevitable that economic inequalities would develop. Except when they resulted from oppression, however, these were not unjust. But to preserve family unity and possession of land, as well as to restrain any one person from squandering all his descendants’ wealth by contracting debts he could not pay, God gave Israel the Jubilee regulations.

According to these regulations, land in ancient Israel was not to be sold permanently, because God asserted a special ownership of it beyond what He asserts of the whole Earth (Leviticus 25:23). It could, however, be “sold” temporarily, its price constituting a loan for a period not to exceed the years remaining to the next Jubilee. The price was to be determined by the value of the intervening harvests (presumably excluding those during Sabbatical years, when the land was not to be cultivated or systematically harvested) (Leviticus 25:13–16), “for it is the number of the crops that he is selling to you” (verse 16). Income the buyer earned from the land during the term of the loan would constitute repayment, entailing return of the land at the end since the loan would have been repaid. Also, if the seller (borrower) offered to repay the loan *before* its term ended, the buyer had to accept the offer—the price again calculated by the value of harvests in the intervening years (Leviticus 25:25–28). The land, in other words, would have functioned as collateral. Similar arrangements were made regarding houses (Leviticus 25:26–34).

Likewise, if someone became so poor that he needed to sell himself into slavery (what in modern times would be better recognized as indentured servanthood), the up-front payment would again be in effect a loan, the amount determined by the value of the servant’s labor up to the next Jubilee year. Again, if the seller (borrower) later were able to pay off the remainder, he could do so, but in any case he would go free in the Jubilee year because his labor would have paid off the loan (Leviticus 25:39–54).

Careful examination of the Jubilee year’s regulations disproves claims that it required any

redistribution or equalization of wealth. Indeed, not only did the regulations not cancel or forgive any debt but ensure repayment and then return of collateral, but also they said nothing of newly created wealth. If one farmer produced far more per acre than another, or if he gained riches through industry or trade, the Jubilee regulations didn't require any redistribution of that wealth or any equality of outcome between him and his neighbors.

Sharing of Goods in the Jerusalem Church

The third Biblical teaching to which Progressives appeal to justify redistribution and equalization is the so-called “community of goods” practiced by the early Christians in Jerusalem. Acts 2:44–45 and 4:34–35 tell us that believers “had all things in common” and “were selling their possessions and belongings and distributing the proceeds to all, as any had need” and that “no one said that any of the things that belonged to him was his own, but they had everything in common.”

One evangelical writer, Arthur G. Gish, went so far as to say that because of this “private property was an impossibility.”⁵ Liberation Theologian José Miranda said that here Luke insisted on “the universality of communism,” adding, “If [people] wanted to be Christians, the condition was communism.”⁶

But these claims ignore some important facts.

First, the giving was always voluntary, as we see from another incident that Luke records. When, as we read in Acts 5, Ananias and Sapphira sold a piece of land and laid *part* of the price at Peter's feet but alleged that they had given *all* of it, Peter responded, “Ananias, why has Satan filled your heart to lie to the Holy Spirit and to keep back for yourself part of the proceeds of the land? While it remained unsold, did it not remain your own? And after it was sold, was it not at your disposal?” (Acts 5:3–4). What Peter rebuked was not their holding back part of the price but their lying about how much they gave.

Second, the selling and giving occurred periodically over a period of time in response to specific needs, not all at once, as would have been required had redistribution and equalization been the idea. How do we know this? Because Luke writes not that the Christians “sold their possessions and distributed the proceeds,” but that they “were selling . . . and distributing.” This translates Greek verbs in the imperfect tense, a tense that denotes an action that began in the past and continued. People sold bits and pieces of their property from time to time, turning over the proceeds as need arose.

Third, although Luke says “no one said that any of the things that belonged to him was his own,” he doesn't say “everyone said that whatever belonged to anyone belonged to everyone.” Luke's point is not that private property (which is protected by the Eighth Commandment—“Thou shalt not steal.”) was abolished but that the Christians considered what belonged to them (note the affirmation of ownership there) as entrusted to them by God to serve their fellow Christians. Just as when a Spanish speaker says, “*Mi casa es su casa*,” he doesn't mean to deny title but to welcome you hospitably to his home, so this was the Christians' attitude in Jerusalem—and it should be our attitude today.

⁵Arthur G. Gish, *Living in Christian Community* (Scottsdale, PA: Herald Press, 1979), 70.

⁶José Porfirio Miranda, *Communism in the Bible*, translated by Robert R. Barr (Maryknoll, NY: Orbis, 1982), 7.

The Pauline Collections: “That There Might Be Equality”

The fourth Biblical teaching to which Progressives appeal to justify redistribution and equalization is what Paul writes of the goal of the collections he took up from churches around the Mediterranean to relieve believers suffering from famine in Jerusalem. The *New International Version* translates 2 Corinthians 8:13–14 thus: “Our desire is not that others might be relieved while you are hard pressed, but that there might be equality. At the present time your plenty will supply what they need, so that in turn their plenty will supply what you need. Then there will be equality.”

If the other passages we’ve examined don’t prove that Scripture requires economic equality, surely *this* one does. Indeed, Ronald J. Sider, a leader of the evangelical Left, wrote that this passage “clearly shows that Paul enunciates the principle of economic equality among the people of God . . .,” adding that this “was simply an application of the basic principle of the jubilee.”⁷

Yet, again, more careful scrutiny shows that this interpretation is unwarranted. First, we can dispense immediately with Sider’s assertion that this passage applied “the basic principle of the jubilee.” As we have seen, the Jubilee regulations affected only property used as collateral for loans. That was not the case in Paul’s collections for the saints in Jerusalem.

Second, we need to think carefully about just what Paul meant by “equality” here. The word twice translated “equality” by the NIV is the Greek *ἰσότης* (*isotēs*), which though it has the basic physical meaning of equality often means something more like fairness,⁸ and that seems to be the sense here. Thus the *English Standard Version* translates the verses this way: “I do not mean that others should be eased and you burdened, but that as a matter of fairness your abundance at the present time should supply their need, so that their abundance may supply your need, that there may be fairness.”

But what sort of “fairness” (or “equality”) did Paul have in mind? Sider’s interpretation—that Paul had economic equality in mind—has a troubling consequence for our understanding of these verses. If that’s what Paul meant, then his saying, “that . . . your abundance at the present time should supply their need, so that their abundance may supply your need,” would imply that the Corinthians should give materially to the believers in Jerusalem now so that when the positions were reversed in the future those in Jerusalem could give to them. That hardly sounds like the selfless, generous attitude Jesus prescribed when in Luke 6:27–35 He said we should give with no expectation of receiving anything in return. Indeed, the motive Sider’s view implies doesn’t fit at all well with the motives Paul said in the earlier verses should underlie the Corinthians’ giving:

We want you to know, brothers, about the *grace* of God that has been given among the churches of Macedonia, for in a severe test of affliction, their abundance of *joy* and their extreme poverty have overflowed in a wealth of *generosity* on their part. For they gave according to their means, as I can testify, and beyond their means, *of their own free will*, begging us earnestly for the favor of taking part in the relief of the saints—and this, not as we expected, but they gave themselves first to the Lord and then by the will of God to us.

⁷Ronald J. Sider, *Rich Christians in an Age of Hunger*, 2d ed. (Downers Grove, IL: InterVarsity Press, 1984), 96, 98.

⁸Walter Bauer, *A Greek-English Lexicon of the New Testament and Other Early Christian Literature*, 2d ed., edited by William F. Arndt and F. Wilbur Gingrich (Chicago and London: University of Chicago Press, 1979), 381.

Accordingly, we urged Titus that as he had started, so he should complete among you this act of grace. But as you excel in everything—in faith, in speech, in knowledge, in all earnestness, and in our love for you—see that you excel in *this act of grace* also. I say this not as a command, but to prove by the earnestness of others that your *love* also is genuine. For you know the *grace* of our Lord Jesus Christ, that though he was rich, yet for your sake he became poor, so that you by his poverty might become rich. (2 Corinthians 8:1–9)

What motives were to underlie their giving? Grace, joy, generosity, and love—not the calculation that if they gave now, they might receive later. And their giving was to be “of their own free will,” not because they were told the Bible demanded equality of condition—not even among fellow Christians.

What then did this “fairness” or “equality” consist of? Let us look carefully at the grammar Paul used when he wrote “that . . . your abundance at the present time should supply their need, so that their abundance may supply your need, that there may be fairness” (ESV). A very literal translation would be something like this: “in the present time your abundance into their lack, that also their abundance might be into your lack, in order that there might be equality [or fairness].” The first thing that jumps right out at us is the lack of any verb in the first clause. We expect “in the present time your abundance *might supply* their lack,” or “*might be* into their lack,” or *something* similar. But Paul used no verb at all, leaving it to readers to supply one. Paul did, however, help his readers by using a verb in each of the two following clauses: “that their abundance *might be* into your lack,” and “in order that there *might be* equality.” In each instance, the verb translated “might be” is γένηται (*genētai*), and it makes sense to supply that same verb in the first clause as well: “in the present time your abundance *might be* into their lack.” The tense of the verb, in both instances, is important, too: it is *aorist*, i.e., denoting punctiliar, or instantaneous, action.

With that in mind, the sense of the whole verse begins to become clear. By starting right out with “in the present time” and then using the two aorist verbs, Paul emphasized that the effect of the Corinthians’ giving—that their abundance would fill the Jerusalem saints’ lack, and the Jerusalem saints’ abundance would fill the Corinthians’ lack—and that there would be equality, would be immediate and simultaneous. That is, Paul intended no hint that the Corinthians should give *now* so that their brothers and sisters in Jerusalem might give *later* so that *then* there might be equality (or fairness). On the contrary, at the very instant at which the Corinthians gave, the Jerusalem saints’ lack would be supplied out of the Corinthians’ abundance, *and* the Corinthians’ lack would be supplied out of the Jerusalem believers’ abundance, *and* there would be equality.

So far this all seems to make sense. But what was the Jerusalemites’ abundance? And what was the Corinthians’ lack? It seems on the surface as if all the abundance belongs to the Corinthians, and all the lack is on the part of those in Jerusalem. Yet Paul insists that the Corinthians have both an abundance and a lack, *now*, and the saints in Jerusalem have both a lack and an abundance, *now*, and the moment the Corinthians give from their abundance to fill the Jerusalemites’ lack, the Jerusalemites’ abundance will meet the Corinthians’ lack. How can that be?

The key is in recognizing what Paul has observed among the Corinthians: a tendency to boast of a generosity they had not yet exercised. Paul wants them to prove that the love of which they have boasted is real (verse 8). A year before they had begun the collection, but they had not yet finished it (verse 10). Now they need to complete it, so that their “readiness in desiring it may be matched by [their] completing it” (verse 11). “So give proof before the churches of your love and

of our boasting about you,” Paul tells them in conclusion (verse 24). What the Corinthians lack is the fulfillment of their promise, and their desire, to give generously to the saints in Jerusalem; the moment they do so, their lack will be met, and so will be the lack of those in Jerusalem. What the saints in Jerusalem have in abundance is precisely their lack—and the moment that is filled up by the Corinthians’ giving, so will be the lack of those in Corinth.

And *that* will be the equality achieved—an equality in which a material lack becomes a material abundance, and a spiritual lack becomes a spiritual abundance.⁹

The Bible Does Not Demand Wealth Redistribution or Equalization

These five passages—or groups of passages—are those to which Progressives, egalitarians, and proponents of “social justice” most commonly appeal as requiring redistribution or equalization of wealth. None of them, as we have seen, does so. Yet many people still insist that even so the basic Biblical principle of justice does. Let us turn now to that.

DEFINING JUSTICE BIBLICALLY

Brevity today prohibits a thorough study of the vocabulary of justice in the Bible.¹⁰ A very brief survey must suffice. Careful study of that vocabulary leads me to summarize the Biblical concept of justice as *rendering impartially to everyone his due in proper proportion according to the norm of God’s moral law.*¹¹

Criteria of Justice

What ties all of the Biblical words for justice or righteousness together is the concept of conformity to an ethical or moral standard, or *criterion* (that word itself derived from the Greek *krinō*). In the Bible I find four criteria of justice.

First, justice requires impartiality, an equal application of all relevant rules to all people in all relevant situations. When Moses commissioned the judges of Israel, he charged them, “*Hear the cases between your brethren, and judge righteously between a man and his brother or the stranger who is with him. You shall not show partiality in judgment; you shall hear the small as well as the great; you shall not be afraid in any man’s presence, for the judgment is God’s*” (Deuteronomy 1:16–17). Just judgment, then, is always impartial.

Second, justice requires rendering to each his due. Paul instructs believers to “render . . . to all their due” (Romans 13:7), and he puts this instruction in a discussion of justice or judgment.

A key concept in justice, then, is that something about the recipient of an act (especially a

⁹I am indebted to the commentator R. C. H. Lenski for this insight. See R. C. H. Lenski, *The Interpretation of I and II Corinthians* (Minneapolis: Augsburg, 1963), 1145–1147.

¹⁰For such studies, see Colin Brown, ed., *The New International Dictionary of New Testament Theology*, 3 volumes (Grand Rapids: Zondervan, 1967, 1969, 1971), 2:361–371 (on judgment), 3:347–352 (on right, worthy), and 3:352–377 (on righteousness, justification), and for studies particularly focusing on economic applications, see E. Calvin Beisner, “Justice and Poverty: Two Views Contrasted,” *Transformation*, vol. 10, no. 1 (January/April 1993), 16–22, revised and reprinted in *Christianity and Economics in the Post-Cold War Era: The Oxford Declaration and Beyond*, edited by Herbert Schlossberg, Vinay Samuel, and Ronald J. Sider (Grand Rapids: Eerdmans, 1994), 57–80.

¹¹Beisner, “Justice and Poverty,” in *Christianity and Economics in the Post-Cold War Era*, 64.

judgment) merits or warrants the act (or judgment). This is reinforced in Romans 13:7 by Paul's writing that we should render "to all their *due*."

Third, justice requires proportionality, that is, symmetry between rewards or punishments, on the one hand, and the acts in return for which they are rendered, on the other. This principle displays itself in Scripture in two ways. First, proportionality distinguishes generally between violations of property and violations of persons, prescribing different kinds and degrees of punishment for the two (Leviticus 24:17–21). Second, proportionality distinguishes accidental harm, negligent harm, and intentional harm.

Fourth, justice requires conformity to the standard set forth in God's law—summarized in the Ten Commandments but also in the many moral statutes, ordinances, and case laws that apply the Ten Commandments and make them more specific. In this respect, justice or righteousness is closely akin to truthfulness and honesty. Thus, for instance, God commanded Israel, "You shall do no injustice in judgment, in measurement of length, weight, or volume. You shall have honest scales, honest weights, an honest ephah, and an honest hin" (Leviticus 19:35–36), meaning that their measures of length, weight, and volume must be just, must accord with an unchanging standard.

Five Types of Justice

Biblical usage reveals five types of justice: commercial, vindictive, retributive, punitive, and remedial.

The first of these types of justice, commercial—also called "commutative"—defines voluntary exchanges in which buyer and seller treat each other justly, that is, in accord with God's moral law and so truthfully (in accord with the Ninth Commandment, "You shalt not bear false witness . . ."), peacefully (in accord with the Sixth Commandment, "You shalt not kill"), and with respect to each other's property (in accord with the Eighth Commandment, "You shalt not steal"). Laws against theft, fraud, and violence, and laws requiring performance of contracts (oaths, vows, or promises) express this type of justice. For instance: "You shall not steal; you shall not deal falsely; you shall not lie to one another. . . . You shall not oppress your neighbor or rob him. The wages of a hired servant shall not remain with you all night until the morning." (Lev. 19:11, 13). An implication of commercial justice is that if we desire what another has, we must offer something he prefers in exchange for it, not acquire it by force or fraud. Violations of commercial justice by fraud, theft, or violence bring punitive and vindictive justice into play as correctives.

The other four types of justice all apply not to voluntary but to involuntary relationships. When one person violates another's rights (which are themselves defined by justice), the injury is to be redressed by vindictive, retributive, and punitive justice. *Vindictive justice* judges the victim right in his cause (1 Kings 8:32; Deuteronomy 25:1). *Retributive* (from the Latin *re*, "back," and *tribuere*, "to pay") *justice* requires the offender to restore the victim to his status before the offense (Exodus 22:1–15). *Punitive justice* applies a penalty to the offender as punishment for violating the law (Romans 13:4). In crimes against *property* (theft or destruction), punitive and retributive justice combine in the offender's restoring to the victim what was taken or destroyed (retribution, also called restitution) plus some additional amount (punishment). Consider some examples from Scripture. If the criminal voluntarily confesses his crime and makes restitution, he is to repay what he stole plus, as punishment, one fifth (Leviticus 5:14–16; 6:1–5; 22:14; Numbers 5:5–8). If the criminal is caught, he is to repay what he stole plus, as punishment, the same value again (Exodus

22:4, 7). In certain instances and for reasons difficult to determine today, when the thief steals livestock and slaughters or sells it, he is to restore what he took plus, as punishment, three to four times as much in addition (Exodus 22:1). In crimes against *persons*, punitive justice requires the suffering of some loss by the criminal, and retributive justice requires the criminal to bear the costs of the injury—except in murder, in which case the criminal is to bear the same loss as the victim: he is to be executed (see Exodus 21:12–27). Sometimes, one person harms another accidentally. In this case, *remedial justice* requires the one who caused the harm to share the cost equally with the victim (Exodus 21:35) but adds no penalty. But if negligence is involved (meaning the harm should have been foreseen and prevented), the negligent person must be punished by having to bear the whole loss himself (Exodus 21:33–34, 36), restoring the victim fully to his former state at the offender’s expense.

JUSTICE AND RIGHTS

The four criteria of justice—impartiality, rendering what is due, proportionality, and conformity with God’s law—imply that people have rights. Consider each of the Ten Commandments in turn:

1. Because God has commanded, “You shall have no other gods before Me,” people have a duty to worship God and therefore a right not to be hindered from that worship or forced to acknowledge other gods.
2. Because God has commanded, “You shall not make for yourself a carved image, or any likeness of anything that is in heaven above, or that is in the earth beneath, or that is in the water under the earth. You shall not bow down to them or serve them . . .,” people have a duty to avoid idolatry and therefore a right not to be forced to worship in manners contrary to God’s Word.
3. Because God has commanded, “You shall not take the name of the LORD your God in vain,” people have a duty to show respect to God’s name, Word, and works, and therefore not to be required to dishonor them.
4. Because God has commanded, “Remember the Sabbath day, to keep it holy. Six days you shall labor, and do all your work, but the seventh day is a Sabbath to the LORD your God. On it you shall not do any work, you, or your son, or your daughter, your male servant, or your female servant, or your livestock, or the sojourner who is within your gates . . .,” people have a duty to rest one day in seven and therefore a right not to be forced to work seven days a week.
5. Because God has commanded, “Honor your father and mother,” people have a duty to honor those in authority, and those in authority have a right not to be dishonored by those under their authority.
6. Because God has commanded, “You shall not murder,” people have right not to be killed or injured without just cause.
7. Because God has commanded, “You shall not commit adultery,” people have a duty to be sexually faithful and a right not to be forced into sexual acts.
8. Because God has commanded, “You shall not steal,” people have a duty to respect others’ property and a right not to have their property taken or harmed without just cause.
9. Because God has commanded, “You shall not bear false witness,” people have a duty not to lie or to defame their neighbors and a right not to be lied to or defamed.

10. Because God has commanded, “You shall not covet,” people have a duty to respect whatever belongs to others—whether wealth or honor or status, etc.—and a right not to be condemned for having what others don’t.

Negative and Positive Rights

An important question is whether God’s law—the standard of justice and the basis of rights—entails both negative rights, that is, rights against harm, and positive rights, that is, rights to certain benefits. Does my right against being murdered, for example, mean I have a right to life, or does my right not to have my property stolen mean I have a right to food?

It’s easy to let common usage confuse us about this. Of course I have a *right to life*! Nobody should murder me! We even have a whole political movement called the “right to life” movement—and I would be the last person on Earth to oppose that movement’s goal of making abortion illegal except to save the life of the mother.

But consider this question: Does a murderer still have a right to life, or has he forfeited it? Since God’s law says a murderer is to be executed (Genesis 9:6; Exodus 21:12, 14; Romans 13:4), it follows that one’s right to life is limited. It can be forfeited. Or consider another question: Does a person who refuses to work have a right to food? If the food is his property, undoubtedly he has a right to it, since the Eighth Commandment says, “You shall not steal.” But what if he owns no food? Does he still have a right to food? Not according to Scripture, for the Apostle Paul wrote, “If anyone is not willing to work, let him not eat” (2 Thessalonians 3:10). Or yet another question: Does the owner of a luxury sailboat have a right to it? Well, yes, since we’ve already defined him as the *owner*, the Eighth Commandment entails that he has a right to it. But now perhaps it becomes easier to see what we really mean by “right to it.” We mean he has a right *not to have it stolen*.

That’s what I think we really mean by “right to life” and “right to food,” and indeed properly by any assertion of a “right to” anything: a right *against* having that thing taken from us or destroyed without just cause. My right to my good name means I have a right not to be defamed by false or injurious language—but it doesn’t mean I have a right to be called honest if I’m a liar or hard working if I’m lazy. My right to my car means I have a right not to have it stolen, but it doesn’t mean I have a right to any car without my paying for it. My right to life means I have a right not to be murdered or assaulted, but it doesn’t mean I have a right for anyone else to ensure that all the conditions of my survival are met.

Properly understood, rights are not guarantees that something will be *provided for us* but guarantees that what is ours won’t be unjustly *taken from us*. That is, properly speaking rights are negative, not positive. Why?

First, because there’s no objective, universal, unchanging standard by which to determine how much of any given benefit everyone has a right to, but since justice requires impartiality, proportionality, and conformity to the standard of God’s law, this entails that rights are the same and unchanging for everyone. If everyone has a right to food, how many calories per day, and of what composition (meat, vegetables, grains, dairy products, fish) and quality does everyone have a right to? If everyone has a right to shelter, of what size and quality and in what location must it be? Is it even possible for two persons to have a right to shelter in the same location? But since, as every real estate knows, the fundamental rule of home value is location, location, location, how can two people both have the same right to shelter if they can’t both have it in the same spot? This

reasoning points toward another problem with positive rights.

Second, rights are properly negative, not positive, because the assertion of positive rights necessarily entails the violation of negative rights, while the assertion of negative rights doesn't. If someone has a positive right to food but refuses to work for it, his "right" can be supplied only by taking food from someone else who has worked for it—i.e., from someone to whom it properly belongs—and that is a violation of the Eighth Commandment's prohibition of stealing, making it a violation of the owner's negative right against theft.

The economist Walter Block put the case against positive rights clearly and succinctly. To begin with, negative and positive rights can be contrasted in six ways that make it clear that the former are legitimate and the latter not:

- "Negative rights are timeless. A . . . caveman had a right to be left alone[, and so do we today]. The same does not hold for positive rights. Did a caveman have a right to a modern level of food, clothing, shelter, and medical care?"
- Negative rights are realistic and realizable; positive rights are neither. In theory, "We could, if we all resolved to, keep our mitts to ourselves and not murder, rape, or commit mayhem on other people. . . . But could we, merely by resolving to, achieve a world where all positive-rights obligations are being met? No. It is simply impossible . . . to give everyone in the world . . . the same level of income that North Americans now enjoy."
- A negative-rights view suffers no trouble from the fact that natural forces sometimes destroy persons' property, health, and even lives; but a positive-rights view, which insists that all have a right to equal conditions, is forced to say that hurricanes violate people's rights when they smash their homes.
- Negative rights admit that changing personal conditions may be legitimate, but under positive-rights theory one person's increase in any good implies another's relative diminution—since positive rights are not merely equal rights but rights to equal things.
- The positive-rights view destroys the very concept of charity, for the recipient may legitimately claim that any excess in the giver's wealth over his own violates his positive right to equality of condition.
- Negative rights can truly be equal (all have an equal right not to be molested), but positive rights cannot, since there are differences of condition that simply are not susceptible of equalization. Furthermore, advocates of positive rights cannot justify either (a) limiting the equalization of wealth to any geographic boundaries ("A welfare system that would make the North American recipient a very rich person indeed were he to live in Bangladesh can hardly be justified, especially on the egalitarian grounds of the welfare rights philosophy"—p. 125), or (b) limiting equalization merely to wealth, which, after all, is less important to human happiness and dignity than such things as intellect and talent.

As Block notes, "Traditionally, negative rights were derived from the right to be free of violence" and fleshed out "the nonaggression axiom." Positive rights, however—"to food, clothing, shelter, meaningful experiences"—"are communal 'rights,' for the enforcement of which a coercive socialist state is needed."¹²

¹²Walter Block, "Private Property, Ethics, and Wealth Creation," in *The Capitalist Spirit: Toward a Religious Ethic of Wealth Creation*, edited by Peter L. Berger (San Francisco: Institute for Contemporary Studies, 1992),

WHAT ABOUT SOCIAL JUSTICE?

Earlier I listed five types of justice: commercial, vindictive, retributive, punitive, and remedial. Why didn't I list *social justice* also? For two reasons. First, because social justice is precisely the assertion of positive rights, also known as benefit rights, and since positive rights are illegitimate, social justice is illegitimate, too. Second, because social justice by definition involves the violation of Biblical criteria of justice, and therefore "social justice" is really, by Biblical criteria, *injustice*. Consider these separately.

It is tempting, and common, to think of social justice as nothing more than "the fair distribution of advantages, assets, and benefits among all members of a society," as, for example, a teacher resource website of the Glenbow Museum sponsored by the Department of Canadian Heritage defines it.¹³ That sounds innocuous. Who could be against *fair* distribution of *anything*? The trouble is that fairness is a *moral* quality and depends on there being a *moral agent*—someone, a person, with moral capacity, that is, the capacity to understand and choose right or wrong—actively doing the distributing. But for the vast majority of advantages, assets, and benefits, no such person does the distributing, unless we believe God sovereignly, providentially controls all things.¹⁴ While that belief is Biblical, it doesn't justify government's intervening to change whatever distribution occurs in the absence of its action. That is, it doesn't justify redistribution, for by definition, God, the Creator, without whom no one would even exist, owes no one anything and therefore can, as Scripture puts it, "make out of the same lump one vessel for honored use and another for dishonorable use" (Romans 9:21). What, for instance, can be a more important asset than intellectual ability? Yet no one but God distributes that, and the very attempt to level intellectual ability in society requires partiality—the unequal application of rules to various people—as well as inevitably leading not to an increase but to a decrease in overall intellectual accomplishment in society, for while it is possible to restrain intellectual achievement by withholding learning opportunities, it is impossible to force the naturally less intelligent or disciplined to learn more. That is, we can "level down," but we cannot "level up."

As Hayek explained:

It has of course to be admitted that the manner in which the benefits and burdens are apportioned by the market mechanism would in many instances have to be regarded as very unjust *if* it were the result of a deliberate allocation to particular people. But this is not the case. Those shares are the outcome of a process the effect of which on particular people was neither intended nor foreseen by anyone when the institutions first

122–126. My discussion here reflects that in my review of Berger's book in the *Association of Christian Economists Bulletin*, no. 19 (Spring, 1992), 20–26.

¹³http://www.glenbow.org/mavericks/teacher/english/thm_poli/glossary.html. Similarly, the website wordIQ.com defines social justice as "the overall fairness of a society in its divisions of rewards and burdens"; http://www.wordiq.com/definition/Social_justice.

¹⁴This is actually what Adam Smith, the eighteenth-century Scottish moral philosopher who was the founder of modern economics, meant by "the invisible hand," the most widely recognized but generally misunderstood of his ideas. See E. Calvin Beisner, "Stewardship in a Free Society," in *Morality and the Marketplace, A Christian Vision Book*, Volume 7, edited by Michael Bauman (Hillsdale, MI: Hillsdale College Press, 1994), 17–35, at 26–28.

appeared—institutions which were then permitted to continue because it was found that they improve for all or most the prospects of having their needs satisfied. To demand justice from such a process is clearly absurd, and to single out some people in such a society as entitled to a particular share is evidently unjust.¹⁵

When people speak of “the fair distribution of advantages, assets, and benefits among all members of a society,” they tacitly assume that some identifiable moral person or persons, other than God, do the distributing. But no such moral actor or actors exist with regard to the most important advantages, assets, and benefits. No George or Mary consciously determines the genetic inheritance of Richard or Sally, but that genetic inheritance is hugely determinative of Richard or Sally’s physical appearance and ability and mental capacity and aptitudes. No Deborah or Henry consciously determines where Elaine or Billy will be born—in America or North Korea, in Loudon County, Virginia, or Madison County, Alabama—but place of birth has tremendous implications regarding educational and vocational opportunities. It isn’t “society” that determines that Andrea or Peter will be born to parents who highly value education, or sports, or the fine arts, or travel, rather than parents who place a very low value on any of those—yet that circumstance of birth, too, is largely determinative of the child’s opportunities and outcomes. And what justifies our excluding time of birth from our consideration of advantages, assets, and benefits? Without doubt *no one* born in the eighteenth century B.C., or even in the eighteenth century A.D., no matter how rich (by the standards of the time) or powerful his parents, had the same opportunities to acquire nutrition, education, medical care, or technology that *most people* born in the twentieth and twenty-first centuries have; and the latter in turn will be hugely “disadvantaged” compared with people born in the twenty-third century A.D. Whom may we blame for any of these and myriad other *inequalities* that social justice considers *injustices*?

When social justice’s violation of negative rights and of Biblical criteria for justice in order to give positive rights becomes clear is the moment government tries to mitigate such inequalities. To raise Charles’s opportunities or outcomes relative to Elizabeth, government must treat Charles and Elizabeth differently, taking from her to benefit him. That different treatment is precisely what is forbidden by the Biblical principle of impartiality, and the taking from Elizabeth is a violation of her negative right against unjust taking of her property.

MAINTAINING THE DISTINCTION BETWEEN GRACE AND LAW

Does this make it wrong to try to mitigate inequalities? No. It only makes it wrong to try to do so through force of government. Voluntary efforts may be laudable and do no injustice. And the reason for this distinction is that what is voluntary is a matter of grace, not of justice. The Bible clearly teaches that we should “remember the poor” (Galatians 2:10) and share with those who are in need (Ephesians 4:28). It instructs God’s people,

If among you, one of your brothers should become poor, . . . you shall not harden your

¹⁵Hayek, *Law, Legislation and Liberty*, vol. 2, *Mirage of Social Justice*, 64–65, emphasis original. This entire volume is an invaluable study of the internal incoherence—the self-refuting character—of the very idea of social justice.

heart or shut your hand against your poor brother, but you shall open your hand to him and lend him sufficient for his need, whatever it may be. . . . You shall give to him freely, and your heart shall not be grudging when you give to him, because for this the LORD your God will bless you in all your work and in all that you undertake. For there will never cease to be poor in the land. Therefore I command you, “You shall open wide your hand to your brother, to the needy and to the poor, in your land.” (Deuteronomy 15:7–11)

But what the Bible never does is put responsibility for this into the hands of the civil government. While it prescribes civil penalties for murder, adultery, theft, and false witness, it never hints at civil penalties for failure to give to the poor. Why is this?

Because God ordained the state to dispense justice, and the church to dispense grace. Law came by Moses, grace by Jesus Christ (John 1:17). Justice, as we have seen, entails negative rights, not positive rights. Indeed, there are no positive rights. The provision of unearned benefits is grace, not justice. And when the state—which is the legal monopoly of force—gives benefits to some in the name of positive rights, it must take them from others, violating their negative rights.

Recognizing this distinction is fundamental to the gospel, and blurring it undermines the gospel by confusing justice and grace. It is troubling, therefore, to see evangelical Leftists disparaging charity (from *charis*, grace) in contrast with justice in meeting the needs of the poor.¹⁶ Properly understood, charity—i.e., grace—should never be thought a less appropriate response to people’s needs than justice. Where the needy suffer because they have been unjustly treated, they need justice and, if that is not attainable, charity. Where they suffer because they have harmed themselves, or by mere historical circumstances (really, divine providence), they need charity.

The Apostle Paul exults that God “predestined us for adoption through Jesus Christ, according to the purpose of his will, *to the praise of his glorious grace*” (Ephesians 1:5–6), that “we have redemption through his blood, the forgiveness of our trespasses, *according to the riches of his grace*” (Ephesians 1:7), that “God, being rich in mercy, because of the great love with which he loved us, even when we were dead in our trespasses, made us alive together with Christ—*by grace you have been saved*—and raised us up with him and seated us with him in the heavenly places in Christ Jesus, so that in the coming ages he might show the *immeasurable riches of his grace in kindness toward us in Christ Jesus*” (Ephesians 2:4–7).

This high view of grace cannot be reconciled with a disparaging view of charity to the poor. The same glorious grace that, in God, motivated the atonement should, in us, underlie our understanding and motivate our exercise of economic charity. By drawing this connection between the grace of atonement and the grace of economic charity we do not demean the former but elevate the latter (charity) by associating the two, just as Paul does when he makes the grace of Christ in atonement the paradigm for the grace of the Corinthians in giving to the needy saints of Jerusalem: “For you know the grace of our Lord Jesus Christ, that though he was rich, yet for your sake he became poor, so that you by his poverty might become rich” (2 Corinthians 8:9).

WHY DOES THE BIBLE SPEAK SO MUCH OF DOING JUSTICE FOR THE POOR?

In its punitive, vindicatory, and remedial senses, justice often comes to the special aid of the poor. Scripture forbids partiality either in favor of or against the poor (Exodus 23:3, 6; Leviticus 19:15).

¹⁶E.g., Sider, *Rich Christians*, 83.

Nonetheless, the Old Testament also frequently associates help for the poor with justice (Psalm 72:2, 4; 82:3; 140:12; Proverbs 29:14; 31:9). Why?

Because the poor are particularly vulnerable to injustice in ways others are not; therefore they more frequently are victims of injustice than are most others. Furthermore, often the many Hebrew words translated “poor” in these contexts emphasize not material destitution but weakness, dependence, or low status in society and hence vulnerability to oppression.¹⁷ In other words, it is not simply because they are poor that Scripture tells us to help the poor by administering justice (for we should administer justice for rich and poor alike), but because they are victims of injustice (e.g., Psalm 72:4; 74:21; 82:3; 109:31; 140:12; Proverbs 22:22; 28:3; Ecclesiastes 5:8; Isaiah 3:14; 10:2; 11:4; Jeremiah 5:28; Amos 2:6; 5:12). In contrast, we are to exercise charity, or grace, toward them simply because they are poor (Deuteronomy 15:7–11; Psalm 112:9; Proverbs 19:17; 22:9; 28:27; Matthew 19:21; Mark 10:21; Luke 19:8; 2 Corinthians 9:6–9.)

Consequently, the Old Testament frequently speaks of the poor in ways similar to how it speaks of other vulnerable people, e.g., widows, orphans, and strangers (see Deuteronomy 10:18). For instance, the ideal king (ultimately the Messiah) will “judge [*dyn*, plead the cause; execute judgment, vindicate, requite; govern] [God’s] people with righteousness [*sedeq*], and [His] poor [’*ānî*, needy, weak, afflicted, humble, but not always materially lacking] with justice [*mišpāt*].” He will “defend the cause [*šāpat*] of the poor [’*ānî*] of the people, [and] give deliverance to the children of the needy [’*ēbyôn*, in want, materially lacking], and . . . crush the oppressor [’*āšaq*, one who deals deceitfully, defrauds, oppresses, does violence]” (Psalm 72:2, 4), i.e., He will vindicate the poor who are victims of injustice. So frequently are the *materially poor* also the *oppressed or afflicted* that the two Hebrew words denoting these sometimes are used interchangeably, as in the parallelism of Psalm 74:21: “Let not the downtrodden turn back in shame; let the poor and needy praise your name.” Here the “downtrodden” simply *are* the “poor” and “needy.” The same idea occurs in Psalm 82:3: “Give justice [*šāpat*, judge, vindicate] to the weak [*dal*, low, weak, thin, reduced, helpless] and the fatherless; maintain the right [*sādaq*, be or make right, cleanse, clear, do justice or righteousness] of the afflicted [’*ānî*] and the destitute [*r š*, in want, lacking, poor].” While justice, then, is never *partial* to the poor (Exodus 23:3), it recognizes that the poor are often vulnerable to injustice, and so it is particularly apt to come to their aid in vindication, justification, or salvation from oppressors (see also Psalm 140:12; Proverbs 29:7, 14; 31:9; Ecclesiastes 5:8; Isaiah 3:14; 10:2; 11:4; 32:7; Jeremiah 5:28; 22:16; Ezekiel 18:17; Amos 5:12).

The key point is that when the Bible speaks of doing *justice* for or to the poor, it does so in light of their having suffered *injustice*. When, in contrast, it speaks of helping the poor simply because they are poor, not because they are oppressed, it speaks in terms of charity or grace.

CONCLUSION

Let there be no misunderstanding. Refusing to equate justice with grace does not excuse disobeying God’s commands to give graciously to the poor. Personal righteousness requires *graciously* serving the poor—and not only the poor but people with all kinds of needs. Believers,

¹⁷Additional discussion of the meaning and usage of the Biblical vocabulary of the poor is beyond the scope of this article, but it is crucial to the understanding of the application of justice to the poor. A very helpful study of the former is Daryl S. Borgquist’s *Toward a Biblical Theology of the Poor* (La Mirada, CA: Talbot Theological Seminary, unpublished Master of Theological Studies thesis, 1983).

individually and corporately, owe our Sovereign this gracious service to the needy.

But if care for the needy is made a matter of justice *to the needy* rather than *to God*, then grace becomes law. Then the needy—and those who merely profess to be needy—may claim the benefits of grace as their due by justice, appealing to the state for their enforcement, since God has ordained the state to enforce justice. That way lie all the inherent contradictions of positive rights and the stultifying effects of wealth redistribution by the coercive power of the state.

When God commands justice, we are to do justice, and the state is to enforce it. When He commands grace, we are to exercise grace, but precisely because grace is not justice, and because God ordained the state to enforce justice, not grace, the state is never to enforce grace. Indeed, “forced grace”—the real meaning of “social justice”—is a contradiction in terms.

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