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Disciplinary Brief

## TWO THOUGHTS ON JUSTICE, RIGHTS, AND THE ACADEMY

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### Are rights enough?

In his theology brief for the Faculty Initiative, Nicholas Wolterstorff talks about justice in the language of rights. Fair enough. He has done this to great effect in earlier work too. [ 1 ] Some, including myself, might like to see greater acknowledgement not only of the corollary relationship between rights and duties but also the fact that, historically, duties-talk long preceded and only belatedly birthed rights-talk, and also greater justification for why rights-talk is to be preferred to duties-talk. But this is well-trodden ground by now. [ 2 ]

**Contemporary rights-talk is not enough.** Something that does seem worth raising, though, is the question of what might be gained if this discussion of justice and rights was to be brought into conversation with recent debates about the political construction of rights-talk and the vital implications of this political construction for matters of justice. As Samuel Moyn and others have argued recently, insofar as human rights has been primarily defined in recent decades in terms of sufficientist understandings of basic rights and the need to protect people from atrocities and other violations of physical well-being, such rights-talk is “not enough.” By sidelining questions of distributive justice, material equality, and reparations for past injustices, prevailing constructions of human rights offer only a partial vision of global justice. [ 3 ]

**Thinking with the parable of the good Samaritan.** I think we can usefully “think with” the parable of the good Samaritan to explore this idea. While Wolterstorff may be right to suggest that human rights should be defined more broadly, the fact is that they are often defined politically in narrow terms of the right of beaten men lying half dead by the side of the road to be (a) not beaten in the first place and (b) upon being beaten, to be cared for by good Samaritans.

A broader vision of justice needs also to reckon with how individual people and also collectives such as sovereign states so often not only fail to behave as good Samaritans, but often behave as priests and Levites, crossing to the other side of the road to avoid encountering the vulnerable, or even in complicity with the robbers, acting in unjust ways, directly or systemically, past or present, that in one way or another amount to a degree of culpability for the vulnerability and suffering of others.

**Justice for refugees.** I have tried to “think with” the parable in this way in a recent book, co-written with my theologian brother, Mark Glanville, which considers how to think through questions of justice with respect to refugees. [ 4 ] Writing for

a Western Christian audience, we argue that we need to understand how wealthy Western states don't simply fail to act like the good Samaritan in failing to do more to care for refugees. Rather, they act like the priest and the Levite in the parable, going out of their way to keep refugees at a distance, detaining them, deterring them, and containing them in poorer developing regions of the world. And they also even act like the robbers, contributing historically and today to the vulnerability and suffering and displacement of so many people.

From the wars and conquests, dispossession and eradication of indigenous peoples, the mass migration of people out of Europe, and the inflow of natural resources into Europe that attended European imperialism, to the reckless wars, exploitative economic regulations, and environmental destruction of the post-colonial era, Western states have accrued and continue to maintain territories and riches via practices that sustain the poverty, instability, and vulnerability of others, and contribute to the generation of situations that produce their displacement. Wealthy Western states thus owe obligations to displaced people as a matter of justice. Certainly, such a broader vision of justice can be articulated in terms of rights. But it is useful to recognize that prevailing discourses of rights actually often occlude such a broader vision.

**How should states prioritize?** One further potential limit to relying on rights-talk to provide a full vision of justice, and one that I'm presently exploring in a different co-authored book project with political theorist James Pattison, is the question of how states should prioritize among multiple threats or acts of rights violations globally when thinking about where they should direct their attention and resources. [ 5 ] Think of the competing needs to respond to global poverty, mass atrocities, global pandemics, and climate change, among many global threats and crises. Confronted with a plurality of competing demands, I think we need more than mere rights-talk to help us discern the requirements of justice. Questions about the allocation of responsibilities among multiple states and the prioritization of a single state's multiple responsibilities become much more central and indispensable.

## On the scholarly pursuit of justice

The final part of Wolterstorff's brief turns to "the role of justice in and by and for the academy, and the importance of being alert to that role." I am entirely in agreement with his emphasis on the importance of being alert to the role of justice in scholarly research. However, I have serious reservations about his characterizations of the tasks of various academic disciplines. While for a range of reasons my own research interests have shifted in recent years such that they are very much in alignment with the kinds of concerns for justice that Wolterstorff recommends, I think an individual Christian scholar working in disciplines that he names on page 14 – "economics, political theory, business and management, sociology and social work, health care, gender studies" – can and often do usefully pursue a range of vital research questions that do not speak directly or explicitly to issues of justice, and we should not discourage this.

**Justice grounded in understanding.** Wolterstorff criticizes scholars in these disciplines who, instead of focusing on what is just and unjust, focus on "utilitarian considerations of power, efficiency, cost, preference, etc." But surely so much of our understanding of what is just and unjust relies on our understanding of these very things: e.g. (a) what are the possibilities and limits and hazards of power, (b) what options among many can be pursued with efficiency or inefficiency and with what cost, and (c) to what extent do the preferences of relevant actors shape the possibilities, limits, and hazards of

certain courses of action?

Consider, for example, the question of military intervention in response to atrocities. Before we confidently argue about the justice or injustice of intervention, we surely need careful research on the practice of intervention and whether and under what conditions it might be able to succeed in saving lives, and that will necessarily involve giving attention to considerations of such things as “power, efficiency, cost, preference, etc.” [ 6 ]

So much of what we take for granted about what is just and unjust relies on certain assumptions and prevailing understandings of such things, and a Christian scholar in these disciplines will often usefully take on the task of clarifying and improving such understandings. That Christian scholar may then choose to take on the additional task of addressing their findings directly and explicitly to questions of justice in a scholarly manner, but there will often be good reasons for them to leave it to others to do this – perhaps because they may not be trained or adept at such things or they lack the time or resources to do so.

**History should inform policy too.** Relatedly, I would question the distinction that Wolterstorff draws between the disciplines that he first lists – “economics, political theory, business and management, sociology and social work, health care, gender studies” – and the discipline of history. Indeed, I think the basis of his argument here further reveals the justification for my previous reservation. Wolterstorff suggests that the field of history is different in that it does not make policy suggestions. I would respond that there are plenty of important research questions that Christian scholars can and do pursue in the earlier list of disciplines that also do not lead directly to policy suggestions. Often the task of offering a policy suggestion requires that scholars take an additional step of explicitly considering policy implications which, as I noted with respect to considerations of justice above, may not be best done by the same scholar who does the initial research. And at the same time, there is plenty of scope for historians to take the additional step of arguing for policy implications that follow from their *historical* research (or from the research of other historians), if they are capable of doing so. Indeed, historians often publicly lament that they have vital, policy-relevant things to say and that they try to say them publicly but that their opinions are ignored and that it is economists instead who today have the ears of policy-makers – to often-disastrous effect. [ 7 ]

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## End Notes

- [ 1 ] See especially Nicholas Wolterstorff, *Justice: Rights and Wrongs* (Princeton University Press, 2010).
- [ 2 ] See for example the forum on Wolterstorff's *Justice* in *Journal of Religious Ethics*, 37, no. 2 (2009).
- [ 3 ] Samuel Moyn, *Not Enough: Human Rights in an Unequal World* (Harvard University Press, 2018).
- [ 4 ] Mark R. Glanville and Luke Glanville, *Refuge Reimagined: Biblical Kinship in Global Politics* (InterVarsity Press, 2021). See similarly Luke Glanville, "The Refugee and the Sovereign State," *International Journal of Public Theology* 14, no. 4 (2020): 456-74.
- [ 5 ] We lay out some of the contours of this project in Luke Glanville and James Pattison, "Where to Protect: Prioritization and the Responsibility to Protect," *Ethics & International Affairs* 35, no. 2 (2021). The project builds on recent work by James and I, such as Luke Glanville, *Sharing Responsibility: The History and Future of Protection from Atrocities* (Princeton University Press, 2021); James Pattison, "Opportunity Costs Pacifism," *Law and Philosophy* 39 (2020): 545-76.
- [ 6 ] For an example of such analysis undertaken for the explicit purpose of drawing better conclusions about matters of justice, see Glanville, *Sharing Responsibility*, 82-87
- [ 7 ] See, for example, David Armitage, "Why Politicians Need Historians," *Guardian*, October 7, 2014.

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