



Global Faculty Initiative

**The Faculty Initiative
seeks to promote the integration
of Christian faith and academic disciplines
by bringing theologians into conversation with scholars
across the spectrum of faculties
in research universities
worldwide.**

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LEADER GUIDE | JUSTICE MODULE 3 | TWO TYPES OF JUSTICE

Session Objectives

1. To understand Wolterstorff's case for two types of justice
2. To appraise Wolterstorff's argument that first-order justice—'rendering to each person what is their right or due'—is basic and systemic in Christian thought
3. To explore how and where systemic or first-order justice should surface in an academic's work, in scholarly institutions, and society at large

Reading

Wolterstorff: Theology Brief - '[Two Types of Justice](#)' (Justice and Rights, page 15) [10 minutes to read]

Wolterstorff: Postscript - '[Justice in context](#)' (Justice and Rights, page 198) [5 minutes to read]

Summary

Wolterstorff presents an original conceptualization of two types of justice. First-order justice, by far the most widespread, concerns ordinary affairs and may exist before any injustice is done. Second-order justice responds to injustice, or a violation of first order justice. This second-order response may come in a range of forms, from punishment to restitution and forgiveness.

Wolterstorff believes these terms capture more fully the various types of justice we encounter in the world including both individuals and social entities (institutions, organisations and groups). Wolterstorff also argues that we must attend to first-order justice (understanding what justice means in our ordinary affairs) before we turn to second-order justice (activities concerned with securing first order justice when injustices occur).

Questions

Q1: [Wolterstorff](#) states that '*I distinguish between first-order justice, where agents, individuals and institutions, act justly in their ordinary affairs; and second-order justice, which concerns the laws, sanctions and systems that secure first-order justice*' (Justice and Rights, page 9). **Does this**

distinction make sense to you, especially the thesis that first-order justice, ‘best understood as each person or institution rendering to the other what is their right or what is due to them’, is ‘structurally basic’?

Leader prompts:

- Yes: the distinction presses us to get far beyond the obvious institutions of laws and justice; ‘first-order’ justice impels us to survey every social interaction to ask what are the rights of others, what is due to them, i.e., an ‘other-orientation’; to scan every social institution (e.g., economy, leisure, family, education, health, etc.) to ask if it is justly giving everyone his/her right; to give us a sharper and theologically grounded toolkit to hold all individuals and agents accountable to a ‘fundamental’ biblical ideal.
- No: lines between first- and second-order justice blur in some disciplines, e.g., law and policy-making ([justice, market failure and government agency rulemaking](#), Lee, Justice and Rights, page 122), or employing restorative justice in communities ([restorative justice](#), Marshall, Justice and Rights, page 97); affirming ‘rights’, even in so-called second-order courts, may be less salient than other values, such as wisdom ([justice in family relationships](#), Parkinson, Justice and Rights, page 115).
- See White’s Disciplinary Brief for three forms of justice, participatory justice, commutative justice, and distributive justice ([three forms of justice](#), White, Justice and Rights, page 36).

Q2: In what ways does your scholarship or scholarly field engage or reach first-order justice, a just state of affairs, in a systemic manner?

Leader prompts:

Law ([correcting failures in markets](#), Lee, Justice and Rights, page 122); Medicine ([integral to clinical psychiatry](#), Peteet, Justice and Rights, page 165); History ([meeting human needs through public policy](#), Sloman, Justice and Rights, page 69); Engineering ([building space communications infrastructure](#), Hastings, Justice and Rights, page 151); Architecture ([mitigating harms of natural disasters](#), Davis, Justice and Rights, page 75); Urban Planning ([creating a liveable city](#), Bess, Justice and Rights, page 124); Physics ([setting national research funding priorities](#), McKenzie, Justice and Rights, page 180); International Relations ([shaping international aid](#), Day, Justice and Rights, page 169).

Q3: Does your scholarship or discipline involve second-order justice—laws, courts & tribunals, punishment, forms of retribution, rehabilitation, or restoration? Does second-

order justice penetrate into the academic institutions in which you participate?

Leader prompts:

- Scholarly fields will include: law; criminology; professional ethics in applied disciplines; public policy; motifs in humanities; themes in fine arts; increasing importance of AI, algorithms and tech in criminal justice, sometimes replicating biases and prejudices of their human creators and contexts.
- Academic institutions will include: academic professional ethics; cheating and plagiarism; student and faculty tribunals; administrative regulations; publishing standards and sanctions; intellectual property issues.

Q4: Wolterstorff notes that *'First-order justice includes both systemic justice and "one-off" cases of just action. And the term "agents", in the formula for first-order justice... must be understood as including not only individuals but also social entities such as institutions, organizations, groups, and the like'* (Justice and Rights, page 16). **In your area of research, or your discipline more generally, do you tend to focus on systemic or one-off cases of justice? Do you focus on individual agents or institutions?**

Leader prompts:

- Systemic cases of justice: justice for Colombia's displaced persons ([internal displacement](#), Hays, Justice and Rights, page 87); accountability for atrocities and reconciliation ([atrocities accountability](#), Jacob, Justice and Rights, page 131); justice in transnational legal orders ([TLO and justice](#), Halliday, Justice and Rights, page 137).
- One-off cases of justice: justice in family relations ([justice in the event of family breakdown](#), Parkinson, Justice and Rights, page 112)—even though this has systemic elements.
- Often the distinction between individual and institutional agents is unclear:
 - Linguistic justice ([language discrimination](#), Bell, Justice and Rights, page 80)—even though this is heavily influenced by social norms and is thus institutional in some sense, discrimination often happens on a personal level between individuals.
 - Sexual justice ([rape and sexual injustice](#), High, Justice and Rights, page 117)—even though reproductive laws concern rights that are universal, the effects of their enforcement or not concerns individuals.

Other Questions

- Prioritising first-order justice presents the challenge of finding some degree of agreement as to what it means to live justly in our ordinary affairs. Is it easier or harder to agree on first-order justice than second-order justice? How can we deal with disagreements over the shape of first-order justice?
- In considering second-order justice, Wolterstorff mentions a variety of responses we might make to injustice, including punishment and restorative justice. What kind of second-order justice measures should Christian scholars support or prioritize?
- What criteria might we have for deciding on appropriate responses to infringements of justice?
- Wolterstorff writes in his [Postscript](#) that acting justly will require other virtues such as attention, empathy and humility (Justice and Rights, page 198). How might these virtues, and others, shape the way justice is perceived and done?

In Depth

Direct links to the rich collection of extracts by GFI scholars

Biblical Foundations of Justice

[On restorative justice](#) (Justice and Rights, page 96) [Marshall | Government | Victoria U of Wellington]

[OT 'righteousness': a theological not moral conception](#) (Justice and Rights, page 45) [Yeo | Theology | Garrett-Evangelical/Northwestern U]

[OT understanding of 'correct justice' as both justice \(mishpat\) and justice \(tsedaqah\)](#) (Justice and Rights, page 56) [Case | Theology | Harvard U]

[OT understanding of justice \(mispat/krima\) and righteousness \(tzedeq/dikaiousunē\)](#) (Justice and Rights, page 46) [Yeo | Theology | Garrett-Evangelical]

First-Order Justice

Economy

[In the economy according to Mosaic law and the prophets](#) (Justice and Rights, page 70) [Sloman | History | U of Cambridge]

[Market failure as an obstacle to first-order justice in the economy](#) (Justice and Rights, page 122) [Lee | Law | Northwestern U]

[Economic rights considered in terms of human needs for food, fuel, housing, clothing, education, health care in Britain until the mid-20th C](#) (Justice and Rights, page 71) [Sloman | History | U of Cambridge]

[Erosion of first-order justice approaches to the UK economy after WWII](#) (Justice and Rights, page 71) [Sloman | History | U of Cambridge]

[Negative Income Tax and Universal Basic Income](#) (Justice and Rights, page 71) [Sloman | History | U of Cambridge]

[Measures to address child poverty in the UK and US](#) (Justice and Rights, page 71) [Sloman | History | U of Cambridge]

[Climate change justice and environmental economics](#) (Justice and Rights, page 125) [Hay | Economics | U of Oxford] [Menzies | Economics | U of Technology Sydney]

Law

[Justice, Judgement and virtue in the Law](#) (Justice and Rights, page 103) [Aroney | Law | U of Queensland]

[On the grounding of rights](#) (Justice and Rights, page 105) [Aroney | Law | U of Queensland]

[First-order justice in transnational legal orders](#) (Justice and Rights, page 140) [Halliday | Sociology | American Bar Foundation]

Medicine and Public Health

[Preventing disease and prolonging life](#) (Justice and Rights, page 153) [VanderWeele | Public Health | Harvard U]

[Promotion of health understood as wholeness](#) (Justice and Rights, page 156) [VanderWeele | Public Health | Harvard U]

[The importance of relationships to health](#) (Justice and Rights, page 161) [VanderWeele | Public Health | Harvard U]

[First-order justice often central to psychiatric treatment](#) (Justice and Rights, page 165) [Peteet | Psychiatry | Harvard U]

Social Policy

[As social policies of compensation and redistribution to redress poverty and inequality](#) (Justice and Rights, page 71) [Sloman | History | U of Cambridge]

Universities

[As an important consideration in interdisciplinary research](#) (Justice and Rights, page 186) [Vannev | Philosophy | Universidad Austral]

[Epistemic and epistemological justice in the universities of the Global South](#) (Justice and Rights, page 175)

[Samararatne | Law | U of Colombo]

Second Order Justice

Economy

[On second-order justice in environmental economics](#) (Justice and Rights, page 129) [Hay | Economics | U of Oxford] [Menzies | Economics | U of Technology Sydney]

[Why second-order economic justice may not work](#) (Justice and Rights, page 72) [Sloman | History | U of Cambridge]

Family

[Second-order justice in family relations is not always about rights](#) (Justice and Rights, page 113) [Parkinson | Law | Queensland]

International Relations and War

[In responses to atrocities committed by state or organized militia groups against civilians](#) (Justice and Rights, page 131) [Jacob | International Relations | Australian National U]

[Accountability as second-order justice in international relations](#) (Justice and Rights, page 131) [Jacob | International Relations | Australian National U]

[Trends in human protection and situations of armed conflict and past atrocities](#) (Justice and Rights, page 132) [Jacob | International Relation | Australian National U]

[Mechanisms for pursuing accountability for systematic human rights violations](#) (Justice and Rights, page 132) [Jacob | International Relations | Australian National U]

Law

[Administrative rulemaking and market failures](#) (Justice and Rights, page 122); [Justice through rule-making in the US Securities and Exchange Commission \(SEC\)](#) (Justice and Rights, page 123) [Lee | Law | Northwestern U]

[Human rights and anti-discrimination laws](#) (Justice and Rights, page 104) [Aroney | Law | U of Queensland]

Social Policy

[On second-order restorative justice being more than just the absence of violence and conflict but the promotion of shalom and wholeness](#) (Justice and Rights, page 100) [Marshall | Government | Victoria U of Wellington]

[Promotion of wholeness requires healing from injustice](#) (Justice and Rights, page 161) [VanderWeele |

Public Health | Harvard U]

[On economic policies for climate change](#) (Justice and Rights, page 127) [Hay | Economics | U of Oxford]
[Menzies | Economics | U of Technology Sydney]

[Giving voice to the silenced and equal access to information](#) (Justice and Rights, page 85) [Bell | Linguistics
| Auckland U of Technology]

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