



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'](#) [10 minutes to read]

Wolterstorff: Postscript - ['Justice in context'](#) [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'*. **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), or employing restorative justice in communities ([restorative justice](#), Marshall); affirming 'rights', even in so-called second-order courts, may be less salient than other values, such as wisdom ([justice in family relationships](#), Parkinson).
- See White's Disciplinary Brief for three forms of justice, participatory justice, commutative justice, and distributive justice ([three forms of justice](#), White).

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); Medicine ([integral to clinical psychiatry](#), Peteet); History ([meeting human needs through public policy](#), Sloman); Engineering ([building space communications infrastructure](#), Hastings); Architecture ([mitigating harms of natural disasters](#), Davis); Urban Planning ([creating a liveable city](#), Bess); Physics ([setting national research funding priorities](#), McKenzie); International Relations ([shaping international aid](#), Day).

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'*. **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); accountability for atrocities and reconciliation ([atrocities accountability](#), Jacob); justice in transnational legal orders ([TLO and justice](#), Halliday).
- One-off cases of justice: justice in family relations ([justice in the event of family breakdown](#), Parkinson)—even though this has systemic elements.
- Often the distinction between individual and institutional agents is unclear:
 - Linguistic justice ([language discrimination](#), Bell)—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)—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. 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](#) [Marshall | Government | Victoria U of Wellington]

[OT 'righteousness': a theological not moral conception](#) [Yeo | Theology | Garrett-Evangelical/Northwestern U]

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

[OT understanding of justice \(mishpat/krima\) and righteousness \(tzedek/dikaiousune\)](#) [Yeo | Theology | Garrett-Evangelical]

First-Order Justice

Economy

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

[Market failure as an obstacle to first-order justice In the economy](#) [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](#) [Sloman | History | U of Cambridge]

[Erosion of first-order justice approaches to the UK economy after WWII](#) [Sloman | History | U of Cambridge]

[Negative Income Tax and Universal Basic Income](#) [Sloman | History | U of Cambridge]

[Biden's American Rescue Plan](#) [Sloman | History | U of Cambridge]

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

Law

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

[On the grounding of rights](#) [Aroney | Law | U of Queensland]

[First-order justice in transnational legal orders](#) [Halliday | Sociology | American Bar Foundation]

Medicine and Public Health

[Preventing disease and prolonging life](#) [VanderWeele | Public Health | Harvard U]

[Promotion of health understood as wholeness](#) [VanderWeele | Public Health | Harvard U]

[The importance of relationships to health](#) [VanderWeele | Public Health | Harvard U]

[First-order justice often central to psychiatric treatment](#) [Peteet | Psychiatry | Harvard U]

Social Policy

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

Universities

[As an important consideration in interdisciplinary research](#) [Vanney | Philosophy | Universidad Austral]

[Epistemic and epistemological justice in the universities of the Global South](#) [Samararatne | Law | U of Colombo]

Second Order Justice

Economy

[On second-order justice in environmental economics](#) [Hay | Economics | U of Oxford] [Menzies | Economics | U of Technology Sydney]

[Why second-order economic justice may not work](#) [Sloman | History | U of Cambridge]

Family

[Second-order justice in family relations is not always about rights](#) [Parkinson | Law | Queensland]

International Relations and War

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

[Accountability as second-order justice in international relations](#) [Jacob | International Relations | Australian National U]

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

[Mechanisms for pursuing accountability for systematic human rights violations](#) [Jacob | International Relations | Australian National U]

Law

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

[Human rights and anti-discrimination laws](#) [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](#) [Marshall | Government | Victoria U of Wellington]

[Promotion of wholeness requires healing from injustice](#) [VanderWeele | Public Health | Harvard U]

[On economic policies for climate change](#) [Hay | Economics | U of Oxford] [Menzies | Economics | U of Technology Sydney]

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

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