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## Nicholas Wolterstorff, JUSTICE IN LOVE

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## BOOK REVIEWS

*Justice in Love*, by Nicholas Wolterstorff. William B. Eerdmann's Publishing Company, 2011. ix + 284 pages. \$35.00 (hardcover).

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The gospels tell us that we are to love our neighbors as ourselves (Luke 10:27).<sup>1</sup> Some Christians, Nicholas Wolterstorff observes, have thought that the love the gospels enjoin "should be the totality of one's orientation toward one's fellow human beings" (1). Because the kind of love enjoined is agape, Wolterstorff calls this position *agapism* (1) and the Christians who endorse it *agapists*. Many agapists think there is a tension, or the possibility of a tension, between loving others and treating them justly. Because they also hold that love should be "the totality of [our] orientation toward others," they think that tensions between love and justice should be resolved in favor of love. They therefore think it at least possible that we are required to act in ways that are contrary to justice. Wolterstorff rejects this conclusion and he considers versions of agapism which entail it implausible on that account. In *Justice in Love*, he tries to develop a version of agapism that reconciles love and justice, and avoids the implication he finds objectionable.

To see exactly what Wolterstorff finds objectionable about the versions of agapism he rejects, it will help to see more clearly what agapism is. That task is complicated by the fact that agapism has not been clearly formulated as an ethical theory. Rather agapism is, in the first instance, what Wolterstorff calls an "ethical orientation" commended by its foundational texts in the Hebrew and Christian scriptures. That orientation has been articulated and elaborated by a tradition of theological reflection which holds itself responsible to those texts. In his Introduction, Wolterstorff tries to show that that tradition has some systematic unity by spelling out its defining commitment. What is that commitment?

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<sup>1</sup>I am grateful to the students in my spring 2012 Philosophy, Politics and Economics colloquium at Notre Dame, with whom I had the pleasure of discussing this book at length.



The kind of love that the scriptures say we should show to our neighbors is, Wolterstorff says, benevolence—literally, the kind of love that leads one to will good for them. I can will my neighbor's good without actually promoting it, since my will to promote it might prove ineffectual for a variety of reasons. So willing the neighbor's good is best understood as "*seek[ing]* to promote" or advance it. The goods that benevolence seeks to promote are, Wolterstorff says, what he calls "life-goods." According to *agapism*, then, "one should seek to promote life-goods of everyone who is one's neighbor as ends in themselves, in the sense of 'neighbor' that Jesus gave the term." And one should do so regardless of whether doing so promotes one's own wellbeing or tends to maximizing society's or humanity's total or average wellbeing (16).

Wolterstorff's use of the deontic sounding "should" and "ends in themselves" in formulating the defining commitment of agapism might be taken to suggest that agapism is a Kantian ethical orientation. But to read Wolterstorff as making this suggestion would be mistaken. Wolterstorff's "should" is not the "should" of obligation. It is, rather, what we might call the "*should*" of *relative goodness*. For in Wolterstorff's usage, to say that S should do X is to say that "of the things on offer, X is the best thing for S to do" (4). Moreover, the grammatical antecedent of the Kantian phrase "ends in themselves" in the quoted passage is not "everyone who is one's neighbor" but rather "life-goods"—or better, "promot[ions] of life-goods." Life-goods are, roughly, goods which are constitutive of or conducive to human flourishing (15). So what the agapist takes the love command of the gospels to say is that the best thing for us to do is to seek to promote the flourishing of our neighbors without regard to whether doing so is good for ourselves or is a means to our own good. And because the agapist thinks that agape should be "the totality of our orientation" toward our neighbors, the defining commitment of agapism is that seeking to promote their flourishing for its own sake is *always* the best thing for us to do.

If some versions of agapism assert a tension between justice and love, then, they must assert a tension between the imperative to treat our neighbors justly and the love command as agapists understand it. Where would such a tension come from?

Some of those who allege this tension argue that "one cannot follow the two imperatives simultaneously; they are inherently conflictual. To act out of love is perforce not to treat the recipient as one does because justice requires it; to treat someone as one does because justice requires it is perforce not to be acting out of love" (vii). Since I take the "because" in this passage to be the "because" of motivation, I take the tension alleged to be this: Agape and justice have characteristic motives, and one cannot simultaneously act from both motives. Thus one source of tension between justice and love is the nature of the "pull" exerted by each. Call this the *motivational tension* between the two.

Of course, the existence of a motivational tension does not imply that it is impossible simultaneously to affect what agape and justice demand. For the existence of motivational tension between the two is consistent with their both demanding that, for example, we expend our resources in a certain way. We can satisfy both demands by distributing our resources in the way required. The existence of the motivational tension would merely imply that the act by which we satisfy both demands cannot spring from both agape and justice.

A second tension is sometimes thought to arise, however, not from the different characteristic pulls of agape and justice, but from the directions in which they can pull us—directions which, it is sometimes said, can be diametrically opposed. Those who see this tension argue that “following the love-imperative will sometimes wreak injustice, or . . . that following the justice imperative will sometimes be unloving” (vii–viii). Call this second tension the *directional tension* between agape and justice.

Wolterstorff identifies three kinds of injustice that agape is sometimes thought to require. In order to promote someone’s flourishing, I may have to (i) show him a generosity which is unjust to third parties, (ii) treat him paternalistically and thereby unjustly interfere with his self-determination, or (iii) offer him forgiveness or pardon which offends against retributive justice. The first two kinds of injustice are cases in which the injustice wrought consists in violations of rights. Those who think agape can be in directional tension with justice, because it can require one or both of these kinds of injustice, must therefore think it is not sensitive, or is not as sensitive as justice, to rights-claims. Call this feature of agape its *rights-insensitivity*.

Love’s rights-insensitivity seems to follow from the possibility of directional tension between love and justice. But I noted that a motivational tension between agape and justice would not entail directional tension. Are motivational tension and rights-insensitivity therefore logically independent? Or does the existence of the former imply the latter?

Though Wolterstorff does not make a point of it, on some accounts of agape and justice, the answer to the second question is “yes.” For if I am to respond to another’s rights-claims in the way that justice requires, I must take as dispositive the considerations that give those claims their rationale. Those considerations, it is sometimes said, are the values of autonomy and individualism (cf. 91). The characteristic motive of justice therefore is or includes responsiveness to these values. But if I act from the motive of justice, and take autonomy and individualism as dispositive, then I am not moved by the considerations that, it is said, characteristically motivate the person who is concerned with another’s good. The characteristic motive of benevolence is therefore said to differ from that of justice, and someone who acts from the former will be rights-insensitive. Thus motivational tension between love and justice, like directional tension, is said to entail love’s rights-insensitivity—at least on some understandings of love and justice.

Recall now that according to the defining commitment of agapism, it is always best to seek to promote our neighbors' flourishing for its own sake without regard to how doing so benefits us. Agapisms which admit of the tensions Wolterstorff identifies therefore imply that if there is a motivational tension between love and justice, it is always best to act from considerations of love even at the cost of rights-insensitivity, and that if there is a directional tension between love and justice, it is always best to do what love requires no matter the injustice wrought and the rights violated.

Wolterstorff thinks these implications show that something is deeply wrong with the agapisms that lead to them. He does not think those agapisms go wrong in holding that it is always best to seek to advance the flourishing of one's neighbors. What is wrong with them, he thinks, is that they are premised on misunderstandings of love and justice. He argues at length that the understandings of agape and justice propounded by the agapists Søren Kierkegaard, Anders Nygren, and Reinhold Niebuhr are mistaken on systematic and scriptural grounds. In the heart of this book, Wolterstorff defends alternative understandings of agape and justice which imply that they are not in motivational or directional tension and that agape is rights-sensitive after all.

Wolterstorff says that he once hoped to treat of the relationship between agape and justice in one chapter of *Justice: Rights and Wrongs*, the groundbreaking book on justice he published in 2008, but that he quickly realized the subject would require a book-length treatment of its own (vii).<sup>2</sup> Reading this book, it is easy to imagine that as Wolterstorff laid out the chapter he originally intended to write, he thought of ever more questions he would have to answer to make his case. The result of his attempt to answer them is a wonderfully readable, lucid, imaginative and wide-ranging book with fascinating discussions of a number of topics and scriptural passages. Wolterstorff's discussions of wellbeing, of the beatitudes and of forgiveness are especially rewarding. *Justice in Love* concludes with two powerful chapters on St. Paul that are bound to prove controversial, not least among thinkers in Wolterstorff's own Reformed tradition.<sup>3</sup>

Readers will sometimes think this essay did not quite complete the transition from chapter to free-standing book. There is little engagement with, or notice taken of, contemporary literature on agape. Some questions, such as whether plants and animals can be wronged, are treated very quickly and readers are referred to Wolterstorff's previous book for further arguments (138). *Justice: Rights and Wrongs* contains an index of scriptural references; such an index would be a welcome appendix to *Justice in Love*. But rather than dwelling on these criticisms, or touching lightly on the many engaging philosophical and theological arguments in

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<sup>2</sup>Nicholas Wolterstorff, *Justice: Rights and Wrongs* (Princeton University Press, 2008).

<sup>3</sup>See, for example, David M. VanDrunen, "Book Review: Justice in Love by Wolterstorff," on the website of Westminster Seminary California: <http://wscal.edu/blog/entry/3902> (accessed June 22, 2012).

the book now under review, I want to look carefully at—and to raise some questions about—Wolterstorff's attempt to reconcile agape and justice. I begin, as Wolterstorff does, with his understanding of justice.

Justice, Wolterstorff says, "prevails in human relationships insofar as persons render to each other what they have a right to" (90). A right, he says, "is a legitimate claim to the life-good of being treated in a certain way by the other"—where "treating me a certain way [is] understood as including refraining from doing [certain things] to me" (87). Wolterstorff argues that "[o]ne has a right against someone to the life-good of being treated in a certain way just in case, were they to deprive one of that life-good, they would be treating one with less respect than befits one's worth" (89). It follows that justice prevails in human relationships insofar as persons treat one another with the respect that befits their worth. Of course, I might not succeed in treating others in the requisite way, and so might not succeed in conferring the requisite life-good on another. What justice demands of me is that I seek to treat others with a respect that befits their worth.

How is justice, so understood, connected to love? Wolterstorff thinks seeking to "see[] to it that someone is treated with due respect for her worth is a special case of seeking to promote the good in her life" (101, note 2). The "good in her life" that he has in mind is flourishing. And so Wolterstorff thinks that "seek[ing] to secure that another's rights are honored" (101) is a special case—an instance—of seeking to promote her flourishing. We saw earlier that Wolterstorff thinks to promote the flourishing of our neighbors for its own sake is to love them agapically. Thus on his understanding of agape, agapic love for our neighbors includes a concern that they be treated according to their worth. We therefore act on such love when we treat them justly and "seek[] to insure that [their] rights are honored" (101).

Is this a plausible understanding of agapic love? It might be objected that the kind of love that both "seeks to enhance a person's wellbeing or flourishing *and* . . . seeks to secure that a person's rights are honored" is cobbled together or ad hoc, and that there is no natural kind of love which Wolterstorff's understanding of agape picks out. He maintains, on the contrary, that there is such a kind of love: care (101). The version of agapism Wolterstorff defends can therefore be called *care-agapism*. He thinks that care-agapism can avoid the objectionable implications of other agapisms because of the understandings of love and justice on which it is premised—understandings according to which, he thinks, love and justice are reconciled because the former requires the latter.

Though Wolterstorff does not explicitly lay out his argument that agape and justice are not in motivational tension, the argument he would offer is easy to discern. As we saw, the argument that they are in motivational tension rests upon the assumption that agape has a characteristic motive, and Wolterstorff denies that claim (110–118). I can seek to promote someone's flourishing from many motives—including the characteristic motive

of justice (118), if such there be. So if some act springs from the characteristic motive of justice, its doing so does not—contrary to those who assert motivational tension—tell against its being an act of agapic love. The same move enables Wolterstorff to undercut the claim that the motive of love is inherently rights-insensitive, since there is no such thing as *the* motive of agapic love.

How does Wolterstorff show that care-agapism is not beset by a directional tension between agape and justice? It is at this point that I find the argument less clear and that I want to raise some questions.

Suppose Wolterstorff could show that the actions care-agapism directs us to perform are always consistent with treating our neighbors as befits their worth. Then he could infer that care-agapism is free of directional tension and that we have good reason to think agape is rights-sensitive rather than -insensitive. This inference raises the question of what actions care-agapism direct us to perform. As we have seen, Wolterstorff defines agapism using the “should” of comparative goodness: agapism’s defining commitment is a thesis about what acts are best. Agapisms of all kinds—including care-agapism—presumably direct us to perform the best actions. So if Wolterstorff could show that the actions that his kind of agapism identifies as best are always consistent with treating our neighbors as befits their worth, he could reach his desired conclusions.

This might seem to be just the line of thought Wolterstorff has in mind. He says that according to agapism, the best thing to do is always to promote our neighbors’ flourishing for its own sake. He defends understandings of agape and justice according to which seeking to treat someone as befits her worth promotes—and is therefore consistent with—her flourishing. And so, it may be thought, Wolterstorff moves from his characterization of agapism, via understandings of agape and justice, to the claim that agapism always directs us to perform actions consistent with justice. Freedom from directional tension, and rights-sensitivity, follow immediately. Let’s call the line of thought attributed to Wolterstorff on this reading *the reconciliation argument*.

The problem with the reconciliation argument is that it has a serious gap. Consider cases in which there are just two ways of promoting a neighbor’s flourishing, one consistent with treating her as befits her worth and the other not—perhaps because, to use a sort of case I said Wolterstorff mentions, it is unjustly paternalistic. To establish the claim that care-agapism always directs us to perform actions which are consistent with justice, Wolterstorff needs to get the right results in such cases. To get the right results, he needs to show that the option care-agapism identifies as best is always the one which is consistent with treating our neighbor as befits her worth, rather than the one which is unjustly paternalistic. But Wolterstorff does not seem to have the resources to show this, since he does not say what makes one action better than another.

I do not think Wolterstorff is unaware that the reconciliation argument has a gap which needs to be plugged. As I read him, he tries to plug it



without relying on a general account of the goodness of action. Wolterstorff says at one point that rights have “trumping force,” a force of which he says immediately “If I have a right to the life-good of being treated in a certain way by you . . . then, no matter how many goods may be brought about in my life and the lives of other people by depriving me of that good, you should not deprive me of it” (88). Call this claim *the trumping claim*.

The trumping claim admits of two mutually exclusive interpretations, depending upon whether the “should” in the last clause is taken to be the “should” of obligation or the “should” of relative goodness. Since Wolterstorff thinks that to treat our neighbors justly is to honor their rights, the second interpretation—but only the second—implies that unjust ways of promoting our neighbors’ flourishing are always worse than ways which are consistent with justice. The second interpretation—but only the second—therefore implies that, in the cases I have used to illustrate the gap in the reconciliation argument, care-agapism directs us to perform acts of the latter kind in preference to acts of the former. The second interpretation—but only second—therefore plugs the gap. Some confirmation that Wolterstorff intends to plug the gap by appeal to the trumping claim can be found in his discussion of unjust paternalism, where his argument that care-agapism doesn’t require unjust paternalism rests on that claim (223, 226–227).

But does Wolterstorff have the resources to defend the trumping claim understood, as it must be, as a claim about the “should” of relative goodness? His most thorough defense is in *Justice: Rights and Wrongs*. There, he defends the trumping claim by appealing to the further claim—now familiar from *Justice in Love*—that to honor others’ rights is to treat them as befits their worth and to what he calls an “Ur Principle,” according to which we should never treat anything as if it has less worth than it in fact does (*Justice: Rights and Wrongs*, 370). In *Justice: Rights and Wrongs*, Wolterstorff hastens to add that the “should” of the Ur Principle is the “should” of obligation (371). So what the Ur Principle implies is that we are *obliged* to treat things as befits their worth no matter how many life-goods we can confer by acting otherwise, not that it is *better* or *best* to do so. The Ur Principle therefore supports the first interpretation of the trumping claim rather than the second. But the second interpretation and not the first is the one Wolterstorff needs, since the trumping claim plugs the gap in the reconciliation argument only if it is construed as a claim about the “should” of relative goodness rather than one about the “should” of obligation. So Wolterstorff can use the Ur Principle to hold the plug in place only by equivocating between the interpretations and hence between two senses of “should” that he distinguished in *Justice in Love*. In the absence of some other argument for the trumping claim, it seems that Wolterstorff is unable to plug the gap in the reconciliation argument. Since he does not provide any other argument for it, I worry that Wolterstorff is unable consistently to defend care-agapism against charges of directional tension and rights-insensitivity.



Early in *Justice in Love*, Wolterstorff contrasts agapism with utilitarianism (7–10), but drawing out their similarities may also prove useful.

Various kinds of utilitarianism direct us to choose what is best. They solve the choice problem by providing a clear criterion for ranking actions according to their goodness. Unfortunately, as critics of utilitarianism routinely point out, the actions which rank best by that criterion are not always just. The directional tension between utilitarianism and our intuitive judgments of justice, and utilitarianism's rights-insensitivity, are familiar. One way to overcome these familiar difficulties is to reject utilitarianism's direction and insist that our choice of action must be framed by considerations which are not grounded on utility at all: by principles of right which have a different basis altogether.

If Wolterstorff is correct about agapism's defining commitment, then agapisms—including care-agapism—are like utilitarianism in directing us to do what is best. But while they all claim that seeking to promote our neighbors' flourishing for its own sake is best, they do not provide a standard for ranking ways of promoting it that is as clear as the standard utilitarianism provides. This indeterminacy may seem to leave the care-agapist an opening that the definiteness of utilitarianism forecloses—an opening for showing that care-agapism is not beset with directional tension and that agape is not necessarily rights-insensitive. In fact it leaves the care-agapist without the resources to show what he needs to show: that in cases of conflict between or among ways to promote another's flourishing, the best way to promote it is always consistent with treating her as befits her worth.

One way to overcome this difficulty would be, first, to insist that considerations of justice, such as considerations about our neighbors' rights, carve out some set of our available actions as permissible and, second, to modify care-agapism's direction that we always do what is best, so that it directs us instead to perform the best action among those justice permits. To modify care-agapism in this way would be to place the right prior to the good. More precisely, it would be to place the "should" of obligation prior to the "should" of relative goodness. With this modification in place, agape and justice would be consistent and agape would be rights-sensitive. But the consistency and the rights-sensitivity would not be due, as Wolterstorff would have it, to the fact that treating someone as befits her worth is an instance of contributing to her flourishing. The consistency would be due instead to the fact that an act of promoting someone's flourishing does not count as an act of love unless it is a permissible way of promoting her flourishing. This amendment to agapism might not be received as friendly by very many agapists, including the Wolterstorff of *Justice in Love*. But if the boundary between permissible and impermissible ways of promoting flourishing were grounded on the Ur Principle, the modification would, I think, be quite congenial to the Wolterstorff of *Justice: Rights and Wrongs*.

This book contains a great deal of rich and suggestive philosophical and exegetical argument. I especially regret being unable to take up a

question to which Wolterstorff devotes a chapter but that many readers will think merits much further discussion: that of whether care-agapism is as demanding or distinctive as many take the ethic of the gospel to be. Questions about the distinctiveness of Christian ethics have been the subject of lively debate among religious ethicists and moral theologians for many years, and *Justice in Love* is a very original contribution to those discussions.<sup>4</sup> This book is vintage Wolterstorff. It is clear and imaginative, as well as devout, learned and humane. It deserves the wide attention it is sure to receive.

*Natural Signs and Knowledge of God: A New Look at Theistic Arguments*, by C. Stephen Evans. Oxford: Oxford University Press, 2010. x + 207 pages. \$85.00 (hardback).

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In this book, C. Stephen Evans develops a fascinating new approach to understanding theistic arguments – he argues that some of our experiences and some events in the world can be understood as natural signs for God’s existence and that some of the classic theistic arguments try to argue for God’s existence on the basis of these natural signs. A natural sign that *p*, as Evans understands it, can provide direct *prima facie* justification for believing *p*, and even knowledge that *p*. So, in essence, some theistic arguments try to argue that a particular sign genuinely indicates God’s existence. He believes that theistic arguments fail as proofs, although they can be powerful and convincing to many, and the signs on which they are based can offer *prima facie* justification for belief in God. Evans thus steers between two dominant traditions in religious epistemology: evidentialism and Reformed epistemology. On the one hand, Evans agrees with the Reformed epistemologist that theistic belief can be non-inferentially justified because he thinks natural theistic signs can directly justify, but on the other hand he agrees with the evidentialist that natural theology is valuable because it articulates the evidential force of these natural signs, and can formulate compelling arguments for some people. Evans argues that there are several philosophical and theological advantages to this way of understanding theistic arguments. In what follows, I briefly summarize Evans’s view and then develop a challenge for the view. However, my challenge is offered in a spirit of respect; Evans has developed a very interesting position on the theistic arguments that deserves thorough discussion. I hope that my challenge contributes to such a discussion.

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<sup>4</sup>For just one example, see *Readings in Moral Theology, volume 2: The Distinctiveness of Christian Ethics*, ed. Charles Curran and Richard McCormick, SJ. (Paulist Press, 1980).