

## JUSTICE AND CHARITY

Through justice we have come to the heart of Christianity, charity. And it is also the heart of the Church, the essential factor in the kingdom of God upon earth, and the most vitally original element that the Gospel has introduced into human relations.

*II. Social Message of Jesus*

This virtue belongs to the supernatural order, because its origin and end are in God.

We have already pointed out that in the Old Testament God is considered an advocate as well as an accuser, as Rabbi Meir used to say.<sup>9</sup>

We have seen how God, as a Father, loves men, his children. He has loved them to the point of sending his only-begotten Son to redeem them with his Blood, in fact, to save them before judging them. So men, on their part, owe their love to the Father above everything else.

This feeling introduced into the relations between man and God, if not an entirely new element, was at least strengthened and universalized by a new force, since despite the practice of the better Israelites of antiquity and the flashes of revelation in the prophets, the great majority of Jews understood their relations with the Divinity as a kind of bargain, a mutual exchange of payments. And among the other ancient peoples too prayer was above all an expression of fear and a request for favors, although among the more pious, accents of devotion were not wanting.

Justice establishes societies, charity nourishes them. One is the brain, the other is the heart; one is the skeleton, the other the life-blood.

Rome, with her jurisprudence, had advanced far in the march of civilization. "Give to each man what is his." But she did not reach the heights to which Jesus went, who said: Give to others even what is yours. And civil justice compared to Christian charity, is a "charity that is halved, weak, empty; and charity is justice that is vigorous, complete, universal, infinite. And therefore the moral of the Sermon on the Mount rises above the concepts of the Roman jurists as the infinite towers above any finite greatness. Even the Decalogue, though divinely inspired and eternally binding, is surpassed by this commandment of Jesus. . . . The fear which is the sanction

9. *Pesikta*, ed. Buber, f. 164<sup>a</sup>.

of the Decalogue checks and restrains love, so that the same divine force which is halved and altered in civil law, is contracted and veiled in the Decalogue."<sup>10</sup>

Justice says, "Do not steal the property of *others*." Charity says, "Give *your own* belongings to the needy." That is, in justice we give to each man what is his; in charity, we give him also what is ours.

Charity, therefore, not only reestablishes the preëxistent or presupposed equilibrium in human relations, but it strengthens and improves it so that it approaches an equity which law of itself never attains. An employer who gives his workman the salary for which he agreed to work is within the province of justice. But if he adds to that salary because it is insufficient for the needs of the workman's family, then he enters *within* the province of charity. The former provides that nothing be taken from a man; the latter adds to what he has.

In short, according to civil codes of law and their interpretation, one may legally die of hunger and neglect. Under the law of charity no; not while there is some one who eats and lives and gives of his bread and help to others. And if justice coldly keeps men pigeon-holed within their proper limits, the force of charity binds them together in family solidarity, dissolving all partitions with its warmth and its smile.

Charity, expansive and cohesive, richer and more nourishing than justice, is not content with keeping each individual in his place in the world, but tends to make the world a place for everyone, a family. It is always open-handed and ready to renew the springs of life and hope, where the coldness of law dries them or deflects their course; while "the commandment of the civil law is inflexible and, as it were, pitiless. This inflexibility of the law often renders their relationship under it a burden to men; it appears to their imaginations not only as a barrier between them and their fellows, but as an actual inim-

10. Fornari, *Della vita di G. C.*, l. II., vol. I, p. 304 — Some echo of the same thought may be found in the Old Testament, for instance "And thou didst teach thy people . . . that the just must needs be humane" (Wis. 12:19).

ical force."<sup>11</sup> One may be strictly within the law while working exclusively for his own interests, but it is by working and providing for the interests of others that he enters into the province of charity.

Therefore, while justice is pictured as a blindfold goddess with scales in her hand, charity has her eyes wide open to see the wretchedness to which the glance of the happy and of those absorbed in their own interests or pleasures never penetrates; and her outstretched hands are filled with gifts which she never stops to weigh, nor does she ponder too much over the merits of the person — the brother — to whom she gives them.

Thus the two virtues are integrated to make life in society possible and smooth. Jesus unites the two in God (τὴν κρίσιν καὶ τὴν ἀγάπην τοῦ Θεοῦ, the judgment and the charity of God Lk. 11:42), for he is their origin and it is he who harmonizes them. It is in this light that we must consider the exquisite parable of the prodigal son, which Luke, with his fine dignity of style and warmth of human feeling, has rescued for us from the scrolls of time where so many memories of Jesus lay hidden.

"A certain man had two sons: And the younger of them said to his father: Father, give me the portion of substance that falleth to me. And he divided unto them his substance. And not many days after, the younger son, gathering all together, went abroad into a far country: and there wasted his substance, living riotously. And after he had spent all, there came a mighty famine in that country; and he began to be in want. And he went and cleaved to one of the citizens of that country. And he sent him into his farm to feed swine. And he would fain have filled his belly with the husks the swine did eat; and no man gave unto him. And returning to himself, he said: How many hired servants in my father's house abound with bread, and I here perish with hunger? I will arise, and will go to my father, and say to him: Father, I have sinned against

11. Rosmini, *Filosofia del diritto*, Intra, 1865, v. e., p. 13.

heaven, and before thee: I am not worthy to be called thy son: make me as one of thy hired servants. And rising up he came to his father. And when he was yet a great way off, his father saw him, and was moved with compassion, and running to him fell upon his neck, and kissed him.

"And the son said to him: Father, I have sinned against heaven, and before thee, I am not now worthy to be called thy son. And the father said to his servants: Bring forth quickly the first robe, and put it on him, and put a ring on his hand, and shoes on his feet: And bring hither the fatted calf, and kill it, and let us eat and make merry: Because this my son was dead, and is come to life again: was lost and is found. And they began to be merry. Now his elder son was in the field, and when he came and drew nigh to the house, he heard music and dancing: And he called one of the servants, and asked what these things meant. And he said to him: Thy brother is come, and thy father hath killed the fatted calf, because he hath received him safe. And he was angry, and would not go in. His father therefore coming out began to entreat him. And he answering, said to his father: Behold, for so many years do I serve thee, and I have never transgressed thy commandment, and yet thou hast never given me a kid to make merry with my friends: But as soon as this thy son is come, who hath devoured his substance with harlots, thou hast killed for him the fatted calf. But he said to him: Son, thou art always with me, and all I have is thine" (Lk. 15:11-31).

The Father is God, the Father of all men. His justice is shown when he gives the younger son his share of the patrimony and when he calms the elder brother by pointing out that the feast for the other subtracts nothing at all from his patrimony, since his father's substance is legally all his. If, however, he had restricted himself to pure justice alone, he would have slammed his door in the face of the ragged, hungry, repentant youth, abandoned him to hopeless poverty and forced him to return to the swine. But charity intervenes ("God is

Love"), and in its flame all memory of the past, all wrongs and ingratitude are burned away. The wanderer is reinstated, restored to the dignity of son in a wealthy home, and there is feasting and dancing, so that after the long and bitter pain of poverty and separation there may well up in him once more the joy of living and the joy of family love, and consequently a confidence in labor as a means of carving out a new life for himself. For charity builds, and where something has been destroyed, it rebuilds. It is never exhausted, and it never despairs.

In Christian thought the two virtues have been so completely fused that it is not always easy to determine where one leaves off and the other begins, whereas in all the civilizations of antiquity justice had absolute predominance and sometimes reigned alone. The Hebrew religion was entwined about the Law, and the Law is a rule of justice.<sup>12</sup> Even the first discourse in the Gospel, the Sermon on the Mount, has been compared, as we have already noted, to the promulgation of the old law on Sinai in the Old Testament. Without, however, going so far as to accept the dualism of Marcion which found in one the good god of love and in the other the evil god of justice, if we consider the one document, as it really is, the integration of the other, we must admit that there is a difference in tone. For the old Law was dictated on Sinai with awful threats amid the crash of thunder and lightning, while the evangelical law was preached on the mount — a modest little height — against a background all serene, by the meekest of men to humble people, with no celestial display or manifestations whatever. And the difference in tone was due to the nucleus of justice in the one and of charity in the other, so that the law of charity represents an advance over the law of justice.

According to the Law, for example, a woman taken in adultery was to be stoned. When such a woman was taken in

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12. Zoroaster also teaches this concerning the "Law": "The Mazdean religion... which fulfills desires, makes the world increase, gives the joy they desire to the just...; the religion from which comes the knowledge of the Good, and by which the world of the Good increases in Good" (*Avesta, Vishtaspt Yasht, Yasht XXIV, 14-15*).

Jerusalem during one of Jesus' visits to the city, the scribes and Pharisees, having consulted the Law and defined her sin, brought her before him hoping to catch him in a trap. Absolute justice (and *summa ius extrema iniuria*) in the person of its legal interpreters, was attempting to catch charity, in the person of Jesus, in the wrong. They said to him therefore: "Master, this woman was even now taken in adultery. . . . Now Moses in the law commanded us to stone such a one. But what sayest thou?" (Jn. 8:4 ff.). As they interpreted it, the Law had degenerated into legalism, which excluded any impulse of pity. Leviticus stated, "If any man commit adultery with the wife of another . . . let them be put to death, both the adulterer and the adulteress" (Lev. 20:10). There is no mention made of stoning, but the doctors and Pharisees had made the manner of death more cruel, applying to the adulteress the penalty threatened the maiden who was unfaithful to her betrothed. Lagrange comments here that Jesus did not engage in any subtle dispute, nor was it up to him to pass judgment at all. He had not come as an officer of some tribunal whose duty was to pass sentence according to the Law, but to invite sinners to avert with repentance the judgments of God.<sup>13</sup>

But he was also love, and therefore his answer went straight to the source of the new morality of justice, to the heart, and his terrible words struck the accusers like a whip: "He that is without sin among you, let him first cast a stone at her." Before asking justice against others, we must require it of ourselves. Then, with a mysterious gesture — the only instance recorded in the Gospel — he began with divine nonchalance to write with his finger upon the ground.

"But they, hearing this, went out one by one, beginning at the eldest." And the woman who had sinned was saved. Thus justice would have stoned her; charity saved her. Not only that, it also redeemed her because charity recreates.

13. Cf. *The Gospel of Jesus Christ*, Eng. ed., vol. I, p. 301.

To her Jesus said, "Neither will I condemn thee. Go, and now sin no more."

Since then, justice has continued to use the scaffold, but charity, revolutionizing all the soul's impulses, has continued to reform men and thus give back to society the members that had seemed hopelessly lost to it and therefore its enemies. Zacharias, killed by the "Jews" by order of King Joas, within the court of the Temple, asks with his dying breath that "The Lord see and require it. . . ." Jesus, killed by the Jews by order of the governor Pilate, with his dying breath prays from the cross, "Father, forgive them. . . ." The first invokes justice, that is, the *lex talionis*; he prays that the murderers be cut from the social body. The other invokes love, that is, pardon, the salvation of murderers for their own good and their reinstatement in the social body. That same Hillel, who has been so often compared to Jesus because of his spirit of charity, grasped only the negative part of the greatest commandment Christ gave his followers: "Do not do unto others what is hateful to you."<sup>14</sup> Jesus commanded instead the initiative of good: "Love thy neighbor as thyself," and between the two maxims lies almost the whole distance between justice and charity. Having established this relationship between the two virtues, Christianity tends to resolve the first into the second; that is, to settle the controversies of everyday life and legal disputes according to the charity of Christ rather than the legal codes of men. He prefers that brothers (men) settle all their differences within the family (the Church), and thereby realize justice in the center of charity. And therefore he teaches us to have as little recourse as possible to the courts and to try every possible means to arrive at a direct reconciliation. "Be at agreement with thy adversary betimes, whilst thou art in the way with him: lest perhaps the adversary deliver thee to the judge, and the judge deliver thee to the officer, and thou be cast into prison" (Matt. 5:25). And he commands his disciples, when-

14. *Shab.*, 31<sup>a</sup>.



ever any brother should offend them, to rebuke him to his face, convince him of the wrong he had done and persuade him to make reparation. That is how scandal is avoided and the guilty brother won. Then if he did not listen, he was to be rebuked before one or two witnesses. And if this was of no avail, they were to have recourse to the "Church" — that is, to the official and duly authorized assemblage of the faithful. It is only when this last attempt fails to do any good that the Christian will abandon this obstinate brother to his fate — that is, probably, the law-courts — considering him a "pagan" and consequently putting him in the hands of the judges, who at that time were pagans. Ideally, disputes between Christians ought to be settled within the Church, and that is what was done and to a certain extent is still done to the great advantage of civil society, which is thus spared dissensions interminably prolonged by hate and by revenge.