

Cambridge University Press
052149639X - Justice and Christian Ethics
E. Clinton Gardner
Frontmatter
[More information](#)

Justice and Christian Ethics is a study in the meaning and foundations of justice in modern society. Written from a theological perspective, its focus is upon the interaction of religion and law in their common pursuit of justice. Consideration is given, first, to the historical roots of justice in the classical tradition of virtue (Aristotle and Aquinas) and in the biblical ideas of covenant and the righteousness of God. Subsequent chapters trace the relationships between justice, law, and virtue in Puritanism, in Locke, and in the founding documents of the American Republic in the late eighteenth century. In his concluding section, the author develops a covenantal interpretation of justice which includes both law and virtue, both human rights and the common good. Special attention is given to the pluralistic character of modern political societies; to criteria of distributive justice; and to religious resources for the renewal and transformation of justice.

Cambridge University Press
052149639X - Justice and Christian Ethics
E. Clinton Gardner
Frontmatter
[More information](#)

JUSTICE AND CHRISTIAN ETHICS

Cambridge University Press
052149639X - Justice and Christian Ethics
E. Clinton Gardner
Frontmatter
[More information](#)

NEW STUDIES IN CHRISTIAN ETHICS

- Rights and Christian ethics* by Kieran Cronin
Power and Christian ethics by James Mackey
Biblical interpretation and Christian ethics by Ian McDonald
Plurality and Christian ethics by Ian S. Markham
Sex, gender and Christian ethics by Lisa Sowle Cahill
Moral action and Christian ethics by Jean Porter
The environment and Christian ethics by Michael S. Northcott
Health and Christian ethics by Alastair V. Campbell
Feminism and Christian ethics by Susan F. Parsons
The market economy and Christian ethics by Peter Sedgwick
Responsibility and Christian ethics by William Schweiker
Justice and Christian ethics by E. Clinton Gardner
Moral Philosophy and Christian ethics by David A. S. Fergusson

Cambridge University Press
052149639X - Justice and Christian Ethics
E. Clinton Gardner
Frontmatter
[More information](#)

JUSTICE
AND CHRISTIAN
ETHICS

E. CLINTON GARDNER

*Professor Emeritus of Christian Ethics,
Emory University, Atlanta*



Cambridge University Press
052149639X - Justice and Christian Ethics
E. Clinton Gardner
Frontmatter
[More information](#)

CAMBRIDGE UNIVERSITY PRESS
Cambridge, New York, Melbourne, Madrid, Cape Town, Singapore, São Paulo

Cambridge University Press
The Edinburgh Building, Cambridge CB2 2RU, UK

Published in the United States of America by Cambridge University Press, New York

www.cambridge.org
Information on this title: www.cambridge.org/9780521496391

© Cambridge University Press 1995

This publication is in copyright. Subject to statutory exception
and to the provisions of relevant collective licensing agreements,
no reproduction of any part may take place without
the written permission of Cambridge University Press.

First published 1995

A catalogue record for this publication is available from the British Library

Library of Congress Cataloguing in Publication data

Gardner, E. Clinton (Edward Clinton), 1920–
Justice and Christian ethics / E. Clinton Gardner.
p. cm. – (New studies in Christian ethics)
Includes bibliographical references and index.
ISBN 0 521 49639 X

1. Christian ethics. 2. Justice. I. Title. II. Series.
BJ1275.G35 1995
241'.622–dc20 95–42267 CIP

ISBN-13 978-0-521-49639-1 hardback
ISBN-10 0-521-49639-X hardback

Transferred to digital printing 2006

Cambridge University Press
052149639X - Justice and Christian Ethics
E. Clinton Gardner
Frontmatter
[More information](#)

To Ruth
Beloved partner in marriage

Cambridge University Press
 052149639X - Justice and Christian Ethics
 E. Clinton Gardner
 Frontmatter
[More information](#)

Contents

<i>General editor's preface</i>	<i>page xi</i>
<i>Acknowledgments</i>	<i>xiii</i>
1 Introduction	1
The relations of law and religion	1
A study in theological ethics	5
Method of inquiry	7
Procedure	9
2 The classical tradition of virtue	11
Justice based on virtue	11
The structures of justice	21
Moral components of justice	24
The insufficiency of justice	26
3 The righteousness of God and human justice	29
The theocentric character of biblical faith	29
Biblical conceptions of covenant	30
The relation of covenant to law	34
The law and the prophets	41
The structure of covenantal justice	48
Forms of justice	50
4 Justice in the Puritan covenantal tradition	54
Historical background	54
The two covenants: works and grace	60
The covenantal basis of community	62
Justice and virtue	66
Justice and law: equity	70
Justice as a public trust	73
Rights and liberties	75

Cambridge University Press
 052149639X - Justice and Christian Ethics
 E. Clinton Gardner
 Frontmatter
[More information](#)

x	<i>List of contents</i>	
5	John Locke: justice and the social compact	80
	The law of nature	82
	Natural rights	83
	The social compact	88
	Justice	91
	Locke's concept of property	93
	Justice and charity	98
	Trust	99
6	The American Republic – a case study: civic virtue and the public good	102
	The ideological roots of the Republic	102
	Covenant and compact in colonial America	104
	The creation of the Republic (1776–1787)	109
	An experiment in representative democracy	109
	Law, religion, and the democratic process	115
7	Covenant, justice, and law	117
	The covenantal basis of society	117
	Virtue, covenant, and pluralism	118
	Covenant, responsibility, and accountability	120
	Accountability and democracy	123
	Justice as obligation	125
	Natural rights	126
	Human rights	129
	Covenant: human rights and the common good	130
	Criteria of distributive justice	133
	Justice as vocation	137
	The renewal and transformation of justice	138
	<i>Notes</i>	143
	<i>Select bibliography</i>	170
	<i>Index</i>	177

Cambridge University Press
052149639X - Justice and Christian Ethics
E. Clinton Gardner
Frontmatter
[More information](#)

General editor's preface

This book is the seventh in the series *New Studies in Christian Ethics*. As I had hoped, a distinctive shape is beginning to emerge in the series. Not only are contributors well-versed in one of the humanities, science or social science disciplines, they are also prepared to challenge some of the secularist assumptions that often underpin them in the modern university.

Kieran Cronin's *Rights and Christian Ethics*, the first book in the series, saw considerable areas of overlap between Christians and secularists in the debate about "rights." However he concluded that Christians (and indeed many others with religious faith) do have deeper "justifying reasons for acting morally" than secularists, precisely because moral behavior for Christians is a part of their relationship to God.

James Mackey's *Power and Christian Ethics* also offered a theological challenge to much secular thought. He argued that, in a world that frequently equates power with force, religious communities (despite their many failures) can have real significance. At best such communities offer a "radical and encompassing sense of life as grace" which "enlightens and empowers people to imagine and create an ever better life, and also to overcome the forces of destruction which one could otherwise only join and increase, but never beat."

Ian Markham's *Plurality and Christian Ethics* also offered a distinctive theological challenge. In arguing for a position of what he terms "constructive plurality," he maintained that secularism as a basis for rational dialogue in the modern world is surprisingly weak. In contrast, he argued that theism offers "a more coherent description of life than any alternative world perspective." He was in the end convinced by those who argue that it is theism

Cambridge University Press
 052149639X - Justice and Christian Ethics
 E. Clinton Gardner
 Frontmatter
[More information](#)

xii

Preface

which “makes sense of the objectivity of value and the intelligibility of the universe.”

Of course others have made similar claims in the debate that is currently raging between modernists and postmodernists. However none of the writers in this series relies upon hyperbole or engages in dramatic end-of-the-Enlightenment discourse. Ian Markham was quite critical of such discourse, reminding his readers of some of the positive features of the Enlightenment as well as its inherent weaknesses. Rather, the dominant discourse in this series is that of a sustained dialogue with secular disciplines, albeit a critical and non-subservient dialogue.

Jean Porter’s *Moral Action and Christian Ethics* offered another significant theological challenge to much secular moral philosophy. She was finally unconvinced by what she regards as the false security of many moral theories “with their promise of certainties that we cannot attain.” Instead, she returned to Aquinas and sought to re-interpret his understanding of the moral act as a product of inter-dependent moral virtues. For her the moral life consists of a subtle interplay between human dignity grounded in restraint and forthrightness, kindness and decency built up out of caring, and fairness and responsibility forming a basis for justice.

A study of the general theme of justice follows naturally from Jean Porter’s book. It is also clearly of central importance both to Christian ethics and to moral thought today. For all of these reasons Clinton Gardner’s *Justice and Christian Ethics* is particularly welcome in the series.

In the initial chapter of this book Professor Gardner makes a very imaginative use of Berman and sets out the challenge offered by a theistic understanding of justice. The second chapter relates usefully to the MacIntyre/Hauerwas debate – a debate which is a central one to the arguments of several of the contributions to the series. And the final chapter presents the case for taking seriously covenantal understandings of justice – understandings which Clinton Gardner shows have long been derived from biblical material, especially in America.

This is a very welcome and thorough study.

ROBIN GILL

Cambridge University Press
052149639X - Justice and Christian Ethics
E. Clinton Gardner
Frontmatter
[More information](#)

Acknowledgments

This work is a study in the meaning of justice in Christian ethics. In this respect it represents a continuation of many years of reflection upon the nature and foundations of justice in theological ethics.

More specifically, however, the focus of the present project is upon the relationship of justice to law and virtue. How is justice understood as obedience to law related to justice understood as the practice of virtue? How does one move from abstract notions of law to the application of the law to particular cases? Conversely, if justice is conceived as the praxis of virtue, is law also necessary, as Aristotle suggests, to prevent just persons from committing unjust acts? My own reflection on such questions has been stimulated in recent years through participation in a number of interdisciplinary projects at Emory University involving faculty and students in the various professional schools, particularly law, medicine, and theology. In this regard, I want to express my profound gratitude to James T. Laney, formerly Dean of the School of Theology and subsequently President of Emory University, for his constant support of such projects. Special thanks are also due to Frank S. Alexander, Harold J. Berman, Jonas Robitscher, and John Witte, Jr., of the School of Law; and to Albert Brann, W. Newton Long, Theodore Hersh, and John H. Stone, of the School of Medicine. Each of these colleagues has enriched my own understanding of justice both in relation to their respective professions and in relation to public policy.

While it is impossible to mention the names of all who have contributed in significant ways to the development of the following essay, I am deeply grateful to Dean Jim L. Waits for his

Cambridge University Press
052149639X - Justice and Christian Ethics
E. Clinton Gardner
Frontmatter
[More information](#)

xiv

Acknowledgments

support in arranging a sabbatical leave (1986–87) in which to pursue research on Puritanism and John Locke. Special thanks are also due James M. Gustafson for his encouragement and critical suggestions at an early stage in the conceptualization of the project; to E. Brooks Holifield for his careful appraisal of recent Puritan scholarship; and to David Little for his interpretation of Puritan political thought and the modern human rights movement. I am also indebted to the staffs of Pitts Theology Library and the Robert W. Woodruff Library at Emory University and the Cambridge University Library for their generous assistance in making needed research materials available.

Portions of the materials included in chapters 2, 4, and 5 appeared previously in the following articles in *The Journal of Law and Religion*: “Justice, Virtue, and Law,” *JLR*, vol. 2 (1984), no. 2; “Justice in the Puritan Covenantal Tradition,” *JLR*, vol. 6 (1988), no. 1; and “John Locke: Justice and the Social Compact,” *JLR*, vol. 9 (1992), no. 2. “Justice in the Puritan Covenantal Tradition” was published simultaneously in *The Annual of the Society of Christian Ethics* (1988). Permission to use these materials is gratefully acknowledged.

The Society of Christian Ethics has greatly enriched and broadened my understanding of justice, both as theory and as praxis, through the provision of an increasingly inclusive (religious, racial, and feminist) community of scholars and activists in the field.

In closing, I want to express my deep gratitude to Alex Wright, Religious Studies Editor, Cambridge University Press, for his constant support, his patience amid unforeseen delay in the completion of the manuscript, and his guidance and direction in bringing the latter to publication. I am also greatly indebted to Robin Gill, general editor of *New Studies in Christian Ethics*, for the inclusion of this book in that series. Special thanks are also due to Deborah McLauchlan and other members of the editorial staff for their assistance in preparing the final copy for publication.