

THE HOLY SPIRIT AND THE PRACTICE OF JUSTICE

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Abstract

This paper argues that despite many rich and beautiful theories of justice by great scholars and theorists of justice, a just society and indeed justice in application will continue to be unrealistic unless adjudicators and all other agents of justice kill the spirit of greed and nepotism and allow the Holy Spirit – the spirit of justice, the Spirit of God with which God acts and causes actions in people, to act in them as was the case in the lives of judges, kings, and prophets of Ancient Israel and in the lives of Jesus and his Disciples. It will analyze some theories of justice beginning with Nicholas Wolterstorff's natural inherent right which maintains that every individual deserves justice as justice is seen as an inherent right based on the fact that one is created in the image of God and loved by God. It will also review John Rawls's theory of justice as fairness and Michael Walzer's complex equality. It will go on to appraise Amartya Sen's comparative social theory of justice as well as Martha Nussbaum's capabilities approach. It will link the failure of these theories in practice to the fact that most adjudicators and other agents of justice have allowed greed and nepotism to silence in them the Holy Spirit – the spirit of justice, the Spirit through which God acts and causes actions.

Keywords: Holy Spirit, Spirit of justice, Justice, Theories of justice, Adjudicators, Greed, Nepotism.

Introduction

Over the years, many contemporary theories of justice have been propounded by many world-renowned scholars. While people like Nicholas Wolterstorff thinks that justice has to be conceived in terms of inherent rights, John Rawls rather conceives it in terms of fairness. The human development or ‘capability’ approach of justice by Martha Nussbaum conceives justice in terms of creating capabilities that will improve people’s lives.

Just as there are many theories of justice, so are there critiques upon critiques of these theories. What is baffling is that the more these theories thrive the more, in fact, the most unjust practices proliferate in our societies. Maybe, this is why Amartya Sen in his *The Idea of justice* criticized these theories and proposed practical reasoning instead. For him, rather than targeting only at the characterization of perfectly just societies, that is, aiming at an exercise that is such an overriding feature of many theories of justice in political philosophy today, a theory of justice that can serve as the basis of practical reasoning must include ways of judging how to reduce injustice and promote justice.¹

Following the ideas of the great philosophers of language like Albert Camus, one has to distinguish between “knowing that and knowing how” in the issues of justice. It appears that the protagonists of our theories of justice and in fact all of us, we ‘know that’ but do not ‘know how’ of justice. In other words, we know how to theorize about justice and not how to practice it. But

¹ Sen Amartya, *The Idea of Justice* (Cambridge: Harvard University press, 2009). p. ix.

the question is: why is it that way? Why does it appear the practice of justice in our society is utopian? What went wrong in the practice of justice? It is some of these questions that this paper sets out to address. It will bring to fore in a précis form some of the arguments of some theories of justice. It will also try to show that the practice of justice to a great extent has eluded us. It will then attempt to link this to the inability of the agents of justice – the ecclesial and secular institutions – to be influenced and empowered by the spirit of justice – the Holy Spirit. For Yves Congar may be right when he avers that the Spirit of God, the Holy Spirit in the OT can be seen as indicating the life of God himself, the force by which he acts and causes action as evident in the lives of the ancient Jewish heroes or judges, kings, and prophets.²

A Review of some Theories of Justice

In the bid to solve the problem of social justice in our contemporary world, many authors have approached issues of social justice from different perspectives. Here a review of some of these theories by some authors that are considered relevant to this paper will be made and used to argue out the thesis.

Nicholas Wolterstorff's Natural Inherent Rights

In his book *Justice: Rights and wrongs*, Wolterstorff differentiated between justice as right order and justice as

² Yves Congar, *I Believe in the Holy Spirit* (New York: Seabury, 1983). pp. 3-9.

inherent rights. He said that justice has to be conceived in terms of inherent rights.³ While Ulpian aimed at the virtue of justice, Wolterstorff aimed at the social condition those who possess the virtue seem to bring about. He brought to fore Plato's own version of justice as right order, which advocates that "everyone ought to perform the one function in the community for which his nature best suited him."⁴ He refused to accept this version of Plato's justice and the right order theorist who follows Plato's idea. For him natural rights are the right of social beings that have not been socially conferred on them and not the rights of antisocial beings.⁵ He believed there are rights one has a claim over, not because they are conferred on one by society but because of one's worth. This is what he meant by inherent rights. He set out to account for those rights that make up primary justice. It is

an account that holds for human rights as well as rights we have on account of being particular sorts of human beings, rights that are socially generated as well as natural rights, inherent rights as well as conferred rights.⁶

For him rights are entitlements to the good of being treated in certain ways; they are normative social affairs.⁷ He moved on to say that the sort of account of rights we are looking for is the one that will take due recognition of the situated character of rights.

³ Nicholas Wolterstorff, *Justice: Rights and Wrong* (Princeton: Princeton University Press, 2008). p. 21.

⁴ Wolterstorff., *Justice*, p. 28.

⁵ Wolterstorff, *Justice*, p. 33.

⁶ Wolterstorff, *Justice*, p. 241.

⁷ Wolterstorff, *Justice*, p. 263.

By situated character of rights he meant that the prerogative one has compared to one person to his doing a particular thing will usually be such that there are other persons against whom one does not have that claim, at that time in that circumstance.⁸

For him, this right is moral right. He added that to deny a person his or her moral rights and consequently treat him or her in a disrespectful way is to deny by implication that he or she has non-instrumental worth.⁹ He dismissed the boosting principle which holds that some human beings have less worth than others. For him this principle is untenable since there is no alternative to allowing the life-goods to which one has rights to trump those to which one does not when one allows the worth of persons to enter into one's deliberations on how to act.¹⁰

Speaking about nature and grounding of human rights, he said a human right "is a right attached to the status of being a human being, a member of the species *Homo sapiens*."¹¹ This is based on the claim that all members of the human family have inherent dignity and that human rights are grounded on that. He seemed to agree with Gaita that it is impossible to develop a secular account of human dignity adequate for grounding human rights. He offered what he called a "theistic grounding of human rights",¹² which holds that such rights are grounded in our being in the image of God. He argued that what is needed for a theistic grounding of natural human rights, is some value-conveying

⁸ Wolterstorff, *Justice*, p. 287.

⁹ Wolterstorff, *Justice*, p. 296.

¹⁰ Wolterstorff, *Justice*, p. 309.

¹¹ Wolterstorff, *Justice*, p. 313.

¹² Wolterstorff, *Justice*, p. 352.

relation of human beings to God that does not in any way include referring to human abilities.¹³ For him, being loved by God is that relation. It is what gives a human being great worth. He concluded that natural human rights inhere in the value bestowed on human beings by God's love, if God loves each and every human being equally and permanently in the mode of attachment.¹⁴

Wolterstorff seems to be making two important claims. First, he strongly and rightly claimed that justice should be seen in terms of inherent rights and not as right order. Second, one's natural human rights are based on the fact that one is created in the image of God and loved by God. Whether in practice issues of justice are resolved by this theory is another question. Many believe they are not. Can an alternative be found in Rawls? The next section will answer this.

John Rawls's Fairness as Justice

Rawls in his book, *A Theory of Justice* identified the distinctive role of the conception of justice as specification of basic rights and duties, and the determination of the appropriate distributive shares. He believed that in doing this, efficiency, coordination and stability are bound to be affected. In what constitutes the subject of justice, Rawls believed it is "the basic structure of society, or more exactly, the way in which the major social

¹³ Wolterstorff, *Justice*, p. 352.

¹⁴ Wolterstorff, *Justice*, p. 360.

institutions distribute fundamental rights and duties and determine the division of advantages from social cooperation.”¹⁵ Rawls agreed that the principles of the conception of justice for the basic structure are not everywhere satisfactory, but he warned it should not be dismissed for that reason. The main idea of the theory of justice Rawls proposed is that

principles of justice for the basic structure of society are the object of the original agreement. They are the principles that free and rational persons concerned to further their own interest would accept in an initial position of equality as defining the fundamental terms of their association. These principles are to regulate all further agreements; they specify the kinds of social cooperation that can be entered into and forms of government that can be established.¹⁶

This way of regarding the principles of justice is what he called justice as fairness. Rawls rejected the classical utilitarian concept of justice which says that when major institutions of a society are organized in order to achieve the utmost net equilibrium of satisfaction summated over all the individuals belonging to it, that society is correctly well-organized, and therefore just.¹⁷ For him utilitarianism does not take seriously the distinction between persons. Among others, he presented this contrast between classical utilitarianism and justice as fairness. While in utilitarianism the satisfaction of any desire has some value in itself which must be taken into consideration in deciding what is

¹⁵ John Rawls, *A Theory of Justice* (Cambridge: Cambridge University Press, 1971). p. 7.

¹⁶ Rawls, *Theory of Justice*, p. 11.

¹⁷ Rawls, *Theory of Justice*, p. 22.

right, in justice as fairness persons accept in advance a principle of equal liberty and they do this without knowledge of their more particular ends.¹⁸ For Rawls, a theory of justice is a theory of moral sentiments setting out the principles governing our moral powers, or, more specifically, our sense of justice. He maintained that the ethics of justice recognize certain conditions as morally pertinent and the priority rules show the suitable preference when these conflict, whereas the conception of original position outlines the fundamental idea which is to inform our discussions or deliberations.¹⁹

Following his concept of justice as fairness Rawls proposed two principles of justice as follows:

First: each person is to have an equal right to the most extensive basic liberty compatible with a similar liberty for others. Second: social and economic inequalities are to be arranged so that they are both (a) reasonably expected to be to everyone's advantage, and (b) attached to positions and offices open to all.²⁰

Interpreting the second principle due to the ambiguity implied in the phrases, "everyone's advantage" and "equally open to all", he said that the first part of the second principle in what he referred to as the system of natural liberality is understood as the code of competence adjusted so as to apply to institutions or, in this case to the rudimentary structure of society; and the second part is

¹⁸ Rawls, *Theory of Justice*, p. 31.

¹⁹ Rawls, *Theory of Justice*, p. 53.

²⁰ Rawls, *Theory of Justice*, p. 60.

understood as an open social system in which, to use the old-style phrase careers are open to talent.²¹ Among the four interpretations of the two principles, system of natural liberty, liberal equality, natural aristocracy, and democratic equality, Rawls said that democratic interpretation is the best choice.²² This democratic interpretation according to him is arrived at by combining the principle of fair equality of opportunity with the difference principle. The difference principle he said is a strongly egalitarian conception in the sense that unless there is a distribution that makes both persons better off, an equal distribution is to be preferred. In other words, unless the other gains also, there is no gain from the perspective of the difference principle no matter how much either person's condition is enhanced.²³ After using the chain connection and close-knitness to show that the previous formulation of the second principle of justice is deficient especially in the light of the difference principle he reformulated it to read:

social and economic inequalities are to be arranged so that they are both (a) to the greatest benefit of the least advantaged and (b) attached to offices and positions open to all under conditions of fair equality of opportunity.²⁴

Rawls seemed to be saying that fair equality of opportunity depends on distributive shares, which for him is a matter of pure procedural justice. And he believed there is no just procedure except if there is a fair basic structure, as well as a just and fair

²¹ Rawls, *Theory of Justice*, p. 66.

²² Rawls, *Theory of Justice*, p. 75.

²³ Rawls, *Theory of Justice*, p. 76.

²⁴ Rawls, *Theory of Justice*, p. 83.

political constitution and an impartial plan of economic and social institutions.²⁵ Rawls showed that the nature of argument for conception of justice that most favored his original position is deductive. From the list of alternatives ranging from mixed conceptions, classical teleological, intuitionist, to egoistic conceptions he said his two principles of justice remain the most favored in establishing justice as fairness. He believed there are conditions characterizing the situations of the persons in the original position. He described these conditions under the following headings: the circumstances of justice, the formal constraints of the concept of right, the veil of ignorance, and the rationality of the contracting parties.²⁶

Rawls said that the situation of the persons in the original position reflects certain constraints on the conception of right. He summarized these conditions as a set of values, universal in form and collective in application, that is to be overtly accepted as a last court of appeal for ordering the inconsistent rights of moral persons.²⁷ If the original position must yield agreements that are just, Rawls said no one should know his situation in society or his natural assets.²⁸ This is where the veil of ignorance which characterizes the situations of the persons in the original position is plausible in his conception of justice as fairness. With the principle of equal liberty, he reshaped the first principle and provided a priority rule. The first principle now reads, “each person is to have an equal right to the most extensive total system

²⁵ Rawls, *Theory of Justice*, p. 87.

²⁶ Rawls, *Theory of Justice*, p. 118.

²⁷ Rawls, *Theory of Justice*, p. 135.

²⁸ Rawls, *Theory of Justice*, p.139.

of equal basic liberties compatible with a similar system of liberty for all.”²⁹ The priority rule states “the principles of justice are to be ranked in lexical order and therefore liberty can be restricted only for the sake of liberty.”³⁰ Rawls said there are two cases of this, (a) a less widespread liberty must reinforce the total collective system of liberty, and (b) a less than equal liberty must be adequate to those citizens with the smaller liberty.³¹

Michael Walzer’s Complex Equality

In his book *Spheres of Justice: A Defense of Pluralism and Equality*, Walzer defined a society where no social good serves or can serve as a means or avenue of control.³² Equality for him is an intricate relation of persons, arbitrated by the goods we make, share, and divide among ourselves; it is not an identity of assets.³³ That is to say, for Walzer, different social goods have different social meanings and for a society to be just these goods should rightly be distributed according to different rules. He maintained that “The theory of distributive justice begins...with an account of membership rights.”³⁴ Membership for him must be all encompassing; and there should be a collective provision of security and welfare³⁵ in proportion to the needs of members.

²⁹ Rawls, *Theory of Justice*, p. 250.

³⁰ Rawls, *Theory of Justice*, p. 250.

³¹ Rawls, *Theory of Justice*, p. 250.

³² Michael Walzer, *Spheres of Justice: A Defense of Pluralism and Equality* (New York: Basic Books, 1983). p. xiv.

³³ Walzer, *Spheres of Justice*, p. 18.

³⁴ Walzer, *Spheres of Justice*, p. 63.

³⁵ Walzer, *Spheres of Justice*, p. 64.

He argued that the supply must identify and maintain the fundamental parity of members.³⁶ For him, people are free to give out their belongings in distributive justice in so far as they act within their scope.³⁷ Adverse goods have to be distributed not only among individuals but also among distributive ranges.³⁸ For Walzer all the “members of a free society” are entitled to free time. He saw divine grace as “individual choice” which must not be coercively distributed.³⁹ In complex equality, Walzer said that recognition and punishment be given to those who deserve them. In the sphere of politics, he said democracy is the best for “complex equality.” According to him diverse results for different people in different scopes make a just society.⁴⁰ And this for him is complex equality: “maximum differentiation.”⁴¹ Walzer’s theory differs completely from that of Wolterstorff and Rawls. It sounds practically more appealing than theirs. However, if messengers are to be sent to countries operating this complex equality of justice (if any at all) to ask if this is the answer to social injustice we are looking for or are we to look for another, the messengers may be asked to go back and tell those who sent them what they have seen – particular individuals still dominate in different spheres; many political, social, economic, and educational offices are still occupied by those who do not deserve or qualify for them; etc. In other words, Walzer’s complex equality is theoretically good but it lacks the practical vigor to take us to the “promised land.” What is needed is a theory

³⁶ Walzer, *Spheres of Justice*, p. 84.

³⁷ Walzer, *Spheres of Justice*, p. 128.

³⁸ Walzer, *Spheres of Justice*, p. 167.

³⁹ Walzer, *Spheres of Justice*, p. 248.

⁴⁰ Walzer, *Spheres of Justice*, p. 320.

⁴¹ Walzer, *Spheres of Justice*, p. 316.

of justice with this practical vigor. Maybe that can be found in Amartya Sen's comparative approach.

Amartya Sen's Comparative Social Theory of Justice

Sen, in his book, *The Idea of Justice*, chose to discuss questions of enhancing and promoting justice and getting rid of injustice, instead of offering resolutions of questions about the nature or mode of flawless justice.⁴² His main thesis is that in issues of justice and injustice, "reasoned scrutiny" which makes for objectivity should be applied, and the voice of others who serve as "impartial spectators" should be heard in making social choices. This means that justice lies in being as reasonably objective as we can in making social choices. And the choices we make must be open for further scrutiny.

He took his bearing from Hume, Smith, Diderot and Kant who saw cognition and feeling or sensitivity as intensely interconnected activities.⁴³ Habermas, Rawls and Smith's approaches to objectivity, especially Smith's concept of "impartial spectator," provide a platform for Sen's approach of reasoned scrutiny from different perspectives. For him one of the reasons why reason has been criticized is the fact that some people are effortlessly *over*-persuaded by their own reasoning, and disregard counter-arguments or opinions and other grounds that may produce the contrary conclusion.⁴⁴ However, he opined that this should not be a reason for criticizing reason since the

⁴² Amartya Sen, *The Idea of Justice* (Cambridge, MA: Belknap Press, 2009), p. ix.

⁴³ Sen, *Idea of Justice*, p. 50.

⁴⁴ Sen, *Idea of Justice*, p. 48.

problem is with bad reasoning rather than with reason itself. He argued that the solution for bad cognitive lies in better reasoning, and it is really the work of reasoned scrutiny to change from the former to the latter.⁴⁵ In his arguments in favor of his comparative approach of social theory of justice he argued that

we have reason to be interested not only on the kind of lives we manage to lead, but also in the freedom that we actually have to choose between different styles and ways of living.⁴⁶

He linked capability which pays attention on human lives instead of on resources people have with substantive freedom.⁴⁷ Sen argued that there is a very close connection between justice and democracy owing to the vital role of public reasoning in the practice or exercise of democracy.⁴⁸ He insisted that human right has to be measured through the scrutiny of public reasoning, including open impartiality or objectivity.⁴⁹

Sen, seemed to have taken a different approach to issues of contemporary justice compared to the authors reviewed so far. It sounds realistic indeed; but it does not seem to be any better than the others in practical effect. This is true especially when we consider that it is not easy to get one over-convinced by one's own reasoning to yield to the opposite conclusion. The military invasion of Iraq in 2003 by the US-led coalition is a case study

⁴⁵ Sen, *Idea of Justice*, p. 49.

⁴⁶ Sen, *Idea of Justice*, p. 227.

⁴⁷ Sen, *Idea of Justice*, p. 253.

⁴⁸ Sen, *Idea of Justice*, p. 326.

⁴⁹ Sen, *Idea of Justice*, p. 366.

here even though Sen acknowledged that it was mistaken.⁵⁰ Maybe the just concluded February 25th 2023 presidential election in Nigeria where, despite the widely condemned irregularities and injustices, the Independent Electoral Commission (INEC) went ahead and declared Ahmed Bola Tinubu the presidential candidate of All Progressive Congress (APC) winner and asked other parties to go to court if they want and the subsequent judgement of the court cases have proven Sen wrong. Can we find in Martha Nussbaum what we are looking for?

Martha Nussbaum's Capabilities Approach

Nussbaum toeing the line of Sen, offered capabilities approach as a remedy for issues of social justice. For her, if government and public policies address the question, “What is each person able to do and to be?”⁵¹ it will enhance the value of life for all people, as defined by their abilities or capabilities.⁵² Capability for her is a type of freedom: the functional freedom to realize alternative working combinations.⁵³ Nussbaum submitted that life, bodily health, bodily integrity, senses, imagination, and thought, emotions, practical reason, affiliation, other species, play, and control over one's environment are at least a threshold level of capabilities that a decent political order must secure to all citizens.⁵⁴ Her capabilities approach protects a least verge of

⁵⁰ Sen, *Idea of Justice*, p. 3.

⁵¹ Martha Nussbaum, *Creating Capabilities: The Human Development Approach* (Cambridge: Cambridge University Press, 2011). p. 18.

⁵² Nussbaum, *Creating Capabilities*, p. 19.

⁵³ Nussbaum, *Creating Capabilities*, p. 20.

⁵⁴ Nussbaum, *Creating Capabilities*, pp. 33-34.

capability as an essential requirement for social justice.⁵⁵ She argued that the ten capabilities are significant mechanisms of the concept of a life in accord with human dignity.⁵⁶ Her capabilities approach sees penchants or favorites as often untrustworthy for political drives or purposes.⁵⁷ Nussbaum maintained that all the capabilities on the list are vital and that subsidiaring or subordinating one to another will not be a formula for attaining full justice.⁵⁸ Unlike the dominant approaches, Nussbaum's capabilities approach

begins from a commitment to the equal dignity of all human beings, whatever their class, religion, caste, race, or gender, and it is committed to the attainment, for all, of lives that are worthy of that equal dignity.⁵⁹

Justice in Application

Experience has shown that very often we propose beautiful theories of justice and set up laws for their implementation; yet cases of injustice continue to abound in our secular and religious societies. It is no longer news that church employees in many societies are the least paid and often they are not paid on time. The employers are the same pastors who mount the pulpit and deliver beautiful sermons on justice. In every country of the world today, the gap between the poor and rich continues to

⁵⁵ Nussbaum, *Creating Capabilities*, p. 76.

⁵⁶ Nussbaum, *Creating Capabilities*, p. 78.

⁵⁷ Nussbaum, *Creating Capabilities*, p. 80.

⁵⁸ Nussbaum, *Creating Capabilities*, p. 97.

⁵⁹ Nussbaum, *Creating Capabilities*, p. 186.

widen. Public officials who embezzle public funds very often walk away with it.

How many people have been denied opportunities either because they do not have tribal, ethnic, religious, social and political affinities with those in charge or because they cannot afford a bribe? How many cases of gender inequality, racism, violation of human rights, and crimes of all kinds still abound in spite of our beautiful theories of justice? How many of the perpetrators of these injustices have been brought to book? There is no need for any special formula to prove that these cases abound and that the practice of justice in reality is farfetched. They are experienced by many. They are heard, seen and watched on radios and televisions. They are everywhere on the internet. People live with them. Widney Brown, Senior Director of International Law and Policy at Amnesty International, said in one of their published reports that

In poor and rich countries alike, women who are raped or abused have little chance of seeing their attackers brought to justice. It is shocking that in the 21st century with so much legislation designed to ensure women's equality, that virtually every government fails to protect women or to ensure that their abusers are held to account for their crimes.⁶⁰

This is the reality of the contemporary milieu. Most Nigerians are still in shock by the judgements of the Presidential Election

⁶⁰ Amnesty, "Rape Victims Worldwide Denied Justice and Dignity," 2010, <http://www.amnesty.org/en/news-and-updates/report/rape-victims-worldwide-denied-justice-and-dignity>. (Retrieved: 29/11/2011).

Petition Court (PEPC) and the Supreme Court of Nigeria over the 2023 elections. It is not as if the contemporary theories of justice are unpragmatic in themselves. No! At least not all. The problem, this paper avers, is that the agents of justice, have failed to allow themselves to be influenced and empowered by the spirit of justice – the Holy Spirit.

Holy Spirit: The Spirit of Justice

From some of the Scriptural passages, like the ones below, it is clearly evident that Jesus never embarked on his public ministry until he was empowered by the Holy Spirit. Appropriating to himself the prophecy of Isaiah, Jesus declared in Luke 4:18-19:

The Spirit of the Lord is upon me, because he has anointed me to bring good news to the poor. He has sent me to proclaim release to the captives and recovery of sight to the blind, to let the oppressed go free, to proclaim the year of the Lord's favor.

Luke had already said in 3:22 that the Holy Spirit descended upon Jesus in bodily form like a dove during his baptism. And this was before he began his public work. Even though Jesus is God, he allowed his human nature which he took in order to redeem the world to be filled and empowered by the Holy Spirit to be able to do the work entrusted to him by his Father. Part of this work is to establish God's kingdom on earth; the kingdom where captives and oppressed are set free; the kingdom of justice. Keener says,

For Matthew, the empowering Spirit is essential in defining Jesus' mission as God's servant rather than the devil's. He empowers Jesus for his call and through his time of testing.

Jesus as the true Son of God...depends on the Holy Spirit, as the meek one who waits for God's vindication and the spread of justice to the Gentile...⁶¹

Like Jesus, agents of justice have to depend on the Holy Spirit and allow this Spirit to empower them and act in and through them for the spread of justice on earth. Jesus knew how indispensable the Holy Spirit is to his disciples in bearing witness to him and in building up God's kingdom of justice. That is why he told them to stay in Jerusalem until they have been clothed with power from on high.

And see, I am sending upon you what my Father promised; so stay here in the city until you have been clothed with power from on high (Lk 24:49).

When at last they received this Spirit, it empowered them and they were able to witness to him. The Holy Spirit is the secret behind the disciples' successful mission. Ju attests to this. For him "The subsequent accounts of Paul's witness...imply that his ministry is empowered or caused by the Spirit..."⁶² Doing an exegesis of Paul's ethical conducts in his letters, Gordon Fee concludes that "the Spirit is the key to ethical life..."⁶³ For him "*Christian ethics can only be by the Spirit's empowering*"⁶⁴

⁶¹ Craig Keener, *The Spirit in the Gospels and Acts: Divine Purity and Power* (Grand Rapids: Baker Academic, 2010). p. 117.

⁶² Ju Hur, *A Dynamic Reading of the Holy Spirit in Luke-Acts* (New York: T&T Clark, 2001). p. 258.

⁶³ Gordon D. Fee, *God's Empowering Presence: The Holy Spirit in the Letters of Paul* (Grand Rapids: Baker Academic, 2011). p. 879.

⁶⁴ Fee, *God's Empowering Presence*, p. 878.

Fee's exegesis of Paul's letters shows that what was not possible by the keeping of the letters of the Torah was made possible by the power of the Holy Spirit. The argument of this article follows from here. The justice that has not been able to achieve by the keeping of laws and policies formulated from theories of justice can be realized if only agents of justice will allow themselves to be influenced and empowered by the Holy Spirit. Unless the capacity builders, the magistrates and judges are influenced and empowered by the Holy Spirit, they will continue to be influenced and empowered by greed and selfishness and a just society will continue to be an illusion. What this paper is saying is that the church and the secular world can go on and preach beautiful sermons about justice and propound wonderful theories of justice, if the Holy Spirit does not act in and through them, the practice of justice remains illusive.

One of my criticisms against Sen's comparative approach of social justice, where he advocates the use of "impartial spectators" in "reasoned scrutiny" is that one can deliberately refuse to listen to "impartial spectators" as it has been happening and will continue to happen unless one is led by the Holy Spirit. For Sen, one of the reasons why reason has been criticized is the fact that "some people are easily *over*-convinced by their own reasoning, and ignore counter-arguments and other grounds that may yield the opposite conclusion."⁶⁵ He calls this "bad reasoning" that can be remedied by "reasoned scrutiny." By this, Sen insinuates that the practice of justice is possible through "reasoned scrutiny." The stand of this article is that "reasoned

⁶⁵ Sen, *Idea of Justice*. p. 3.

scrutiny” itself will continue to be a utopia until agents of are purged of selfishness by the power of the Holy Spirit.

Gordon said that “the Spirit is the key to ethical life....”⁶⁶ This paper would like to add that good ethical life is the key to a just society. A just society is an illusion if the members do not behave ethically well. Rawls in his theory seems to understand this because for him fair equality of opportunity depends on distributive shares, which he says, is a matter of “pure procedural justice.” He believes there is no just procedure except if there is “a just basic structure.” Rawls however, does not seem to understand that “a just basic structure” does not exist except if its constructors allow themselves to be influenced and empowered by the Holy Spirit who “is the key to ethical life” and consequently to a just society. Yes, a good ethical life empowered by the Holy Spirit is the key to a just society. If everyone allows himself or herself to be led by the Holy Spirit, a rapist will no longer be controlled by his or her emotional desires; an assassin will no longer be under the influence of whatever pushes him or her to commit murder; the unjust structures of corruption, marginalization, racism, oppression, greed and selfishness will give way for a just society to emerge and human rights will be respected everywhere. This is true because according to John Paul II in his Encyclical Letter, *Redemptoris Missio*,

The Spirit’s presence and activity affects not only individuals but also society and history, peoples, cultures and religions. Indeed, the Spirit is at the origin of the noble

⁶⁶ Fee, *God’s Empowering Presence*, p. 878.

ideals and undertakings which benefit humanity on its journey through history (no.28).

Still speaking about the effects of the Holy Spirit in our lives, Ugwu has this to say,

Anybody who lives and acts under the control of the Holy Spirit finds joy in obeying God whose will is expressed in Scriptures, in the teachings and lived experience of the Church and in the event of our daily life.⁶⁷

Indeed, if humans live and act “under the control of the Holy Spirit” it will be possible to construct a society where justice and peace abound. For, the Holy Spirit, while anointing the bodies and enlivening the voices of men and women apparently calls them into the world toward serving others and to do the work of the divine kingdom of peace and justice.⁶⁸ The argument here is that ethical theorists can theorize about justice as much as they want, but justice cannot be experienced without the power of the Holy Spirit - the “key to ethical life” and to a just society. It is he who empowers human beings to fight the unjust structures and attitudes within and outside them that make justice a mirage. John A. Studebaker Jr. quoting Moltmann says that

the presence of the Spirit can be found wherever men and women receive the power to enter into struggle for the liberation of God’s creation, for justice within a world of social injustice, and for freedom from oppression. While the

⁶⁷ Bona I. Ugwu, *The Holy Spirit: Fire from Above* (Onitsha: Spiritan Press, 2008). p. 48.

⁶⁸ F. LeRon Shults et al, eds., *The Holy Spirit* (Michigan: Eerdmans, 2008). p. 8.

present experience of the world is an experience of the lack of freedom, the Spirit is precisely the presence of the power of liberation, anticipations of the kingdom of God that are experienced as resistance against the forces which bind mankind in various forms of slavery.⁶⁹

Controlled by the power of the Holy Spirit, the black and white members of the Pentecostal movement in America under Charles Fox Parham and William Joseph Seymour were able to worship together in spite of the unjust racial structure operating at its pick at the time. Their interaction was not just only during the church service times but also outside that as Rosenior says in his essay “The Rhetoric of Pentecostal Racial Reconciliation” quoting an eye-witness,

A white lady reported at Azusa, “Everybody was just the same; it did not matter if you were black, white, green, or grizzly. There was a wonderful spirit. Germans and Jews, black and whites, ate together in the little cottage in the rear. Nobody ever thought of color”.⁷⁰

Referring to Seymour, Rosenior says, “He was of the firm belief that the breaking down of racial barriers was a “sign” of the renewal of Pentecost and of the second coming of Christ.”⁷¹ Quoting Clemmons Rosenior continues, “Seymour and Mason envisioned the transformation of society through the experience

⁶⁹ John A Jr Studebaker, *The Lord Is the Spirit: The Authority of the Holy Spirit in Contemporary Theology and Church Practice* (Oregon: PICKWICK, 2008). pp. 221-222.

⁷⁰ Michael Wilkinson et al, eds., *A Liberating Spirit: Pentecostals and Social Action in North America* (Oregon: PICKWICK, 2010). p. 66.

⁷¹ Michael Wilkinson et al. *Liberating Spirit*, p. 66.

of the Holy Spirit....”⁷² This is what this article is arguing. Unless agents of justice allow themselves to be controlled by the power of the Holy Spirit, the practice of justice and construction of a just society will continue to be an illusion. The black and white folks of the American Pentecostal movement were able to achieve interracial fellowship under the control of the Holy Spirit. When later they allowed the spirit of selfishness to rob them of the power of the Holy Spirit, the result was the racial separation of the white folks from Church of God in Christ to form the Assemblies of God Church. In practice, the so called “miracle in Memphis”⁷³ in 1994 that was supposed to be the Pentecostal racial reconciliation, has failed as Rosenior testifies,

The rhetoric of reconciliation employed by the leaders of the Pentecostal movement during the Memphis racial reconciliation conference, and at other occasions, has not proven to be as successful in “adjusting or settling” those differences that exist between black and white Pentecostals.⁷⁴

But how can it be successful when they are no longer living and acting under the control of the Holy Spirit? When the two elders and judges in the case of Susana allowed lust, greed, and selfishness to silence the Spirit of God in them, the Spirit through which God acts and causes action, the spirit of justice disappeared and Susana was unjustly condemned. But when the young Daniel allowed the Spirit of God to act in him, the spirit of justice returned and Susana was acquitted. The practice of justice

⁷² Michael Wilkinson et al. *Liberating Spirit*, p. 67.

⁷³ Michael Wilkinson et al. *Liberating Spirit*, p. 72.

⁷⁴ Michael Wilkinson et al. *Liberating Spirit*, p. 75.

became pragmatic (Dn. 13). In the same manner, this paper reiterates that a just society will continue to be an illusion and a mirage except our capacity builders, our magistrates and judges, and indeed, all agents of justice in our human societies are influenced and empowered by the Spirit of justice, the Holy Spirit.

Conclusion

This paper looked at the place of the Holy Spirit in the practice of justice. It reviewed some theories of justice beginning with Nicholas Wolterstorff's natural inherent right which maintains that every individual deserves justice as justice is seen as an inherent right based on the fact that one is created in the image of God and loved by God. It also studied John Rawls's theory of justice as fairness and Michael Walzer's complex equality. It moved on to appraise Amartya Sen's comparative social theory of justice as well as Martha Nussbaum's capabilities approach. The paper averred that as beautiful as these theories of justice appear, they do not seem to lead to justice in application because most adjudicators and other agents of justice have allowed greed and nepotism to silence in them the Holy Spirit – the spirit of justice, the Spirit through which God acts and causes actions. It maintained that justice will continue to elude the society unless the capacity builders, adjudicators, and all agents of justice do away with the spirit of greed and nepotism and allow the Holy Spirit – the spirit of justice, to act through them.