

Political Theology 3: Injustice

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Ideas of justice held by those who are continuously in possession of wealth are bound to be different from the ideas of those who are continuously out of it. The basic anxiety of the former is to ensure the stability of the profitable order by which they are enabled continuously to take possession; that of the latter is to escape from the disorder by which they are continuously dispossessed. There is no common moral order, no community of interest between rich and poor by which it might be said that justice consists in its preservation. In a society as unequal as that of Britain, the moral order is already something broken.

Theories of justice generated by possessors are concerned with stability, even if – as with liberal reformists – this can only be achieved by a wider spread of benefits. In other words, they are concerned to define and defend a partial community of interest in which the access to wealth of those who already have it is preserved while the poverty of those who don't is explained and justified in general, if not in particular. So they always imply the presence of a moral order behind the existing social and economic one.¹ Furthermore, possessors are likely to hold the restricted concept of justice (see previous article), favouring commutative and criminal justice and then such distributive justice as will fit with these. The dispossessed however, when they find the voice to talk about these things – which is rare – take naturally to the comprehensive view of justice which looks for a different order altogether.² The “greater justice” of the gospels is the justice of the dispossessed.

But this different order is known in the first place only in a negative way: it is the reverse of the existing order which causes so much dispossession and suffering. So the dispossessed notion of justice is generated by the experience of injustice. This is the judgment which must be passed when lives are continuously disordered and harmed by the actions of others. If we can attribute responsibility and judge that the harm is avoidable then we can conceive of an alternative that would be right, and just. Better still, we can postulate an alternative order in which the harm would not be done. I believe we can see, for instance, in the 8th century BC prophets of Israel – especially Amos – the emergence of the idea of the justice of YHWH from the experience of the disorder suffered by sections of the population. In particular it is the dis-

ruption of the community of brothers through severe inequalities of wealth, leading some to riches and power and others to dispossession and slavery. The idea of justice comes to birth in the fall of the community of Israel. In the subsequent writings of the prophets the justice of YHWH does not mean some abstract rule of law, but the future hope for the reconstitution of the community. In a sense, justice had never been experienced; it only came to be desired through the experience of its opposite. It is not necessary then to begin with an ideal of justice, because people who need it do not begin with it: they begin with the harm and the injustice and the passion to be free of it.³ But the nature of injustice needs further investigation.

Where the harm is systematic, largely impersonal and chiefly imposed by one identifiable class of people or another, then we can speak of social injustice. After biblical times, those who have suffered systematic injustice have not, on the whole, been in a position to theorise about it. Most of the clues we have about the Christian reactions to it before modern times (before, shall we say, the 17th century) come from certain principles enshrined in moral theology and canon law, founded on sayings of the Fathers – especially, in the West, Ambrose and Augustine. By present-day criteria, there wasn't any theory of social justice in the Middle Ages. There was a very keen sense of justice but there wasn't any doctrine which aimed at a better, more just order of society. The predominant ideas were overwhelmingly those of the possessors, which included of course, the clergy. Nevertheless, the elements of a Christian tradition of real social justice survived in piecemeal teaching on such moral matters as usury and the duties of charity to the poor. It was essentially to do with individual morality, not a change of systems. And the conception of alternative orders only entered as theological background; for instance, in speculation about the conditions of the human race before the Fall. (Such speculations came to have real revolutionary force in later centuries, especially the 17th.) The kind of justice that was applied to economic matters was essentially concerned with the dealings of the individual towards his fellow Christian within a static and stratified social order.

The moral condemnation of *usury* was universal in the Middle Ages. According to Noonan (*The Scholastic Analysis of Usury*, p 20,) the basic doctrine – as put forward in a decree of Urban III in 1187 – held that:

- 1 Usury is whatever is demanded in return on a loan beyond the loaned good itself;
- 2 The taking of usury is a sin prohibited by Old and New Testaments;

- 3 The very hope of a return beyond the good itself is sinful;
- 4 Usuries must be restored in full to their true owner;
- 5 Higher prices for credit sales are implicit usury and therefore forbidden. (That would rule out hire purchase sales and mortgages if applied to our world.)

Briefly speaking, usury is “where more is asked than is given”. It is considered to be a sin against justice – a theft – since it is an invasion of property right (Noonan p 30). Consequently, canon law demanded that full restitution be made when a money lender was convicted of usury – which they frequently were in the ecclesiastical courts. It did not rule out ordinary profits, which were considered to be a kind of wage for the trader’s labour. And it did not rule out those business partnerships in which the provider of capital underwent the same risk as the man who traded with it. What was forbidden at all times was simple interest on loans which were made solely for that purpose. The prohibition was justified by the text from Luke 6:35: “Lend freely, hoping for nothing in return”, very commonly cited when usury was discussed by canonists.

When the classical doctrine of usury was first established in the 9th century, the economy was almost entirely agrarian and borrowing was nearly always for consumption rather than investment – to tide a small farmer over a difficult season. “The sudden zeal with which usury legislation is welcomed in this period may be partially understood as a last effort to save the small farmer from absorption by the landholders who were the usual lenders” (Noonan, p 13). Even in later centuries – when the theory became somewhat academic and detached from social realities – it was mostly the small man who was envisaged as being the victim of usury: “The farmer in difficulties, the artisan who loses money, who must have credit, seed corn, cattle, raw materials – his distress is the money-lender’s opportunity” (Tawney, *Religion and the Rise of Capitalism*, p 51). So, as Tawney goes on to remark, “Usury has been given its character in an age in which most loans were not part of a credit system, but an exceptional expedient, and in which it would be said that ‘he who borrows is always under stress of necessity’.” (p 56) So the chief social purpose of the laws against usury was to inhibit that impoverishment and enslavement of the peasant farmer which was a feature of the entire Middle Ages. Although, strictly speaking the law applied equally to the international money market – upon which the papacy and big monasteries relied as much as anyone -- it was rarely enforced there since this was not its real purpose. It was essentially in the realm of personal morality – to control the activities of the money lender who preyed upon the dire needs of the man with few resources or none.

When the theologians got to work on it however, the social purpose of anti-usury legislation began to be subordinated to something more metaphysical, intrinsic to the nature of money. Thus St Thomas's very influential explanation of the injustice of usury maintains that when the lender sells both the substance of money and the use of money – use having been already defined as inseparable from the thing itself – he in fact either sells something that does not exist or sells the same thing twice. (*De Malo*, Q 13, art 4c.) Ingenious, but somewhat misty as an explanation of injustice to peasants. It shows the predominance of a formalistic, philosopher's notion of justice. We find something a bit more material in St Thomas's later disciple, St Antoninus, who repeats the theory, but also says that it is a particularly odious vice since, unlike other sins which are only intermittent, "usury ever breaks and consumes the bones of the poor, night and day, on feast and feriae, sleeping or waking it works, and never ceases". (*Antoninus, Summa Theol.* 2:1:9, cited by Noonan, op. cit. p 78).

The anti-usury laws of the Church then were aimed at those who make profit out of the predicament of the independent poor who, by running into debt in hard times might lose their means of livelihood and be reduced to dependency or destitution. It is against the unfree contract, the profit made from the person who has no other choice. This is where the injustice lies. It is theft – as the canonists maintained – because it means taking what the creditor has no right to. It means keeping back or stealing the resources which the poor man alone has a right to because they are the product of his labour, not the product of the money itself. But the full meaning of it can only be appreciated in the context of the medieval understanding of property and its obligations, to which I shall turn in another article. It was a theological understanding.

It is important to recognise also that the usury prohibition of medieval canon law is the fruit of a long tradition which has fundamentally the same social purpose at all stages and which can be traced to the laws of the Old Testament. (See Ex 22:25; Lev 37; Deut 15:2; 24:10). Israelites who fell into poverty were to be maintained by their richer brethren – presumably in return for free labour – but not lent money for interest or sold food at extortionate prices (Lev 25:35-38). The ultimate reason given is a theological one: "I am YHWH your God, who brought you forth out of the land of Egypt to give you the land of Canaan, to be your God", i.e. the land freely given to the people who had nothing is for all of them, not just the few. The theological premise that the productive resources of the earth are the free gift of God for all stands at the back of the biblical concept of justice. If any family lost their land the seventh year of release was to make sure

that they did not become permanently disinherited. It was a cancellation of debts (Deut 15:1-3) and Hebrew slaves who had been bought had to be released with enough resources to support themselves (12-15). The Jubilee year legislation aimed to restore their ancestral lands to those who had been forced to sell them (Lev 25.) Reconstitution of the community of free men is the object. This too was to be the purpose of lending, and not personal profit. In the light of the Old Testament evidence, the Gospel text – Luke 6: 35 – used by the canonists to underpin the anti-usury laws, takes on a greater social significance than it is usually given. They were surely quite accurate in using it in this context.

It doesn't take much knowledge of the processes of modern capitalist production to see that the injustices of this basic kind – which the earlier Christian tradition had continuously set itself against – have been committed at every turn. But, as Tawney showed, the theologians failed to develop the tradition to meet the conditions of the market society. Catholic theologians and most of the reformers after them, simply went on repeating the same arguments – which were geared to personal morality – while they gradually allowed that certain commercial operations fall outside the usury condemnation. About the morality of these operations and their wider social effects, they had nothing to say. As Tawney remarks, the 17th century Church protest against economic exploitation was entirely ineffective, because it “had tried to moralise economic relations by treating every transaction as a case of personal conduct, involving personal responsibility. They should have thought things out again for the world of impersonal finance, world-markets and capitalist organisation of industry ... It had attempted to protect the peasant and the craftsman against the oppression of the money-lender and the monopolist. Faced with the problems of a wage-earning proletariat, it would do not more than repeat, with meaningless iteration, its traditional lore as to the duties of master to servant and servant to master”. (Ibid p 188) The earlier social teachings of the modern papacy also show signs of this disability.

It is a well-recorded story that the process of primary accumulation upon which capitalist production is established necessarily involves the reduction of large numbers of previously independent producers to a state of propertyless need which can then be exploited by capital. “It is written”, Marx says, “in the annals of mankind in letters of blood and fire” – and is indeed still being written in many places in the world, especially Latin America. Still the fundamental text for understanding this process is Chap 24 of the first volume of *Capital*, the words of which still seem to burn the page. Although the word injustice is not used, that is what it is

about. The process of primary accumulation in Britain was a long process of robbery, first by individual violence, enclosure and clearance, and later, when the capitalist farmers controlled the legislative, by Act of Parliament. Thus it was, in the formation of capitalist agriculture, that the land came to be assessed not for how many people it would support, as hitherto, but for how many people were needed to cultivate it, which is totally different in its social effects.⁴ The resulting dispossessed population, hounded from village to village by repressive poor laws were eventually absorbed into the work force of industrial capitalism where they formed that surplus of labour said to be necessary for capital accumulation. Although the process lasted from the 15th century until the 19th, it wasn't until the end of it that it was wholeheartedly accepted by the ruling classes that "national wealth must be based upon the poverty of the people" (*Capital*, Everyman edition, p 803. See also E P Thompson, *The Making of the English Working Classes*, passim.) An essential element in the process is the use of state authority to 'regulate' wages, to restrict them within the limits suitable for the making of surplus value ... to keep the worker in the proper condition of dependence. So early 19th century legislation worked towards this end.

The same process is apparently necessary wherever capitalism succeeds. It has happened in this century on a large and brutal scale in South Africa, where apartheid is fundamentally an ideology for maintaining that separation of labour from the resources of production which is required for massive capital accumulation. (For evidence, see Cosmas Desmond, *Christianity or Capitalists?* John Kane-Berman, *South Africa: Method in the Madness*). With the development of the mining and manufacturing industries came the need for large forces of cheap and unskilled labour. However, the people who could provide this labour were concentrated in the rural areas, either in the reserves or on white-owned farms. Consequently, extra-economic action was taken to alienate Africans from the land and induce them to join the wage labour sector. This was done through the enactment of legislation such as the Glen Grey Act of 1894, which sought to settle Africans in the Ciskei and Transkei on plots of land too small to provide a living, and the Land Act of 1913, which prevented Africans from owning land outside the 13 per cent set aside for them – that is, about four fifths of the population. (Facts from G de Fleuriot, *Church and Industry*, published by the Southern African Catholic Bishops' Conference; an altogether excellent example of modern witness to the Christian justice tradition). This was the beginning of the Bantustans which are essentially reserves of black labour where any African can be dumped when not wanted for productive purposes.

In addition, a poll tax was introduced which would not be met by the limited scale of African farm produce. Africans thereby were forced off the land to form that surplus industrial labour which was required for exploitation of the great mineral wealth of South Africa. Here the process of dispossession was much more rapid and deliberate than it had been in Europe. There remains a very high level of unemployment in the black population despite the industrial boom which has happened in South Africa since the early 1960s: a phenomenon made possible only by bringing together this propertyless labour with the capital and technology, most of which was exported eagerly from Europe and North America.

It is a commonplace of political theory and social observation that riches and poverty are generated simultaneously in the same processes.⁵ You can't generate riches without generating poverty somewhere in the world, even if it is not actually on your own doorstep. Wherever there is a conspicuous polarisation between rich and poor there is always a *prima facie* case for supposing that both conditions of life have been produced in the same process of accumulation. And there is for the moralist a *prima facie* case for saying that this process has involved a violation of people's needs and rights. In other words, a case for injustice. In the formation of a capitalist society from a peasant agrarian one, what begins in direct expropriation — i.e. theft — continues by capitalising on the necessities of those who are thus reduced to a state of being without the means of their own subsistence until — as Marx points out — they begin to accept this state as due to the self-evident laws of nature. So in any developed and class-differentiated society a state of poverty is not merely a physical state of having very little material goods. It is a state of dependence, of having to be a peripheral element in someone else's order. People thus at the periphery have the experience of continuously disordered lives. They are not free to dispose of their only resource — their labour — as the owners of the capital are, so that changes in the order of capital are to them arbitrary.⁶ So poverty in a modern industrialised society — that is poverty in the midst of abundance — is always a political reality: it is one term of an unequal power relationship. And conversely, riches are never politically innocent, not only because of the manner in which they were first accumulated, but also because of the manner in which they are maintained, defended and increased. Unless a person keeps his money in gold coins under the floor boards, the simple possession of great wealth in such a society as ours is an active political reality, ensuring that a large number of others are effectively kept in poverty.

Abundant evidence for these assertions may be found in Peter Townsend's massive study published last year, *Poverty in the Un-*

ited Kingdom. Ideas of what constitutes poverty notoriously differ, the predominant one in this country being that of “subsistence” — i.e. a person is in poverty when he or she is unable to obtain the basic material necessities of life: food, clothing, heating, housing and the like. This is the basis of the state’s measure of poverty for the purposes of supplementary benefits and it is generally thought to apply to certain low-income minorities such as pensioners and the unemployed. This results in a restricted understanding of needs among the public at large and a corresponding restriction of what people are thought to have a right to. Government policy and public opinion probably support each other in this matter. On the other hand, there are other things, traditionally excluded from the list of basic needs which, if absent from people’s lives means that they and their dependents are effectively excluded from the normal life of the society in which they live. “People do not live by bread alone, and sometimes they are prepared to forego bread to meet a more pressing social need” (ibid p 914). So Townsend and his team devised an alternative conception of poverty they call “relative deprivation”, which means the absence or inadequacy of those diets, amenities, standards, services and activities which are common or customary in society. This means that there is a line below which they are effectively excluded from proper participation in the living patterns, customs and activities which they and everyone else accepts as the norm. Below this line there is, with fall of income, a rapidly declining ability to maintain a position in ordinary life. Lack of adequate food, housing and clothing are only the most obvious deprivations. But not having enough to go round means other things. In Townsend’s interviews of families in poverty the most commonly cited effects were: never having a summer holiday, being unable to buy presents at Christmas, going to bed early in the winter through inability to pay for heating, being unable to have relatives or neighbours to meals, not going out, or very rarely, in the evening, never giving birthday parties for the children, not having adequate clothing or shoes for wet weather, being unable to visit relatives at any distance. It should be added also that among many poor people interviewed there was acute social embarrassment and shame involved in applying for supplementary benefits, with the consequence that many who were entitled to them did not receive them (ibid Chap 8). One might add other well known facts of social deprivation attendant upon poverty: environmental squalor; destruction of community through re-housing which makes neighbourhood relations impossible; arbitrary destruction by commercial interests of those 19th century city centres which the poor had made their own.

It is not difficult to demonstrate the very large inequalities of income and assets which exist in Britain – the only feature in which it leads the industrialised nations of the West. Townsend thinks it is “perhaps the single most notable feature of social conditions in the United Kingdom”. During the period of interviewing (1968-9) the top 10 per cent took 26 per cent of aggregate income and the bottom 80 per cent only 59 per cent. But assets were distributed even more unequally with the top 5 per cent owning 45 per cent of assets and the bottom 80 per cent only 24 per cent, despite a wide definition of assets which included owner-occupied housing. But beyond this, other types of resources such as employer welfare, social services and private services in kind were also concentrated at the richer end of the scale. (ibid p 367)

What constitutes this poverty is not merely a lack of resources, but a *denial of access* to them. It is an inability to escape from a complex of deprivations to which people in low-income occupations are subjected in a multiplicity of ways by the structure of the occupational hierarchy. It has nothing to do with defect of character or intelligence – though this is still a widespread theory – but a lot to do with social tolerance of differing standards of well-being for differing levels in the hierarchy. It is shown for instance that members of different occupations, classes – unskilled manual, skilled manual, supervisory, professional etc. – have widely differing access not only to income but also to resources like sick pay, occupational pensions, earning-related sickness and unemployment benefits and employer welfare benefits in kind. “It also denotes different chances of being able to accumulate wealth, and indirectly through the family, different chances of passing on and inheriting wealth. Finally, it tends to denote different family building practices, risks of unemployment, sickness and disablement, and therefore different dependency obligations during life. The problem for people in manual families is not just low earnings, or unstable earnings, or lack of entitlement to fringe benefits, or even difficulty of acquiring assets. It is the disproportionately greater chance of having to support dependants – including sick and disabled as well as children.” (Ibid p 389)

With regard to working conditions, the manual, and within them the unskilled manual workers, consistently work longer hours and more weeks of the year, have shorter holidays, are more likely to work outdoors and to have poor amenities at work, are more likely to spend all their working time standing or walking about, are more liable to unemployment, redundancy and very short periods of notice of dismissal, and are much less likely to receive sick pay, occupational pensions and other benefits.

Housing deprivation too is thoroughly linked with occupa-

tional class. What Townsend describes in restrained language as “one of the most interesting outcomes of the entire survey” is the fact that when account is taken of tax reliefs on mortgage interest, inflation and capital gains, owner occupiers were paying less absolutely as well as relatively to income than council tenants on their lifetime housing costs. (Ibid p 528)

Given the very unequal spread of access to wealth across the occupational hierarchy and its persistence in time against all such supposedly levelling factors as taxation, death duties, the spread of share-holding and owner occupation, a theory of poverty has to explain the interdependence of poverty and riches. It cannot be explained by some simple theory of differences of skill, judgment and hard work as if the distribution is largely due to merits displayed in each generation. It has much to do with the defensiveness and self-perpetuation of wealth. Far greater access to further wealth is granted to those who already have than to those who have not, through a complex structure of financial institutions from which the poor are largely excluded. So it has to be shown, “not only why some people cannot become clients or customers, but why the richest customers and clients enjoy disproportionately favourable terms” (Ibid p 365) – particularly with regard to housing finance. The wealth of the occupational class levels is under continual threat of erosion (as, of course are the meagre resources of the poor) and there has to be an elaborate system of defences and differential treatment and alternatives to maintain them. Examination of taxation effects shows, for instance, that “the rich have complex types of resource which can be interchanged defensively. They have the means to employ skilled accountants and tax consultants. And, less directly they exercise power to influence the form of the rules which are applied to them through legislation and administrative regulation”. (p 366)

The mechanisms which keep the structure of expectations in place are complex and pervasive: “Knowledge of a man’s occupational class governs the behaviour of those, such as employers, personnel managers, building society officials, who have power to decide who is to be allowed access directly or indirectly to different types of resource.” The values of the occupational hierarchy are daily strengthened by the way people are treated. The low pay of the poor is about as justifiable as the low pay of women compared with men. It has little rationality but a lot of customary weight.

But differential access to resources is not the only factor which determines the existence of poverty in the sense of relative deprivation and social loss. The other important factor is the creation and maintenance of styles of living which condition the aspir-

ations of the poor as much as the rich. And it is the rich who promote the styles of living and give them that value which becomes pervasive. Anyone who has watched an evening's commercial TV will understand that. The life of poor people is continuously invaded and distorted by values pushed at them from the upper levels of the hierarchy. Their poverty is a function of their low position in the occupational hierarchy on the one hand – and on the other hand, of the continual definition and redefinition of styles of living from outside which they feel compelled to emulate. This phenomenon has for some time now taken on world wide proportions.⁷ As always it is a matter of the lives of those at the 'periphery' being disordered by the objectives of those at the 'centre', whose order is imposed upon them without consultation or care.

I believe we have described a major pattern of injustice which fits only too well with those scattered insights which we find in the Biblical and later Christian tradition. If this is what we must call injustice, then what we call justice will be a negation of it. Before we can find a good starting point for that negation I believe we need to find out more about the nature of *property* and the Christian tradition regarding its true purpose in human life. I shall say something about this in a further article.

- 1 Concepts of justice among moral philosophers are overwhelmingly those of the possessors. Hume, for instance, speaks for them when he finds property rights and obligations on the idea of justice, and justice itself on those conventions which people enter into "to bestow stability on the possession of those external goods, and leave everyone in the peaceable enjoyment of what he may acquire by his good fortune and industry". *Treatise of Human Nature*, Book III, part 2, section 2.
- 2 One such rare voice was that of Gerard Winstanley. Calling on the Commonwealth Government to honour its promise of freedom for all Englishmen, he says "... and we look upon that freedom promised to be the inheritance of all, without respect of persons. And this cannot be, unless the land of England be freely set at liberty from proprietors, and become a common treasury to all her children, as every portion of the land of Canaan was the common livelihood of such and such a tribe, and of every member in that tribe, without exception, neither hedging in any, nor hedging out." See "A Declaration from the Poor Oppressed People of England", in *Winstanley, the Law of Freedom*, ed. Christopher Hill, p 106.
- 3 As Cosmas Desmond points out, the acceptance of an idealist rather than a historical approach to political events paralyses our Christian judgment. Forms of injustice are ever new, but if we are wedded to an idealist notion of justice we will fail to see them when they are in front of our eyes. Instead of asking "What does the gospel tell us about this situation?" we should be asking "What does this situation tell us about our understanding of the gospel?" *Christians or Capitalists?* p 27.
- 4 In general, it is the use of capital, not its existence, which effects justice or injustice. But could there have been any primary accumulation without injustice?
- 5 One of the most acute observers of that phenomenon was Cobbett: "This place

presents another proof of the truth of my old observation: *rich land and poor labourers*." (Quoted by Raymond Williams in *The Country and the City*, p 137)

- 6 For a textbook example of this difference in freedom and the power of capital interests to disorder human lives, see *The New Statesman* report, "Lovely for some in the Garden", 7 November 1980.
- 7 See, for instance, the recent study by Charles Medawar of the effects on citizens of Third World countries of large corporation advertising – pushing products and a way of life which they cannot afford and which does them physical and cultural damage: *Insult or Injury?* An enquiry into the marketing and advertising of British Food and Drug products in the Third World, published by Social Audit, 1979.

Shall Work Set Us Free?

Angela Cunningham

Much of the recent interest taken in work springs from our present plight of high unemployment, united with fears that the micro-chip technological revolution will increase unemployment such that we shall have to move to a leisure society, where to work is a privilege.

This presentation (in the medical sense) of the problem affects the diagnosis and affects, too, the way we think of work. For instance, very few commentators seriously challenge the equation of work with paid employment. This short-term focus excludes areas of work which should be included both because they are definitely work, and also because taking cognizance of longer-range matters might help us see the present position more clearly, although at a greater distance from the plight of the depressed ex-steel workers of Consett. Incidentally, here it is worth remembering that if we look at the world as a whole, the vast majority of its inhabitants are not in paid employment – they are either outside the market economy altogether, living in subsistence societies, or, as in Britain, supporting those in paid employment by the hidden subsidy of home work, the cooking, cleaning, child-rearing necessary for the maintenance of society, and the consuming necessary for the maintenance of our kind of capitalist society. Thus out of a British population of some 55 million, only about 18 million are in paid employment. On the old model of society these 18 million were seen as supporting the rest; a shift in the phantasm, partly brought about by reflecting on the possible consequences of the micro-chip, has enabled us to see things a little differently – the old, housewives, even the children, as consumers, domestic main-