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JUSTICE (BEYOND THE UNFAIR)

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There is a strong contrast between the deep sense of justice that we all - even the wicked - have deep inside, and the world that appears to us as a display of widespread injustice. *<Man is born free, and everywhere he is in chains>* (J.J. Rousseau). For many injustices the courts and lawyers are not enough, for some they are useless because the legal, commutative and compensable aspects cover only a small part of the territory of justice, the extent of which actually covers the whole of our lives. It is a rapidly increasing tendency today to answer the question of justice the wrong way by "juridicalizing" the whole of social life, possibly by encoding every interpersonal relationship, turning all human relationships in contracts.

There is a trend-or-temptation which, instead of increasing justice, is locking schools, apartment buildings, hospitals in traps of mutual distrust, since many human relationships become distorted when they are forced into a contract.

The great lesson on justice taught by European humanism was rather different. First, justice was given the rank of cardinal virtue, which means that it is first of all the result of continuous exercise for the improvement of the person. In fact, before being invoked as a principle, justice should be practiced, lived, sought and cultivated like the other great virtues of existence. Justice in the city is generated by the righteousness of citizens, as the Greek culture had expressed it symbolically by the birth of *Dike*, goddess of justice in the polis. She was born of *Themis*, the goddess of the justice that comes before any concrete historical legal system and that makes all those that follow it just. For this *Themis* may also come into conflict with *Dike*, as it happens in the great tragedy of *Antigone*, who in the name of greater justice buries his dead brother *Polynices*, which is against the justice of the polis. Even the scribes and the Pharisees had their own justice, and it was according to this that they condemned the Christ. No invocation of justice is right if it comes from people who use unfair *Dike*-justice against *Themis*-justice, perhaps even to oppress the poor and the righteous, and always to their own advantage. In fact, if there is a lack of citizens who love and practice the virtue of justice, it follows that the laws made can only be unjust, and all the more so if they are made by a democratic form of government. In fact, the need for virtuous citizens is the main fragility of democracies, as Montesquieu or Filangieri recognised it, too. At the same time, just laws strengthen the civic virtues of the citizens by awarding them.

For this reason, the declinations of the virtue of justice are open and deliberately vague: they invite us to recognize and give to "each their own" but they do not tell us how to measure that "their own", nor who should measure it. And when the *Dike*-justice is called in to give content and limit to the "their own" for each, it is even more true that the vagueness of the virtue of justice is an expression of it being a relationship between people. We recognize and give each other the proper rights if and when there is a common sense of belonging shared by us, because, in a real sense, the one I care for and am concerned about is a third person just because, on a deeper level, that person is a second person (a "you"). And while the *Dike*-justice may be satisfied to give to each their own, the virtue of justice goes beyond the calculation of their own. Christianity taught us that the difference between its own type of justice and that of the scribes and the Pharisees is called *agape* and it does not begin where justice ends, instead, it is its form and fulfilment.

Economics has never taken the issue of justice seriously, except for the Indian economist and philosopher Amartya Sen, and a few others. For the capitalist ideology-religion justice is part of the constraints to be respected, it does not belong to the objectives to be achieved. Justice at best is synonymous with forced respect of labour, environmental or safety regulations, or the paying of taxes. All constraints are experienced as limitations to achieving the true objective of the capitalist enterprise: maximization of profit or, more properly and more seriously, income. But in the beginning it was not so. **The "right price" was one of the great themes of medieval economics.** In 1766 Antonio Genovesi, parallel to his treatise on economics (*"Lessons of Civil Economy"*), wrote another treatise entitled *"Diceosina"* on justice, the soul of his entire life work in economics and ethics. The justice that our capitalism knows - if at all - is similar to that of the scribes and the Pharisees; it is the justice of constraints and of formal and cultural respect of the laws. **The issue of justice regards and judges the current capitalist system in its entirety.** It is, however, an issue that we have set aside for too long, especially because of a crisis of critical thinking.

It is not simply about denouncing (rightly) the individual phenomena of capitalism as unjust (from shameful salaries and pensions of many senior executives to the public and private tax havens, from speculations at multinationals that do not create but destroy work possibilities to the dealings that starve the poor with the connivance of the institutions...), **but taking note that there is a very profound and radical enmity between our financial capitalism and the cardinal virtue of justice.** This is not to deny that there are many people who practice the virtue of justice in economic life every day, but only to recognize that **a system based on the search for the maximum turnover of the owners of big banks, insurance companies and multinational corporations is in conflict, as a system of ethics, with the requirements of the virtue of justice.** **The justice of this capitalism is not to be compared** - in order to be judged - with that of feudalism, which is still less, but **with what we could achieve if we had not betrayed the civil and social vocation of Europe** to follow the sirens of consumerism and speculative finance. **And this capitalism** that continues to produce income and privileges for a select few, and unemployment and marginalization for many, is the one that makes the laws that reinforce those privileges and increasingly misalign the points of departure at the expense of the weak and the poor, this capitalism cannot have justice on its side - instead, it **has to settle for efficiency**, at its best.

If we wanted to overcome this development model and definitely take the way of justice, **we should have a civil courage and strength of thought** that are at least similar to the ones that generated the European cooperative movement. In fact, at the dawn of capitalism it ventured on a different pathway to market and enterprise, and this called into question the rights of property, income distribution (an issue that is long gone from the books of economics), power and equality of opportunity between economic actors without abandoning either liberty or the market. However, the history of the twentieth century has produced a capitalism which is essentially the backlit image of our vices and our very few virtues - and because of this it can always be changed and made to evolve into something else, if we choose.

The drama of injustice and iniquity continues to dominate the scene of this world. **Many have become accustomed to the privileges and comforts of the unjust capitalism and feed it with their daily choices.** Others, still in great minority, continue to think and say that many large manifest injustices can be eliminated from our society, and they also act accordingly, as much as they can. And so they continue stubbornly to *"hunger and thirst for righteousness"* and, occasionally, to be called *"blessed"*.