Limits to Justice, Ecojustice and Climate Justice?

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Abstract
In ecumenical theology, there have been long-standing debates on the relationship between justice, peace and the integrity of creation (WCC), as well as between ecclesial unity, reconciliation and justice (Belhar), or between love and justice (Niebuhr). Is love “higher” than justice or is justice an end in itself? This yields a dual recognition, namely an impatience that justice is so often frustrated but also that doing justice to the victims of history is never fully possible given the arrow of time: the period when injustices endured can never be undone. Only the consequences of past injustices can be addressed and then only partially. Does this suggest some limits to climate justice? What would doing justice to the victims of climate change mean if lands that are destroyed cannot be recovered for the foreseeable future? What would one make of comments from Maina Talia (from Tuvalu) that what is needed in that context is not justice but good neighbours? This contribution explores such questions. It argues that the need for justice may be sharpened precisely by contemplating its limits.

Keywords: Climate Justice; Ecojustice; Ecotheology; Justice; Limits; Restoration; Sustainability

The Weight of Justice
There can be no doubt whatsoever about the enormous weight of justice – biblically, theologically, ethically, juristically, economically and politically. There can also be no doubt about the need to extend notions of justice from interpersonal, social and societal relations to a sense of environmental justice and more specifically climate justice. The difficulties associated with understanding the notion of justice philosophically cannot and should not undermine such weightiness. To the contrary, what is of ultimate significance typically eludes anyone’s grasp. Any child can understand what being loved means but no philosopher or poet can capture its meaning. The motto suum cuique may be simple enough but already the translation (“to each his own”) and the question of what is due to someone hints at its complexities, leading to multiple forms, layers and theories of justice.

My agenda in exploring the limits of justice in this contribution is to sharpen an understanding of the need for justice precisely by contemplating its limits. This may seem paradoxical, but I hope to show that this is also profound.

In order to do so, I will draw especially on ecumenical literature on the theme of justice in general and ecojustice in particular, and on South Africa theological literature on justice and on the Confession of Belhar in particular. In the process, I will seek to circumscribe the limits of justice with reference to the notion of a deficit that follows from any breach in a relationship. This analysis will prompt the need to relate justice to
other theological concepts such as love, mercy, peace, and the reign of God. I trust that this will complement other contributions on ecojustice from African and German perspectives.  

From Justice to Ecojustice and Climate Justice

The theme of justice has long been on ecumenical agendas. It is captured in the motto “Towards a just, participatory and sustainable society” from the WCC’s Nairobi Assembly (1975). It is again expressed in the “conciliar process” towards “Justice, Peace and the Integrity of Creation” initiated at the Vancouver Assembly (1983) and in the conference theme “God of Life, Lead us to Justice and Peace” of the Busan Assembly (2013). Justice is understood in a comprehensive way with the connotations of social justice (e.g., the Program to Combat Racism), economic justice (e.g., the Accra Confession of 2004 and the document on Alternative Globalization for People and Environment – AGAPE, 2005), gendered justice (e.g. the Decade of Churches in Solidarity with Women and the Decade to Overcome Violence) and then also environmental justice and more specifically climate justice (see below).

The term “ecojustice” is often used in ecumenical discourse to capture the need for a comprehensive sense of justice that can respond to economic injustice, ecological degradation and the interplay between them. This term was coined by Richard Jones and popularised by William Gibson (1985) and Dieter Hessel (see 1992). It builds upon the recognition that the English words ecology, economy and ecumenical share the same etymological root in the Greek oikos (household). Accordingly, ecology describes the underlying logic (logos) of the household, economy circumscribes the rules (nomoi) for the management of the household, while the “whole inhabited world” (oikoumene) refers to the (human) inhabitation of the household (see e.g., Rasmussen 1996). Ecojustice therefore encompasses more than environmental justice while certainly including that. At the same time, the tension between ecological concerns and economic concerns, the so-called “green” agenda of nature conservation and preservation, and the “brown” agenda of social justice for the victims of ecological destruction and economic inequality (together) remains tangible (see De Gruchy 2015).

Given the above, the need to extend notions of justice to climate justice became self-evident in ecumenical discourse on climate change. The term climate justice is found with increasing frequency in ecumenical documents. Three examples may suffice, namely the pamphlet Solidarity with the Victims of Climate Change (2002), prepared with a view to the World Summit on Sustainable Development (Johannesburg, 2002), the South African Council of Churches’ document Climate Change – A Challenge to the Churches in South Africa (also referring to climate debt) and the volume Making Peace with the Earth: Action and Advocacy for Climate Justice (Kim 2016) produced within the context of the WCC task team on climate change.

Justice, Peace and the Integrity of Creation

Despite the neat way of integrating the themes of justice, peace and the integrity of

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1 This article is based on a paper presented at a workshop on "Ecojustice", hosted at the Stellenbosch Institute for Advanced Studies, Stellenbosch, 7–11 March 2023, and must be understood in this context, together with other articles on “African and German Perspectives on Ecojustice” published in this volume of Scriptura.

2 For a discussion, see Teddy Sakupapa’s article in this edition of Scriptura.
creation in the motto of the conciliar process, this agenda elicited considerable controversy at the World Convocation on JPIC held in Seoul in 1990 (see Niles 1992). Part of the problem was one of calling it a “conciliar process”, evoking the ecumenical councils of the early church and its emphasis on Christian unity still best captured by the Nicene-Constantinopolitan Creed of 381 (see WCC 1991). The hope was to find a similar ecumenical consensus on the social agenda of the church in contemporary times. However, the World Convocation demonstrated that it is not self-evident that “doctrine divides” and that “service unites”. This stimulated a further WCC project on the relationship between ecclesiology and ethics, between what the church is and what the church does (see Best & Robra 1997, also Sakupapa 2017).

The real debate, however, concerned the relative weight assigned to the three themes of justice, peace and the integrity of creation. As the Cold War was ending, some churches stressed the need for world peace amidst fears over nuclear war (or civil war, if not terrorism). Other churches (at the time mainly in western Europe) recognised the urgency of a range of environmental problems and stressed the need to avoid an anthropocentric understanding of the Christian faith. Many other churches, especially in the so-called Third World (the term still used at that time), were concerned about political oppression, poverty and economic exploitation and therefore stressed the need for justice. In response, some Indigenous scholars argued that social justice is inseparable from the land and therefore prioritised the integrity of creation (see Tinker 1994).

Frank Chikane, the then general secretary of the South African Council of Churches, expressed some scepticism regarding the priority of the environment on the social agenda of the church:

To most of us who come from countries which are ravaged by senseless wars, characterized by gross violations of human rights and by massive poverty and unemployment, the introduction of the item of the integrity of creation on our agenda seemed like a conspiracy by those who benefit out of our poverty and oppression, to divert and diversify our struggle for justice in our situations. It seemed like some people wanted to keep us busy with seemingly abstract concerns about the misuse of biotechnology rather than the real issues of land dispossession and racism, sexism, economic exploitation (classism), political oppression, and denial of the right of religious freedom and the use of religion as an instrument of oppression (quoted in Niles 1992:36, without naming Chikane explicitly).

This was hardly surprising at the time. The nature conservation policies of the apartheid era provoked the suspicion that conservation boils down to the establishment of game reserves for a privileged few, often at the expense of the dislocation of local people. Many urban black people view issues of nature conservation as a concern of the white middle class, the hobby of an affluent, leisured minority who would like to preserve the environment for purely aesthetic reasons and who seem more concerned about wildlife than about the welfare of other human beings. The primary concern of others is the day-to-day struggle of surviving in overcrowded, squalid, unhealthy conditions. Others fear that attention to environmental concerns may divert scarce human and financial resources from the more pressing issues of poverty, hunger and employment and the HIV/AIDS pandemic. Indeed, finding employment now may seem far more urgent than
the long-term environmental impact of mining, manufacturing, business, farming, forestry or fishing (see the document *The Land is Crying for Justice*, 2002).

Underlying such diverging social priorities was a deeper debate on how these three concepts are related. Is it necessary to sign a peace treaty in order to establish justice or is justice a necessary prerequisite for the sake of peace? Or is peace between rival human factions, including inter-religious dialogue, a necessary condition for the well-being of whole earth (Küng 1991)? What is of ultimate and what is of penultimate concern? There was some consensus that all three of these concepts are integrally linked, with multiple feedback loops (e.g. the environmental impact of war, the social impact of environmental injustices, the spiral of violence resulting from oppression). There was also an emerging consensus that issues of race, gender, health and ecology (and others) are transversals that form a dimension of any contemporary challenge that elicits reflection. However, such consensus did not resolve the underlying conceptual (and theological) questions.

**Belhar on Unity, Reconciliation and Justice**

The Belhar Confession famously focuses on the three themes of church unity, reconciliation and justice. How are these three concepts related in this confession? Volumes have been written on this confession and these three core themes (see especially Cloete & Smit 1984, Plaatjies-Van der Huffel & Modise 2017). Yet its underlying logic remains elusive and is easily misunderstood within a secular context. The confession’s ecclesial and social significance is clear and is spelled out in the critique of heresy in each of the main sections. In short, the emphasis on church unity resists “separate church formation” on the basis of racial differences, especially within the Dutch Reformed Church family as the accompanying letter makes clear. The focus is therefore not on political unity, whether in the nationalist sense of *ex unitate vires* or the later emphasis on nation-building. The emphasis on reconciliation contains a profound critique of apartheid (the “forced separation of people”) and its assumption of the fundamental irreconcilability of people, especially insofar as this is sanctioned in the church and obstructs the ministry of reconciliation (Durand 1984). The emphasis on justice conveys an obvious critique of the injustices and oppression associated with apartheid in its many forms and rejects any ideology that legitimises such injustices in the name of the gospel.

However, the specifically theological orientation of the Belhar Confession should be recognised. Church unity follows from faith in Christ as mediator. Reconciliation is the work of the Holy Spirit on the basis of reconciliation in Christ to bring people together in one, holy, catholic and apostolic church. Justice is not merely an ethical but especially a theological term as it expresses trust in God’s identity and character as a God of mercy and therefore of justice (see Botman 2002). In a world full of injustice and enmity, this God “is in a special way the God of the destitute, the poor and the wronged” (§4). The inner secret of this logic is therefore a Trinitarian one. This is in fact stated in the first clause:

> We believe in the triune God, Father, Son and Holy Spirit, who through Word and Spirit gathers, protects and cares for the church from the beginning of the world and will do to the end.

This still does not explain the relationship between unity, reconciliation and justice.
There is evidently an ecclesial logic: unity in Christ implies the need for reconciliation with others in the body of Christ. Reconciliation on the basis of receiving God’s forgiveness implies and should be followed by justice. Is reconciliation then the basis for justice? Is justice the aim of reconciliation? Or are both aimed at something else (the church or the reign of God perhaps)? The Belhar Confession leaves such questions open to further theological deliberation.

Given such an ecclesial logic, would this logic also apply outside of the church, for example through the work of the Truth and Reconciliation Commission and the ANC’s Reconstruction and Development Programme (its 1994 election manifesto)? Clearly not in any direct way. But is reconciliation even possible (see De Gruchy 2002, Villa-Vicencio 2002, Solomons 2018)? And what if alleged reconciliation does not lead to justice? How is forgiveness (or amnesty) related to restorative justice? Does this not prompt the need for so-called “Radical Economic Transformation”? Does such justice not remain anthropocentric, or can it be extended towards ecological justice?

**Dealing with the Deficit**

In seeking to establish the Desmond Tutu Chair of Ecumenical Theology and Social Transformation in Africa at UWC since 2006, the Department of Religion and Theology registered a project on Ecumenical Studies and Social Ethics in which it explored the relationship between “ecclesiology and ethics”. One of 10 themes related to this project was “Reconciliation – A Guiding Vision for South Africa?” (see the volume edited by Conradie 2013, and note the question mark!). Reconciliation was on the UWC agenda since at least 1978, so much so that UWC played a leading role globally in theological reflection on reconciliation (see Conradie 2021).

In working with various students on postgraduate projects we gradually came to formulate the problem of the so-called “deficit” that plagues any instance of injustice leading to a breach in a relationship (at various levels). Note that such injustices include gross violations of human rights and the impact of structural violence, but also minor violations of human dignity and of the intrinsic worth of other animals. One may argue that any act (of doing, giving or receiving) disturbs the equilibrium between persons or groups so that relationships can never be completely just unless they are completely sterile. This does indicate some limits to justice, but the focus here is on obvious cases of injustice that lead to a breach in personal, social and institutional relationships.

Such injustices may be illustrated with numerous examples, but a crucial one may suffice here. If a family lost their home due to forced removals under the Group Areas Act in 1970, they may claim restitution (the property returned to the family) and compensation (for the emotional trauma). They may receive the house back (e.g., in 2000) through land restitution, but nothing can undo the thirty years in between, the impact on the family, friends and networks. Even if the grandmother was still alive by 2000 to reoccupy the house, the best years of her life were ruined, and that can never be given back.

The heart of the problem is that there is typically something that can and should be given back when an injustice occurs but also something that cannot be given back. That is called the “deficit”. The deficit is a function of the arrow of time. What has happened in time cannot be undone; only the consequences can be addressed and then only partially. Injustices are aggravated by extension in time due to the dual problem of
amplification (the longer an injustice is not addressed, the worse will be the implied guilt and resentment) and dissipation (so that it is no longer feasible to trace back current relationships of inequality to any specific event, structure or policy, making it more difficult to address personally or legally). It is this deficit that constitutes the limits of justice.

How can this deficit be addressed? Through working on various postgraduate research proposals, we suggest that four aspects of restorative justice need to be distinguished (see also Conradie 2018:18–19):

- First, the term “restitution” (making amends, putting things right) may be used for giving back fixed assets that can indeed still be given back in more or less the same form. The term “land restitution” is typically used in this way.
- Second, the term “compensation” may be used to refer to an act of seeking to address damages in a breached relationship as a result of past injustices through financial compensation, offering alternatives (e.g., housing somewhere else) or creating new opportunities. Such compensation may be offered by individuals, organisations involved or the state. Such compensation can be calculated but is almost necessarily deemed “insufficient”.
- Third, the term “reparation” may be used to refer to creative acts, strategies or policies that are introduced (e.g., affirmative action, weighted opportunities, differentiated forms of taxation) in cases where a dissipation and amplification of injustices have taken place due to the extension of unequal relationships over time (a generation or more, even centuries in the case of colonialism).
- Fourth, the term “restoration” refers to acts aimed at reconciliation through reciprocal giving and receiving in order to demonstrate a desire for the healing (restoring) of a relationship. This is based on the recognition that the deficit between what can and what cannot be given back is constituted by the very occurrence of a breach and its extension over time.

Forgiveness plays a crucial role in such a healing of broken relationships. Forgiveness is offered by the victim (or offended party) to the perpetrator and indicates that healing the relationship is for the victim more important than the harm done by the perpetrator. One example is the forgiveness offered by a mother to a gangster child. However, such forgiveness does not cancel the need for restitution. What can be given back to the victim should still be given back. The focus of forgiveness is on the deficit, namely what cannot be given back. Such forgiveness may be offered before or after restitution has taken place. In offering forgiveness, the victim may be magnanimous by not demanding what can indeed be given back (or expecting compensation), but accepting such forgiveness cannot but lead to a willingness to do whatever is possible to restore a relationship.

These four aspects clearly apply to commutative (or legal, also contractual) justice (the duties that individuals, groups or organisations owe each other), but also to contributive justice (the duties that an individual owe to a larger group). The last two aspects apply to distributive justice (the duties that a larger group owes to individuals or minorities). What should at least be clear is that justice can never be complete and that

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3 See, for example, among several others, the projects by Lerato Kobe (2015) and Mbhekeni Nkosi (2017).
flourishing human relationships cannot rely on doing justice only. Trust, loyalty, love and especially joy are also required. As Josef Pieper (1966:104) observes, this constitutes the limits of justice: “The condition of the historical world is such that the balance cannot always be fully restored through restitution and the paying of debts and duties.” As true as this may be, if said by perpetrators or beneficiaries this would add insult to injury.

I am leaving aside here the theological question as to how this deficit is addressed through Christ’s work of atonement in order to reconcile the world with God, e.g. through the notorious notions of satisfaction (doing enough, giving back what can be given back) and penal substitution (vicarious punishment). I only wish to add that God’s work of salvation may be understood as precisely a response to the enormity of this deficit. Given this deficit and given these four ways of addressing the deficit, one has to conclude that restorative justice is a penultimate concept. What, then, is higher than justice?

As a term describing a process, reconciliation cannot be an aim in itself. The same would apply to other process terms such as liberation, education, development or social transformation. If not, what then? Perhaps justification, as Bonhoeffer (2005:146–170) thought in his essay on “Ultimate and Penultimate Things”? If so, how should the relationship between justification and justice be understood (see Conradie 2018, Smit 2009:87–120)? Should God’s mercy be understood in terms of God’s righteousness or is the inverse preferable? Is love the truly ultimate concept, with justice its approximation under conditions of sin so that justice instead of agapic love is called for in cases of conflict, as Reinhold Niebuhr (1957) argued? Or is the conflict between justice and love a false one, as Nicholas Wolterstorff (2011) suggests, proposing instead an understanding of love that incorporates justice? Peace perhaps? Human flourishing as many since Hannah Arendt suggest (see Marais 2015)? Or, if this is too anthropocentric, a sense of comprehensive planetary well-being as Klaus Nürnberger (see 2016) consistently argued? Does such well-being assume “progress” in food production, medical care and so forth? The coming reign of God? Becoming divine as Orthodox theologians since Athanasius maintain (see Edwards 2014)? But surely not homo Deus as the secular equivalent (Harari 2017)?!

The Limits of Climate Justice
In international discourse on climate change at least, the need for some form of climate justice is arguably by now widely accepted. This follows from the principle already embedded in the Kyoto Protocol (1997) of common but differentiated responsibilities given the different capabilities of countries in combatting climate change. This was correlated with levels of industrialisation and economic development, and classified

4 As Josef Pieper (1966:105), quoting Thomas Aquinas, observes, “the work of divine justice always presupposes the work of mercy; and is founded thereon”. He adds, also with reference to Thomas that, “mercy without justice is the mother of dissolution” but also that “justice without mercy is cruelty” (1966:112). On this basis, Pieper formulates the inner limits of justice: “To be willing to watch over peace and harmony among men through the commandments of justice is not enough when charity has not taken firm root among them” (1966:112–113).

5 See Niebuhr (1957:28): “For without the “grace” of love, justice always degenerates into something less than justice.” “But, Niebuhr adds, “any illusion of a world of perfect love without these imperfect harmonies of justice must ultimately turn the dream of love into a nightmare or tyranny and injustice” (1957:29).

under so-called Annex 1 and Annex 2 countries. In subsequent Conferences of the Parties leading to the Paris Agreement (2015), this common but differentiated responsibility became specified with regard to four distinct aspects, namely mitigation (reducing carbon emissions), adaptation to the impact of climate change, technology transfer (e.g., to expedite mitigation) and financing the transition to reach net zero emissions as soon as possible after 2050. The Glasgow Climate Pact (COP26, 2021) added a commitment to climate finance for so-called developing countries, while COP 27 in Sharm-el-Sheikh in Egypt (2022) established a loss and damage fund to operationalise this, particularly for nations most vulnerable to the climate crisis. UN Secretary-General António Guterres was reported to have said that “This COP has taken an important step towards justice.” Whether such a fund would be sufficient to address mitigation targets and adaptation needs of course remains to be seen. The Emissions Gap Report 2022, released by UNEP before COP27, painted a bleak picture, finding that “in most cases, neither current policies nor NDCs currently trace a credible path from 2030 towards the achievement of national net-zero targets” (UNEP 2022:xxi). It therefore called for “a rapid transformation of societies”.

One may nevertheless say that the principle of justice is widely understood, namely that those nations that will be most adversely affected by the impact of climate change contributed relatively little to historic carbon emissions. The focus is on those countries that are particularly vulnerable to the adverse effects of climate change given rising sea-levels, droughts, floods and other disasters. This is epitomised by small island states, such as Tuvalu and Kiribati, but most African countries would be adversely affected by climate change in a way that is inversely proportional to historic carbon emissions. South Africa’s position is somewhat different in that it is still 13th on the list of carbon emissions by country (despite load shedding!), even though the South African government with its document on A Framework for a Just Transition in South Africa is posturing to ensure access to such climate funds to meet its mitigation targets.

In a recent PhD thesis Maina Talia (2021), who comes from Tuvalu and regularly represents the country at such Conferences of the Parties, nevertheless and perhaps surprisingly for many argues that climate justice is not the most significant need emerging from theological reflection on the climate crisis in the context of Tuvalu. He maintains that it is not clear what climate justice could mean for a country such as Tuvalu. For the next few decades it may be a matter of survival given the impact of sea level rise and especially the frequent king tides that wreak havoc in terms of infrastructure, sanitation systems and graveyards, and the salinization of soil and the

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8 According to the same report, the UN notes that “US$4 to $6 trillion a year needs to be invested in renewable energy until 2030 – including investments in technology and infrastructure – to allow us to reach net-zero emissions by 2050.”
9 There are several such lists available on the internet. For one example, see https://www.worldeconomics.com/Indicator-Data/ESG/Environment/Carbon-Emissions/ (accessed 29 January 2023).
10 The Presidential Climate Commission (2022:24) reports that “Achieving a just transition in South Africa will require significant capital mobilisation, from both public and private sources, both domestically and internationally. It is estimated that South Africa will require at least US$250 billion over the next three decades to transform the energy system 2022.”
impact of that on coconut trees. However, in terms of its own national policy there is a recognition of the probable need to eventually evacuate the cluster of islands. The question is then not merely one of individual emigration but of maintaining social networks, the language, culture and traditions of Tuvalu. Put graphically, the question is what to do with bones of the ancestors. For Talia, the key for theological reflection cannot be found in an affirmation of God’s covenant with Noah, in responding to the theodicy problem (with reference to Job) or even in fighting for climate justice. Instead, the key question is one of finding good neighbours in neighbouring countries. His thesis therefore explores the parable of the Good Samaritan from this perspective. He focuses on the role of the innkeeper in the parable – as the one who needs to sustain and institutionalise care giving.

This thesis demonstrates, clearly and graphically, what the limits of justice entail. According to the parable in Luke 10, being a good neighbour to victims of climate change is demonstrated by showing mercy (10:37). In Afrikaans the parable is not referred to as the “Good” Samaritan but as the “Merciful” Samaritan.

To Conclude
One may argue that it is precisely the limits of justice, the impossibility of full justice and the enormity of the deficit – and thus the burden of guilt – that elicits a religious impulse. This can lead to rather desperate sacrificial offerings, the excesses associated with penitence and zealous attempts to demand justice, or self-righteous attempts to offer restitution (or even bribing the victims). The religious impulse is indeed dangerous terrain. Inversely, the impossibility of doing justice can easily lead to a condoning of inequality and the injustices associated with that.

In response, the virtue of justice may mean being prepared to give what is not necessarily due to another. As Josef Pieper (1967:110–111) observes, “in order to keep the world going, we must be prepared to give what is not in the strictest sense obligatory.” This is hard to imagine in climate politics, except that the very victims of climate justice may be asked to give beyond what is required of them and may even be willing to do so.

My sense is that this is where the Christian confessing of God’s identity and character may possibly prove to be liberating. Here, mercy and justice, love and peace, loyalty and truthfulness, are held together in a remarkable way (Psalm 85). Indeed, if there are limits to justice amongst humans, God’s mercy has no end (Psalm 136). Moreover, according to the Christian confession, God, in Jesus Christ, has taken the initiative to address a deficit that has reached planetary proportions with climate change and other disturbances in the Earth system signalled by the advent of the so-called “Anthropocene” (see Conradie 2022), namely to reconcile the world with God through the Spirit. But will this

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11 Talia (2022:185) observes that in Tuvalu itself there is no poverty (!): “Helping our tuakoi is just part of who we are. This is one of the reasons why poverty does not exist in Tuvalu…. This way of life was based on the free exchange of goods without expectation of return. If a family gives their neighbor a basket of fish today, tomorrow they might receive green coconuts. The culture of reciprocity emerged as a culture of sharing local resources that nurtured a community where no one was left to live in poverty.”

12 The Afrikaans word “barmhartig” (Greek: ἔλεος) may be translated as charitable or pitiful but is best translated as merciful or compassionate. The Dutch “barm” refers to one’s breast or bosom while “hart” is easily translated as heart, thus holding close to the heart. Indeed, it is God’s mercy that sustains us forever (see Conradie 2017).
message still be heard as liberating by the very victims of Christian confession and mission?

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