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## Is It Fair to be Fair?

*Gregg Mendel*

The Iraqi government executed Saddam Hussein on December 30th, 2006. It was a day many people had looked forward to. Saddam Hussein had killed thousands of civilians with gas attacks and tortured hundreds of citizens and journalist. When it came time for him to be executed, no one felt sorry for Hussein. His execution was the epitome of justice; he got what he deserved. But justice is not always this clean cut. Imagine a poor man living in Afghanistan, desperately trying to feed his starving family. He has tried everything. Almost everything. Stealing food is the one option left, so he tries to take some bread from a local vendor. He is caught, and by law, the merchant saws off the poor man's right arm on the spot. I would argue that this is equally as just as Saddam Hussein's execution. How could this be? It is because of the simple (yet surprising) fact that justice is not the same as fairness. Fairness is attempting to make everyone equal and giving the less fortunate the upper hand. Justice is the opposite; giving what is deserved, no matter how unfair it might seem. It is never based on feelings. Fairness and justice are never the same.

Even though justice is never the same as fairness, that doesn't mean an outcome can't be both just and fair. This coincidence of justice and fairness overlapping is illustrated excellently by the odd story of silicon and germanium. Renowned science author Sam Kean relates in his book *The Disappearing Spoon* about the battle between these two elements, and the sad fate of germanium. Back in 1945, Bell labs in New Jersey invented the first semiconductor. This was a colossal step for science, opening the door for numerous electrical devices, such as the computer and calculator. Semiconductors had one major problem though. These mechanisms could only work in a tube completely emptied of all air, called a vacuum. This made semiconductors somewhat impractical and a bother to work with. Most scientists agreed that lugging a giant, cumbersome, breakable, glass tube around with their computer was no easy feat (Kean 41).

Then in 1947, two scientists, Bardeen and Brattain, utilized

the previously useless element germanium and made the first solid state (non-vacuum) semiconductor. The two inventors had helped realize the dream of a small, mobile computer, since vacuum tubes would no longer be needed. But why does no one know about or even recognize element 32 and the scientists who used it so cleverly? Simply because silicon stole the show. Silicon is almost as good of a semiconductor as germanium and much cheaper. People recognized this quickly and replaced germanium with silicon in all semiconductors (Kean 47). Silicon is now the most beloved element to scientists and anyone who loves computers, and it even has a valley named after it. But the creators of the first solid state semiconductor and their beloved element have been all but forgotten. This is an excellent example of justice and fairness overlapping. It would be just to give these scientists recognition because they were the ones to discover the non-vacuum semiconductor. Without Bardeen, Brattain, and germanium I would not be typing this sentence. It would also be the fair thing to do, because giving them credit would be helping the less fortunate. History must do the just and fair thing and recognize these important contributors to science.

But most times, justice and fairness are nowhere close to each other. Going back to the man in Afghanistan, isn't amputating the starving man's arm a case of injustice? Absolutely not. Amputation for theft is a law in the middle east. This man knew before he committed the act that if he failed he would lose an arm. This law is very clear, and he knew the consequences. Even though this seems extremely unfair, because the man is starving and needed to feed his family, it is completely just. In fact, letting him go free would be an act of injustice, since he would not be receiving the punishment required.

Many people wrongly assume that justice and fairness are the same thing. This leads them to follow the path that appears "right," even though it is really the path that is fair, not just. In Catharine Sedgwick's book *A New-England Tale* she describes the story of a girl named Jane and her encounter with a poor woman. The poor woman had traveled hundreds of miles and lost a child on the way to see Jane and her relatives. She trekked this great distance to collect 100 dollars (a large sum back then) that Jane's father owed

her (Sedgwick 73). The only problem was that Jane's father was dead. But this does not stop Jane from showing kindness and giving the poor woman the 100 dollars. Sedgwick pities the unfortunate lady and says it was the just thing for Jane to do, and in the end, all seems fair. After all, the poor woman was not being selfish in asking for the money, she was only trying to feed her starving children. So it would be fair to give her the sum owed by the father. But this is not justice. By law Jane did not owe this lady money, because debts cannot be passed from parent to child. The poor woman had no right to the money she received, and therefore she got the money in an unjust way. Justice is not always what we picture it to be.

The bottom line is this: fairness is based on how we feel, but justice is not. Justice is an unwavering truth that holds steady whether desirable or not, or whether it is the kind thing to do or not. Many things that people think of as unjust are actually the opposite. Nicholas Wolterstorff assumes in his book *Justice: Rights and Wrongs* that he does not need to explain to his audience that betraying someone's trust is wrong because everyone already knows it's wrong (295). But betraying someone's trust can actually be a very just thing to do. For example, what if a friend strutted up to me and said "I swiped that lady's wallet while she wasn't looking, but don't tell anyone." According to Wolterstorff's thinking, I should let him get away with this crime because betraying his trust would be wrong. So some actions that seem obviously wrong might actually be the right thing to do. Another example of how justice cannot be based on feeling is the death penalty. In Evan Mandery's book *A Wild Justice: The Death and Resurrection of Capital Punishment in America*, he sympathizes with those trying to abolish capital punishment. His book follows the *Furman vs. Georgia* case which caused the death penalty to be obliterated in 1972. In a 5-4 decision, the supreme court ruled that death was a "cruel and unusual punishment" (236). Many people agreed that the death penalty was too harsh, and that they would not want to be put to death if they had committed a crime, and that they feel this is unfair. Stop right there. As soon as humans take their own considerations into account, the death penalty switches from a discussion of what's just to a discussion of what's fair. Whether the death penalty is right or wrong, opinions must be left out of the discussion. Feelings must never be considered when dealing with justice.

Justice can never coexist with fairness, except by coincidence. But justice and mercy can. 1 Corinthians 15:3 says "Christ died for

our sins according to the scriptures” (King James Version). This is the paramount example of justice and mercy coinciding. When man first sinned against God in the Garden of Eden, we were immediately doomed to an eternity in hell. God had warned us that sin would bring both physical and spiritual death. But just like the starving man in Afghanistan, mankind chose to ignore the warnings and commit the sin. The fact that sin must be paid for is undeniable and unescapable, because God cannot break his promise of punishing wrong doings. Thankfully, the Lord provided an option for everyone, and that was his son, Jesus. He died on the cross to take away all people’s sin, even though he had never done any wrong. In this way, justice was fulfilled by punishment of sin, and mercy was given in the form of a second chance and a second choice. Just like Adam and Eve had a choice of whether or not to follow God, the entire world now has the choice to accept and embrace Jesus or reject his gift of salvation.

It should be evident by now that justice is not and never will be the same as fairness. Justice is putting a poor family in jail for not paying their taxes, hanging a soldier for falling asleep at his post, and exporting illegal aliens even when they have no life in their home country. It is giving the gold mettle to the competitor no one likes, and spanking a child for lying. Justice is sending me to hell for stealing a peanut. But thank the Lord that justice and mercy can be used together, or we could all be going to hell with no one to blame but ourselves and a piece of fruit.

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