I was holding her hand and singing softly to her when the man in the white coat came in. I guessed from his coldness that he was not bearing good news. Sometimes, when I was surrounded by doctors who had given up on Mama’s life, I felt besieged by a death squad. When she was alert, her warm, brown, reassuring eyes could make me move mountains, certainly strengthen me to ward off the doctors’ negativity. But when she was in a medicated sleep, I was on my own and more vulnerable. Now here was the ominous pulmonologist. He beckoned me to the window, held up both sets of X-rays, and showed that the dark area was bigger on today’s films than yesterday’s: Her lungs were filling up with fluid. I suspected that this was a side effect of one of the drugs this hospital had introduced for her infection. So, looking at those dark shadows in the X-rays at the window, I went on “side-effect alert.” This meant that immediately I would need to search reliable...
computer sites like the Mayo Clinic or Harvard Med about drug reactions, consult with specialists, and stop whatever was encroaching in my mother’s lungs immediately. However, this doctor seemed to have another plan.

I discovered what that was two hours later, when another man appeared in her room, this one clad in a dark suit instead of a white jacket. Dark-suit had been sent by White-jacket to speak to me about “the question of life.” I asked what his specialty was, doubting that he was a philosopher. “Ethics” he said, and then, to my horror, he began telling me—in front of my mother—that there were questions about the quality of her life. Some ethicist. I put my finger over my lips to implore his silence, and whispered that any such conversation surely needed to take place elsewhere. In the hall, I explained that I too am very interested in ethics and that I’d been teaching courses in justice and ethics at Northwestern Law School. He replied that he was an expert in medical ethics. So now, it seemed, I needed to turn from side effects to ethics alert.

In the end, our conversation was surprisingly short, and not nearly as philosophical as I had anticipated. He gave me a list of my mother’s disabilities—as if I didn’t know—and then concluded that they added up to the end of her life. Some kind of ethics. I didn’t need to save my mother in a protracted philosophical battle on ethics, only to punch him out. You see, I had heard the phrase “We can make her comfortable” intoned with gravitas one too many times. Now I was more disappointed than devastated when doctors wanted to kill my mother. She had recovered from her first stroke, compensating for the losses on one side of her brain with the other side. Through the tireless work of specialists at the Chicago Rehabilitation Institute and her own determination, she had regained virtually all of her capacities. Then, a year later, the second stroke cruelly hit the functioning side of her brain. The damage was motor: She couldn’t walk, talk, or swallow any more. But she could still paint and she was an artist: Her right arm was spared, still mobile and very strong. She could reason clearly and had a rich emotional life. She could communicate effectively, writing when she needed, but what she mainly communicated, through her eyes, was love.

I periodically asked her if her immobility was too hard on her, and did she understand the question. No, she shook her head, it was not too hard on her, and yes, she nodded, she understood. I confess I was surprised by her determination, her fortitude, her courage. I sang love songs to her, thankfully, with the help of Plácido Domingo’s recordings. She used her good arm, first to hug me whenever I entered her room, and then to conduct while Plácido and I sang our hearts out.

At the high Cs, she would lift her arm toward the ceiling, as would I, and our hands would lock there: “Esperaaanza!” When I wasn’t singing along with the Maestro, I read to her, assisted her painting, shared magazine ads with her (we had been critiquing advertising layouts since I was a child), and told her silly stories and laughed with her. We did not worry about the news, or errands, or who we liked and didn’t or why. We just loved. Days flew by.

When she became ill, we went together in the ambulance to whatever doctors or hospitals she needed. Nursing her was not draining because she was always giving so much. What she gave was what she always gave, a level of understanding that was beyond words. And not just to me. After her first stroke, in rehab class, Nurse Mary had arranged the wheelchairs of the patients in a circle and was batting a balloon to each in order. When the balloon fell to just the right level for that patient’s capacities, she would call out “now,” and the patient’s motionless arm would reach and try to hit it. Watching her level of acute observation, I felt as though I was finally learning how to teach. Only one patient, a paraplegic teenager who had been shot in gang warfare, didn’t try. My mother could talk then, and she rolled her chair up to
him and quietly said, “If I am trying to do this, and I am in my late eighties, then you really ought to give it your best.” He did after that.

Now, a young nurse stopped me in the hospital just before Dark-suit appeared: “Aren’t you Regina? How is your mother? You know, I owe my new job to her: She encouraged me to learn to drive, so I would be not at the mercy of agencies with vans and I could get to the hospital to work. I love working here.” My mother had sprinkled her fairy dust on this woman, as on everyone else she knew.

So, I told Mr. Ethics: “Quality of life? My mother cannot run a mile or eat a meal at a table, but she is giving and receiving more love than anyone in this place who can. I’m not sure how you measure quality of life, but that is how we do.” His eyes instantly welled up with tears and he walked away, apparently unable to speak.

Indeed, one of the side effects of her new drug was fluid in the lungs, and once we stopped that medication, Mama’s lungs began to clear. But first, I had to ask for a new pulmonologist who had a richer sense of life’s quality. And that meant we had to change hospitals. We did, and we lived and loved for three more years together.

It is a curious fact that while whole sectors of our culture are preoccupied with love—novels, film, painting, music, poetry, religion—it has been marginalized or even exiled from other spheres—from politics, economics, legal thought, and, largely, even from philosophy. Somehow love is regarded as a “soft” subject, fit for the arts and fine for private life, but not for the tough business of the public sphere, of making hard choices, negotiating power, and forging contracts. So the hospital’s expert on ethics was making calculations, mostly economic ones (the cost to the hospital of keeping this patient alive), utilitarian ones (the greatest good for the greatest number, not for those who are outside the majority), and, to be fair to him, calculations about my mother’s functionality—could she achieve her goals and pursue the excellence of “living well” that society has defined for the elderly (from playing golf to traveling). With all of this preoccupation with utility, it is no wonder that love was not even on his radar screen.

Why is love regarded as the highest human value in some cultural sectors and not even on the map in others? Make no mistake, for many thinkers in many times, love is the very purpose of life. The God of Leviticus in the Hebrew Bible, Jesus in the New Testament, Socrates in the Symposium, Aquinas in the Summa Theologica, Shakespeare in King Lear: For each of them, love defines us as human. Loving is not only our deepest nature, it is also the goal of all of life’s experiences. From La Bohème to the Beatles, from Sabrina to Star Wars, from Antigone to Anna Karenina, both high and pop culture underscore the priority of love. And yet, in my office, where several bookshelves are devoted to books on political theories of justice, not even one has a chapter on love. Justice is deemed a political, public concern, while love is personal and private.

I confess I was surprised by my mother’s determination, her fortitude, her courage.

Conversely, the books on religion are full of love. In them, it comes in different names depending on who is loving, who is loved, and how they are loved: caritas, agape, eros, altruism, divine love, neighbor love. In these books, love is not just a private emotion, but preeminently public—it is social glue, and more, it is virtually tantamount to justice.

I was already wading knee-deep through theories of justice for my course when my mother had her first stroke. I had already begun to suspect that the really helpful theories of justice had been articulated in religious discourse, that nothing higher had been thought than that justice was love, as when the Hebrew Bible said love your neighbor (Lev. 19:18) and love the stranger.
(Deut. 10:19, Lev. 19: 33–35); when the New Testament added love your enemy, and when Jesus confirmed that all the law was summed up in the command to love, and the rabbis agreed that he had gotten that right (Matt. 22:37–40, Mark 12:28–31, Luke 10:25–28). And I worried that philosophy and political thought, with their preoccupations with distribution, duty, and rights, had not fully wrestled with this rich love tradition. It seemed that this tradition, of love as justice, had been lost.

But it was when Dark-suit, the ethics expert, made it apparent that he had not even considered love as what is worth living for, that I began to consider how mistaken political, economic, and philosophical thought was to shift the focus away from love. If my mother’s life, chock-full of love, did not already have apparent value to an ethicist, and conversely, if the lives of accomplished able-bodied medical professionals could so quickly be exposed as impoverished when loveless, then clearly, love needed to be reconsidered.

So what does love have to do with justice? To judge by most ethical and political thought, nothing. Most often, we speak of justice as if it were tangibly real, even as if justice were always somehow with us—ever watchful. Our conscience is alert to her, knowing that justice demands consideration at all times and in all contexts, from the smallest transaction in personal relationships to the governance of states and global institutions. Even the cosmos is supposed to answer to her. What is this imaginary that haunts us called justice? What do the experts say? Any broad sweep of philosophy for answers will necessarily simplify complex thinkers, but the subject of justice compels us to try to draw the bigger picture.

Some define justice as the rather chilly demand for equal distribution. Others describe justice as fair distribution of either goods or opportunities—and equality and fairness are not the same. Equal means that justice isn’t satisfied until everybody gets the same. But hardly anybody believes that. So there are other systems of distribution, according to merit and according to need—and those two are not the same. Scholarships are given to the best students at some places, to the neediest at others; hardly any place gives out equal financial packages, and hardly any workplace pays all of its employees the same wage. Instead, there are complicated computations made about what is fair—such as equal pay for equal work, greater pay for more work, or greater pay for more expertise, or greater pay for work that is in more demand. In this way, inequities come to be regarded as not equal but “equitable,” and hence as satisfying the demands of justice.

Some regard fairness as equality of opportunities for all: John Rawls, the influential theorist of justice, asks that we completely bracket our social position, our wants and needs, when we craft our idea of fairness. While this criterion sounds intuitively right, it has been roundly critiqued: First, how is it possible to retain one’s subjectivity with no embedded social context—family ties, work obligations, personal history? To don the Rawlsian “veil of ignorance” would be to suspend these ties, to do without a substantial identity when making ethical choices. But can we bracket out what is fair from the lives we lead? Second, Rawls’s theory of justice is focused on the individual. But the pursuit of justice needs to include the pursuit of social good, which includes people having different roles in society and contributing in different ways. Literal equality turns out not to be egalitarian at all if people have different abilities and interests. A pedestrian example: If
all children are given the same curriculum out of fairness but some are quite artistic and others more verbal, it may not be fair to induce equal development of both; instead, a curriculum emphasizing arts will be more propitious for one child, letters for another. Social justice may require diversity, not sameness. It turns out that political and philosophical thought on the subject is not as helpful as we might anticipate. There are wonderful ideas, many persuasive, and most are worked out quite systematically, but the difficulty is that they conflict with each other, so that no single clear definition of justice has emerged.

There are other factors that govern the justice imaginary, and they are also contested. Some thinkers focus less on equity than on desert, and they interpret the maxim on justice from classical law courts—“to render to each person what is due”—to mean to give to each person what he deserves. This “desert” thinking conflicts with insisting on equality or even equitability, as well as insisting that all have equal dignity and all are equally deserving. These are questions about the person who is the subject of justice and about how to evaluate his personhood fairly in order to know how to treat him justly. But there is also the problem of what it is that should be fairly distributed. What is the good that humans strive to attain? Material reward, excellence at some skill, recognition, power, influence, honor? What do we owe one another? Guarantees against harm of our person and our property? The right to life? There are those who say we owe each other those rights and far more; they find rights theories alone too minimal. Only a few radical thinkers have said that love is the supreme good, that we even owe each other love, or that there can be no justice without love.

Religious understandings of justice differ markedly from political and philosophical thought on distribution. Broadly speaking, the biblical traditions suggest that what we most value is a free gift given from an infinite supply. The primary good sought is love, and the more of it you give, the more it is replenished. It is not in scarce supply, but limitless. This usually does not presuppose exchange; rather, love is a gift given without any expectation of return, freely given. Clearly, when love is added to the mix of thought on distribution, something very jarring occurs. The entire bedrock of distribution, as based upon a limited supply, is cracked open. From the perspective of love, nature is self-renewing, the energy of life is unlimited, even if individuals themselves die, and even if you cannot get everything all at once, our world is abundant. If distributive justice is governed by scarcity thinking—we must figure out how to share the limited supply we have—the biblical picture of justice is far different: We can hope for more and give more of what we most need—love.

“Love the stranger,” as it says in Deuteronomy 10:19, may be one of the most challenging ideas in the history of Western ethical thought. Some (including Freud) thought it was incoherent. “Love the stranger” may as well signify “Love someone from Mars.” How can I love such a person? But the deep wisdom of that injunction is precisely to value someone with whom we have no ties, no relations, no basis of trust, no preconceptions of a shared worldview, no prior communication, and hence, absolutely no way of assessing, let alone appreciating, him. This is the person we must value, we must love, simply because he is a person. That is enough. As a person, he richly deserves to be appreciated. This is not the value of achievement, but the intrinsic value a human person has that is far deeper than the superficial value of performance. All people
have this fundamental value, and in this sense all are lovable.

One difficulty with the command to love the stranger, for some (including Kant), is the assumption that love cannot be commanded, but as the philosopher Raimond Gaita has pointed out, we can be required to love better: “Love has its standards and lovers must try to rise to them.”³ He continues:

The standards intrinsic to love in all its forms are partly an expression of respect for the independent reality of the beloved. To the eye of a moralist, that can look like a straightforwardly moral requirement, independent of love as a passion. It is half true. We would not have a sense of the independent reality of the beloved if we did not think of her as someone who could be wronged. But we would not have the sense of her as someone who could be wronged, if we did not have a sense of her as precious in a way that has largely been conditioned by the language of love. The requirements of love and those of morality are, I believe, interdependent.⁴

For Gaita, we cannot speak of obligations to a person without the assumption that he is precious, lovable. Throughout Gaita’s work, the insight surfaces that love reveals the value of a person—in the sense of uncovering, making apparent, as in a revelation. He asserts, “Our talk of rights is dependent on the works of love.”⁵

And so, I would add, is our talk of duty and fairness.

How did that medical ethicist arrive at the calculus that my mother should die? Did he really think that a feeling, thinking being was disposable because she was unable to walk? Or was he making an economic calculus, that to treat her lungs to make her well, to keep a bedridden person alive, was costly; perhaps he was even more utilitarian than that, and calculated that my mother could not give society what a working person could (should we kill all the retirees?), and that because she was elderly, she should not take up a place in the sun anymore. He certainly did not “calculate” her infinite love, the way it transformed everyone who came in contact with her: not only her family and friends but also each nurse, each fellow rehab patient, and even the ambulance drivers. And he didn’t calculate what effects their being loved in turn wrought on others. In this light, the perils of separating justice from love come into full view. The dangers of this separation are serious indeed. Human life is reduced to cost-benefit analyses, to mutual benefit at best, and to individual benefit more frequently. Down the slippery slope of protecting self-interest, all forms of caring for any reason other than self-enhancement are effectively expunged from the map. Can we do better?

Notes

² This question is the subject of an excellent discussion by T. M. Scanlon, What We Owe to Each Other (Cambridge, MA: Harvard University Press, 2000).
³ Gaita, A Common Humanity, 25.
⁴ Ibid., 26.
⁵ Ibid.