

Justice versus Social Justice

John Hospers

(1985)

John Hospers was a professor of philosophy at the University of Southern California, Los Angeles and editor of the philosophical quarterly The Monist. He was the author of numerous books, including Human Conduct, Understanding the Arts, and Introduction to Philosophical Analysis, as well as several anthologies and more than one hundred essays in journals and encyclopedias.

It is individual human beings who are born, live, enjoy, suffer, and die. Individuals sometimes band together into groups; but groups as such do not live, love, or suffer; only their individual members do. The individual, not the group, is the unit.

Individuals interact with one another, in families and larger societies. Sometimes they act wrongfully toward others; and one kind of wrongful action is called injustice. But what does this mean? What precisely is involved in an action being just or unjust?

Justice, in a tradition going back to Aristotle, means *treating individuals in accordance with their deserts*. If a teacher gives a student a C when the student deserves a B, the low grade is an injustice to the student. It is equally an injustice when the teacher gives her an A which she doesn't deserve. Though the student is not likely to complain of her grade in the second case, it is an injustice all the same, since it is treatment that is not in accord with desert. Moreover, every case of an undeserved high grade involves a diminution of the value of the grade; the more numerous the B students who get undeserved A's, the less the grade of A comes to mean, and the less it distinguishes the genuine A student from the others.

There are some distinctions about justice which should be kept in mind before we apply them to particular cases.

Distinctions about Justice

1. Justice has to do with the treatment of persons by other persons. The lion is not being unjust to the antelope in killing it. The lion is not a moral agent, and no right or wrong, no justice or injustice, is involved.

If a child is born crippled or diseased, this is a misfortune but not an injustice. Injustice requires some person or persons to perpetrate the injustice. (Even those who say that God caused the baby to be born crippled or diseased are not likely to accuse God of injustice.) Congenital deformity is something that unfortunately occurs, but it is not something that someone has *done* to someone else; no person has wronged another.

2. Justice depends on desert, and desert is a matter of past performance, not of future possibilities. The grade a student deserves in a course depends upon his past record of achievement in the course. If a man deserves a punishment for a crime, it is because that person committed a crime in the past, not because (for example) it

would be useful to punish him as a scapegoat; punishing the innocent is always unjust. Nor is it just to punish him because he might commit a crime in the future. Preventive detention of persons believed to be dangerous is sometimes used as a utilitarian measure, to prevent the commission of crimes in the future, but this is done from considerations of utility, not of justice. (Justice is not the whole of morality, and whether preventive detention is ever justified would have to be argued separately.^[1])

3. Sometimes a law itself is unjust; if every driver who parked too long at a parking meter were to be given a prison sentence, such a law, however impartially administered, would be unjust because the sentence is harsher than the offense deserves. But more often it is the *administration* of the law that is unjust; one man gets five years for armed robbery and another man guilty of the same offense is given a suspended sentence, or convinces the jury that he is insane, thus receiving an insanity verdict which may let him out in sixty days. Such maladministration of the law is often called *comparative* injustice. Many prisoners who accept full responsibility for their actions and do not claim that their sentences are undeserved, still complain of comparative injustice: why were they sentenced when someone equally guilty was let go? Their sentence may itself not have been unjust, but the injustice lies in the lightness or absence of the other person's sentence compared with theirs.

Justice is compatible with *forgiveness* if the person *deserves* to be forgiven. But the only person who can forgive the aggressor is the victim. If the offender asked the person he injured "Will you forgive me?" and the victim said "No," and a stranger then entered the room and said "That's all right, I forgive you," the stranger could only utter the words, not actually extend the forgiveness; only the aggrieved party can do that. "I don't want the mother to embrace the oppressor who threw her son to the dogs!" wrote Dostoyevsky. "She dare not forgive him! Let her forgive him for herself, if she will, let her forgive the torturer for the immeasurable suffering of her mother's heart. But the sufferings of her tortured child she has no right to forgive."^[2]

As opposed to forgiving, *pardoning* is a legal act: a president or a governor may pardon a criminal. Is pardoning compatible with justice? Again yes, if the person deserves to be pardoned.

4. Justice is a very different thing from *mercy*, and mercy may be at odds with justice. "But shouldn't justice be tempered with mercy?" Let us consider what this would involve. Suppose that five men have committed murder, but one of them is let go as an example of mercy. This is surely a comparative injustice to the other four, as well as an injustice to the one who is let go (assuming that he deserves the assigned punishment). If mercy is so wonderful, why shouldn't *every* criminal be let go? That would *really* be merciful! Why shouldn't every teacher give every student an A as an act of mercy? Because, of course, this would be a great injustice, especially to the students deserving A's. It would also be mercy to give everyone a job demanding literary skill, even to persons who are illiterate—and more merciful still to give them wages for doing nothing at all. Mercy in this sense would mean a total abandonment of justice. (Mercy in a much different sense, such as "giving the defendant the benefit of the doubt" in criminal cases [procedural justice], giving him a chance to improve his conduct, etc., is desirable enough, but these are already incorporated in the notion of just treatment; they are included in justice, they do not supersede it.)

Justice vs. Collectivism

5. Most important of all, justice is individualistic: since the deserts of individuals differ from one another, so should their rewards and punishments differ from one another. That is why Aristotle said that justice consists of “treating equals equally, and unequals unequally.” If five persons have committed no crime and five other persons have committed crimes with a one-year sentence attached, it would be unjust to average out all their records and condemn all ten to six months in jail. The innocent do not deserve the sentence, and the guilty do. Justice is not a matter of averaging; it is a matter of assigning to each individual his or her proper desert.

The example just given illustrates the opposite of justice, namely *collectivism*: that is, not considering a person’s individual deserts but considering his behavior solely as a member of some group. Suppose someone in tribe A has killed a man in tribe B, and in retaliation the members of tribe B conduct a massacre of the entire tribe A. Only one of the members of tribe A was guilty of murder, but all his fellow tribesmen are killed, not because they were involved in the killing but simply because they were members of the same tribe as the killer. Such tribal retaliations, though common in primitive societies, are gross injustices because they involve the punishment of those who do not deserve it. (A variant of this occurs when the members of tribe B select a member of tribe A at random and kill him, even though the person killed was not the person who was guilty; he was selected not because he was guilty, but simply because he happened to belong to the same tribe as someone who was.)

Racism is a particularly pernicious form of collectivism. Persons who cast racial slurs on others are not considering the individual merits or demerits of the person slurred; they may not know the individual at all, except that he is a member of some racial group (Jews, blacks, Italians, etc.). Though the person’s individual qualities may be quite different from many other members of the group, all this is ignored: all they know or care is that he is a member of that group. “A genius is a genius, regardless of the number of morons who belong to the same race—and a moron is a moron, regardless of the number of geniuses who share his racial origin. It is hard to say which is the more outrageous injustice: the claim of Southern racists that a Negro genius should be treated as inferior because his race has ‘produced’ some brutes, or the claim of a Nazi brute to the status of a superior because his race has ‘produced’ Goethe, Schiller, and Brahms.”^[3]

Vagueness of “Desert”

All might agree that justice is treatment in accord with desert, and yet they might disagree on particular judgments about justice because they do not agree on what particular punishment, grade, compensation, etc. a person deserves. Everyone agrees that a murderer should be punished, but there is much disagreement about what specific punishment is deserved: should it be the death penalty? should it be life imprisonment? should it be imprisonment for a stated term with possibility of parole? should it involve incarceration in a prison, or would duty on a work farm suffice?

There is general agreement about the severity of various offenses: murder, which takes away the victim’s life, is a worse crime than assault and battery, from which a victim may recover and resume his life thereafter; crimes against the person are worse than crimes against property, which can usually be replaced; and so on. Yet this is not always so: there are forms of mutilation that are worse than death, and

the theft of a valued and irreplaceable family heirloom may be a worse loss to the victim than being mugged. Since each case is unique, it is necessary to describe in detail the circumstances of each case in order to form any estimate of the person's desert.

Even with such a detailed description, along with a sincere attempt to empathize with the situation of both parties, there will be disagreement about desert. A woman will ordinarily recommend a severer punishment for rape than a man will. A wife will tend to be more sympathetic to the position of a wife in divorce court, and a husband will tend to be more sympathetic with the husband. Those who do not care about animals will tend to be immune to pleas about cruelty to animals.

"Put himself in the other person's place" is a piece of advice that most individuals can practice only very incompletely; and even when they try, they will be likely to favor those who have been in situations similar to their own. A criminal will be likely to be more concerned with the treatment of prisoners, but a person who has been stabbed is more likely to identify with the victims of stabbing and less likely to be worried about how the aggressor is treated in prison. This ineradicable "human equation" will probably color all of a person's judgments about deserts—even a judge's.

Is the Punishment Deserved?

In all this, however, it must be kept in mind that the only consideration relevant to justice is whether the treatment (the punishment, the reward, the grade, the compensation for work done) is deserved. Punishment should be proportional to desert, whatever that may be; it should not be proportioned to the *usefulness* of the punishment, as it is in utilitarian theory. The question for justice is "What punishment does he deserve?" not "What punishment would be most socially useful?" As a rule the two tend to coincide: the most serious crimes (involving the worst injustices) tend to be those that also require the strongest deterrent measures in order to prevent them from recurring. But it is not always so. It might be socially *useful*, especially during a crime wave, to convict an innocent person and punish him as an example, thus deterring potential lawbreakers and giving the members of the community a renewed sense of "law and order." But of course the conviction of an innocent person, no matter what its social utility, is always an injustice, because the innocent person does not deserve to be punished.

When we turn our attention from the prison to the marketplace, we face equally pressing problems. What should be our criteria for determining what compensation a worker deserves? Is there such a thing as a "just wage" and how do we determine it? Does justice commit us to "equal pay for equal work"? Is discrimination in hiring unjust? Does the free market, when it is permitted to function, result in injustice?

"Equal Pay for Equal Work"

Does justice require that employees receive equal pay for equal work? That depends on what "equal work" means:

1. If it simply means equal *time* spent, this has very little to do with justice. One employee may work diligently throughout the workday, and another may spend half her time on the phone with her friends while letting the customers wait in line (as frequently happens in government offices, such as the Department of Motor

Vehicles). To give two such employees equal pay would be unjust, though this is typically what occurs.

2. “Equal work” may mean equal *effort* expended. Two employees may each work to their full capacity during the workday—they both “do their best.” Should they receive equal pay? Again, not necessarily. The one may have more background and experience and expertise in the job than the other; and ordinarily more experienced employees do, quite justly, receive more. Also, in any kind of job requiring imagination, one person may exert maximum effort and produce little or nothing, while the other may with less than maximum effort achieve brilliant results. Doesn’t the second deserve a higher return? (If he didn’t receive it, another employer who appreciated ingenuity and initiative would probably hire him at a higher wage.)

But if both exert that same effort, and the difference is that the second employee is brilliant and the first is dull and rather stupid, isn’t it unfair (unjust) to penalize the dull employee for a quality, such as unimaginativeness, which he lacks through no fault of his own? If they’re both doing their best, why give less to the dull one? Isn’t this an injustice? No: it’s true that it’s not the dull person’s fault that he is not as gifted, but his lack of intelligence is a misfortune (like a disease), not an injustice imposed on him by other persons.

3. But “equal work” can also mean the *product* of effort, namely *achievement*. A student who deserves and receives an A in mathematics may have a great natural aptitude for it, and may work far less hard than a duller student did for his B or C. But the grade is a measure of achievement, not of effort or time expended. The employee in a factory whose productivity is high (either in quantity or in quality, or both) deserves higher pay, having contributed the most to the organization that employs him. If high achievers receive higher compensation, this is hardly an injustice.

Justice and Job-Discrimination

But of course not everyone does receive higher pay for higher achievement. Some employees are compensated less because of their race or sex; some are turned down as applicants because of this, before they have a chance to achieve anything in a job at all. Isn’t this an injustice? And doesn’t justice demand, as “affirmative action” programs insist, that the injustice be rectified by giving the victims of discrimination preference in jobs available now?

That depends. (1) If it is not you but your ancestors who have been the victims of discrimination, then giving special consideration to you in no way helps *them*. To hire an under-qualified applicant because his great-grandfather was a slave, is no help to the deceased slave; a grave injustice was done, but nothing can be done now to remedy *that* injustice. To reward someone now because another member of the same racial group was once penalized is sheer collectivism.

(2) But if the person *himself* has been discriminated against in the past, measures can usually be taken to correct it: past injustices can often be corrected.

(a) You may have been the victim of job-discrimination because the educational facilities in your neighborhood were poor; you never learned to write or add properly so as to be qualified for any decently paying job. To hire the underqualified person anyway is no solution: it is not just to students to inflict on them a poor teacher because (for reasons that are not, or not entirely, her fault) she

was discriminated against in the past. And to the extent that such hiring is practiced, the students in a school or fellow employees in a factory come to view the new employee as a case of “sympathy-hiring,” rather than hiring on the basis of genuine qualifications for the position; which does nothing whatever either to improve the quality of the instruction or to promote harmony among races.

On-the-job training may help to remedy this defect—a device that many employers use. And in the longer run, changing the educational system so that these radical disparities in educational background no longer occur, is even more effective. But hiring an incompetent employee is only an attempt to correct one past injustice by perpetrating another one.

Curing Past Discrimination by New Discrimination

(b) Suppose, however, that of two applicants for a job, A, who is black, is more qualified than B, who is white, but B gets the job because he is white. This is certainly a case of job-discrimination on account of race. The question is how to remedy it. Suppose the position falls vacant; should A, who was turned down before, now be hired in preference to the other new applicant, C? If they are equally qualified, yes: this would help at least to correct a past injustice. But suppose that C is more qualified than A is. Then hiring A rather than the more qualified C constitutes an injustice to C. (It's not C's fault that she is white, any more than it was A's fault that she is black.)

There are many such cases in which acts of past discrimination can be corrected only by committing another act of unfair discrimination in the present, thus perpetuating discrimination, not eliminating it. If a past act of injustice can be remedied by creating another one in the present, it may be that the cure is worse than the disease; perhaps it would be preferable, rather than to commit a second injustice to correct the first, simply to say *no* to any such discrimination in the future. In that case, we hire whomever is most qualified for the job, regardless of the race; and if by this procedure a past act of unfair discrimination remains uncorrected (for this time only), at least no future acts of discrimination need occur as a result.^[4]

Other Aspects of Job-Discrimination

1. It has been assumed thus far that one's race or sex is irrelevant to one's qualifications for a job. But this, of course, is not always the case. An employer is not necessarily treating an applicant unjustly if he hires a man rather than a woman as a bodyguard or as a bouncer in a bar; the woman is turned down not because of her sex but because she lacks the physical qualifications for the job. Similarly, a white actor is not being unjustly treated in being passed over for the role of Othello, which requires a black actor to take the part. If justice in hiring is based on one's qualifications for the job, sometimes a person may lack the qualifications precisely *because* of sex or race.

2. It is worth noting that most employers will not turn down a qualified black applicant in favor of a less qualified white applicant, even if only for reasons of self-interest: his company will prosper only if he takes on the most qualified applicants, regardless of race or sex. Why is the percentage of unemployed black teenagers almost 50% today, whereas it was less than 10% in the late 1940s? It is not because employers have suddenly turned racist; it is because government interferences in the marketplace, which were intended to help minorities, have actually hurt them. For example, minimum-wage laws have prevented many teenagers from being

offered summer jobs, and from receiving on-the-job training (since before they acquire a skill the employer would lose money by hiring them at the legal minimum wage). There are countless examples of this, and a reading of *Markets and Minorities* by the distinguished black economist Thomas Sowell should be sufficient to convince anyone of it, popular propaganda to the contrary notwithstanding.^[5]

3. One should keep in mind the difference between justice and *rights*. Many would contend, as I would, that no one has a *right* to a job: for example, no employer should be forced by law to hire an employee he doesn't need, or even to hire an employee he doesn't want on his payroll; if it's his own money he's dispensing (and risking), he is within his rights to hire whom he pleases. If he is a racist who refuses to hire blacks or Mexicans, he may well suffer economically for his prejudices: if he fails to avail himself of many of his best qualified applicants, he will himself be the loser, especially when his non-racist competitor employs them; but that is a punishment he takes on himself by being a racist. Many employers may have racist *feelings*, but if they want to stay in business they do not let these feelings get in the way of their pocketbooks.

His failure to hire certain persons is, then, not a violation of the *rights* of those whom he fails to employ; no one has a right to a job that another person has to pay for. But in refusing to hire those applicants who are most qualified, he *is* committing an injustice, because he is not treating others in accordance with their deserts. The *right* to so treat them is not incompatible with his being *unjust* in so treating them. Whether the law should prohibit so treating them depends on one's view of the law: whether one believes, as the Founding Fathers (on the whole) did, that the law should prohibit only violations of rights, or whether (as on more recent views) the law should intervene also whenever there are cases of injustice.

Justice and the Market

It has often been alleged that the free-market system is unjust. Criticisms of the free market constitute a very high percentage of the content of most college courses in ethics and social philosophy. It may be granted at once that no system is entirely just in every detail; there will always be cases of injustice. But the market system is by far the least unjust of all economic systems.

The Soviet Union does not have a market economy. A worker's pay depends not on his actual merit or productivity, but on what the bureaucrats in charge decide to pay each worker in a given category. The government decides that teachers shall receive a higher wage than physicians, and that factory workers shall receive a higher wage than filing clerks. Theoretically at least, each worker in a given category is supposed to earn the same—the assumption being that each one is maximally dedicated to the ideals of communism and therefore will exert maximum effort and achieve maximum productivity during his hours at work. How does this system work out in practice? A description by someone who defected from it provides a dramatic illustration:

Nobody in the bus factory was in a hurry to work; the workers preferred to sit in the smoking room until the foreman appeared, when they all dashed to their places. "Why should we hurry for the money they pay us?" said the workmen. "Work's not a wolf, it won't run into the forest!" In the mornings they were almost all drunk or hung over, and throughout the working day people would be regularly detailed to slip over the fence for some vodka. Only one man put in a full day's work. The rest

hated him, and when pointing him out would rotate one finger meaningfully by the temple. They were always looking for chances to do him dirt, either by surreptitiously damaging his machine or by stealing his tools. “Want to be a champion and raise the targets?” they said spitefully. It turned out that if one man exceeded the target, the target would be raised for all of them the following month, and they would have to work twice as hard for exactly the same money.^[4]

The injustice of a system that penalizes the dedicated worker is too obvious to require comment—not to mention the effects on the worker himself: nothing ruins the morale of a human being more than being penalized for doing a good job.

Market Rewards

A market economy, by contrast, rewards initiative and enterprise. Not every employer recognizes talent immediately: there may be a period in which he pays a certain employee less than he would if he knew the employee’s true worth. Yet the *tendency* in a market economy is for each person to rise to the limit of his ability. Since there are competing employers, if one employer doesn’t recognize his worth, another one is likely to do so.

Don’t those who work in some kinds of jobs deserve more pay than others? Yes, and the market sorts this out also. A person who does dangerous work, such as walking along the catwalk of a high bridge for safety inspection, is not likely to take such a job unless in doing so he earns more than he would as a janitor. Nor is a person likely to spend years of his youth going through medical school if at the end of the road he earned no more than he would have as a dishwasher. And a physician with a good record of curing diseases is likely to have more patients than one with a bad record; and doesn’t the first physician deserve his greater reward? There is no one wage which one can describe as *a just wage* (surely this depends on the health of the economy, and what employers can afford to pay): if one wants a definition of a just wage, one could simply say that it is the wage that one’s services can command on a free market. The fact that some persons’ labor is worth more than others’ is largely taken account of by the market itself.

A foreman complains that the manager who sits behind a desk all day receives more pay than he does. But the manager has the responsibility of coordinating workers’ efforts and turning out a quality product. And the president of the firm, who earns more than the manager, has the awesome responsibility of trying to anticipate next year’s market, and thus deciding how much of what to produce, what materials to order and from whom; on such decisions depends the continued existence of the firm. Doesn’t the successful discharge of such responsibilities merit a higher income? Workmen and foremen who later become managers and members of the board seldom complain any longer about the disparity in income.

There are those who say that *no* one deserves the high pay received by some executives and corporation heads—that such high incomes somehow constitute an injustice. But what if the executive who receives \$500,000 a year is talented and ingenious enough to save the company two million dollars a year without sacrificing quality of product? He has certainly been worth more than his pay to the company. The stockholders are anxious enough to pay him this, and even more rather than see him captured by another company. Should they be *prohibited* from paying him what they believe he deserves?

Misfortune vs. Injustice

If someone is unemployed because there is no longer any demand for his skill, he will have to set about acquiring another. But where is the injustice in this? Who is the perpetrator of the alleged injustice? The buggy-maker who no longer has any demand for buggies? Wouldn't it be unjust to the buggy-maker to force him to retain a worker he doesn't need, when most customers are buying cars instead of buggies?

Or suppose a man does have a marketable skill but at the moment there are no openings in his area. Is this unjust? It is unfortunate for him that he must either be unemployed or change jobs or move to another area, but there is no one who can be accused of treating him unjustly. The more a free market is permitted to operate, the more likely it is that he will soon find an outlet for his skills. Again, his unemployment may be a temporary misfortune, but not an injustice.

Suppose a farmer decides to grow soybeans this year, endeavoring to enrich the soil and to increase the output of the same product that made him considerable money last year. But suppose that many other farmers have the same idea, and as a result there is an overproduction of soybeans and the price of soybeans this year suffers a sharp decline. This is simply a reality of the market: "Given constant demand, if there's more of a product the value of each unit declines." Is this an injustice to the farmer?

If the farmer's crops are lost through drought or flood, this is a misfortune, not an injustice; but the fact that other farmers also planted soybeans is a deliberately undertaken human action, not a condition of nature. Still, where is the injustice? If the farmer had been wise, perhaps he should have planted something else this year; but how is the fact that other farmers also wanted to make money by planting soybeans an injustice to him? If he can plant soybeans, why can't they? It may be a misfortune that too many are grown this year and a surplus results; but where is the injustice? Who has been unjust to whom? If he had a reason to anticipate what other farmers would do, he is stuck with the results of bad planning on his part; but if he had no way of knowing, the financial loss can be described only as a misfortune, not as an injustice.

Justice vs. "Social Justice"

Those who are engaged in "social engineering" often characterize the concept of individual justice, described above, as outdated. What we need, they say, is *social* justice.^[2]

But what exactly does this term mean? If justice is treatment in accord with desert, and deserts are unequal, then justice demands that treatments also be unequal. If everyone were given the same wage regardless of effort or achievement, we would have a society in which hardly anyone would choose to work at all; in the end there would be nothing left to distribute, and starvation would stalk the land. The ideal of justice as complete egalitarianism—everyone receives the same regardless of who does what or how much, or even if they do nothing at all—is contradicted by the most elementary facts of reality. It is not the idea of forcible redistribution that deters egalitarians—they have no objections at all to that—but only the fact that once the goose has been killed it can lay no more eggs.

Proponents of "social justice" do not, then, usually demand that every person (or every family) receive the same income. For reasons of sheer survival, this is not done even in the Soviet Union. What the proponents of "social justice" do demand, however, is that everyone, regardless of effort, ability, or achievement,

receive a “decent standard of living”—which in urban America may include not only food, clothing, and shelter, but a telephone, a television set, and convenient means of transportation as “necessities of life.” And who shall be required to pay for these things? Those whose income is higher; “justice demands” that those who are “more fortunate” be required to contribute to those who are “less fortunate.” These are the popular name tags, and the underlying assumption is that if one person has more and another less, this is solely a matter of “luck” or “fortune,” as if somehow individual ability and initiative had nothing to do with improving one’s lot.

It is far from clear, however, how A being forced to give part of his paycheck to B is an example of justice: it would seem to be a case of injustice to A, and a windfall for B. And even if such transfer payments should be made, should they be done in the name of justice? The basis of justice is desert; the basis of charity is need: in charity, we give to others because they need it; in justice, we receive compensation (or punishment) because we deserve it. The difference between justice and charity should not be obscured.

The “Underprivileged” and Why They Are Poor

The poor are usually classified as “unfortunate” or “underprivileged,” as if those who earned more had purposely deprived them. But this label, which social planners automatically attach to everyone who is below a certain level of income, applies only to some of them, certainly not to all. We must first investigate, which social planners almost never do, *why* they are poor.

1. Suppose a neighbor of yours is about to make an investment which you know to be fraudulent: he will lose everything if he makes the investment. Undeterred by your pleas, he does it anyway, and the result is that he loses everything. Would most people, including champions of “social justice,” be willing to hand over part of their paychecks in perpetuity to a person who has merely been foolish?
2. Suppose a lady has been thrifty all her life, saved for her old age, and has a small house and yard; a second lady, with considerably more income, spent it all on riotous living and is now destitute. Should the first lady be required to give over part of her limited income each month to the second? (That is the way things work out under the current welfare system; but is this justice?)
3. Assume that a worker has been able to pay into old-age insurance but simply failed to do so, spending everything she earned. Now she is destitute. Should others, who *have* provided in advance for their old age, be forced to hand over a portion of their savings to the person who has not so provided? To do so may be charitable, but is it just?
4. Now let us take a different kind of case. A person is ill or has a physical handicap which does not enable her to work; she would like to, but she can’t and her family has no resources. Shouldn’t “society” take care of her?

Coercive or Voluntary

This is certainly the best case for welfare; but the question remains whether it should be government welfare (compulsorily paid by all wage earners) or privately financed welfare (voluntarily contributed by those who are able). Though the matter would require a lengthy discussion that is not possible here, I suggest that the persons who answer to this description are a comparatively small minority of the population, and that, once the enormous ball-and-chain of high taxation

(including social security payments) was removed from every wage earner, and would-be entrepreneurs could start small businesses and take on employees without the present high probability that their enterprises will be bankrupted by taxes and regulation, there would be such a resurgence of prosperity that government welfare would be quite unnecessary: private funding would be quite adequate to the task, as it was during the first century of American history when the standards of living were much lower than they are now.^[8]

Herbert Spencer was much wiser than today's planners when in 1884 he criticized "the tacit assumption that Government should step in whenever anything is not going right. 'Surely you would not have this misery continue!' exclaims someone, if you hint at demurrer to much that is now being said and done. Observe what is implied by this exclamation. It takes for granted, first, that all suffering ought to be prevented, which is not true; much of the suffering is curative, and the prevention of it is prevention of a remedy. In the second place, it takes for granted that every evil can be removed: the truth being that, with the existing defects of human nature, many evils can only be thrust out of one place or form into another place or form—often being increased by the change.

"The exclamation also implies the unhesitating belief . . . that evils of all kinds should be dealt with by the State. There does not occur the inquiry whether there are at work other agencies capable of dealing with evils, and whether the evils in question may not be among those which are best dealt with by these other agencies. And obviously, the more numerous governmental interventions become, the more confirmed does this habit of thought grow, and the more loud and perpetual the demands for intervention."^[9]

Try Freedom

With an unfettered economy, and a minimum of charity (and most Americans have more than a minimum), the problem of poverty would become almost obsolete. Economist Thomas Sowell may have overstated the case, but he had a valid point when, in answering the question "How to get rid of poverty?" he answered, "Hold a meeting of all the leading experts on poverty some where in the middle of the Pacific and not let them go home for ten years. When they came back, they would discover there was no more poverty."^[10]

It will be apparent by now that the demands of "social justice" are incompatible with those of individual justice; to the extent that the first demand is met, the second must be sacrificed. If the government takes money out of Peter's wallet to put it in Paul's, it may have achieved greater equality, but not greater justice. It is impossible for individuals to receive a just wage on a free market and then be forced to part with a portion of it, for then they receive *less* than a just wage.

The final irony is that the ideals of the champions of "social justice" are not even achieved when they are put fully into practice. Because people will not—and cannot—produce indefinitely without compensation, the final result of massive transfer payments is equality of zero—universal destitution. That, after all, is how the excesses of the late Roman welfare state gave way to the destitution of the Dark Ages.^[11] It has happened many times in history, and it could happen again if the proponents of "social justice"—that is, enforced collectivism—push their demands so far as to cancel out the requirements of individual justice.

Notes

1. See, for example, Frederick Schoeman, "On Incapacitating the Dangerous," in John Arthur and William Shaw, eds., *Readings in the Philosophy of Law* (Prentice-Hall, 1984), and in Joel Feinberg and Hyman Gross, eds., *Philosophy of Law* (Wadsworth, 1981).
2. Fyodor Dostoyevsky, *The Brothers Karamazov*, Modern Library edition, p. 254. (First published 1882.)
3. Ayn Rand, "Racism," in *The Virtue of Selfishness* (Signet Books, 1964).
4. See Louis Katzner, "Is the Favoring of Women and Blacks in Employment and Educational Opportunities Justified?" in Feinberg and Gross, *Philosophy of Law*.
5. See also Walter Williams, *The State versus Blacks* (McGraw-Hill, 1982); Warren Brookes, *The Economy in Mind* (Universe Books, 1982).
6. Vladimir Bukovsky, *To Build a Castle: My Life as a Dissenter* (Viking Press, 1977), p. 123.
7. See, for example, Richard Brandt, ed., *Social Justice* (Prentice-Hall, 1962); Nicholas Rescher, *Welfare* (University of Pittsburgh Press, 1972); Norman E. Bowie, *Distributive Justice* (University of Massachusetts Press, 1971); Robin Barrow, *Injustice, Inequality, and Ethics* (Barnes & Noble, 1982); Michael Bayles, *Principles of Legislation* (Wayne State University Press, 1978).
8. See, for example, Henry Hazlitt, *The Conquest of Poverty* (Arlington House, 1978).
9. Herbert Spencer, *The Man .versus the State* (Caxton Press, 1940), pp. 34-35. Originally published 1884. See also John Hospers, *Libertarianism* (Laissez Faire Books, 1971), Chapter 7.
10. Thomas Sowell, in *Reason*, December 1980 issue, p. 5.
11. See Ludwig von Mises, *Human Action* (Regnery, 1945), esp. pp. 767-769; also Isabel Paterson, *The God of the Machine* (Caxton Press, 1943), pp. 38-40.

* * *

This work is licensed under a Creative Commons Attribution 4.0 International License.