

references to scholarly works and thinkers. An introduction by Gerhard Wagner and Gilbert Weiss helps to put the correspondence in context and provides biographical material. Unlike most books of its kind, it includes a thorough index that is helpful in finding references to specific topics of the correspondence. An appendix listing the complete correspondence is also included. Dozens of letters are excluded from the volume because they appear in the German edition of the correspondence. The omission of these letters creates gaps in the correspondence that limit the reader's ability to follow the exchange of thoughts between Voegelin and Schütz. Nonetheless, the book fills a void in the literature on both thinkers.

THE MYTH OF SOCIAL JUSTICE

Joseph F. Johnston Jr.

*The Concept of Justice: Is Social Justice
Just?* by Thomas Patrick Burke
(New York: Continuum, 2011)

Today's magazines, newspapers, and other media are filled with references to "social justice," often in the form of assertions that our society is unjust because it tolerates great disparities of wealth. Those who use the term *social justice*, however, almost never provide an intelligible discussion of what it means or how it differs from

ordinary justice. This explanatory lapse is especially unfortunate since the remedy usually proposed as a cure for the alleged social injustice is aggressive and forcible redistribution of wealth by the state—that is, taking resources away from people who have legitimately acquired them and giving them to other persons favored by those in power.

A good start toward the correct analysis of this philosophical misunderstanding has now been made by Thomas Patrick Burke in his lucid and persuasive book *The Concept of Justice*.

Patrick Burke begins his analysis by asserting the proposition that "states of affairs can be just or unjust only to the extent that rational agents can be held to account for them" (viii). An animal, acting by instinct, cannot be just or unjust. Only rational beings act in accordance with their own free will, and only they can be held responsible for the causal consequences of their own behavior. It is this idea of responsibility that is the key to understanding the concept of justice. Where there is no one responsible, there cannot be injustice.

In the Greek and Roman world, justice was one of the four cardinal virtues: prudence, courage, temperance, and justice. Like the other virtues, justice was a quality that was attached to individual conduct. The traditional concept of justice is summarized in Justinian's digest (sixth century AD): "These are the commandments of the law: to live uprightly, not to harm others, and to give to each person what belongs to him" (10).¹ From these precepts of natural justice, it follows that injuries are to be rectified, promises fulfilled, stolen property restored, and quarrels adjudicated. In the traditional view of justice, as Patrick Burke points out, "an injustice cannot exist unless someone has done something wrong" (12). The concept of justice thus provides the basis for the legitimate use of force to redress wrongs.

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Justice and injustice arise out of human action and necessarily involve individual responsibility and accountability. "Social justice," however, pertains to a condition of society (for example, equality or inequality) and is not a result of individual action. Social justice, therefore, replaces the responsibility of the individual with the responsibility of society. The demand for social justice is a demand that can be met only by the state. The quest for social justice thus becomes another example of the trend toward collectivism, as well as a justification for the use of force to restructure society.

The Concept of Justice devotes considerable space to a careful explanation of how the modern notion of social justice arose historically. The modern use of the term social justice originated in Roman Catholic religious circles. According to Burke, it was first used by the Italian Jesuit writer Luigi Taparelli d'Azeglio in the 1840s in the debates surrounding the proposed unification of Italy. Taparelli was a neo-Thomist and a conservative who argued that natural or social justice required the preservation of church authority and the existing feudal social order. Under this usage of the term, social justice required inequality, not equality. Caring for the poor was not a duty of government but of individuals. Rights are rights of individuals. Society as such does not have rights or duties. In particular, social justice required the protection of the individual's right to property and the defense of social order. In other words, it was an extension of the traditional idea of justice into society as a whole and was meant to counteract the revolutionary ideas unleashed by the French Revolution.

This conservative view of justice, according to Burke, generally prevailed in Catholic doctrine during the nineteenth century. *Rerum Novarum*, an encyclical letter of Leo XIII in 1891, assumed many of the

premises of classical liberalism, including the inviolability of private property. It assumed as a principle that "the right of private property must be regarded as sacred" and is protected by the natural moral law. Under the traditional concept of justice, redistribution of property at the command of the state would violate the rights of lawful owners.

In the twentieth century, however, under the influence of socialist doctrine, the concept of social justice changed radically. For the church, the key document was *Quadragesimo Anno*, issued by Pope Pius XI in 1931. This encyclical "canonized the socialistic conception of 'social justice' for the Catholic world, and arguably for the world at large; and at the same time radicalized the concept, abandoning Leo's vigorous defense of private property, and approving of, even demanding, the forcible redistribution of wealth from rich to poor" (72). For Pius, economic inequality itself was unjust, even though it was not caused by any wrongful individual act or acts.

Quadragesimo Anno, Burke suggests, can be regarded as the primary source of the conception of social justice that prevails today. In the United States, it influenced Franklin D. Roosevelt, who referred to it often. Roosevelt adopted many of its ideas when he proposed in 1944 his "Second Bill of Rights," which proclaimed the "right" to a remunerative job, a decent home, adequate medical care, and adequate protection from the economic fears of old age, sickness, accident, and unemployment, among other collective "rights." In today's political climate, liberal politicians and commentators demand the fulfillment of these "rights" as a matter of "social justice." The only entity in the United States that could possibly satisfy these demands is the federal government, and the inevitable result of the implementation of such a program would be a socialist society.

In Burke's analysis, justice and liberty are closely connected. Just acts, as we have seen, are acts that stem from the free wills of the actors. But this freedom can be exercised only if there is external freedom from coercion—that is, liberty. “An action is just when it respects that liberty. . . . Justice is the quality of a free action in virtue of which it is compatible with the freedom of will of other persons” (164). Acts of injustice are coercive and punished by coercion. With social injustice in its contemporary usage, however, there is no one to punish. Social injustice is usually defined today in terms of inequality of wealth or status. This condition can be remedied only through redistribution by government. But, as Michael Oakeshott has observed, the government in a democratic republic has nothing to distribute except what it takes from its citizens through coercive taxation.² This entire process of coercive taking and redistribution is therefore a classic form of injustice.

But isn't social justice merely another name for “distributive justice,” a well-known form of classical justice developed by Aristotle? This is a question that could have been more adequately treated in *The Concept of Justice*. The answer is that the modern notion of social justice does not follow from Aristotle's distributive justice. Admittedly, Aristotle's concept of distributive justice is somewhat confusing. One thing, however, seems clear in Aristotle's analysis: a just distribution of goods should be “according to merit,” although men differ as to what constitutes merit.³ If this means anything, it means that a poor man does not deserve a compulsory distribution from others simply because he is poor, without regard to merit. In any event, the decision as to what is meritorious is likely to be arbitrary.⁴ Of course, as a moral matter, the duty of charity may require those who can afford it to support the poor voluntarily.

But this has nothing to do with distributive justice.

One could argue, contra Patrick Burke, that an entire society could be unjust—Nazi Germany, for example—because it sponsored egregious violations of fundamental rights to life, liberty, and property. In reality, however, these violations arose from willful acts by the rulers and knowing acquiescence on the part of specific persons. This was the moral basis for punishing certain people at Nuremberg while helping German society as a whole to recover after World War II. To return to the current debate, it is plausible to assert that the existence of large differences in wealth is unfair. But not everything that is unfair is unjust. It may arguably be unfair that some people are faster or stronger than others, but that does not mean it is unjust. “The coercive power of the law, which can rightly be used to remedy injustice, cannot be rightly used to remedy unfairness” (179).

The reason why some people achieve more material success than others in the United States is that we live in a (relatively) free society. Any person is free to use his talents and energy to improve his condition. Since people are different, the exercise of this freedom will inevitably result in inequalities. Most people do not remain at the same level of the economic spectrum throughout their lives; that is, social mobility is common in our society. This freedom and flexibility should be celebrated rather than deplored.

The practical application of the term *social justice*, as used today, would involve the use of government power in an attempt to bring about the utopian goal of economic equality, thus effectively eroding the constitutional limits to government. Patrick Burke's book is a useful warning of the consequences of this radical abuse of both language and power.

- 1 Patrick Burke's translation. The Latin original is "Iuris praecepta sunt haec: honeste vivere, alterum non laedere, suum cuique tribuere." The last clause is usually translated as "to give to each person his due." *Digesta* 1.1.10; *Institutiones*, I.
- 2 Michael Oakeshott, *On Human Conduct* (Oxford: Clarendon Press, 1975), 153, n.1.
- 3 Aristotle, *Nicomachean Ethics*, 1131 a.
- 4 See F. A. Hayek, *The Constitution of Liberty* (Chicago: University of Chicago Press 2011), 161.

LITERATURE AND RESISTANCE IN THE SOUTH

Aaron Urbanczyk

The Southern Critics: An Anthology,
edited by Glenn C. Arbery
(Wilmington, DE: ISI Books, 2010)

Literary criticism has seen no evolution within the twentieth century as salutary as the New Criticism. Its heyday was long and widely influential among both scholars and teachers, spanning from the 1920s into the early 1960s. The New Critics embraced a type of formalism in literary study (*formalist* was a term Cleanth Brooks loved to use to describe his approach to poetry). In this method, the critic primarily considers the literary work of art as an aesthetic object with its own integrity, thus refusing to reduce literature to mere history, biography, or the putative intent of the author.

In recent decades, the postmodern reactions against the dominance of the New Criticism were violent and quick, and by the early 1980s the New Critics were almost

universally renounced by the mainstream guild of literary scholars. In this process of renunciation, the vital and complex ethos of their work as a group was often distorted, a state of affairs that obtains to this very day. One of the most common objections to the New Criticism was that it is ahistorical, ignoring the vital connection between art and culture and the profound link between an author's work and its place in history.

Even a passing acquaintance with the actual lives and thought of the New Critics reveals how spurious this objection truly is. Few scholars and critics of their generation devoted themselves with greater fervor to the relationship between art and culture than the heterogeneous group lumped under the term New Critics, a group containing such various figures as T. S. Eliot, Yvor Winters, Ezra Pound, Austin Warren, F. R. Leavis, William Empson, Delmore Schwartz, Randall Jarrell, R. P. Blackmur, and Kenneth Burke. Yet this list is woefully incomplete without mention of the American Southerners who played such a prominent role in the ascendancy of the New Criticism, including Allen Tate, Robert Penn Warren, John Crowe Ransom, Donald Davidson, and Cleanth Brooks. A profound interest in the connections between art, culture, and one's region was ubiquitous among the Southern critics.

The Southern Critics, edited by Glenn Arbery, does full justice to the breadth and depth of the literary South's most astute minds in the twentieth century. The selection, editing, and organization in this volume are expert, giving the reader a nearly epic perspective on the enterprise of the Southern critics. Right away one realizes that this is not simply another book about the New Criticism's Southern luminaries. Literature is certainly the common thread uniting all the figures represented in the anthology. The usual suspects counted among the Southern

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