

Is Social Justice Just?

by Thomas Patrick Burke, Th.D.*

There is a tension between traditional justice and the modern concept of social justice. At issue are the basic values of civil society, including the notion of free will and the idea of individual responsibility.

Few things are of more importance to a society than its conception of justice. And few are capable of arousing more intense emotion, because it is justice that provides the chief criterion for the legitimate use of force. In the name of justice, people are arrested, handcuffed, put on trial, fined, sent to prison, and sometimes put to death. The concept of justice provides every society with its most fundamental rule of social order.

During the 20th century, however, a revolution took place in the Western world's conception of justice. Our ordinary idea of it, which we employ in dealing with other individuals in the ordinary transactions of daily life—making an agreement, paying a bill, resolving a dispute, putting criminals in jail—is a conception at least as old as recorded history and familiar to all people everywhere. It has been superseded by a new conception that focuses instead on society as a whole. The question the new theory seeks to answer is not: What is the right and the wrong thing for a particular person in particular circumstances to do? But: How should power be distributed in society?

This question has now been widely elevated to the status of the main concern of ethics. “The primary subject of justice,” according to John Rawls, cel-

ebrated proponent of the new theory, is no longer the individual person in his actions towards others but “the basic structure of society.” According to the new theory, justice demands equality of power in society. It is no longer merely *unfortunate* or regrettable that some people should be poor and powerless while others are rich and powerful. It is *unjust*.

Social justice is a demand addressed to society as a whole and not to the individual, and as such it is a demand that can be met only by the state. To make social justice into the basic principle of social order is to endorse the wholesale transfer of responsibility from individuals to the state, and inevitably to endorse the expansion of the state and the increase of its coercive powers.

By contrast, to emphasize the ordinary conception of justice, as the regulative principle of individual transactions, is to advocate individual freedom and accountability, in the face of the coercive powers that are opposed to them.

Many people have welcomed the new theory, seeing the changes it has wrought as desirable and necessary. For some Christians, social justice is the implementation of the message of the Christian Gospel to love and help the poor. Governmental programs of social justice have provided substantial economic and other benefits to many individuals and groups. On the other hand, these benefits come at the expense of other citizens and at a substantial cost to society as a whole, including hidden costs to those it is intended to benefit. If social justice is merely an extension of ordinary justice, this may be right and proper. However, social justice is not merely an

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extension of ordinary justice, but conflicts with it.

The Conflict

In Philadelphia, a new social-justice policy of the city has evicted a noble organization, the Boy Scouts, from their historic home. In 1928, the then newly inaugurated organization constructed a large building for their own use, which they donated to the city in return for the right to rent it back for an annual payment of \$1. Now it is a basic rule of ordinary justice that contracts must be followed, agreements must be kept. And it has been one of the rules of the organization since its inception, and a rule that in no way goes against ordinary justice, that no one who is openly homosexual can be a member. However, in 1993 the city passed a social justice ordinance prohibiting the use of public funds to support any organization that engages in “discriminatory practices.”

In 2003, a local scout challenged the organization’s policy by announcing on television that he was homosexual. He was expelled from membership. The city thereupon demanded that the Boy Scouts either change their policy or pay the market rent for the building, which would be about \$200,000 per year, far beyond their means. Consequently, the Scouts are being forced to leave their historic home. The requirements of social justice here clearly contradict the demands of ordinary justice.

Likewise in Philadelphia under the same law, a sandwich shop owner has been charged with discrimination for asking his patrons to order their sandwiches in the English language. Joe Vento, a locally famous vendor of cheese-steak sandwiches in an area containing large numbers of immigrants, put a small sign up that said, “This is America. When ordering, please speak English.” From the perspective of ordinary justice, such a sign is fully within the proprietor’s rights. It commits no crime or injustice and inflicts no harm on anyone.

However, the sign offends against social justice because it suggests a certain kind of inequality between those who speak English and those who do not. The city’s Commission on Human Relations summoned the vendor to appear before it to answer the charge of discrimination. The Commission has recently found in favor of Mr. Vento by a vote of 2 to 1 in the wake of heavy publicity supporting him, but the charge itself, together with the fact that the outcome

was long uncertain and that one of three members of the Commission agreed with the charge, points to the contradiction that exists between the demands of ordinary justice and those of social justice.

In January 2008, the City Commission of Gainesville, Florida, passed a “gender identity” ordinance that affords any man the right to use a female restroom if he perceives himself to be a woman, and vice-versa. Specifically, the ordinance reads: “‘gender identity’ means ‘an inner sense of being a specific gender, or the expression of a gender identity by verbal statement, appearance, or mannerisms, or other gender-related characteristics of an individual with or without regard to the individual’s designated sex at birth.’”

The conception of social justice evidenced here is in fairly obvious conflict with our ordinary conception of what is right and wrong. Recently, a citizens’ group announced it had collected enough signatures to have a measure to repeal the ordinance placed on the ballot in 2009.

Self-defense

In the traditional view of justice, as explained by John Locke in 1688 in *The Second Treatise of Civil Government*, the right of self-defense entitles one to kill an intruder who uses force.

From the perspective of social justice, the criminal should also be considered a victim, namely of disadvantaged societal or perhaps biological circumstances. This entails a very different and much weaker view of the right of self-defense, which tends to defend the rights of the criminal.

In the United Kingdom in 1973, according to press accounts, a young man running on a road at night was stopped by the police and found to be carrying a length of steel, a cycle chain, and a metal clock weight. He explained that a gang of youths had been after him. At his hearing, it was found that he had been threatened and had previously notified the police. The justices agreed he had a valid reason to carry the weapons. Indeed, 16 days later he was attacked and beaten so badly he was hospitalized. But the prosecutor appealed the ruling, and the appellate judges insisted that carrying a weapon must be related to an imminent and immediate threat. They sent the case back to the lower court with directions to convict.

In 1987, two men assaulted Eric Butler, a 56-year-

old British Petroleum executive, in a London subway car, trying to strangle him and smashing his head against the door. No one came to his aid, press reports said. He later testified, "My air supply was being cut off, my eyes became blurred, and I feared for my life." In desperation, he unsheathed an ornamental sword blade in his walking stick and slashed at one of his attackers, stabbing the man in the stomach. The assailants were charged with wounding. Butler was tried and convicted of carrying an offensive weapon.

In 1999, in a celebrated case, Tony Martin, a 55-year-old Norfolk farmer living alone in a shabby farmhouse, awakened to the sound of breaking glass as two burglars burst into his home. He had been robbed six times before, and his village, like the majority of rural English communities, had no police presence. He sneaked downstairs with a shotgun and shot at the intruders, reports said. Martin received life in prison for killing one burglar, 10 years for wounding the second, and a year for having an unregistered shotgun. The wounded burglar, having served 18 months of a three-year sentence, is now free and has been granted £5,000 of legal assistance to sue Martin.

My point so far has been that, whether social justice is right or wrong, it is not merely different from ordinary justice, but is in conflict with it. Wherever it is applied, it trumps ordinary justice. We cannot have both.

Ordinary Justice

The traditional conception of justice is well summarized in a statement of Roman law (the preface to Justinian's *Institutes*): "Cause no harm to others, and give to each person what belongs to him." The outstanding instances of injustice in this view are crimes such as murder, robbery, and rape. These are considered unjust because they inflict undeserved harm on individuals. The individuals who commit them are viewed as responsible for their actions and deserve to be punished.

These instances of injustice share certain features. A first feature is that they are *actions* performed by individuals. There is a difference between an action and a *state of affairs*. An action is something someone *does*. A state of affairs is *not* something someone does. For ethics the difference between these two is crucial because ethics has to do with actions. An action can *produce* a state of affairs, but the distinction always

remains between the action, which is the cause, and the state of affairs, which is its effect. A state of affairs is the way things are at some particular time and place. It is a static condition: A state of affairs just *is*.

An action, by contrast, is an event, a transient happening, carried out by a person, usually for some purpose. A robbery is not a state of affairs, but an action. Poverty is not an action, but a state of affairs. Some states of affairs are the result of actions, but many, especially in the realm of nature, are not the result of any action, but just happen. Poverty can be one of these. In traditional ethics, human actions are at the center of the stage. I am using "action" here as an umbrella term that includes all those ways in which the will can produce an effect in the world, for example, through omission, neglect, culpable ignorance, and weakness of will.

An action has features that are important in the traditional view of ethics. One of these is its interior dimension, the state of mind in which it is done. From the viewpoint of traditional ethics, the *intention* and the interior mentality with which the person does the action is vital. When we judge an action to be ethical or unethical, we pay attention not only to the external or visible action, but to the state of mind in which it is done. When I put the \$100 lying on the shop counter in my pocket, it makes a difference ethically whether I believe it is mine or yours.

When a person performs an action intentionally, in the view of traditional ethics he is *responsible* for his action. If a person does an action that has the effect of causing harm to someone, but that was not his intention, then he is not considered to be fully responsible for the harm.

Sometimes the intention alone is sufficient to condemn an action or a person. Sometimes we recognize a range of other states of mind, such as negligence, inattention, or mistaken belief as relevant to the action's moral status. The common law has traditionally taken all of these things into consideration in judging a criminal act, under the concept of *mens rea*. St. Augustine wrote: "Without *mens rea* there is no crime." In other words, to have an injustice, somebody must have done something *wrong*.

Responsibility in the traditional sense presupposes that a sane, conscious adult has *free will*. If an action is not performed freely, it is not a human action. In the traditional view, ethics without free will is nonsense.

Since the person has the power to act freely, he can

deserve, by the nature of his action, to receive from others a certain kind of response. If he deliberately does harm to someone who does not deserve to be harmed, the perpetrator deserves to be punished.

The purpose of legal punishment was not to rehabilitate the criminal, nor to sequester him from society, but to make him *suffer* in some proportion to the harm he caused others, to “redress the balance of justice.” Perhaps we could rehabilitate thieves by providing them with a five-year fully paid vacation in the Bahamas, but that would not be just because not deserved.

In the traditional view *only actions can be directly just or unjust*. A state of affairs can be good or bad, but it cannot be unjust except as the result of an unjust action. So, for example, if I have \$100 in my pocket that will be an unjust state of affairs if I have stolen it from you, but the real injustice was my action in stealing it. The bare fact that I have \$100 in my pocket of itself is neutral. Similarly, the situation created by a law can be unjust because a law is an action. In the traditional view, an injustice cannot exist unless someone has done something wrong.

This applies also to distributive justice. A just distribution of goods is first and foremost a just *act* of distribution carried out by some person.

In the traditional theory, there is an important distinction between justice and charity or humanity. An obligation in justice can rightly be enforced by the threat of punishment, but an obligation in charity or humanity cannot.

The traditional theory embodies a strong conception of the individual. It presupposes that individuals have free will, that they are responsible for their actions, and if they wrong others, they deserve punishment.

Social Justice

The new theory of social justice rejects each of these presuppositions. It rejects the central importance of actions because it understands justice as a quality of society, independently of any actions. Because it rejects the centrality of actions, it rejects the central role of intention, of *mens rea*. There is no internal dimension to social justice. Because it rejects the importance of actions and intention, it rejects belief in free will. It views the actions of human beings as the predetermined product of their social environment. And because it rejects free will, it rejects individual

responsibility. Society is responsible.

Category Mistake

In modern philosophy there is a fallacy called a category mistake. This mistake consists in attributing to a particular object a quality that the object cannot possibly possess. For example, a piece of wood cannot be moral or immoral. Similarly, the idea of social justice involves a category mistake because it attributes a moral quality, justice or injustice, to something that cannot possibly possess it, namely a state of affairs that has arisen in society without anyone doing wrong.

Justice and injustice are ethical categories, and ethical judgments are always and everywhere about human actions. The basic principle is this: If there is injustice somewhere, somebody must have done something wrong. If nobody has done anything wrong, there is no injustice.

Civil Rights

The chief form in which social justice asserts itself is through the concept of civil rights and the related idea of human rights. The watershed event was the Civil Rights Act of 1964. All together, there have been some dozen civil rights acts, six of them passed before 1964. In the earlier legislation, civil rights was understood very differently. The term referred to what would be called today liberties or freedoms, such as the liberty to vote, the liberty to travel, to work, to marry, to make contracts, and to give evidence in court. Since 1964, civil rights mean the principle of non-discrimination.

To understand what happened in 1964, we need to distinguish between two different kinds of discrimination: forcible or coercive, and peaceful or non-coercive. Forcible or coercive discrimination is the use of force to discriminate. The chief example of this is slavery. The next is segregation, which properly means the use of the force of the law to keep the races separate. Forcible discrimination was what the Ku Klux Klan practiced, and the governments of the Southern states, with their Black Codes and the Jim Crow laws. Peaceful or non-coercive discrimination, by contrast, consists mainly in refusing to do business in some way or to some extent with the members of a particular group.

Forcible discrimination was always contrary to ordinary justice. But peaceful discrimination was never

contrary to it, for the same reason that boycotts were not. In the common law of England and America, there was never a crime of discrimination. The basic principle was that a refusal to do business could not be construed as causing harm. In a free society, everyone had the right not to do business with anyone else.

The original civil rights movement, from the beginning of the NAACP in 1910, was aimed mainly at eliminating segregation and other forms of coercive discrimination. But in 1964 something very significant happened. The concept of civil rights was expanded from the prohibition of forcible to peaceful discrimination or from the Ku Klux Klan and the Jim Crow laws to the ordinary actions of private individuals.

The effect of the 1964 law is to compel persons to do business with the members of certain groups, if they do business at all. From the viewpoint of economics, the new law was a form of protectionism. But from the viewpoint of the new theory of justice, it was fair and therefore just. Interestingly, however, the 1964 act makes an exception for discrimination against communists.

Something else happened in 1964. The civil rights movement of the 1960s, led by Martin Luther King, Jr., was concerned solely with the question of race. This was also true of the first version of the civil rights bill. The proposed bill was thought of as a particular remedy for a particular problem in a particular country with a particular history. But a strange thing happened on the way to passage. The chairman of the House Rules Committee, one Howard Smith, was determined to sink the bill. The cunning method he devised was to add an amendment that prohibited discrimination on the ground of sex as well as race. He apparently reasoned that no one would vote for that. But he had reckoned without President Lyndon Johnson, who used the weight of his office to persuade Congress to pass the bill despite the added amendment.

There had been no large, popular movement in the United States to eliminate differential treatment of the sexes. In 1964, the feminist movement was still small. Betty Friedan had just published *The Feminine Mystique* the year before. Gloria Steinem did not publish *Ms. Magazine* till 1972. American society still generally accepted that men and women had different desires and different needs, and that there was a natural division of labor between them.

It is true that the Equal Pay Act had been enacted

some months earlier, but the motive for that was very different. It was put forward by the labor unions in order to ward off “unfair competition” for men from women doing the same job at lower wages. The Civil Rights Act of 1964 had a different motive, was far broader in scope, and its consequences have been much more far-reaching.

By this accident of history, discrimination *as such* was absolutized as an evil and universalized. For once discrimination on the ground of sex was prohibited, every other form of discrimination became illegitimate in principle (except, of course, for affirmative action). And this condemnation of discrimination was soon exported to other countries around the globe.

Affirmative Action

Perhaps in the light of this someone may be inclined to respond that the question then is about discrimination, which is an action, after all, rather than about equality, which is a state of affairs. To see that this is not so, but that the real question is about equality, you have only to consider affirmative action. Affirmative action is clearly a form of discrimination. But it is discrimination for the purpose of creating equality, and so from the viewpoint of social justice, it is not only permissible, but necessary. This is why the proponents of social justice have condemned the moves to eliminate affirmative action as destructive of the very purpose of the civil rights law.

Is Inequality Inherently Unjust?

Equality and inequality are not actions, but states of affairs. Nor are they products of actions. In the Western world, at least, poverty is not the result of anybody’s deliberate intention. If justice consists in equality, and if inequality is inherently unjust, no matter how it came about, then the most fundamental conception of traditional ethics has to be abandoned.

Ethics is then no longer primarily a matter of what is done, but of the way things are. States of affairs that are considered desirable are ethical and right. States of affairs that are considered regrettable and undesirable are ethically unjust. Individual actions may still be unjust, but this injustice is subsidiary to the states of affairs to which they lead.

Disparate Impact

An example of this from our current legal system is

the concept of disparate impact. In 1971, the Supreme Court interpreted the 1964 Civil Rights Act to mean that it was not necessary to show that discrimination was intentional, but only that an unequal state of affairs followed from some action. Thus in 1996, a certain Martha Sandoval sued the state of Alabama over a regulation that driving tests be conducted only in English. She could read enough English to cope with street signs, but not enough to pass the written test. She sued on the grounds that the law *inadvertently* discriminated against her because of her national origin.

In the traditional view, when harm has been done, the crucial question is who caused it. But in the new theory, the question is how to relieve it. In one actual case out of many that could be cited, a woman tied up her dog outside a supermarket while she went in to shop. Another woman came up and left her baby in a baby stroller nearby while she did the same. The dog bit the baby. Now once upon a time, the baby's mother might have been held responsible. But in this case, the baby's mother herself sued. Whom did she sue? The supermarket, which, by some strange coincidence, alone had the money to pay the desired damages. And she won! A bank robber, hurrying off with his loot, stepped on a glass skylight and fell through. He sued the bank and won.

Praise and Blame

In the traditional theory, individuals, provided they are adult, sane and conscious, are responsible for their actions. There is such a thing as innocence, and there is such a thing as guilt, and these deserve praise and reward on the one hand, and blame and punishment on the other.

In the new theory, there is no room for individual responsibility. Injustice consists in the mere fact of poverty or inequality, without regard for how it came about. The poor cannot be held responsible for their poverty, for that would be to blame the victim. The wealthy or powerful are automatically considered responsible for the condition of the poor.* But in proper

* *The New York Times* recently carried a full-page ad with the headline: "Africa's misery: America's shame." Nothing was said about Africa's shame. This Western attitude has been successfully exported to the Muslim world. When Muslim terrorists occupied the Grand Mosque in Mecca in 1979, the Muslim mob in Islamabad, Pakistan, protested by attacking and burning the *American* embassy.

social justice theory, even the powerful are responsible only in a weak or relative sense, for ultimately their actions too are predetermined by their place in the societal structure.

Because we do not deserve our natural endowments, John Rawls concludes that we do not deserve anything we gain by using them. This applies even to our moral character. He writes in *A Theory of Justice* that a person's "character depends in large part on fortunate family and social circumstances for which he can claim no credit."

If an institution explicitly promises us something on condition that we fulfill some requirement, and if we fulfill the requirement, then can we be said to have a legitimate expectation of receiving what is promised. If you enter a race where it has been announced that the first past the post wins the prize, and if you are the first past the post, then you deserve the prize.

But if a person does not deserve his good character, he also does not deserve his bad one. From which it must follow that a murderer does not deserve punishment. And this is now the view of many criminologists. Outside of institutions and their promises, social justice allows no room for desert.

Interior and Exterior

In traditional ethics, the interior dimension of the ethical life is its most crucial dimension. In the Christian moral tradition, ethics is a question about the state of our soul. But in the theory of social justice, since poverty and equality are external facts in relation to the individual, our soul is irrelevant.

Social justice raises a question about our inner identity. One of the great achievements of Western civilization has been the discovery of the individual. This happened especially during the Middle Ages, when people became conscious of the depth of the interior emotional life, beginning with St. Augustine's *Confessions*, which created the literary form of the autobiography. This interior individuality is fashioned by our choices, by our freedom. We live in a dialogue with ourselves, in which the demands of justice play a basic role. But from the viewpoint of social justice, what counts is not our individuality, what we choose to do as individuals, or what is done to us: What counts is the group we belong to. Justice means "getting ours" as a group. The effect of the focus on social justice is to dry up the deepest

sources of the interior life.

Economics

Ordinary justice and social justice have very different consequences for the material well-being of the community. Ordinary justice makes possible a constant improvement in people's material standard of living because it creates the conditions under which the free production and exchange of goods and services can be maximized. Economic development results from economic freedom, and ordinary justice secures that freedom. Social justice, by contrast, hinders the material improvement of life because it hinders that freedom.

Supporters of social justice argue that the improvement in the standard of living that results from ordinary justice is restricted to a particular group in society. And it is not experienced equally by all. It may be true that it is not always experienced by all immediately, and only after a lapse of time. On the other hand, economic studies have shown that in the normal course of events, in the absence of unjustified coercion, the chief beneficiaries of economic freedom are the poor, because what the poor most need are plenty of jobs and low prices. And these are fostered by a regime of ordinary justice.

From the perspective of economics, social justice or economic justice is a form of protectionism, the harmful effects of which have been closely studied and are well understood by economists. Unlike protection from coercion, which makes it possible to compete freely, economic protection from the voluntary actions of the market renders the protected persons incapable of competing. Supporters of social justice tend to downplay the significance of the discipline of economics, and even to reject it altogether as immoral. But the basic concepts of economic science, such as the law of supply and demand or the concept of marginal utility, are neither good nor bad, but simply express the logic of human interaction, as Ludwig von Mises among others, has demonstrated.

Over the last 100 years, social justice has caused an immense amount of economic harm among the peoples of the world. Of course, hostility to commerce and its values has been an important motive for social justice. But those who deliberately inflict this harm have a great deal to answer for. It is a consequence of this that in the 20th century, the principal opponents of social jus-

tice have been outstanding economists such as Mises, Friedrich Hayek, and Milton Friedman. In *The Mirage of Social Justice*, Hayek wrote:

I have come to feel strongly that the greatest service I can still render to my fellow men would be that I could make the speakers and writers among them thoroughly ashamed ever again to employ the term 'social justice'.

It seems to be widely believed that 'social justice' is just a new moral value which we must add to those that were recognized in the past, and that it can be fitted within the existing framework of moral rules. What is not sufficiently recognized is that in order to give this phrase meaning a complete change of the whole character of the social order will have to be effected.

He concludes: "The prevailing belief in 'social justice' is at present probably the gravest threat to most other values of a free civilization."

Institutions

Civil society is created by institutions. An institution is an organized form of cooperation. Unlike ordinary justice, which makes organized cooperation possible, social justice works to undermine and enfeeble every kind of institution. Particular institutions are created to serve particular purposes. Schools are created to give children knowledge, businesses to make a profit, the military to defend the nation, police forces to enforce the law, churches to cultivate the spiritual dimension of human existence, symphony orchestras to offer music, universities to hand on and to increase the store of knowledge, language in order to communicate with one another, and so on.

Ordinary justice respects those purposes and helps to attain them. But under social justice, every institution acquires a new and additional purpose: to help create societal equality. This additional purpose changes every institution because it makes it serve two masters.

It is no longer enough for schools to teach knowledge. They must in addition serve the cause of equality through their hiring practices, their curriculum, through social promotion, and other measures.

It is not enough for business to benefit its custom-

ers, employees, and owners. It must also help to create equality by paying minimum wages, hiring certain classes of people whether that is in the interests of the business or not, as well as protecting the interests of its “stakeholders,” those in any way affected by its decisions.

It is not enough for the military to defend the nation. It must increase society’s equality by recruiting and promoting particular groups of people, even though the military authorities may not consider them desirable for that purpose.

It is not enough for the churches to care for the spiritual need of their members by following their ancient traditions of faith and order. They must rewrite their scriptures and redefine the requirements for being a member of the clergy.

It is not enough for universities to teach and do research. Stephen Joel Trachtenberg, the former president of George Washington University, said on television recently that the social purpose of universities, the socializing of their students, was more important than their teaching purpose.

It is not enough for our language to serve as a means of communication. It must be reformed and made “inclusive” in order to foster equality.

Even the institution of marriage, traditionally the quintessential institution of heterosexuality, must be redefined to permit the “marriage” of homosexuals.

Social justice not only changes all institutions, it also weakens them, because it deprives them of authority. I do not say power, but authority. No institution can function without authority. But under social justice the authority of parents is diminished in the family, the authority of teachers is reduced in the school, and the authority of business owners to run their business is diminished. Wherever there is authority, in the military, the police, the church, or even in literature, it is enfeebled, because now there is always a second master it must serve. Under social justice, all authority tends to be regarded with hostility as a potential source of exploitation and oppression.

Standards

Another effect of social justice is on the concept of standards. Every civilization has defined itself through certain standards. Without standards, there is no civilization. But the very concept of a standard is discriminatory. For in any area of performance, the standard is set by the best. This implies the judgment that some activities are better than others, and that those who do not perform up to the standard are inferior in that respect to those who do. Standards create inequality, it is felt. From the viewpoint of social justice and its accompanying idea of civil rights, standards should be abandoned, except perhaps for experts in particular circumstances.

Justice is a matter of how we treat one another. It is not a question of whether we have equal power or equal income or equal opportunity in society. Immanuel Kant, who has some claim to be considered the greatest of philosophers, defined justice in this way: It is a quality of the individual will, by which it is in harmony with the liberty of other people’s wills. In other words, an injustice is an action that infringes on the legitimate liberty of another person.

In this view, justice is not a quality of society, it is not something collective. It is a quality of the individual in his behavior towards other individuals. If Kant is correct, and there are very good reasons to think he is, then social justice is not justice at all.

Since the 1960s, Western society has experienced a diminution of the sense of individual responsibility. The best explanation of that lies in the almost universal adoption of the new conception of social justice. If we wish to have a society that recognizes once again the importance of individual responsibility, and which respects the harmless purposes of persons and their institutions, we need to abandon the gospel of equality, of social justice, and return to the ordinary and traditional view of justice that characterized the great legal systems of Roman law and the common law: to cause no harm, and to give to others what belongs to them.