

GREAT IDEAS FROM THE GREAT BOOKS

MORTIMER J. ADLER

PART II (Continued)

Questions About Politics: Man and the State

16. WHAT IS JUSTICE?

Dear Dr. Adler,

Can we reach any general agreement on the nature of justice? People who believe in socialism and people who believe in capitalism disagree vehemently on what is just and unjust. Some people

have considered absolute monarchy an ideally just form of government, while others have considered it utterly unjust. And the same thing can be said about democracy. Is the meaning of justice a matter of individual preference, or is there some general meaning on which we can all agree?

J. M.

Dear J. M.,

Your question about justice raises the same kind of problem as the question about truth I discussed in Chapter 1. It is easy to say what truth or justice is in the abstract, but it is hard to determine what is true or just in the particular case before us. We must not confuse the question, "What is justice?" with the question, "Is this particular action just?"

There are two simple precepts which indicate the essence of justice. The first is, "Render to each his due." This is the famous principle enunciated in Plato's *Republic* and at the opening of Justinian's codification of Roman law. For instance, you borrow a hundred dollars from someone and promise to pay it back. You owe it to the man who lent it to you. The money is really his, not yours, although you have the use of it at the moment. Paying it back is the just thing to do. It is rendering to him what is due. Refusing to pay it back is unjust. It is keeping what belongs to another.

The second precept is, "Treat equals equally and unequals unequally in proportion to their inequality." Our basic principle of equality before the law stems from this precept. Let us consider a homely example of the application of this notion.

You tell your two children that if they disobey you in a certain respect you will punish them. Both disobey you, doing exactly the same thing under the same circumstances. But you punish only one child and let the other off. Children have a very precise sense of justice in this regard, and you can be sure the one that has been punished will say, "No fair. You punished me and you let him go." Even very young persons know that justice involves equal punishments for identical offenses and equal rewards for identical merits. They deeply resent inequality of rewards and punishments.

A thorough analysis of the concept of justice would reveal many complications and subtleties of meaning, but these two simple precepts are basic. If you say that a just man is one who obeys the

law, or one who does right by others and does them no harm, you are recognizing the first precept, “Render to each his due.” If you say that a certain law or a certain political system is just, you mean that it treats equals equally and also renders to each his due.

But you may ask, “What is a man’s due? How does a government determine it?” For this, we must go back to the notion of natural law and natural rights. Our Declaration of Independence tells us that a just government respects such natural rights as life, liberty, and the pursuit of happiness. The right to political liberty, for example, involves the right to citizenship with suffrage, a right which in justice should be granted to all who are not disqualified by infancy, mental illness, or criminality. Hence, any government is unjust which restricts suffrage to the few or excludes men from citizenship on grounds of race, religion, color, etc.

Obviously if a totalitarian state is one that violates the natural rights of men, it cannot be just, for it does not render to them what is their due. Yet in Soviet Russia today there seems to be some rough approximation of justice in the distribution of incomes. Marx’s famous slogan, “From each according to his abilities and to each according to his needs,” seems to have been set aside in favor of a system of rewards proportioned to merits.

“To each according to his deserts” is another way of saying that those who contribute more should receive more, those who contribute less should receive less. To whatever extent the distribution of wealth is thus determined, it has the character of a just distribution. But knowing this does not tell you how to determine the relative contributions made by different individuals. This illustrates the point I made at the beginning—that it is easy to say what justice consists in, but hard to say what is just in particular cases.

17. THE NATURE AND KINDS OF LAW

Dear Dr. Adler,

Most discussions of the nature and origin of law ascribe it either to social custom, the moral conscience, or the political community and its legislature. Is there any single definition of law that embraces the senses of custom, ethical standards, and the written law? What is law?

W. B.

Dear W. B.,

Let us start with the laws that are enacted and enforced by a duly constituted government, such as the government of Illinois or the government of the United States. These are the written laws which, as you say, the jurist or lawyer has principally in mind when he talks about law. Such laws have a number of characteristics. After we have examined them, let us ask whether the same characteristics are found in other kinds of law.

The written laws of the state consist in general rules of conduct, prescribing certain actions and prohibiting others. They are made for the welfare of the community as a whole. They are made by officials to whom the community as a whole has given the legislative authority. They are promulgated or made known to the citizens whose conduct they aim to regulate. And they are enforced by the police power of the state.

At certain stages in the development of society, the customs of a people function like laws. While they are not expressly made by legislators or promulgated in writing, they represent rules of conduct adopted by the people as a whole for their common good. The medieval king who at his coronation took an oath to uphold the customs of the realm thereby recognized the legality of customary rules, and, furthermore, pledged himself to use the power of the state to enforce them. That is why medieval writers repeatedly declare that custom has the force of law.

The same holds true for the customs of primitive communities, with which the sociologist or anthropologist is concerned. So far there is no difficulty about a definition of law which grasps what is common to the "unwritten" rules of custom, on the one hand, and the "written" rules enacted by legislators, on the other.

What about the moral law? I take it that this is what you have in mind when you refer to "ethical standards." According to many sociologists and anthropologists, moral rules are nothing but the "mores" or customs of the community. Hence, from their point of view, such rules raise no special problem. But a quite different point of view is held by philosophers who speak of the "natural moral law," meaning thereby the principles or precepts of conduct that are inherent in man's nature as a rational and moral being. These are the rules which man's conscience recognizes, whether or not they are embodied in the customs of the community or the enactments of the state.

These “rules of reason,” as Locke calls them, are not made by men. Rather they are discovered by men—developed from their innate sense of right and wrong. Furthermore, unlike customary rules or written enactments, the precepts of the natural moral law are not subject to change at human will. Nor do they depend upon the coercive force of the state for their binding power. Nevertheless, they, too, can be embraced in a broad definition of law as general rules of conduct which direct men in the pursuit of their common good.

The theological view that the natural moral law is implanted in man’s reason by the Creator of human nature conceives of God as the *maker* of the moral law. Just as the human legislator makes laws for a particular community, so God makes laws for all mankind. When the natural moral law is regarded in this way, the common definition of law applies to it even more fully.

While that definition applies to the three senses of “law” to which you refer, it does not apply to all uses of the term. The “laws” discovered by natural scientists, such as the “law of gravity,” cannot be violated. They are not rules which can be *either obeyed or disobeyed*. But some laws in the sense defined—whether legislative enactments, popular customs, or the precepts of reason—are rules which the individual is free to obey or disobey, and take the consequences.

18. NATIONALISM AND INTERNATIONALISM

Dear Dr. Adler,

I am very confused by the many ways in which the term “nationalism” is used. People opposed to participation in the United Nations or other international organizations call themselves “nationalists.” Native populations struggling for independence and self-government also call themselves “nationalists.” But so does the white ruling party in South Africa, and so did the German Nazis and conservatives. What precisely is “nationalism”? Is it opposed to any form of international cooperation?

F. R.

Dear F. R.,

No word is more familiar to modern ears than “nationalism.” One hears so often of the rising tide of nationalism in Africa and Asia,

of nationalism as the cause of revolution and counter-revolution, of Chinese nationalism, English nationalism, Arab nationalism, Serbian nationalism, French nationalism, etc. I think you are quite right in pointing out that there is little clarity about the meaning of this critical term. It is important that some attempt to define it be made. For better or for worse, this concept has been and for some time will be one of the major factors in determining the course of our individual and collective lives.

Part of the confusion results from the insistence that nationalism is an entirely new phenomenon. But is not nationalism just a recent variation on the theme of political solidarity, a theme as old as society itself? What contemporary nationalism has in common with older forms of political solidarity is more important than what is peculiar to it.

Man's political nature has expressed itself in a variety of ways in the course of history: the family, the tribe or clan, the feudal fief, the religious sect, the city-state, the dynasty or empire, and the nation-state. Historical circumstances have led men to fulfill their political needs in different ways, but those basic needs have never changed. Nationalism is only the most recent way in which men have tried to meet them.

In general, nationalism is a cohesive feeling that unites any group of persons who constitute, or *think they constitute*, a distinct political group. In addition, those who are infused with nationalism regard their devotion to the nation-state as prior to all other secular loyalties.

There are other characteristics which are sometimes *but not always* present in current nationalism. The nation-state is fairly large. It has a centralized political and economic administration. The people of the nation-state cherish common historical traditions, and believe that they are more or less racially homogeneous. With regard to the last of these, it should be noted, however, that a feeling of cultural togetherness can easily substitute for a feeling of racial unity.

Modern nationalism is usually associated with certain political ideals. It sometimes traces its origin to the French Revolution and the ideals of liberty, equality, and fraternity. It enthrones the People. The People, rather than a king or aristocracy, are the center of the state and the seat of its sovereignty.

Usually, nationalistic movements are or tend to be democratic. This, however, is not always the case. Nationalistic groups have endorsed other forms of government and have still retained their nationalism. What is important in nationalism is that popular consciousness be a decisive factor in the state. It is not *necessary* that this popular consciousness exercise its power through democratic processes.

Those who are wary of nationalism and of the excesses to which it can lead, often point out the problem that it poses with regard to the setting up of a world government. They say that nationalism stresses parochial or local loyalties, and erects cultural differences into barriers against any movement toward worldwide political unification.

They have, no doubt, put their finger on a real problem, but I don't think that it is an insurmountable one. After all, a national unit, like an individual, is not necessarily hostile to all others. The self-interest of a national unit is more often advanced by cooperation than by hostility. Cooperation can lead to coalition. And coalition, far from being opposed by nationalism, is made possible by it.

19. THE NATURE OF WAR AND PEACE

Dear Dr. Adler,

Like most people today, I am bewildered by the present period of international tension and crisis. We don't seem to be at war—there is no shooting going on—and yet we don't seem to be at peace, either. What is “war” and what is “peace”? Is this a time of war or of peace? Is “peace on earth” a real possibility for mankind?

D. D.

Dear D. D.,

The simplest and most common view of war is that it is a state of armed conflict between nations. Peace, then, is a state or period when there is no armed conflict. According to this view, the United States went to war from April, 1917, to November, 1918. Then the United States was at peace until December, 1941, when it entered the Second World War.

If this view of war and peace is correct, we should have been at peace since V-J Day in 1945, save for the “police action” in Korea.

But few people would assert that the past sixteen years have been a time of peace. The common idea of war and peace simply does not apply to the present period. Indeed, we characterize this time as one of “cold” war, as opposed to the “hot” war of actual fighting.

Our view of war, then, must be broadened to include both armed conflict and battles of diplomacy, economic aid, and propaganda. War is war, whether it is “hot” or “cold.” The struggle for power and prestige among the nations goes on all the time. Only the means vary, and whether these be armed force or diplomatic pressure or other nonviolent means depends on the occasion.

It follows, then, that peace is not merely a negative thing—the absence of armed conflict. What real, positive peace among the nations would be we may see by considering the state of affairs in local, state, and national communities. In our civil society, peace and order, not war, are the normal state of things. The whole meaning and purpose of civil society is peace and order. Civil government creates civil peace. Individuals who violate the law are disturbers of the peace and are dealt with accordingly.

The great thinkers of the past are helpful to us in three ways in considering the question of war and peace. They show us that the wider definition of war is the correct one. They indicate the connection between civil peace and civil government. And they point to how this insight may be applied to the world of nations.

Thucydides is as aware as we are that a peace treaty is usually only an armistice in a war that is continuously going on. Hobbes sees that “war consists not in battle only or in the act of fighting” but in the will to fight, the attitude of hostility between nations. And in our own century Veblen sees that “the state of war is the natural relation of one power to another.” The term “cold war” may be new, but the state of affairs to which it refers is quite ancient.


More important for us in the present crisis are the insights the great books give us into the connection between peace and law. Locke observes that there are only two ways of settling disputes between men—law or force—and where there is no law, force is the ultimate arbiter. The way of law is the way of peace.

Kant applies this analysis to the international scene, which he sees as a lawless state of anarchy where the right of the stronger prevails. He calls upon the nations to emerge from this state of savagery and to enter into a federation of nations where law and peace

would prevail. Dante, centuries earlier, proposes a single world government to provide enduring peace for the whole of mankind.

The common point which all these thinkers make is that peace is a state of affairs in which men are willing to settle disputes by discussion instead of force. Civil peace prevails at present within all legally constituted societies. A state of war—sometimes “hot,” sometimes “cold” prevails among the nations.

Whether a state of real peace can be secured on a worldwide scale is a subject of controversy. Some believe that a world peace requires a world government. Others want to proceed by other means. But there is common agreement that peace is not the mere absence of fighting, but a positive order in which the will to settle disputes peaceably prevails.

Contrary to a lot of loose talk, it is peace and not war that is proper to human nature. Cicero and many other thinkers rightly point out that fighting and snarling are the way of brute beasts, while talking things over and listening to reason are the proper way for men. Peace is required not only for our material survival but also for a really human existence. 

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