

# Justice and Benevolence

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HOW CAN one go about choosing a set of postulates for a theory of human rights? If one agrees with Dean Inge's opinion that "The silliest way to settle a dispute is to break heads; the next silliest way is to count them," one will hardly rely on majority opinion. Nor are the opinions of the best and most enlightened individuals always the most useful; when John Stuart Mill wishes to choose that form of society which brings the greatest good to the greatest number, he is saying something which sounds nice but is meaningless in an operational sense. It is in practice not possible to determine quantitatively how much good a system brings to each person and to add the total for all persons and then compare it with the analogous quantity under some other system.

Suppose we illustrate ethical theory by choosing the following postulate: Every person has the right to perform any and every act he wishes to so long as he does not thereby interfere with the equal rights of other persons to do the same. (It is understood that a failure to act is also an act.) Now this postulate purports to determine what acts are right. But experience quickly shows that it does not serve its purpose: In countless instances every answer would lead to the infringement of some right of at least one person. Actually, in practice the above postulate can serve only as a general guiding principle, which must be supplemented by various compromises. But let us continue with this postulate.

We can define an *unjust act* as a human act which in some way infringes on at least one right of at least one other person. We then define a *just act* as a human act which is not unjust. Injustice is then defined as the commission of one or more unjust acts, and justice is defined as the absence of all injustice, that is, the commission of only just acts. (This is distributive justice only, and not retributive or corrective justice, which is merely the attempt to rectify injustice.) It is seen that injustice is positive action, whereas justice is negative, simply the absence of all positive action of a certain kind. This justice which we have here defined is philosophical justice or equity, not legal justice.

According to our definition, nothing can be unjust except a human act. Destruction of innocent life by earthquake or disease can perhaps be called disastrous, but not unjust; it is not unjust that Albert Einstein is a genius and Senator Broyles is not.

But even in the case of human acts there is room for doubt. Dropping bombs on non-combatants is just when we do it and are told that it is for the purpose of shortening war and thereby saving American lives, but it was manifestly unjust when the Nazis did it and said it was in order to shorten the war and save German lives. It may be merely ignorance that I know of no divine revelation to the effect that God considers the life of an American more precious than that of a Korean or a Chinese, even if he is a Communist. But there are, of course, many acts concerning which there will be no dispute: some are admittedly just and others unjust.

Justice as here defined requires that one should

not commit acts which infringe on the rights of another, but does not require that one commit acts designed solely to promote the welfare or the happiness of another. A human act not required by justice and designed to promote the welfare or the happiness of one or more other persons is called a *benevolent act*, and the performance of one or more benevolent acts is called benevolence. Thus, whereas justice is a negative quality—the absence of all positively unjust acts, so that his behavior is necessarily just; he also has no opportunity to commit any benevolent act, so that he is just and not benevolent. If a person commits no unjust act and does commit benevolent acts, then he is both just and benevolent. If one steals from A and gives to B, then he is unjust (to A) and benevolent (to B). If I push a man into a river from a bridge my act is unjust; if I do not rescue him I have not been benevolent, so that I have been unjust and not benevolent. Thus, neither or either one or both of justice and benevolence may be present in a given situation, so that *justice and benevolence are, logically, completely independent*. Since, by definition, benevolence consists of acts which are not required by justice, it must be the right of each person to decide for himself whether or not he wishes to commit any benevolent act at all and, if he does wish to do so, what benevolent acts he will perform; to compel a person to perform a benevolent act against his wish is to abridge his right in this matter and is, therefore, an injustice. Hence we see that *justice and compulsory benevolence are absolutely incompatible*.

Justice and benevolence are, of course, quite compatible, but only so long as the benevolence is voluntary, each person deciding for himself, on religious or other grounds or by caprice, just

how much if any benevolence he wishes to undertake; the moment it is compulsory it is unjust. It is precisely this last fact which is not understood by many very kind people; they would like universal benevolence, realize that this can not be attained voluntarily, and so wish to adopt compulsory benevolence, not aware of the fact that they thereby give up justice.

Aside from complete anarchy, with no law whatever, there are essentially only two rational choices: first the just society, with laws for justice and against injustice, but without any compulsory benevolence, though there may or may not be voluntary benevolence; and secondly, the so-called welfare state, with compulsory benevolence and hence, by necessity, injustice. The welfare state purports to try to abolish those differences among its citizens which arise in the course of events. Of course, the prevention of such differences as would arise through injustice, and the efforts to correct such differences as have arisen through injustice, are among the functions of a just society. But it should not be overlooked that in fact most widespread and flagrant differences which the welfare state purports to wish to correct are the fault of that state itself, in either having permitted injustice or actually connived in it. The state is merely a collection of persons; it produces nothing and can never have anything except what it has from time to time stolen from its citizens. Its main occupation is to confiscate

wealth from its citizens; part of this wealth goes to support its minions and part is returned to its victims in the form of purportedly benevolent hand-outs so as to delude them into permitting it to continue its nefarious activities.



It would be disingenuous not to mention that what we have said concerning the injustice of compulsory benevolence is due on the basis of the heretofore stated postulate concerning human rights. If instead of that we had adopted a different postulate, then compulsory benevolence might have been just. Suppose, for instance, we make the postulate that justice is the taking from each according to his ability and the giving to each according to his needs; there will be great difficulty in determining just what each person needs, but at least then the American income tax, which operates on precisely this principle—as does also highway robbery—will be just.