

that markets are efficient—but that markets often fail and then are in need of correction or even guidance. Their argument against markets no longer begins with *no*. It is now a matter of *yes, but...*

We now need strong and active government, we are told, to save the planet or to ensure health and safety or to protect consumers or to uphold spurious rights to equality that just happen to require the abolition of genuine rights.

It is with these new arguments for reaction to an older world of privilege and mass poverty that Professor Lal takes issue. As said, he is stating what ought to be obvious. He states this so well and with such weight of evidence that his book deserves to be seen as an armory of classical liberal argument against an enemy that has changed its front but that has never shifted from its basic position of hatred for freedom.

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Elements of Justice

David Schmidtz

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Professor Schmidtz says there is no acceptable monistic theory of justice. According to his point of view, justice seems more like a good neighborhood than a good single building, so he defends a pluralistic concept of justice. In the same way of visual-spatial analogies, theories are like maps, that is to say, graphic representations of reality useful to see how to go from one place to another.

Schmidtz does not like theories of justice very much—he thinks that philosophical training leads one to exaggerate the importance of definitions. In any case, the author recognizes an objective value to theorizing. Therefore, he offers his own definition of justice: “to argue about justice is to argue what people are due” (8). This definition is just the reversed reflex of the classical Roman definition—*sum quique tribuere* (whose most common English translation is *to give everyone his due*). The main body of the book is devoted to the description (and further discussion) of the “houses” that belong to the neighborhood of justice: *desert, reciprocity, equality, and need*. The chapters dedicated to *desert* are probably the most interesting ones. Some of them (chaps. 7 and 8) become a steady defense of desert against theories that deny or ignore it as a criterion of justice—especially John Rawls’. Schmidtz says desert is not a simple *compensatory* notion; it is also a *promissory* one (when someone deserves a chance). The author also focuses on the social purpose of desert and its role as an institutional artifact.

Social purpose is, indeed, the main argument in favor of *reciprocity*. Schmidtz states, “Justice is not exhausted by principles of reciprocity, but reciprocity remains an essential thread in the fabric of a good community.” The author makes a sharp distinction between *symmetrical* reciprocity, the more canonical form, and *transitive* reciprocity.

The analysis of *equality* as an element of justice has been written from a less defensive, more critical point of view. Most of all, Schmitz underlines the limits of equality and equal shares in a theory of justice. Besides, he points to the decisive question of *nonsimultaneous arrival*, probably one of the most considerable arguments against contractarian theories. The author hits directly against what he calls academic egalitarianism, which represents an ideological, utopian concept of justice and society.

The same critical point of view can be found in the chapter dedicated to explaining why America might not be the land of equal opportunity, yet is the land of opportunity, and in the chapter dedicated to the discussion against the classical economic concept of diminishing marginal utility considered as a criterion of justice. Schmitz finds in the rule of first possession (a fundamental social prerequisite of life in community) an untransgressible limit for equality.

The critical perspective is also dominant in part 5, *Meditations on Need*. Schmitz stresses the troublesome nature of the concept of need. He states, “The only time for distributing according to need is when distributing according to need passes the test of self-inspection.” Need is conceived as a subsidiary principle, and the author prefers to enhance it as a rule of recognition, “a rule by which we sort out what merits recognition as a genuine principle of justice” (169).

The last chapters center on the theories of justice of John Rawls and Robert Nozick. Schmitz describes his critique as a tribute to intellectual debts. The confrontation is indeed very interesting. Schmitz defers to the universal fame of these two authorities in social thought by phrasing his criticisms moderately, but they are really destructive. Yet, this part of the book seems to take away the unity and sharpness to the nuclear thesis of the work.

The book is divided into brief and well-written monographic chapters, specially designed for scholarly purposes. Most of them have a structure of thesis, discussion, and puzzles, plus a considerable number of examples and thought experiments.

There are not a few insights in this book, a fact consistent with the long and brilliant tradition of Anglo-Saxon practical thinking. Schmitz offers a “global antirealistic, local realistic” theory of justice.

Nevertheless, it seems that the main point of *Elements of Justice* is rhetorical. As a matter of fact, Schmitz posits a monistic theory of justice (what people are due) and what the author explains as the parts of his pluralistic theory are just the different ways of how people are due. Contrary to his assertions, I am not quite sure that the elements proposed by the author cannot be reduced to one. Desert can be considered as a particular form of reciprocity (i.e., between a single person and an institution). Desert and reciprocity can be understood as need; Schmitz distinguishes different meanings for this concept. Desert, reciprocity, and need are closely related not only to inequality but also to equality. Using the metaphor proposed by the author, these elements seem less to be different houses of a neighborhood than to be different façades of the same building.

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