

Foundations of Economic Justice. By Morris Silver. Oxford: Basil Blackwell, 1989.

I would like very much to be able to give this book a favorable review, but I find myself unable to do so. Silver defends the following rights principle: "Individuals ought to hold the objects they have produced; they ought not to be forcibly deprived of these objects" (p. 123). Not even the most resolute libertarian could find fault with the way he interprets this principle. Further, Silver cogently criticizes utilitarianism and Rawls's theory of justice. The author shows a remarkable acquaintance with the literature of economics, philosophy, history, biology, and anthropology.

What then is the problem? I am sorry to say that Silver's approach to economic justice seems to me unmitigated nonsense. He rightly points out that people strongly resent others' taking their property from them. This feeling of indignation he contends has been built into us by evolution. It forms the basis of morality. The good, at least so far as economic justice is concerned, is constituted by this feeling. Thus, redistributionist programs clearly violate justice, since people resent having to surrender their money for such programs. People are, of course, free to agree to transfer their money to the poor on a voluntary basis, but the agreement must be genuinely voluntary. Otherwise, resentment, the sure sign of immorality, will ensue.

People do indeed resent having their property stolen. But Silver has not shown that those feelings of resentment always express commitment to the natural rights system he favors. Suppose that someone is a member of a socialist cooperative, the owners of which are supposed to distribute revenues on an equal basis. Someone who does not receive his equal share will probably resent it. Why will his resentment be limited to cases in which he was also entitled to the share he has been deprived of by Silver's natural rights criterion?

Also, thieves will tend to feel resentful if people take from them what they have stolen. Criminals often have a very firm sense of their

rights: they simply fail to apply the restrictions they wish to impose on others to their own behavior. Once more, resentment over property taken has no direct relation with the system of natural rights that Silver defends.

One might reply to this that criminals will object only to someone's depriving them of their ill-gotten gains. They will not care about other thieves, or about anyone else, for that matter. But this objection serves to point up another weakness in Silver's argument. People generally resent injuries to themselves and those close to them: violations of other people's rights will hardly elicit the same degree of indignation. Will it bother me very much if a neighbor I dislike has his car radio stolen?

For the sake of argument, however, let us grant that people do feel resentment in exactly the cases Silver thinks they do, i.e., violations of his natural rights system. His argument still does not succeed. People feel resentment over all sorts of things—losing a job to a rival, being rejected by the person one wishes to marry, failing to get sufficient admiration from others, receiving criticism, etc. Many of these reactions have nothing to do with morality: if I resent the success of someone who has achieved more than I, this hardly qualifies as moral indignation. Silver needs to show what is supposed to be moral about his favored sort of resentment, in a way that distinguishes it from other instances of that feeling.

One way *not* to do this is to say that resentment in the natural rights case is moral indignation because taking the property of others is unjust. Exactly what Silver claims to be doing is to show by appeal to resentment what behavior is unjust. To distinguish some instances of resentment from others by references to a view of justice would be a blatant circularity. This argument can be generalized to any theory that attempts to reduce morality to feelings. Why are some feelings moral, when others, phenomenologically similar, are not? It is exactly this point that Charles Fried raises in a passage quoted by Silver (p. 113). Silver's comment on this argument must be read to be believed: he has utterly failed to grasp the point at issue.

Once more, though, let us assume that Silver has overcome this difficulty. In addition to resentment, people have all sorts of other feelings. Some people, e.g., feel strongly that poor people deserve aid, even if resources must be taken from others to support them. These people will of course resent it if their property is taken from them without their consent. But by hypothesis, they *do* consent. Why should their redistributionist feelings be outweighed by whatever resentment they feel at others' having their property taken? Or is the argument not that one feeling is stronger than the other, but that one

is morally right while the other is not? If so, what is the basis for the distinction? It cannot *just* lie in the fact that one is a strong feeling. Actually, I think that the first construal is correct. Silver thinks that resentment over lost property will tend to dominate other feelings: so far as I can see, he offers no argument. He does present evidence that people will fight to defend their property, but this hardly shows that no other feeling is as strong.

Am I unable to say anything favorable about this book? Not at all. Silver has very good objections to Richard Posner's wealth-maximization view of justice. As he notes, on Posner's theory people might end up not owning the services of their own bodies (p. 150). Another good point is the distinction he makes between von Neumann-Morgenstern utility and utility as a measure of the satisfaction of desire (p. 147). In these instances, Silver's wide knowledge of the literature emerges to best effect: he has correctly reported arguments that strike to the heart of the issues he addresses.

Too often, though, Silver is in over his head. A last instance must suffice. He draws a parallel between the view of morality he favors and a view about secondary qualities popular in recent philosophy. Silver thinks that "the ultimate criterion of the goodness of an action is how it feels to perceivers. The presence of the feeling of approval is *constitutive* . . . (p. 123, emphasis in original). He draws a parallel with philosophical views that explain "red" in terms of "looking red." Neither of the two accounts Silver cites displays the parallel with his own theory which he thinks is present. The first of the passages he quotes, by John Pollock, claims that there are no entailments between "red" and "looking red" (p. 122). Just the point of Silver's theory is that "feeling good" *does* entail "being good": the first constitutes the second, on his view. Oddly, after the passage about the criterion of goodness I have previously quoted, Silver states that "there are no entailments relating good and feeling good" (p. 123). Is he *this* incapable of grasping his own theory? The second passage (pp. 122-23) by Colin McGinn, contends that an experience of red must represent the world as being red. Silver's account, by contrast, reduces the good to feelings. A view in which feelings refer to the good as an intentional object is just what Silver does not want, since it introduces into the analysis a term he wishes to reduce to something else. I shall leave it to the interested reader to locate the remaining few valuable points in the morass of confusion that constitutes Silver's book. My advice is not to bother.

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