

Nicholas Wolterstorff, *Justice: Rights and Wrongs*.  
Princeton: Princeton University Press, 2008. vii + 400 pp.

This is an extraordinarily rich book on the nature of justice. Its purpose is to defend a view of distributive and commutative justice—what Wolterstorff calls “primary” justice—according to which justice is ultimately grounded in inherent rights. Those who intend to read it—and I would encourage any philosopher interested in justice to do so—should be aware of two things.

First, the book’s scope is unusually wide. In addition to philosophy of the usual sort, there are forays into theology, biblical interpretation, medieval intellectual history, the history of late antiquity, and even a little sociology. These forays, Wolterstorff explains, are not the result of “devotion to interdisciplinary studies” (xiii). Rather, he says that, given his questions, he found them unavoidable. However that may be, when reading this book, one should be prepared to venture places where philosophers rarely go.

Second, although its topic is justice, Wolterstorff’s book has almost nothing to say about John Rawls. Some will find this irritating; others will find it refreshing. The reason for the silence regarding Rawls, Wolterstorff says, is straightforward. Although Rawls advocates an inherent natural rights theory—a theory that supposes that human beings have rights that are not conferred on them—Rawls himself does not develop an account of such rights. Developing such an account is, however, Wolterstorff’s central project in this book. Justice, says Wolterstorff, is best understood in terms of inherent rights.

Many believe that thinking of justice in terms of rights is deeply mistaken. They hold that justice thus understood has in its DNA the residue of both Ockhamist nominalism and Enlightenment individualism. Wolterstorff dedicates the first part of his book to engaging this complaint, voiced by theorists such as Alasdair MacIntyre, Leo Strauss, and Michel Villey. The complaint, Wolterstorff contends, is confused. Moreover, the historical narrative that these theorists advocate is almost certainly false. Where, then, do the roots of our understanding of inherent rights lie? According to Wolterstorff, they lie in the Hebrew and Christian scriptures. To vindicate this claim, Wolterstorff dedicates three chapters to scriptural exegesis, noting how prominently the theme of justice figures in these texts. It is rare for philosophers to engage scriptural texts, let alone offer perceptive readings of them. To my mind, however, these three chapters contain some of the most interesting material in Wolterstorff’s book.

But what about the ancient Greeks and Romans? Can their ethical frameworks supply an adequate understanding of rights? In the second part of his book, Wolterstorff offers a close reading of the Stoics, contending that the answer is no. For central to the ethical frameworks of late antiquity is a commitment to eudaimonism. Eudaimonism, however, incorporates an understanding

of well-being and practical deliberation that cannot serve as a framework for a theory of rights.

Consider, first, the eudaimonist account of well-being. According to this account, the eudaimon life is the well-lived life. Arguably, though, there are goods to which we have rights that make no contribution to the well-lived life. For example, I have a right against you that you not bad-mouth me behind my back. Whether you bad-mouth me, however, may have no impact whatsoever on whether I live my life well. If all the goods to which we have rights are constitutive of well-being, then we need an understanding of well-being different from that championed by the eudaimonists. Consider, now, the eudaimonists' understanding of practical deliberation. This account has it that when deliberating, one's decision must ultimately be determined by whether acting in a particular way would be conducive to one's eudaimonia. Imagine that you are trying to determine whether to bad-mouth me behind my back. How that action affects your eudaimonia is (in the first instance, at least) irrelevant to the moral status of your action. What is relevant is whether you would wrong me by bad-mouthing me. If these points are correct, then we need to look elsewhere for a satisfactory framework for a theory of rights.

It was Augustine, according to Wolterstorff, who first saw this last point. Given his reading of scripture, Augustine saw that we must appeal to the worth of individuals to ground rights. Wolterstorff offers an argument of his own for this position, developed in part 3 of the book. It runs as follows. Take a situation in which you are judging a piano competition between two agents A and B. A's performance is better than B's. If you award B the prize, however, you will increase the quality of his life dramatically and not adversely affect A's. If you award A the prize, by contrast, you will only modestly increase his quality of life but will dramatically decrease that of B's. What should you do? If ethical decisions are determined by the aggregate (or the degree of) value of various life-goods one could bring about by acting in some way, then you should award the prize to B. But you morally ought not to award the prize to B. You should award it to A. Why? The best explanation is that were you not to do so, then you would be treating A with disrespect, failing to honor him for his accomplishment. The case generalizes. Rights and their correlative obligations are grounded in the value not of life-goods but of individuals.

In Wolterstorff's view, every claim-right has a correlative obligation. But rights are not grounded in obligations nor are obligations grounded in rights. Rather, to say it again, rights (and their correlative obligations) are grounded in the worth of individuals. This worth can itself, however, be determined by various features that individuals possess. You might have worth in virtue of being a superb musician. I might have worth in virtue of being an excellent cook. We both have worth in virtue of being rational agents. If so, then we each have rights in virtue of the worth we possess on account of having these (and other) features. Many wonder, however, whether there are rights that attach to humans as

such. Wolterstorff thinks there are. For we can, in principle, wrong any human, whether he or she is a newborn or suffers from advanced dementia. Still, Wolterstorff is pessimistic about whether our best secular theories can account for these rights. In the last chapters of his book, Wolterstorff contends that human rights are best accounted for in a theistic framework. It is because God bestows worth on all human beings by loving them that they have rights of various sorts, such as the right not to be subject to bodily mutilation. It bears emphasizing, however, that Wolterstorff does not offer a theistic account of rights in general. He offers only a theistic account of that which grounds human rights.

This description of Wolterstorff's book is highly selective, omitting all manner of detail and nuance. I hope, however, to have communicated a sense of both the book's scope and novelty. To my knowledge, there is no other book quite like it. Only Robert M. Adams's *Finite and Infinite Goods* rivals it in scope, richness, and originality. It may also be worth mentioning that this is not Wolterstorff's final word regarding justice. His recent *Justice in Love* (Eerdmans, 2011) takes his view in yet different directions.

Given its breadth, one would expect there to be plenty of room for dissatisfaction regarding one or another element of Wolterstorff's discussion. Let me mention one. Wolterstorff introduces his topic by contending that there are two dominant conceptions of justice in the Western philosophical tradition: justice as inherent rights and justice as right order—the latter being championed by Plato, among others. The two accounts differ regarding what lies deepest in moral reality. According to the former view, particular obligations (and, presumably, rights) determine general objective norms; the latter are simply universal generalizations over particular obligations (and, presumably, rights). According to the latter view, general objective norms determine particular obligations (and, presumably, rights); the latter are “conferred” by general norms (36). Wolterstorff advocates the former view, contending that the two positions are importantly different. It is not easy to see, however, why Wolterstorff thinks that, given his project, anything of importance hangs on which view is correct. The view that the worth of individuals grounds moral rights is compatible with either position. It could be, after all, that both the worth of individuals and general objective norms ground basic rights and their correlative obligations.

Terence Cuneo  
University of Vermont

*Philosophical Review*, Vol. 122, No. 1, 2013  
DOI 10.1215/00318108-1728768

