

THE
PHILOSOPHICAL REVIEW.

SOME CONTRIBUTIONS OF PSYCHOLOGY TO THE
CONCEPTION OF JUSTICE.¹

THE two general standpoints from which all attempts to define justice and rights proceed, are that of the individual and that of the social whole. From the standpoint of the individual, we have such principles as 'to every man according to his deserts,' or 'to every man according to his needs,' as well as the stubbornly surviving principle of natural rights, which is imbedded in our institutions even though discredited by philosophers. From the standpoint of society, we have the principle that justice means the determining of individual relations by the general order and the subordinating of individual to public interests. From the individualistic standpoint, rights come before justice. Rights are the positive factor; justice is merely a term for the sum of individual rights, or a negative restraint upon interference. From the other standpoint, right and justice come, logically, if not historically, before rights. Before I can say whether a claim is a right I must prove it to be just, to be right; but just and right are terms which historically spring from law and custom, and which logically imply a general standard or authority. The two standpoints are both employed by utilitarianism when it asserts, on the one hand, that every man is to count as one, and, on the other, that acts are right as they tend to the greatest happiness of the greatest number. They are curiously conjoined in the thinking of the man who claims for his own vested interests the utmost freedom and protection and at the same time condones

¹ Read as the Presidential Address at the annual meeting of the Western Philosophical Association, at Madison, April 13, 1906.