

Del Vecchio: Justice

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BOOK REVIEWS

Justice. By **GIORGIO DEL VECCHIO.** Edited by **A. H. CAMPBELL.** London: Edinburgh University Press, 1956. Published in Italian, 1924; published in English, 1952. Pp. 236. \$6.00.

Ancient societies decreed that social relationships should be ruled by the law of the talon: "He that killeth any man shall surely be put to death; he that killeth a beast shall make it good; eye for eye, tooth for tooth." Society is today a complex of intricate relationships that seem to defy control by such simple rules. Yet despite the evolution society has undergone, there is a thread of continuity winding down through the ages and attempting to throw light on social behavior, the idea of justice.

The mention of justice often sparks the scepticism of persons close to the law. They are too familiar with the contradictory claims that have been made in its name, with the inhuman abuses that have been covered with its mantle. The great Italian legal scholar, Giorgio Del Vecchio, challenges this scepticism in his book, *Justice*. In his view justice is as old as human society itself. Purely mechanical encounters between different individuals cannot account for social life. The recognition of bilateral relations of rights and duties is required, and this is the heart of justice. The person who affirms his rights in relation to others is implicitly claiming personal autonomy and establishing the basis for the same claim by others. The role of justice is to establish and maintain the central position of the human person in society, pointing to a bond which unites men in their common spiritual nature. This natural identity is the foundation of juridical equality, and the justice with which it is associated allows law to harmonize the obvious differences between the physical natures of men and their different modes of behavior.

Law, however, is not to be identified with justice. This latter is as transcendent as the spiritual nature of man, expressing its highest form in absolute principles inseparable from the natural rights of man. The process whereby man discovers his nature and reconciles his rights with others through practical experience is the scope of law. The gradual merging of justice with law has been long, laborious, and filled with human errors. The consequent imperfections in law should not lead to the pessimism of the positivists but to a renewed vigor in the search for law which enhances the human person through justice.

Del Vecchio defends this concept of justice with a scholarship which reveals the depth of the metaphysician and a breadth which covers both the classical and contemporaneous works of legal philosophy. The reader's patience may be sorely tested by the footnotes which are longer than the actual text of the book. He will quickly conclude that the endless citations, employing as many as five languages in one footnote, do not contribute to the enjoyment of the casual reader. But as a comprehensive study and a relatively complete reference source of the major ideas of justice, Del Vecchio's work is of lasting and unquestionable value.

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