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JUSTICE. By Giorgio Del Vecchio. Edited by A. H. Campbell. New York: The Philosophical Library 1953.

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subject of libel and the arrangement and selection of cases follow no set pattern. To the extent that they keep the reader's interest level high, however, the material is both stimulating and provocative.

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JUSTICE. By Giorgio Del Vecchio. Edited by A. H. Campbell. New York: The Philosophical Library 1953. xxi 236 pp. \$6.00.

L'idea del diritto esisterebbe dato anco un solo individuo della specie umana, purchè questi si prenda a considerare in una relazione ipotetica con altri suoi simili possibili. Rosmini¹

Del Vecchio's *Justice*, which is the first English translation of the logically sophisticated *La Giustizia*, offers at one and the same time a rapid survey of the most significant writings on the subject of justice, and, in particular, a synthesis of Del Vecchio's own doctrines.

He needs no identification for those who have had any concern with legal philosophy in the past fifty years. His introduction to readers of our language was by means of an article under the title "Positive Right" published in an English law review.² This essay was followed by the publication of an eloquent trilogy of essays entitled in English, *The Formal Bases of Law*.³ By way of his great treatise, *Lezioni di Filosofia del diritto*,⁴ and nearly 50 other books, Del Vecchio has been one of the most important influences on the contemporary generation of neo-idealist philosophical scholars.

La Giustizia in its original form was an address before the University of Rome. In the present English translation, edited by Professor A. H. Campbell, there have been added some notes, further bibliographical references, and two Appendices (on penal justice). As a matter of fact, a large share of the book consists of notes; for example, the ratio of notes to text is 4 to 1 in chapters 8 and 13, and the ratio is 3 to 1 in chapters 4 and 6. The notes assume a linguistic competence in Latin, Greek, German, and French. However, the knowledgeable reader will not blame the author for refusing to put into practice Schopenhauer's jesting "Pereant

1. English translation: "Given even one single individual of the human species, the idea of law would exist, if that individual fell to considering himself in hypothetical relation with other possible individuals like himself." ROSMINI, *FILOSOFIA DEL DIRITTO* 147 (2d ed.).

2. *Sulla positività come corettore del diritto*, *RIVISTA DI FILOSOFIA* (1911); translation in 38 *LAW MAGAZINE AND REVIEW* 293 (1913).

3. *MODERN LEGAL PHILOSOPHY SERIES*, Vol. X, Boston, 1914, and New York, 1921.

4. *LEZIONI DI FILOSOFIA DEL DIRITTO* has been translated into 7 languages, including Turkish and Japanese, but not yet into English.

qui ante nos nostra dixerunt," Del Vecchio's references indicate the principle sources and apparatus of study most suitable for any student of legal philosophy who wishes to repeat or amplify his research. Del Vecchio's notes have the triple value of being pertinent, of being accurate, and of going to the original authorities in many tongues.

In the present volume, he devotes the first six (out of 14) chapters to a short but careful summary of the admirable history of the conception of law. He begins by considering justice as an attribute of divinity, and discusses the meanings of Themis and Dike; then proceeds with the Platonic idea that justice is a universal virtue, and points out its development in Aristotle, in the Fathers, and, more directly, in Scholastic Philosophy. The historical development is continued, with emphasis on Leibniz, Kant,⁵ and Vico, onto the contemporary writers.

Having proceeded by the methods of idealist philosophy and on the basis of the absolute value of the human personality, Del Vecchio continues, in the second and major part of the book, to construct a systematic and analytical discussion of his own doctrine.

In view of his expressed attachment to a priori methods of reasoning, it should not be a surprise that his idea of justice is based on transcendental premises. He states that justice, in the most general sense, connotes a conformity, a congruence, a proportion of some kind. But it is not every correspondence or congruence that realizes the idea of justice, but only that which can manifest itself in relations between persons; not every proportion between objects of any kind, but only that which is "hominis as hominem propotrio."⁶ Thus, Del Vecchio arrives at the gnoseological principle that justice in its proper sense is a principle of co-ordination, or element of *inter-subjectivity*, between subjective beings (p. 54).

He proceeds to show that, from ancient times, this proper conception of justice has been in some manner perceived and made the object of modes of behavior. "There is a specific form of consciousness which we may call *trans-subjective* consciousness, through which the subject posits himself as an object in relation to others and recognizes himself as an element in a net of interrelations between selves; that there is, in short, an *objective consciousness of self, whereby the subjective self becomes co-ordinated with other selves.*" (p.80).

Thus, Del Vecchio finds the essence of justice in the objective positing of subjectivity and in the inter-subjective co-ordination which results therefrom. In this formulation appear the characteristic and logical elements of bilaterality, initial equality, and reciprocity.

5. While both Del Vecchio and Stammler are Neo-Kantian, Del Vecchio's idea of law differs from Stammler's, whose universality was purely formal. Del Vecchio's natural law is variable only in its particular application but is *universal* in its essential element.

6. L.II DANTE, MONARCHIA c. v, § 1.

Justice implies a subordination to a hierarchy of values. This principle is violated by an arbitrary removal of the bounds which separate the lawful from the unlawful and merit from demerit. Therefore, Professor Del Vecchio⁷ concludes his essay by indicating the application of his doctrines to various particular problems, especially the problems of criminal justice. And, in the two appendices on penal justice, he makes some concrete proposals for reformation of penal systems, including the suggestion that for most offenses punishment should be replaced by reparation. Even in face of the fact that a translation of this idealistic proposal into practical endeavors is a formidable obstacle, Del Vecchio has given us a strengthened hope for the realization of that elementary requirement of justice which may be summed up in the timeless maxim, *unicuique suum*.

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7. Del Vecchio has been professor of legal philosophy successively at Ferrara, Sassari, Messina, Bologna, and Rome.