

Defining Social Justice

The year 2000 marked the one hundredth anniversary of the birth of Friedrich Hayek, among whose many contributions to the twentieth century was a sustained and animated put-down of most of the usages of the term “social justice.” I have never encountered a writer, religious or philosophical, who directly answers Hayek’s criticisms. In trying to understand social justice in our own time, there is no better place to start than with the man who, in his own intellectual life, exemplified the virtue (social justice) whose common misuse he so deplored.

The trouble with “social justice” begins with the very meaning of the term. Hayek points out that whole books and treatises have been written about social justice without ever offering a definition of it. It is allowed to float in the air as if everyone will recognize an instance of it when it appears. This vagueness seems indispensable. The minute one begins to define social justice, one runs into embarrassing intellectual difficulties. It becomes, most often, a term of art whose operational meaning is, “We need a law against that.” In other words, it becomes an instrument of ideological intimidation, for the purpose of gaining the power of legal coercion.

Hayek points out another defect of twentieth-century theories of social justice. Most authors assert that they use it to designate a virtue (a moral virtue, by their account). But most of the descriptions they attach to it appertain to impersonal states of affairs—“high unemployment” or “inequality of incomes” or “lack of a living wage” are cited as instances of “social injustice.” Hayek goes to the heart of the matter: social justice is either a virtue or it is not. If it is, it can properly be ascribed only to the reflective and deliberate acts of individual persons. Most who use the term, however, ascribe it not to individuals but to social systems. They use “social justice” to denote a regulative principle of order; again, their focus is not virtue but power.

The term “social justice” was first used in 1840 by a Sicilian priest, Luigi Taparelli d’Azeglio, and given prominence by Antonio Rosmini-Serbati in *La Costituzione Civile Secondo la Giustizia Sociale* in 1848. John Stuart Mill gave this anthropomorphic approach to social questions almost canonical status for modern thinkers thirteen years later in *Utilitarianism*:

Society should treat all equally well who have *deserved* equally well of it, that is, who have deserved equally well absolutely. This is the highest abstract standard of social and distributive justice; towards which *all institutions*, and the efforts of all virtuous citizens, *should be made in the utmost degree to converge*. [Emphasis added.]

Mill imagines that societies can be virtuous in the same way that individuals can be. Perhaps in highly personalized societies of the ancient type, such a usage might make sense—under kings, tyrants, or tribal chiefs, for example, where one person made all the crucial social decisions. Curiously, however, the demand for the term “social justice” did not arise until modern times, in which more complex societies operate by impersonal rules applied with equal force to all under “the rule of law.”

The birth of the concept of social justice coincided with two other shifts in human consciousness: the “death of God” and the rise of the ideal of the command economy. When God “died,” people began to trust a conceit of reason and its inflated ambition to do what even God had not deigned to

do: construct a just social order. The divinization of reason found its extension in the command economy; reason (that is, science) would command and humankind would collectively follow. The death of God, the rise of science, and the command economy yielded “scientific socialism.” Where reason would rule, the intellectuals would rule. (Or so some thought. Actually, the lovers of power would rule.)

From this line of reasoning it follows that “social justice” would have its natural end in a command economy in which individuals are told what to do, so that it would always be possible to identify those in charge and to hold them responsible. This notion presupposes that people are guided by specific external directions rather than internalized, personal rules of just conduct. It further implies that no individual should be held responsible for his relative position. To assert that he is responsible would be “blaming the victim.” It is the function of “social justice” to blame somebody else, to blame *the system*, to blame those who (mythically) “control” it. As Leszek Kolakowski wrote in his magisterial history of communism, the fundamental paradigm of Communist ideology is guaranteed to have wide appeal: *you suffer; your suffering is caused by powerful others; these oppressors must be destroyed*. We need to hold someone accountable, Hayek notes, even when we recognize that such a protest is absurd.

We are not wrong, Hayek concedes, in perceiving that the effects of the individual choices and open processes of a free society are not distributed according to a recognizable principle of justice. The meritorious are sometimes tragically unlucky; the evil prosper; good ideas don’t pan out, and sometimes those who backed them, however noble their vision, lose their shirts. But a system that values both trial-and-error and free choice is in no position to guarantee outcomes in advance. Furthermore, no one individual (and certainly no politburo or congressional committee or political party) can design rules that would treat each person according to his merit or even his need. No one has sufficient knowledge of all relevant personal details, and as Kant writes, no general rule has a grip fine enough to grasp them.

Hayek made a sharp distinction, however, between those failures of justice that involve breaking agreed-upon rules of fairness and those that consist in results that no one designed, foresaw, or commanded. The first sort of failure earned his severe moral condemnation. No one should break the rules; freedom imposes high moral responsibilities. The second, insofar as it springs from no willful or deliberate act, seemed to him not a moral matter but an inescapable feature of all societies and of nature itself. When labeling unfortunate results as “social injustices” leads to an attack upon the free society, with the aim of moving it toward a command society, Hayek strenuously opposes the term. The historical records of the command economies of Nazism and communism justify his revulsion at that way of thinking.

Hayek recognized that at the end of the nineteenth century, when the term “social justice” came to prominence, it was first used as an appeal to the ruling classes to attend to the needs of the new masses of uprooted peasants who had become urban workers. To this he had no objection. What he did object to was careless thinking. Careless thinkers forget that justice is by definition social. Such carelessness becomes positively destructive when the term “social” no longer describes the *product* of the virtuous actions of many individuals, but rather the *utopian goal* toward which all institutions and all individuals are “made in the utmost degree to converge” by coercion. In that

case, the “social” in “social justice” refers to something that emerges not organically and spontaneously from the rule-abiding behavior of free individuals, but rather from an abstract ideal imposed from above.

Given the strength of Hayek’s argument against the term, it may seem odd to assert that he himself was a practitioner of social justice—even if one adds, as one must, “social justice rightly understood.” Still, Hayek plainly saw in his vocation as a thinker a life of service to his fellow men. Helping others to understand the intellectual keys to a free and creative society is to render them a great benefit. Hayek’s intellectual work was not merely a matter of his own self-interest, narrowly understood, but was aimed at the good of the human city as a whole. It was a work of justice in a social dimension—in other words, a work of virtue. To explain what Hayek did, then, we need a conception of social justice that Hayek never considered.

Social justice rightly understood is a specific habit of justice that is “social” in two senses. First, the skills it requires are those of inspiring, working with, and organizing others to accomplish together a work of justice. These are the elementary skills of civil society, through which free citizens exercise self-government by doing for themselves (that is, without turning to government) what needs to be done. Citizens who take part commonly explain their efforts as attempts to “give back” for all that they have received from the free society, or to meet the obligations of free citizens to think and act for themselves. The fact that this activity is carried out *with others* is one reason for designating it as a specific type of justice; it requires a broader range of social skills than do acts of individual justice.

The second characteristic of “social justice rightly understood” is that it aims at the good of the city, not at the good of one agent only. Citizens may band together, as in pioneer days, to put up a school or build a bridge. They may get together in the modern city to hold a bake sale for some charitable cause, to repair a playground, to clean up the environment, or for a million other purposes that their social imaginations might lead them to. Hence the second sense in which this habit of justice is “social”: its object, as well as its form, primarily involves the good of others.

One happy characteristic of this definition of the virtue of social justice is that it is ideologically neutral. It is as open to people on the left as on the right or in the center. Its field of activity may be literary, scientific, religious, political, economic, cultural, athletic, and so on, across the whole spectrum of human social activities. The virtue of social justice allows for people of good will to reach different—even opposing—practical judgments about the material content of the common good (ends) and how to get there (means). Such differences are the stuff of politics.

We must rule out any use of “social justice” that does not attach to the habits (that is, virtues) of individuals. Social justice is a virtue, an attribute of individuals, or it is a fraud. And if Tocqueville is right that “the principle of association is the first law of democracy,” then social justice is the first virtue of democracy, for it is the habit of putting the principle of association into daily practice. Neglect of it, Hayek wrote, has moral consequences:

It is one of the greatest weaknesses of our time that we lack the patience and faith to build up voluntary organizations for purposes which we value highly, and immediately ask the government to bring about by coercion (or with means raised by coercion) anything that appears as desirable to

large numbers. Yet nothing can have a more deadening effect on real participation by the citizens than if government, instead of merely providing the essential framework of spontaneous growth, becomes monolithic and takes charge of the provision for all needs, which can be provided for only by the common effort of many.

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