

Social Justice and Individual Liberty: More Friends than Foes

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Can individual liberty and social justice be reconciled? While libertarians have traditionally thought that these two ideas are fundamentally opposed, I will argue that they are largely compatible.

Before answering this question, we need to draw some distinctions. The concept of individual liberty can roughly be captured by the concepts of positive and negative liberty. Positive liberty means that you are free to the extent that you have the capacity or ability to take control of your own life or to fulfill your own potential. For example, rich people in first world countries have more positive liberty than poor people in the third world. In contrast, negative liberty means that you are free to the extent that other people do not interfere with your ability to control your own life. For example, you have freedom of speech if no one prevents you from speaking your mind. Both positive and negative liberty are obviously valuable and important. Being free from wrongful interference and having the effective power to lead your own life are both crucial aspects of living a good life. ¹

While the term “social justice” is often used loosely in popular discourse to mean redistribution from rich to poor or to refer to Progressive activism, here I will use “social justice” in the technical sense of a standard for evaluating the justice of a social system as a whole. On the social justice view, a social system has work to the benefit of everyone, and especially the least well off. This approach is less common in libertarian thought, as libertarians have normally focused instead on individual justice: evaluating the justice of individual interactions. But as I argue below, social justice is a correct and important standard of justice that libertarians should adopt.

Given this definition of social justice, the obvious question to answer is: when do social justice and individual liberty agree, and when do they conflict? Clearly, social justice is compatible with positive liberty, since by definition social justice focuses on the positive liberty of the least well off. Hence whatever promotes positive liberty will also promote social justice. The interesting question, then, is when do social justice and negative liberty agree or conflict?

Negative liberty promotes positive liberty. This is because negative liberties, such as the rule of law, private property rights, and freedom of trade, are responsible for the massive increase in standards of living that we call modern economic growth. Today the least well off in a Western country have much more positive liberty than a similarly situated person prior to the 18th century. Economic growth is the result of institutions that protect property rights and maintain competitive markets. In short, protecting (negative) economic liberties has historically been the most effective way to promote positive liberty.

¹ There's no a priori reason why legal guarantees are the only or the most effective means for promoting positive liberty. To see this, consider that sustained economic growth has done immensely more to increase positive liberty than any governmental welfare policy aimed at guaranteeing a minimum standard of living.

Hence, since economic growth leads to large increases in the welfare of the least well off in society, social justice requires negative liberty. More specifically, social justice requires a market-based society with sufficient protections on negative liberties to allow it to reap the benefits of economic growth. So social justice is, to a large extent, consistent with negative liberty.

But are there cases when social justice and negative liberty are in conflict? Consider the following thought experiment, due to Kevin Vallier:

At some point in the future a group of committed libertarians establish a libertarian free zone called Libertarian Paradise. In LP, all property is acquired and transferred in line with traditional self-ownership political theory. Deviations from these norms are quickly corrected by private and non-profit legal organizations (call them the Cops). ... However, through no one person or group's deliberate action, prosperity ebbs. Perhaps because of resource depletion, climate change or natural disaster, a class of individuals becomes systematically deprived of basic resources (call them the Small). But while they are regularly hungry, they do not starve. And while they cannot secure many basic health resources, they do not die from easily preventable diseases. However, their poverty *substantially* sets back their well-being. ...

At first the Small petition the Cops to require the Great [the well off in LP] to pay higher service fees and to use the proceeds to provide a social safety net. ... Eventually the Small grow tired of petitions and begin to occupy local banks, demanding that a small portion of the fortunes of the Great be used to provide the Small with enough food and medical care to be able to get on with their lives. ... So the Great demand that the Cops coercively remove the Small from their local banks on the grounds that the Small are violating the self-ownership principle. The Cops comply.

This thought experiment presents a case where negative liberty is perfectly respected, but social justice is not. A self-ownership property regime protects the negative liberties of the Great (and the Small), but at the same time requires that the Small live impoverished lives, and uses coercion to prevent them from revising the property system to allow redistribution.² This society does not satisfy social justice, because it does not sufficiently promote the well-being of the least well off.

Traditional self-ownership libertarians would have no problem with this thought experiment. Since property rights have been acquired and transferred according to the self-ownership principle, the Cops

² The Small are not attempting to eliminate property rights altogether. Rather, they are changing the *transfer conditions* of property rights, so that a property right can be switched (partly) based on considerations of need rather than based purely on consent.

are justified in their use of coercion. The welfare of the poor is simply irrelevant.

But if we accept that coercive property regimes need to work to the benefit of all, then there is clear reason to be dissatisfied with this libertarian society. It is very implausible that a system of property rights can be justified without taking into account the welfare of the poor, and this thought experiment provides a case where, in my view, the moral claims of the poor outweigh the (absolute) property claims of the rich. If the self-ownership view requires approving of the Cops' use of coercion, then I take that as a good argument against self-ownership and in favor of a social justice principle. As I see it, "property regimes need to work to the benefit of all" is a much more plausible premise than "people acquire absolute property rights through homesteading."

Hence, in contrast to self-ownership libertarians, social justice libertarians would see the poor's actions as justifiable and the rich's response as illegitimate. So long as the property system does not benefit all classes of people, it is illegitimate to use coercion to defend the rich's property claims, and the poor are justified in reconfiguring the system of property rights so that it works to their benefit as well.

What does this argument show? First, that there are cases where social justice conflicts with negative liberty, and should trump negative liberty. Second, note that there are no straightforward policy implications, since the thought experiment assumes that the poor are poor through no fault of their own, that redistribution poses no significant cost to the rich, and that redistribution is the only available means to improve the well-being of the poor. Real-world policy decisions will depend on the facts of the situation. Third, in terms of theory, the argument shows that, in principle, a government safety net is justifiable. Social justice libertarians must be open to government welfare programs.

Thus, for the most part, Individual liberty and social justice go together. Social justice requires a large degree of negative liberty, but sometimes negative liberty must yield to social justice. As Vallier's thought experiment shows, libertarians have good reasons to revise their views about the justification of property rights and embrace social justice libertarianism.

Bibliography

Vallier, Kevin. 2012. "Social Justice vs. Self-Ownership: The Case of Libertarians Great and Small". *Bleeding Heart Libertarians*. Available at: <http://bleedingheartlibertarians.com/2012/02/social-justice-vs-self-ownership-the-case-of-libertarians-great-and-small/>