

This article was downloaded by: [University of Chicago Library]

On: 16 July 2015, At: 18:01

Publisher: Routledge

Informa Ltd Registered in England and Wales Registered Number: 1072954 Registered office: 5 Howick Place, London, SW1P 1WG



Critical Review: A Journal of Politics and Society

Publication details, including instructions for authors and subscription information:

<http://www.tandfonline.com/loi/rcrj20>

Hayek on social justice: Reply to Lukes and Johnston

Edward Feser^a

^a Department of Philosophy , University of California , Santa Barbara, CA, 93106 E-mail:

Published online: 06 Mar 2008.

To cite this article: Edward Feser (1997) Hayek on social justice: Reply to Lukes and Johnston, Critical Review: A Journal of Politics and Society, 11:4, 581-606

To link to this article: <http://dx.doi.org/10.1080/08913819708443477>

PLEASE SCROLL DOWN FOR ARTICLE

Taylor & Francis makes every effort to ensure the accuracy of all the information (the "Content") contained in the publications on our platform. However, Taylor & Francis, our agents, and our licensors make no representations or warranties whatsoever as to the accuracy, completeness, or suitability for any purpose of the Content. Any opinions and views expressed in this publication are the opinions and views of the authors, and are not the views of or endorsed by Taylor & Francis. The accuracy of the Content should not be relied upon and should be independently verified with primary sources of information. Taylor and Francis shall not be liable for any losses, actions, claims, proceedings, demands, costs, expenses, damages, and other liabilities whatsoever or howsoever caused arising directly or indirectly in connection with, in relation to or arising out of the use of the Content.

This article may be used for research, teaching, and private study purposes. Any substantial or systematic reproduction, redistribution, reselling, loan, sub-licensing, systematic supply, or distribution in any form to anyone is expressly forbidden. Terms & Conditions of access and use can be found at <http://www.tandfonline.com/page/terms-and-conditions>

Edward Feser

HAYEK ON SOCIAL JUSTICE:
REPLY TO LUKES AND JOHNSTON

ABSTRACT: Hayek's attack on the ideal of social justice, though long ignored by political theorists, has recently been the subject of a number of largely unsympathetic studies (those of Lukes and Johnston being the most recent) in which his critique is dismissed as at best simply mistaken and at worst frivolous. The responses to Hayek's case against social justice, however, fail to draw any blood, for they do not seriously deal with Hayek's central claim that the very notion of social justice is incoherent.

In the debate over the central themes of classical liberalism and libertarianism, the work of F. A. Hayek has received as much attention as that of any other writer, if not more. Yet curiously, though much of this debate has centered on the issue of social or distributive justice,¹ Hayek's distinctive position on this issue, developed most extensively in the second volume of his *Law, Legislation, and Liberty*, entitled *The Mirage of Social Justice* (1976), has received little notice. Or at least it has until recently. In the last few years, a number of studies have at last dealt with Hayek's critique of the ideal of social justice. Though a mere handful of brief and largely expository accounts were available in the first decade or so after the publication of *The Mirage of Social Justice* (e.g., Barry 1979, 137–43; Gray 1984, 71–75), a number of re-

Critical Review 11, no. 4 (Fall 1997). ISSN 0891-3811. © 1998 Critical Review Foundation.

Edward Feser, Department of Philosophy, University of California, Santa Barbara, CA 93106, e-mail feser@humanitas.ucsb.edu, thanks the Institute for Humane Studies at George Mason University for a Humane Studies Fellowship that partially supported the writing of this paper.

cent works have treated Hayek's position critically and (in some cases) at length—the papers by Steven Lukes and David Johnston in an issue of this journal devoted to Hayek being the most recent examples (Kukathas 1989; Shklar 1990; Kley 1994; Plant 1994; Gamble 1996; Shearmur 1996; Johnston 1997; Lukes 1997). The authors of these works, almost without exception, have concluded that at best, Hayek is simply wrong, and at worst that what he has to say about social justice is of little value (though Shearmur is somewhat sympathetic). Lukes, for example, remarks that Hayek's position is, insofar as it is paid attention to at all, considered “eccentric but not challenging,” and that perhaps it has in fact “been neglected justly” (1997, 67). Another writer, though deigning at least to allude to Hayek's view, refuses even to respond to it, considering it a “waste [of] time” to do so (Haworth 1994, 142).²

I suspect that both the commonness—and the harshness—of this sort of judgment is due to the sheer radicalness of Hayek's position. For his claim is nothing less than that *there simply is, and can be, no such thing as social or distributive justice*. The gut reaction the typical contemporary political theorist is bound to have to such a thesis is, I think, that *surely* it cannot be right. Surely it just *can't* be that, in developing theories of social justice of great sophistication, and in fighting for the implementation of government policies which would make for a more socially just society, so many thinkers and activists have been, not merely *mistaken*, but thoroughly deluded, chasing after a “mirage,” to use Hayek's description. Yet that, I want to echo Hayek in suggesting, is precisely what they have been doing. I want here to show that the criticisms that have been made of Hayek's position are entirely without force, for they simply fail to come to terms with the central claim of that position, namely that we cannot make sense of the notion of social justice in the context of a market economy. The upshot will be that Hayek's challenge to the ideal of social justice is one that has not been met, and that, given its intrinsic plausibility and the failure of the criticisms so far made of it, is unlikely to be met. At the very least, I believe it will be shown that the harsh and peremptory dismissal of Hayek's position so common among his critics is entirely unjustified.

I will begin by presenting as clear and systematic a summary of Hayek's position as I can. This is necessary because, it must be admitted, Hayek's argument in *The Mirage of Social Justice* is not laid out in the most straightforward fashion, and he tends to jump around a bit

from point to point, so that the main lines of criticism are not always distinguished, nor the arguments for them explicitly spelled out. (This is, no doubt, one reason why his critics might discern less merit in his case than is really there.) Afterward, I will isolate the various sorts of response that have been made to Hayek, and try to show that they all miss the mark.

Hayek's Critique of the Ideal of Social Justice

Hayek's attack on social justice consists of three main distinct but interrelated lines of criticism. He argues, first, that the very notion of social justice is meaningless in the context of a market economy; second, that any attempt to achieve social justice will inevitably fail; and third, that any attempt fully and consistently to attain social justice will lead to totalitarianism.³ We shall look at each in turn.

(1) *The notion of social justice is incoherent, without any clear meaning, within the context of a market economy.*

This first line of criticism is, as I have indicated, the most important and devastating of the three; though it is also the one that Hayek's critics tend quickly to dismiss or ignore altogether.⁴ It is also the most original. Other classical liberal and libertarian writers have hinted at this point, as Nozick does when he notes that to speak of "distributive" justice is misleading since it implies—erroneously—that there is some agency responsible for the "distribution" of wealth in a society, a distribution which, if it came about in this way, would understandably be thought to be evaluable in terms of justice or injustice (Nozick 1974, 149). But even Nozick writes as if there really were a question of social or distributive justice, the right answer to which is his libertarian "entitlement" conception of justice. Hayek's claim is the more radical one that there simply is and can be *no such thing* as social justice within a market order.

His argument for this claim can be summed up as follows: Social or distributive justice is supposed to be a matter of a just distribution of wealth, income, etc., in a society. But a distribution can be just or unjust only if there is some person or persons who, intentionally and with foresight, bring it about. And in a market economy, there are no such persons; the "distribution" of wealth is a result of an impersonal process, unintended and unforeseen. So it does not make sense to speak of a just or unjust distribution of wealth in a market economy,

and there cannot be any such thing as social justice in a market economy (Hayek 1976, 67–70).

We tend to think otherwise, Hayek says, for the following reasons: (a) We tend to personify “society,” to speak of it as if it were something quasi-personal that exists over and above individuals and that “acts” or “treats” individuals in a certain way. But this is merely a crude anthropomorphism on a par with those characteristic of primitive, superstitious kinds of religious thinking (Hayek 1976, 62–63). (b) We tend to feel a sense of injustice when we see that those we consider unworthy prosper and those we consider deserving do not. But these feelings, though understandable, are misplaced, since there is no one who has acted justly or unjustly. (We have the same feelings when we see people suffer as a result of natural disasters, cases where it is clear that, strictly speaking, though a misfortune has been suffered, no *injustice* has been done.) (Ibid., 68.) (c) We tend to think of certain occupations as having a greater “value to society” than others, though they are less well rewarded in the marketplace. But there is no such thing as value to *society*, because there is no such thing as a “society” existing over and above individuals. There is only value to particular individuals, and different services will differ in value to different individuals. (And we have no criterion of what value services have to different individuals *apart from the market*.) (Ibid., 75–77.) (d) We tend to feel a sense of injustice at disappointed economic expectations or the loss of an accustomed standard of living. But (apart from cases where one specifically contracts with another for something), there is no moral basis for a claim of injustice, since the change in economic conditions is the result, not of anyone’s design, but of blind, impersonal market processes (ibid., 93). (e) We tend to resent the high earnings of those whose function in the economic system we don’t understand (e.g., stock speculators), and, in general, of those whose work is more enjoyable or better rewarded than ours is. But this is a result of ignorance and envy, respectively, and has nothing to do with justice or injustice (ibid., 77, 98).

The central idea behind Hayek’s first line of criticism, then, is that the whole notion of social justice implicitly presupposes that some agency or other is responsible for the doling out of shares of wealth, and must be held accountable for doing so in a just manner; a presupposition which is manifestly false. Now of course nobody, not even the most unreconstructed socialist, *really* believes there is such an agency. That is, nobody believes that there is some godlike super-

mind or committee of super-minds who dictate who is to have what; nor, surely, do many believe in a Hegelian World-spirit who might plausibly be thought somehow to pull strings so that economic distribution comes out a certain way. And though there may be a few who believe that the economy is secretly run from a smoke-filled room somewhere, I'm going to go out on a limb and suppose that this thesis too is unworthy of serious consideration. Still, a great many people, almost universally on the Left and even to a very great extent on the Right, thoughtlessly and unrelentingly speak *as if* they believed in such a thing. One routinely hears, in political discussion, about how "society" owes this or that to this or that group, or how this or that group or individual has been done wrong by "society." That is, people speak *as if* society were some entity over and above the particular individuals that live within some particular geographical, political, or ethnic boundary. But as everyone knows, it *isn't*; and in every case where it is alleged that someone has been dealt an injustice by society, or is owed something by society, very little thought is required to see that, insofar as it can coherently be asserted that an injustice has been done or that someone is owed something, the responsible (or allegedly responsible) party or parties must be some particular individual or group of individuals: corporation board members, local officials, government bureaucrats, parents, and the like. Even though everyone knows that, as Mrs. Thatcher so famously put it, "There is no such thing as society" (in the relevant sense of "society"), the fact that everyone keeps speaking as if there were suggests that the notion of "social justice" cannot be made sense of *without* assuming that some agency exists that can be held responsible for the distribution of wealth. My own suspicion is that, because so many believe that there *is* such a thing as social justice, they constantly find themselves talking about "society" as if it were a quasi-personal agent, and implicitly assume that there must be *some* sense in which this is true. Hayek's point is that because there *isn't* a sense in which it is true, the very notion of social justice is confused, incoherent, and therefore should be abandoned, along with the moral outlook and policy recommendations that rest on it.

Now as the reader has no doubt noticed, Hayek attaches an important qualification to his claim: He says that the notion of social justice is incoherent *within a market economy*. So it might be thought that the obvious response to Hayek is simply to call for the abolition of the market economy. Hayek indeed recognizes this as a possible response,

and appears to grant that, in a centralized or command economy, where a body of officials are directly responsible for determining the economic standing of each individual in society, the idea of a just distribution of wealth is perfectly coherent.

Before we look at Hayek's response to the possibility of social justice in a command economy, though, it is important to understand exactly what this must involve. Mere interventionism and welfarism aren't enough. Both far-reaching government intervention in the economy and extensive social welfare measures are, and long have been, features of contemporary, essentially market-based societies, and Hayek fully intended his critique of the ideal of social justice to apply to its influence in these societies. An interfered-with market economy is still a market economy, and the "distribution" of wealth is still determined by blind market processes. State-sponsored *redistribution* doesn't affect this in the least, precisely because it is *redistribution*. Given the way the original distribution was determined, the redistribution, however else it may or may not be justified, cannot, if Hayek is right, be justified on the grounds that it is the correction of an *injustice*. So the only way for "social justice" to be given any meaning is to institute a full-blown socialist economic order, a top-down command economy; that is, in classic Hayekian language, to transform society from an evolving spontaneous order into a static, planned "organization."

Now Hayek suggests that the imposition of a socialist order, given the restrictions on personal freedom it involves, is itself something that might be criticized on moral grounds (Hayek 1976, 64). And indeed, not only libertarians, but also modern egalitarian liberals, have made a case that socialism is *itself* unjust precisely because it so radically limits personal freedom. But Hayek does not himself pursue this theme. Rather, he argues that the attempted realization of social justice through the imposition of a socialist order is doomed to failure and will bring about results far worse than the circumstances the advocate of social justice wants to alleviate. This brings us to Hayek's second and third lines of criticism:

(2) *Any attempt to achieve "social justice" will inevitably fail.*

Hayek's reasons for making this claim are three. (a) Trying to attain social justice would involve distributing wealth and income according to some moral standard, such as desert, need, merit, etc. But there are no generally agreed-upon standards of desert, need, merit, and the like; and even if there were, there is no-agreed upon way hierarchi-

cally to *order* or *rank* these standards. So there is no basis upon which an agency could decide upon a “correct” distribution of wealth and income (Hayek 1976, 76). (b) Even if such standards, and a hierarchy of standards, were available, no governing body could possibly have the knowledge of each individual’s circumstances required in order to distribute wealth according to those standards (*ibid.*). (c) Eliminating the market economy so as to give content to the notion of social justice would destroy the very process that alone can produce the wealth that the advocate of social justice wants to redistribute (Hayek 1976, chs. 10 and 11, *passim*; Hayek 1988).

All of these points draw on the sorts of considerations about knowledge, the limitations on it, and how it is made use of in a market-based society, that Hayek and his teacher Ludwig von Mises are famous for drawing to our attention. This is especially true of point (c), for as Mises and Hayek argued, no socialist economic order can possibly make use of the dispersed bits of knowledge of economic conditions that, in a capitalist economy, are encapsulated in market prices, as efficiently as a market economy can; nor can they, for this reason, maintain the populations characteristic of modern nation-states even at subsistence levels. Though the details of Hayek’s and Mises’s arguments are controversial, there does appear to be wide agreement that the gist of their case does indeed show that full-blown socialism is unworkable.⁵ Hayek also argued that even many measures undertaken in the name of “social justice” in the context of a market order—wage and price controls and the like—disrupt the working of the price system and so have negative repercussions of just the sort exhibited in a socialist economy, though, of course, repercussions of less severity (Hayek 1976, 70–73).

The measures that a government attempting to realize social justice will have to take in order to surmount these problems lead to the third and final difficulty with the ideal of social justice identified by Hayek:

(3) *Any attempt fully and consistently to attain “social justice” will lead to totalitarianism.*

The words “fully” and “consistently” here are important. For one might be tempted to dismiss this third point on the grounds that even while numerous measures advocated in the name of social justice have been implemented in the various contemporary market-based societies, they cannot plausibly be said to have resulted in totalitarianism, even if they have led to some restrictions on personal freedom.

But the point is that none of these measures can be said to have brought about the attainment of social justice, certainly not if "social justice" is construed, as it usually is, as a leveling of economic inequalities; they can at best be said to have brought about an approximation of social justice. This is evidenced by the fact that partisans of social justice tend always to complain that their ideal has been forgotten or "sold out" by the party in power, however far to the left that party and its programs. Moreover, we must not forget Hayek's first point that, so long as we are talking about a market-based society, no matter how extensive the public welfare measures existing within it are, they cannot be justified by reference to social justice, since there is and can be no such thing in a market order. As we have seen, Hayek's claim is that there can only be such a thing in a socialist order, and it is hardly implausible to suppose that that sort of order might result in totalitarianism.

Hayek thinks that there are good reasons to suppose that the history of the socialist countries *had* to end in totalitarianism. First, the more individuals see their economic standing as dependent on government action, the more they will demand that government distribute rewards according to some moral standard; and the more the government tries to achieve this, the more it will have to put individual behavior under its control. This is a self-accelerating tendency, the end result of which is a totalitarian system (Hayek 1976, 68; Hayek 1944). Second, to distribute wealth according to some moral standard, in a society in which there are no agreed-upon standards, will require that a standard or hierarchy of standards be imposed on all individuals, that all individuals be organized to further the realization of one set of values (Hayek 1976, 75-76). And, third, social justice is incompatible with the rule of law, i.e., freedom from the arbitrary use of government power.

Hayek's third claim requires elaboration. According to Hayek, in a command economy (the only sort in which "social justice" has any meaning), individuals will not be treated equally under the law, since, given that individuals are unequal in strength, intelligence, talents, and so forth, government will have to impose greater duties and burdens on those with greater abilities if it is to maintain an equal distribution (1976, 82). Moreover, there are no general rules of conduct applying to individuals that can guarantee any particular distribution, since for there to be such rules, individuals following them would have to be able to know not only whom their economic actions will

benefit or harm, but also what effect everybody else's actions will have; and this cannot be known. In the absence of general rules that a government could enforce in order to attain social justice, it will have to intervene arbitrarily at various times and places to maintain a given distribution (*ibid.*, 70, 85–86).

This dovetails with a final point in support of (3), namely, that widespread adoption of the ethic of social justice can only lead to the proliferation of attitudes destructive of a free society: envy; an unwillingness to hold each other to standards of self-reliance that might entail the disapproval of others if not lived up to; and, in general, dependency. Given this problem, along with some of the others we have mentioned, such as the lack of objective standards by which a government can determine a just distribution, political life can only degenerate into a struggle between warring special interests, a spoils system in which bureaucracies dole out favors to those parties powerful enough to capture them (1976, 98–100).

In short, then, Hayek's argument against social justice is just this: We cannot do without a market economy, since no other economic system is compatible with freedom or is even workable; but in the context of such an economy, the notion of "social" or distributive justice is meaningless, and its pursuit is not only quixotic, but pernicious, since it leads to the destruction of the market order on which freedom and prosperity rest.

In denying the legitimacy of the ideal of social justice, Hayek does not deny the importance of justice *per se*. On the contrary, he is most eager to emphasize that justice properly understood, as a procedural matter of conformity to abstract rules of individual conduct (rather than a substantive matter of the attainment of some concrete end, distributive or otherwise), is crucial to the proper functioning of the market order (a theme developed throughout *The Mirage of Social Justice*). Given Hayek's account of the role of the market in allowing us to utilize dispersed economic knowledge, he argues that adherence to the rules that make the market possible—noncoercion, respect for private property, contracts, and the like—"is the only procedure yet discovered in which information widely dispersed among millions of men can effectively be used for the benefit of all—and used by assuring to all an individual liberty desirable for itself on ethical grounds" (1976, 70–71). Though the market allows for the possibility that some may suffer the misfortune of unmerited failure, it at the same time

provides the best chance for all to have their wants satisfied (ibid., 70).⁶

Responses to Hayek

We now turn to the critical responses to Hayek's case against social justice that have begun to appear in the last few years. Those of Lukes and Johnston are perhaps the most extended discussions, so they will receive the most attention; but we shall also note some lines of criticism to be found in other writers. As earlier indicated, almost all of these replies have concluded that Hayek's case is ultimately unconvincing. I have detected 13 distinct lines of criticism of Hayek, some of which are put forward by more than one writer.⁷ All of them, I hope to show, fail to undermine Hayek's case and generally fail even seriously to address Hayek's central claim that "social justice" can have no meaning in the context of a market order.

I want to begin by disposing of what I take to be the most obviously weak criticisms.

i. Hayek, in claiming that social justice is unattainable and leads to totalitarianism, implies that advocates of social justice believe this themselves and are knowingly deceiving the public when they defend policies by appealing to it; but this is implausible.

This objection is made by Lukes (1997, 74) without appealing to any textual support; and as far as I can tell, there isn't any. Hayek nowhere asserts or implies that advocates of social justice are cynically appealing to an ideal *they know to be* illusory and pernicious. Indeed, this sort of thing would be untypical of Hayek, who, as Schumpeter stated, "hardly ever attributes to opponents anything beyond intellectual error" (as quoted on the back cover of the University of Chicago Press paperback edition of *The Road to Serfdom*). More importantly, nothing in Hayek's arguments entails such a view.⁸

ii. Hayek's position amounts to a paranoid conspiracy theory that posits a collusion between governments, unions, and the like to destroy our freedom.

This objection, presented by Shklar (1990, 80–81), is intended less as an exegesis of Hayek's text than as a diagnosis of what she apparently believes to be a pathology underlying Hayek's attack on social justice. "Invisible hand" accounts of human society of the sort Hayek and other free-market advocates favor, she says, though "originally meant to free us from irrational fears of conspiracy," ironically present

us with a “Manichaeian world” where evil forces conspire to destroy our liberties (ibid., 81). “It is a common observation of psychologists that most people prefer to see conspiracies rather than to recognize that no one is in charge at all. It is proof of our need to blame and accuse, and Hayek is no exception” (ibid.). Shklar wants to make the case that Hayek, in arguing *against* the reality of quasi-personal forces which determine our fate, is in fact in the grip of the idea that there *are* such forces.

What is there in Hayek’s account that requires an explanation of it in terms of conspiratorial delusions? Is anyone who disagrees with a position thereby in the grip of the delusion that those who disagree with him are conspiring against him? And what exactly is it in the invisible hand approach that is supposed to lead to its exact *opposite*, i.e., the conspiratorial mentality? Shklar is less than vague in answering these questions; she gives no defense of her claims whatsoever. And Hayek is surely an unlikely target of such accusations in any case: It is a common theme of his work that those whose recommendations, if followed, would, in his view, lead us down the road to serfdom *do not understand* that that is what they are doing. Far from there being a conspiracy to destroy our liberties, Hayek argues (most famously in *The Road to Serfdom*) that it is often those who *most cherish* the freedoms of modern civilization who unwittingly adopt policies which in his view will lead to the subversion of those freedoms.

iii. *Hayek’s claim that disagreement on values undermines the possibility of distribution according to a moral principle is implausible, because many political theorists believe that value pluralism is compatible with the attainment of social justice.*

This objection, from Lukes (1997, 75–76), appears to be little more than an argument from authority. Lukes simply notes that many contemporary thinkers, most famously Rawls, believe that justice is neutral as between the various conflicting values or conceptions of the good that various individuals and groups are committed to, so that social justice and value pluralism are compatible. “But no one other than Hayek takes value incommensurability and value pluralism to subvert the very idea of social justice, and it is difficult to understand why they should” (1997, 76). This misses the point of Hayek’s argument, which is that *distributive* justice is supposed to be distribution according to some moral criterion, say, according to merit, or need, or so as to achieve equality of holdings. This sort of enterprise, by its very nature, *cannot* be neutral between conceptions of the good. And

since there is no agreement on moral criteria, or on how to *rank* various criteria; and since, even if there were, no governing body could possibly have the knowledge required of individual circumstances properly to apply the criteria, this enterprise cannot possibly succeed. That is certainly a reason to believe that value pluralism and the attainment of social justice are incompatible; and to refute Hayek's argument, it is hardly adequate merely to note that many thinkers implicitly disagree with its conclusion.

An attempt to do more than this is suggested by Lukes's next objection (1997, 76):

in Hayek can't show that ignorance of individual circumstances means that government attempts to achieve social justice must always be futile.

If Lukes means by this that government may be able to improve, at least temporarily, the lot of particular individuals or groups, then he is certainly correct; but that isn't something Hayek would deny. For the attainment of social justice would involve much more than this, being a matter of a just distribution of resources *in society as a whole*, not merely the alleviation of this or that case of individual hardship. It would require knowledge of the circumstances of *all*, or at the very least *most*, of the members of society, something which, clearly, no governing authority can have.⁹ (Lukes says that for Hayek to know that this is so "would require that Hayek had access to the very knowledge . . . that he declares to be inaccessible" (1997, 76). But why exactly it would require this is left mysterious; Lukes says nothing to support this claim.)

Johnston expresses a related objection when he says: "An egalitarian distribution of wealth . . . requires as little by way of agreement on ultimate ends as the goal of maximizing aggregate wealth" (1997, 88). This objection is almost entirely undefended. The only (implied) support Johnston gives for this claim is the further claim that "an *equal* distribution . . . would not presuppose agreement on the ends to which that wealth should be applied" (ibid.) But even if this latter claim is true, it is beside the point, which is precisely that *attainment* of such a distribution in the first place *would* require agreement on moral ends (as well as knowledge of individual circumstances, etc.). This is so even though the way the redistributed wealth is used *after* redistribution *wouldn't* require such agreement; in any case, nothing Johnston says shows otherwise.

Johnston provides us with another objection:

v. Perhaps social justice can be achieved through indirect means, without the coercion involved in an organizational restructuring of society.

However, Johnston never suggests *how* indirect, non-organizational means might lead to social justice, or what sorts of indirect means he has in mind. Certainly none have ever been tried, nor do the advocates of social justice appear to believe that anything but organizational methods in the form of coercive governmental action can do the job. And it is hardly surprising that they should think this: It is a commonplace that people, left to their own devices, will tend to pursue their own self-interest, leading inevitably to inequalities in wealth and power.

Johnston (1997, 94–97) also argues that:

vi. Hayek ignores the fact that spontaneous orders like the market create organizational elements as well, so that they can be just as coercive as command economies.

That *some* organizational features will crop up in a market order is irrelevant, and that they must be coercive is dubious. Hayek's point is merely that to attempt to take control of society *as a whole*, so as to impose upon it some distributive pattern, must inevitably fail and degenerate into totalitarianism. This leaves open the possibility that smaller-scale organizational endeavors might feasibly undertake small-scale tasks. Indeed, many smaller-scale organizations in fact do so: Johnston's own examples, businesses and labor unions, are good ones. A particular feature of these examples accounts for why they *don't* have the untoward consequences that the attempt to reconstruct the whole of society on an organizational model would: They are completely voluntary enterprises, without the monopoly on the use of force that a social-justice-ensuring state would have to have. So the element of coercion is absent in these types of organizations. This allows for the circumstance that those organizations that are ill-suited to the realization of their stated aims will disappear, the market ensuring a kind of natural selection; while in the case of coercive and comprehensive governmental organization, no such automatic weeding out of failed and otherwise undesirable organizational elements is possible.

Johnston suggests that the market will, for all that, generate genuinely oppressive organizational elements because those who are dissatisfied with its results will band together to enact policies that will alter these results through coercive means. The suggestion seems to be that the problem with the market is that it generates an interest in

attaining such goals as social justice, and these goals entail the institution in society of oppressive organizational features. How this is supposed to be a *defense* of social justice against Hayek, I'm not at all clear. The upshot seems rather to be that things are far worse than even Hayek imagined; that is, that not only outright socialism, but even (indirectly) the market order, will lead to coercive and disastrous measures in the name of "correcting" the market's results. Whether this rather Schumpeterian empirical analysis is correct is something that cannot be settled here. But in any case, it hardly counts as a refutation of the normative case against social justice.

Johnston's overall objection that the market generates features as oppressive as command economies might be thought to be bolstered, however, by a claim made by Plant (1994, 174–75) (and perhaps also Lukes 1997, 77–78), to the effect that Hayek's proposals are just as ill-conducive to the rule of law as he contends the ideal of social justice to be. What poses a danger to the rule of law in a regime guided by the ideal of social justice is that such a regime must be given a vast amount of discretionary power in the distribution of scarce resources such as education and health care (since different individuals and groups must be treated differently, given both the inequalities in people's abilities to provide such resources and the differences in their need for them). But the services Hayek would allow—police, courts, prisons, etc.—also require the use of resources and so also require a great amount of discretionary power on the part of the state (Plant 1994, 175). So the threat to the rule of law is no less real in a Hayekian society.

The main problem with this reply is the same one already noted with respect to Johnston's objection: It is hardly a defense of social justice, but rather merely a claim that things are as bad in a Hayekian order as in a society governed by social justice. Nor would this be enough to make for a stalemate between Hayek and his opponent, even if Plant were correct; for it does not address Hayek's main claim about the meaninglessness of the notion of social justice (much less his claim about its unworkability). Moreover, Hayek can counter that a regime free of the influence of the ideal of social justice will require *far less* in the way of discretionary power, since it is concerned with the use and distribution of far fewer resources. A classical liberal regime reduces discretionary power to the absolute minimum consistent with the existence of a state at all, whereas to make social justice the guiding principle of state action is positively to invite the prolif-

eration of arbitrary state power. Further, it is dubious to suppose that a classical liberal state would require the sort of discretionary power in question, even in smaller amounts. For as Plant grants, it is the scarcity of many of the resources that a social justice-pursuing welfare state must distribute—health care, education, etc.—that leads it to treat individuals differently; while the resources a classical liberal state must “distribute,” such as protection against crime and the like, seem hardly to be scarce. A qualified police officer is not nearly as difficult to find as a qualified doctor or educator, etc.

One more weak argument is again due to Lukes (1997, 71):

vii. Hayek's various objections against social justice contradict one another. For how can social justice be unworkable and lead to totalitarianism if it is a meaningless or incoherent notion in the first place?

The answer to this objection is that an incoherent or contradictory set of beliefs can lead to certain predictably disastrous courses of action just as well as a coherent one can; indeed, it is even more likely to do so. If I think that it is possible to draw a round square, then even though my belief is an incoherent one, we can predict that I will try to draw a round shape and/or a square shape, but will be unable to do both. Similarly, we can predict that policies directed toward social justice will aim at redistributing income a certain way, but that given the problems Hayek has noted, they will be unable to achieve that distribution and will end up destroying liberty in the process.

A number of other objections contend that Hayek's defense of the market appeals to the very sorts of considerations he denies the advocate of social justice; but these rely on readings of his arguments that are uncharitable, at best.

viii. Hayek contradicts himself since he judges the market order to be just on utilitarian grounds.

This objection, put forward by Lukes (1997, 74) (and perhaps hinted at by Johnston 1997, 88), is understandable given that Hayek often argues that the market order is the system most likely to satisfy the wants of the greatest number of people to the greatest possible extent, and thus is commonly described as giving a “utilitarian” defense of the market. But it is an unfair and misleading interpretation nonetheless. Lukes fails to cite any passage in which Hayek actually claims that the market order is *just* (and the whole point of his argument in *The Mirage of Social Justice* is that it is *neither just nor unjust*), much less any passage where he says it is just *because* it satisfies human desires; and as far as I know, there is no such passage. Moreover,

Hayek was not a utilitarian in the usual sense (the theory associated with Bentham, Mill, etc.); his “utilitarianism” consisted entirely in the claim that the market order best satisfied human desires. There is nothing in this that commits him to saying that what is just *just is* whatever satisfies human desires. Thus, even if he held (as he no doubt did) that this alleged tendency of the market order provides us with moral grounds for supporting it, it doesn’t follow that these are grounds of *justice*; for not all moral grounds *are* grounds of justice. Indeed, Hayek’s argument against social justice itself is evidence that he didn’t intend his defense of the market as a defense in terms of justice.

Similarly mistaken is Kley’s claim (1994, 204) that:

ix. Hayek is just suggesting his own principle of distribution: “To each according to his market value.”

Though Hayek does in fact believe that a market order will reward individuals according to the value their services have to others, he never puts this forward as a *moral justification* of the “distribution” determined by the market (much less as a “principle of distribution”—as if some agency in the market order distributed wealth according to a principle), but merely as a descriptive, factual claim. Again, his argument against social justice is itself decisive evidence that he doesn’t intend it as a moral justification, since in his view the distribution of wealth simply isn’t evaluable in moral terms at all in a market order.

Similarly misleading is the claim that Hayek must be contradicting himself because:

x. Even Hayek allows for a minimal safety net to protect those who are incapable of supporting themselves in the market.

This objection is made by a number of writers (Gamble 1996, 49; Kley 1994, 202; Lukes 1997, 73; Plant 1994, 175–76), and calls attention to a feature of Hayek’s position that has always been an embarrassment to the more thoroughgoing libertarians among his admirers. For Hayek does indeed allow that “there is no reason why in a free society government should not assure to all protection against severe deprivation in the form of an assured minimum income, or a floor below which nobody need to descend” (1976, 87). But the important thing to note is that Hayek does not defend this claim on the basis of justice, “social” or otherwise, and explicitly rules out such a defense (Hayek 1994, 149). Though Hayek does say that measures against severe deprivation “may be felt to be a clear moral duty of all” (1976, 87), his defense of such measures seems to rest more on considera-

tions such as the rather coldly pragmatic one that provision of such a minimum income is “in the interest of those who require protection against acts of desperation on the part of the needy” (1960, 285). And in any case, as already noted, even a moral defense is not necessarily a defense in terms of *justice*. So there are no grounds for the claim that Hayek is contradicting himself.

Still, as Plant argues (1994, 175–76), this concession of Hayek’s doesn’t sit well with the general tenor of his critique of social justice, for there is every reason to suppose that the government measures enacted merely to provide a safety net will inevitably become subject to the same difficulties that would plague an attempt to attain social justice. In particular, it is difficult to see how there could be agreed-upon standards of genuine destitution, or how the safety-net apparatus could avoid being subject to interest-group pressures and the like. (We might add that, given the prominence of the social-justice ethic among contemporary policy makers and in society at large, it is impossible that any safety net apparatus could be kept limited strictly to the functions Hayek would approve of.) But the upshot of this, of course, is not that there is anything wrong with Hayek’s critique of social justice, but rather that he should extend that critique even to the provision of a minimal safety net.

Kukathas appears at least not to be misinterpreting Hayek when he argues (1989, 171–72) that:

xi. For Hayek justice is a matter of protecting entitlements; but what one is entitled to is itself an issue of social or distributive justice.

But this objection appears to beg the question against Hayek. Hayek’s claim is that the traditional conception of justice, involving rules which govern the conduct of individuals and protect them against the expropriation of their property and the like, is coherent and necessary for the protection of the market order. And this conception is not a conception of *distributive* justice, since it says nothing about the makeup of the overall distribution of wealth in society as a whole; it is rather a purely procedural notion concerning the acquisition and transfer of individual holdings. So clearly, in Hayek’s view, it is possible to make sense of entitlements without appealing to the notion of *social* or distributive justice. And of course in Hayek’s view, no such appeal is possible in any case, for his argument is precisely that no sense can be made of that notion in the context of a market order. But Kukathas says nothing by way of response to that argument.

This is surprising given that, as we’ve seen, that argument is the

one Hayek puts the most stress on. Yet not only Kukathas's objection, but also all the objections we have so far considered, fail to take that argument into account. At least some of these writers, though, do at least try to make some response to Hayek's central argument; and it is to these responses that we finally turn. The first, due to Kley (1994, 201–203), goes as follows:

xii. *Hayek presupposes that the market is just a natural phenomenon, a "given" that is not evaluable in terms of justice or injustice; but this is false, since there are alternatives such as socialism and mixed economies.*

In defending this objection, Kley makes much of the fact that the market is a product of human actions, and of rules which are subject to human alteration (ibid., 203). But Hayek, of course, never denies any of this. The market order is, as he famously reiterates in a number of works, "the result of human *action* but *not* of human *design*" (Hayek 1967); and this lack of design is the crucial point. The "distribution" of body hair among individuals is also the result of human action, and is even, presumably, subject to human alteration (through genetic engineering, say). But it would be absurd to conclude that *that* distribution is therefore evaluable in terms of justice or injustice. Hayek's point is just that the same thing applies to the distribution of wealth in society, since it, in general, arises spontaneously through the impersonal (as Kley concedes, ibid., 203) process of the market. Moreover, the existence of alternatives does not show that a thing is not "natural" in the relevant sense. Again, there are "alternatives" to the present "distribution" of body hair: We could require that those with an excess number of hair follicles be required to have them surgically removed and transplanted to the skin of relatively hairless people. Still, it is obvious that there is a perfectly good sense in which the current "distribution" of body hair is "natural" (indeed, it is natural in the most *natural* sense of "natural").

Of course, part of Hayek's argument is also that socialism does *not* in fact constitute a viable alternative. We are stuck with a market order of some kind. And as noted earlier, even in a market order that contains some aspects of socialism (a mixed economy), inequalities will develop, and because they arise from the impersonal (even though tampered-with) process of the market, they cannot be said to be just or unjust.

Apparently more formidable, though, is a final line of criticism, one pursued by Plant (1994, 169–171), Shklar (1990, 81), Lukes (1997,

72–74), and Johnston (1997, 86–87), which can be summed up as follows:

xiii. Even if a given distribution is not intended, it is still foreseen, and in any case, even if we are not responsible for the occurrence of unintended consequences, we are still responsible for how we react to them; so the distribution of wealth can in fact be just or unjust.

One problem with this objection is that it isn't clear why the foreseeability of something entails that it is evaluable in terms of justice or injustice. To allude again to the case just considered, it is clearly foreseeable that a certain "distribution" of body hair will hold in society if left alone; and again, this is something that could be avoided or altered if we were inclined to interfere. But surely it would be absurd to describe the distribution of body hair as just or unjust. And the distribution of wealth isn't any different: We can foresee that the "distribution" of wealth in a market economy will have such-and-such a character (though only in very general terms; part of Hayek's point is that we can't foresee that this or that individual or group of individuals will succeed or fail), but nevertheless, no one is *responsible* for bringing a certain distribution about, so it doesn't follow that that distribution is just or unjust.

But the idea seems to be that we *can* respond to a given distribution, even if we are not responsible for it; and in the case of the distribution of wealth, unlike that of the distribution of body hair, we are dealing with something that has an important effect on the quality of people's lives. So there is, after all, a question of justice or injustice. Note first, however, that with this argument, what is just or unjust, strictly speaking, turns out *not* to be a given distribution as such; rather, it is *human reactions* (to a distribution) that are just or unjust. This at least implicitly concedes Hayek's point that only individual human beings and their actions can be just or unjust. But in conceding this, Hayek's opponents must, to be consistent, concede also that it is only *individuals'* reactions which are just or unjust; we cannot speak of "society's" reactions without slipping back into anthropomorphism (and indeed, to return to the point about foreseeability, it seems as if it would have to be something like "*society*" which does the foreseeing, not individuals, if this objection were to have any force against Hayek in the first place). It is not clear how, if it is *individuals'* actions we're talking about, the advocate of social justice can argue for the usual *government* programs put forward as what social justice demands; at best, it can only be the actions of individuals in

their economic lives that are “socially” just or unjust (and of course, in this case, Hayek’s point about the impossibility of rules of individual conduct that can guarantee a particular distribution still applies).

But there is, in any case, no reason to concede that the fact that we can respond to a given distribution shows that that response is properly described as *just* or *unjust*. The sorts of examples given by Hayek’s opponents to support this claim don’t show otherwise. Plant, for instance, describes an old woman blown over by a gust of wind into a pool of water, where she lies unconscious and face down, liable to drown (1994, 170–71). Even though the cause of this circumstance is an impersonal force, he says, it would be *unjust* for a person who witnessed this occurrence not to help the woman. But there is no reason to describe a failure to help the woman as *unjust* rather than merely as callous, or cruel, or wicked; and in fact it seems rather forced to call it unjust. The burden of proof is clearly on Hayek’s opponent to show that it is unjust (and not just callous, etc.); for this case is much more similar to cases where questions of justice or injustice clearly do not apply (e.g., cases where one has suffered a misfortune such as losing a kidney, where it would not be unjust for one to refuse to give up his own kidney to save the other, even if it would be kind to do so) than it is to cases where an injustice clearly has been committed (e.g. a case where someone’s rights to police protection from force have been violated).¹⁰ So Hayek’s opponents beg the question against him if they merely assert, without argument, that cases like this are cases of injustice, rather than just cases of cruelty, callousness, etc. Unfortunately, mere assertion is all they offer.

* * *

We see, then, that even those few objections in the literature that deal with Hayek’s main objection to the notion of social justice fail to undermine that objection. Indeed, they fail even seriously to grapple with the central idea behind that objection, namely that justice or injustice presupposes some agent who can be said to be just or unjust, and that in the case of a market economy, there simply is no such agent. Given this circumstance, it is puzzling why so many seem to think that Hayek’s case is either not worth refuting or is easily refuted. It is puzzling why, for example, Jeffrey Friedman should see fit, in introducing Lukes’s piece on Hayek, to write that “Lukes carefully inspects [Hayek’s] argument and then demolishes it” (1997, 4). For

not only does Lukes *not* “demolish” Hayek’s case against social justice, he barely addresses its central contention at all.

The same can be said of many of Hayek’s other critics: Even the most sympathetic have, again, simply failed to address the main point. I think the reason for this is, partly, one I mentioned earlier: The advocates of social justice simply cannot believe that their most cherished ideals can be brought down through so simple an observation as that with which Hayek begins. But related to this is, I suspect, another implicit objection: It might be thought that Hayek, in arguing for the *incoherence* or *meaninglessness* of the notion of social justice, is implicitly appealing to some version of positivism, maybe something like a verificationist theory of meaning—a position which, though highly influential earlier in this century, has since fallen on hard times.

If this is the suspicion underlying the failure to address Hayek’s central objection, it is misplaced. Claims of incoherence or meaninglessness by no means need presuppose any general and controversial theory of meaning (and Hayek does not appeal to one). We can know that it is incoherent to speak of a “round square” or (to take Hayek’s example) a “moral stone” (1976, 78) without being committed to any such theory. Nor are plausible claims of incoherence limited to these rather uncontroversial cases. Consider Gilbert Ryle’s famous illustration of his notion of a “category mistake,” wherein he points out that it would be an error to suppose that there is something to a university over and above its students, faculty, physical facilities, etc. (1949, 16). To suppose that a university is something that exists over and above these things would clearly be to suppose something incoherent or meaningless; and this is something that a simple reflection on ordinary usage reveals. Hayek’s point about justice is exactly parallel. It thus seems incorrect for Lukes to assert that Hayek’s claim about the meaning of justice is merely a “stipulation” (1997, 71); it is no more a stipulation than Ryle’s example is, and as we’ve seen, nothing Lukes says shows that Hayek is wrong.

But doesn’t the fact that so many people use the expression “social justice” imply that it must have *some* coherent meaning? Not at all. Many beliefs are clearly incoherent, even though they are widespread: Probably millions of people believe both that God is immaterial and that he has a white flowing beard, even though a little reflection shows that nothing immaterial could have a beard. Sophisticated, quasi-philosophical ideas about God commonly coexist with crude

anthropomorphic ones, even though it is clear when one thinks about it that many of these are incompatible. We might also consider the doctrine of the Trinity: Accepted by *billions* of people over nearly two millennia, it is nevertheless widely agreed even by believers that no one has shown how a coherent account of it can be given. It is, officially, a “mystery,” and attempts to understand it inevitably collapse into some heresy or other. This has led many to conclude that there simply *is* no sense to be made of the doctrine, that it is a complete muddle; and I think we can hardly deny that this is, at the very least, a defensible position. (In any case, it would be absurd to accuse the skeptic about Trinitarianism of indefensibly rejecting the doctrine simply on the basis of a mere “stipulation.”)

The doctrine of the Trinity is, arguably, accepted by millions, not because it is coherent, but because millions of people have a strong emotional attachment to ideas (that there is only one God, that Jesus is God, that the Father is God, and that Jesus is not identical to the father) that are (arguably) incompatible. Attached as they are to those ideas, they assume *some* coherent sense can be made of them—even though centuries of effort have failed to support this assumption. The ideal of social justice is, Hayek suggests, in the same boat. It is simply incoherent, but many have an emotional attachment to its component incompatible ideas and thus assume that, surely, there must be *some* sense to it. But page after page of ink spilt by Hayek’s critics have failed utterly to support *this* assumption.

This analogy between social justice and the doctrine of the Trinity suggests one further point. The doctrine of the Trinity, no matter how strong the arguments for its incoherence, is unlikely to lose its hold on millions merely because of those arguments. Might not the same be said about the ideal of social justice? Indeed, one further criticism of Hayek has been, not that his case against social justice is mistaken, but that it is unacceptable in its consequences; that is, that the market economy, and civilization along with it, cannot survive unless the members of society believe that the distribution of wealth it produces is just—in other words, unless they believe, erroneously, that there is such a thing as social justice. This is a claim famously championed by Irving Kristol (1982), and echoed by some of the other critics we’ve mentioned (e.g. Gamble 1996, 46–49); and it is, in my view, the most serious and important of the objections made to Hayek’s position.

Even if sound, this objection does not show that Hayek is wrong;

rather, it shows that the consequences of his being right might be catastrophic. I am not convinced it is sound, but that is not something I will try to show here. My aim has been merely to try to show that Hayek is right; or at least, that his critics have failed to show otherwise. But the Hayekian can certainly not rest content with this. The next step must be seriously to grapple with the question of whether human beings are psychologically capable of accepting an order, however beneficial, which cannot legitimately be said to be just or unjust; of whether they can bear a world in which not only God, but even a semi-divinized “society,” responsible for their well-being, is denied them. “On that question,” Hayek tells us, “may rest the survival of our civilization” (1988, 140).

NOTES

1. Though the treatment of “social justice” and “distributive justice” as more or less synonymous is fairly common among writers on this subject, some may object that the category of social justice is broader than that of distributive justice. There is, no doubt, some truth to this, as is evidenced by the fact that among political activists, if not political theorists, many grievances having nothing particularly to do with the distribution of wealth are commonly put forward as demands for “social justice.” But since the identification of social justice and distributive justice is fairly common, and, more importantly, since what Hayek has in mind in criticizing social justice just is distributive justice (1976, 63), I will continue to speak of them as synonymous. This will, of course, have no bearing on what follows, so long as it is kept in mind that by “social justice” we just mean distributive justice.
2. Though in fairness to other critics of Hayek, it should be noted that this particular author exhibits an uncommon degree of flippancy, as should be evident to any reader of his *Anti-libertarianism* (1994).
3. Lukes (1997) distinguishes six lines of criticism in Hayek’s attack on social justice. In addition to the three I’ve noted, he claims that Hayek also criticizes social justice on the grounds that it is religious, self-contradictory, and ideological. But these points aren’t really distinct from the three I’ve alluded to. To take the last first: Hayek does say that appeals to social justice tend often to spring, not from a genuine interest in justice, but from motives of self-interest (1976, 65, 67, 90, 97). But this can be said also of all sorts of legitimate moral principles, and Hayek doesn’t present this as an *argument against* social justice (nor is it clear why Lukes thinks he does, since Hayek doesn’t make nearly as big a deal of this point as Lukes implies). Nor does he himself describe the ethic of social justice as “ideological,” a loaded term the Marxist connotations of which hardly bring to mind themes consonant with

Hayekian thought. Hayek just isn't the sort of thinker who explains systems of belief in terms of the class interests (or whatever) they allegedly serve. Insofar as Hayek thinks that social justice is "self-contradictory," it is because, as Lukes notes, he argues that "social processes are impersonal while justice presupposes the deliberate agency of a person or persons" (Lukes 1997, 69), and, as we shall see, this is precisely his reason for saying that it is meaningless or incoherent. So this criticism is just part of the first one I mentioned. And though Hayek does say that the notion of social justice rests on a quasireligious anthropomorphism of society, this too, as we shall also see, is part of his first criticism. At any rate, it would be a distortion of his views to say baldly that "Hayek criticized social justice because it is (he claims) religious." Hayek does say that social justice rests on a kind of superstition, but he nowhere says or implies that all religious belief is superstitious, nor does he anywhere present or imply an argument to the effect that religion is bad or disreputable, that social justice is religious, and that, therefore, social justice is bad or disreputable. So Lukes's criticism of this alleged argument of Hayek as "in tension with the Burkean critique of Enlightenment-inspired scientism" to be found in Hayek's other work, and as unjustifiably dismissive of the treating of some values as "sacred" (Lukes 1997, 72), is directed at a straw man. Moreover, Hayek's acknowledgement in *The Fatal Conceit* (1988) of the positive value of some kinds of religious tradition (cited by Lukes himself, 1997, 72) supports the conclusion that Hayek *didn't*, after all, mean to imply that social justice was bad *because* it was religious, an interpretation for which there is no support in *The Mirage of Social Justice* anyway—a more charitable conclusion than the one Lukes draws (*ibid.*), namely that Hayek, in *The Fatal Conceit*, was simply contradicting his alleged earlier position.

4. Even Shearmur, who is not unsympathetic to Hayek's case, discounts the importance to that case of the idea that the notion of social justice as incoherent or meaningless (1996, 138). But it is clear that Hayek himself put great emphasis on it. Not only does he reiterate the idea again and again in *The Mirage of Social Justice*, but in one interview, when asked why he rejected the ideal of social justice, it was this argument alone that he rehearsed (Hazlett 1992).
5. For a concise statement of Hayek's account of the informational role played by prices in a market economy, see his "The Use of Knowledge in Society" (in Hayek 1948). For a brief summary of Mises's calculation argument against socialism and a discussion of the history of the debate over that argument, see Steele 1992.
6. This is not to overlook a problem that Hayek does not shirk from acknowledging, namely that many, especially those who do not succeed in the competition of the marketplace, may find it hard to accept the "distribution" that the blind process of the market results in if it is recognized that many of those "favored" by the distribution do not merit their success in a moral sense. This is an issue I will return to at the conclusion of this paper.
7. There is in fact one further line of criticism developed by Plant that I won't

consider in detail here, since it is not really germane to any of the arguments against social justice we've looked at. That is the objection that Hayek cannot sustain his distinction between "freedom" and "ability" (Plant 1994, 170–74). Though Plant seems to think otherwise, I don't see how this issue—the old "negative liberty" versus "positive liberty" debate—bears on the issue of whether the arguments of Hayek I've summarized show that there can be no such thing as social justice; those arguments appear to work or not work whatever we say about the nature of liberty (This includes the argument about social justice leading to totalitarianism: no one, regardless of his position on negative versus positive liberty, would welcome the sorts of restrictions on freedom Hayek claims social justice threatens us with.) In any case, Plant's arguments seem to me weak: He argues that negative liberty is important to us only because it makes possible certain abilities to do things, and appears to conclude from this that there is no real distinction between freedom and ability (*ibid.*, 171–72). But if A makes B possible, surely this presupposes that they *are* distinct. In any case, it *doesn't* follow that they *aren't* distinct: my parents made my education possible, but I am distinct from them.

8. As already discussed in note 3, Hayek does say that appeals to social justice often are motivated more by self-interest than a genuine interest in justice. But he never says that *all* appeals to social justice are like this; and, more to the point, this (obviously) doesn't amount to the claim that those who appeal to social justice out of self-interest *know* or *believe* that it is an ideal that cannot be realized and that must lead to totalitarianism.
9. Hayek *would* presumably grant that this knowledge would be possible under primitive conditions, in which human societies consist of small bands of individuals with intimate knowledge of one another's circumstances. Indeed, Hayek appears to believe that the predilection for thinking in terms of social justice derives from sentiments hard-wired into the species during its infancy, when such conditions were the norm; and he grants that socialism would in fact be feasible under such conditions (1976, 67). But in modern civilization, with its complex institutions and millions upon millions of members, such sentiments are misguided and pernicious, and the knowledge required to ensure a particular distribution or a socialist economic order is unattainable.
10. The sorts of cases Judith Jarvis Thomson appeals to in her well-known paper "A Defense of Abortion" (1971) also support Hayek against Plant. She argues that if a world-renowned violinist were dying and attached to you without your consent so as to keep him alive, it would not be unjust for you to unplug yourself from him even if it meant that he would die; and even if you needed to be attached to him only for a few moments, it would not be *unjust* for you to detach yourself, only (perhaps incredibly) callous, since he has no *right* to the use of your body. Similarly, the woman in Plant's example surely has no right to your help, even if it would be, for other reasons, immoral of you not to help her.

REFERENCES

- Barry, Norman P. 1979. *Hayek's Social and Economic Philosophy*. London: Macmillan.
- Friedman, Jeffrey. 1997. "Hayek's Political Philosophy and his Economics." *Critical Review* 11 (1): 1-10.
- Gamble, Andrew. 1996. *Hayek: The Iron Cage of Liberty*. Boulder: Westview Press.
- Gray, John. 1984. *Hayek on Liberty*. London: Oxford.
- Haworth, Alan. 1994. *Anti-libertarianism*. London: Routledge.
- Hayek, F. A. 1944. *The Road to Serfdom*. Chicago: University of Chicago Press.
- Hayek, F. A. "The Use of Knowledge in Society." In idem, *Individualism and Economic Order*. Chicago: University of Chicago Press.
- Hayek, F. A. 1960. *The Constitution of Liberty*. Chicago: University of Chicago Press.
- Hayek, F. A. 1967. "The Products of Human Action But Not of Human Design." In idem, *Studies in Philosophy, Politics, and Economics*. London: Routledge and Kegan Paul.
- Hayek, F. A. 1976. *Law, Legislation, and Liberty*, vol. 2: *The Mirage of Social Justice*. Chicago: University of Chicago Press.
- Hayek, F. A. 1988. *The Fatal Conceit: The Errors of Socialism*, ed. W.W. Bartley, III. Chicago: University of Chicago Press.
- Hazlett, Thomas W. 1992. "The Road from Serfdom: Foreseeing the Fall, an Interview with F. A. Hayek." *Reason* (July).
- Johnston, David. 1997. "Hayek's Attack on Social Justice." *Critical Review* 11 (1): 81-100.
- Kristol, Irving. 1982. "Capitalism, Socialism, and Nihilism." In *The Conservative Reader*, ed. Russell Kirk. New York: Viking.
- Kley, Roland. 1994. *Hayek's Social and Political Thought*. Oxford: Clarendon Press.
- Kukathas, Chandran. 1989. *Hayek and Modern Liberalism*. Oxford: Clarendon Press.
- Lukes, Steven. 1997. "Social Justice: The Hayekian Challenge." *Critical Review* 11 (1): 65-80.
- Nozick, Robert. 1974. *Anarchy, State, and Utopia*. New York: Basic Books.
- Plant, Raymond. 1994. "Hayek on Social Justice: A Critique." In Jack Birner and Rudy van Zijp, eds., *Hayek, Co-ordination and Evolution*. London: Routledge.
- Ryle, Gilbert. 1949. *The Concept of Mind*. New York: Barnes and Noble.
- Shearmur, Jeremy. 1996. *Hayek and After*. London: Routledge.
- Shklar, Judith. 1990. *The Faces of Injustice*. New Haven: Yale University Press.
- Steele, David Ramsay. 1992. *From Marx to Mises*. La Salle, Ill.: Open Court.
- Thomson, Judith Jarvis. 1971. "A Defense of Abortion." *Philosophy and Public Affairs* 1 (1): 47-66.