

Market Forces too often clash with Social Justice

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first published *The Times*, 28 March 1992

The late Friedrich von Hayek (1) derided "social justice". It was a term, he said, which ought to be driven from the English language. Nor did he believe in God. Perhaps there was a connection.

The opening entry under Justice in Karl Rahner's classic *Encyclopedia of Theology* is strikingly headed: *The social sense of justice in the Old Testament*. What is clear from both the Old and the New Testament traditions is that justice as administered in the courts, the forensic kind, is only an Aristotelian subset of a much wider justice which permeates the Judaeo-Christian system. There is really no such thing, in that system, as justice that is not social.

So the concept of social justice which Hayek rejected is up to 4,000 years old, probably as old as monotheism itself. Such a tradition constantly develops, and a definition is hard to pin down; but it involves, at least, a concept of obligation towards those in need who are not protected by the obligations of family life. The obligations of social justice precede such laws as are enacted by societies. They are, so to speak, among the higher obligations imposed by God, binding irrespective of temporal law.

In the case of extreme necessity, social justice says the starving have a right to bread, the diseased to treatment, the naked and homeless to shelter. Those with bread have an obligation to give to those without. Voluntary benevolence on the one hand, gratitude or "deservedness" on the other, do not come into it. If those with bread default on their obligations, the starving may take it (and may even have a duty to take it) and yet not be morally guilty of stealing. Indeed society may take the bread (or the means to buy it) by force if necessary, to pass to the poor. The poor have an entitlement, not the hope of a gift if they are lucky or well-behaved.

This assumption was common to Old Testament Israel and to medieval tithing, under which a tax of 10% was paid to the monastic houses to look after the poor. It was also the assumption behind the first [English] poor law in 1601, when all those with property became obliged to contribute to parish relief.

The history of the British welfare state shows it to be a clear development from these ancient ideas. It preserves the concept of an obligation to those in need, and of society having an inescapable debt towards them. In the process, however, social justice has become increasingly confused with the pursuit of equality, with "fair shares for all", although that is not implied by the scriptural sources. Indeed, social justice is essentially a code for coping with inequality, and preventing it from having inhumane consequences.

In the Bible, in medieval times and afterwards, inequality was accepted, sometimes as necessary, sometimes as desirable. The Old Testament Wisdom literature, for example, describes a just man as one who conducts himself so prudently in his dealings with his equals and those below him that he profits by them. And Jesus' remark (2), *the poor are always with us*, while not meaning to glorify poverty, conveys a relaxed acceptance of some economic inequality.

Repudiation of this view began in the late 18th century, when the workings of *laissez-faire* economics were treated (a little obliquely) by Adam Smith as if they were the consequence of natural laws under God's invisible guiding hand; and, by Thomas Malthus, as the one true version of social justice, even though it was a justice which passed sentences of death on the innocent.

The struggle to uphold the Christian notion of social justice against such radical political economists, Hayek's forbears, was a long and bitter one. Thousands died, not least in the Irish famine [of the 1840s], victims of the belief of their masters that any intervention in the workings of the market was a kind of sacrilege.

With the emergence of the welfare state, the crueller consequences of extreme *laissez-faire* were finally rejected. Today, the current [UK 1992] election debate on the welfare state is being conducted within either the premisses of Judaeo-Christian social justice, or, even, in health care, to the left of that, within what Hayek would call the "socialist" assumptions of egalitarianism.

The liberal economics of Hayek's system are as radically incompatible with this debate as they are with Christianity and Judaism. If social justice has one statement to make to economists, it is that economics is not an autonomous science but one under judgement. It is Judaeo-Christian social justice that decides when economics - Hayek's or Marx's or any other - has found the right answer; not vice versa.

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References

1 Friedrich von Hayek wrote as follows: *I have come to feel strongly that the greatest service I can still render to my fellow men would be that I make them thoroughly ashamed ever again to employ the term social justice.* See *Law, Legislation and Liberty* (Routledge & Kegan Paul, London), volume II (1976), page 97. This volume is entitled *The Mirage of Social Justice*.

2 Matthew 26:11, Mark 14:7, John 14:8. See also Deuteronomy 15:11.

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