

AN EXAMINATION OF HAYEK'S CLAIM THAT
THE TERM 'SOCIAL JUSTICE' IS MEANINGLESS

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Abstract. *I examine Hayek's claim that the term 'social justice' is meaningless. Hayek does not offer an argument for this claim, but a plausible argument can be made based on his methodological individualism, which takes the form of ontological reductionism. From this it is possible to construct a philosophical semantics which would provide the necessary premise for an argument that the term 'social justice' is meaningless. However such an argument requires a version of methodological reductionism that is incapable of making sense of social behaviour. Furthermore, for Hayek's claim to be true, it would require a complete rethinking of our current understanding of meaning, deriving from Wittgenstein, and also that Aristotle's account of general justice is meaningless. Hayek has no valid argument to support the claim that the term 'social justice' is meaningless, and our understanding of both meaning and social justice remain undamaged by his claim.*

Keywords: *Hayek, social justice, theory of meaning, truth conditions, Wittgenstein, Aristotle, general justice, particular justice.*

Introduction

Hayek advanced various objections to the idea of social justice, but I propose here to examine just one of those objections, his claim that the term 'social justice' is meaningless. Michael Novak advanced the following claim about Hayek, 'I have never encountered a writer, religious or philosophical, who directly answers Hayek's criticisms. In trying to understand social justice... there is no better place to start'.¹ When it comes to Hayek's claim that the term 'social justice' is meaningless, this remark of Novak's seems to me to be entirely misleading. The problem with Hayek's claim that 'social justice' is meaningless is not that one cannot find a flaw in his argument. It is that one cannot find an argument in Hayek's writing to support his claim.

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¹ Michael Novak, *Defining Social Justice*, <http://www.firstthings.com/article/2007/01/defining-social-justice-29>

Hayek made the claim repeatedly that the phrase ‘social justice’ is meaningless. In *New Studies in Philosophy, Politics, Economics and the History of Ideas*, in *Law Legislation and Liberty*, and in *Socialism and Democracy* it is variously described as a vacuous concept, something that has no meaning whatsoever, a superstition, and as “an incubus which today makes fine sentiments the instruments for the destruction of all values of a free civilisation”.

Hayek claims that the term ‘social justice’ involves the application of the terms ‘just’ or ‘unjust’ to social institutions, processes, outcomes and so on, but the terms ‘just’ and ‘unjust’ can only properly be applied to the behaviour of individual people. So the term ‘social justice’ is meaningless. This is quite obviously not an argument. It is not even a do-it-yourself kit for an argument. It offers no reason to believe the claim that the terms ‘just’ and ‘unjust’ can only be applied to individual people, the main premise. And any claim about meaning or meaninglessness requires some minimal account of what meaning is – a philosophical semantics – something which is absent from Hayek’s writing.

The first thing to say is that the claim that ‘social justice’ is meaningless is highly contentious, as people clearly do use the term and manage to communicate effectively with each other about social justice. John Rawls has written extensively about it, the opening sentence of *A Theory of Justice* is “Justice is the first virtue of social institutions...”. There exists a Centre for Social Justice in Britain, and the Labour Party claims to put social justice at the heart of its agenda. Quite clearly, if there is no such thing as social justice and the term is meaningless, these people are wasting their time and would be better occupied planning a safari to photograph unicorns. Arguments purporting to show the meaninglessness of some concept or other have rather fallen out of fashion since the days of Logical Positivism, which had decided opinions on which sentences were meaningful and which were meaningless. But since Wittgenstein’s *Philosophical Investigations*, we have arrived at philosophically more sophisticated understanding of meaning, seeing the meaning of a term as determined by how we use the term. The *Philosophical Investigations* is, in part, a sustained argument against the idea that a term can be used according to well established and commonly accepted criteria of application, and at the same time be completely meaningless. Clearly we do use the term ‘social justice’, we can discuss whether a particular example is a case of social injustice, have a conception of what counts as a good argument for saying that it is or it isn’t, and so on. If the meaning of term is established by the use to which the term is put, as Wittgenstein argued, then clearly the term ‘social justice’ isn’t meaningless.

It has been noted how Hayek embroils himself in contradictions when discussing social justice², and it is tempting to agree with Andrew Lister’s suggestion that Hayek didn’t really know what he was saying when he claimed

² Andrew Lister, *The ‘Mirage’ of Social Justice: Hayek Against (and For) Rawls*, CSSJ Working Papers Series, SJ017 June 2011, available at: http://social-justice.politics.ox.ac.uk/materials/SJ017_Lister_MirageofSocialJustice.pdf See also Roger Scruton, *Hayek and Conservatism* in Feser, Edward, (editor) *The Cambridge Companion to Hayek*, Cambridge University Press, Cambridge, 2006, p. 220, “...although in later writings he sometimes refers (even approvingly) to the work of Rawls, it is clear that his account of justice is entirely incompatible with that expounded in *A Theory of Justice*.”

that 'social justice' was meaningless³. However, according to Roger Scruton, Hayek's dismissal of social justice has a philosophical foundation⁴, so if we are to regard Hayek as a philosopher, it is important to subject his arguments to philosophical examination. Given the repeated nature of Hayek's claim, I think we have to take Hayek's claim at face value, and to try and recover on his behalf an argument which would give some philosophical substance to his claim. But what we cannot do is to simply allow to pass without careful philosophical examination such a contentious and significant claim as that the term 'social justice' is meaningless.

As already stated, any attempt to advance a claim of meaninglessness presupposes a theory of meaning. And as already stated, the 'argument' that Hayek offers for his claim is so threadbare as to fail to constitute an argument at all. Hence in order to consider his claim that 'social justice' is meaningless, it is first necessary to construct a genuine argument on Hayek's behalf. I therefore provide Hayek with a semantics for sentences about social justice, based upon his interpretation of methodological individualism. On the basis of this semantics, it is possible to produce an argument to support Hayek's claim that the term 'social justice' is meaningless. Unfortunately for Hayek, this argument suffers from a fatal flaw, which arises from his conception of methodological individualism, and, pace Novak, I show that even after one provides Hayek with the argument he lacks, it appears that his claim that the term 'social justice' is meaningless is false. It is also the case that any argument that might be produced to support Hayek's claim will almost certainly fail, because for such an argument to succeed, our current understanding of both meaning and justice would need to be completely revised.

Ontological Reductionism

What does Hayek mean when he says there's no such thing as social justice? The answer lies in his methodological individualism. There is a trivial version of methodological individualism which states that society is composed of individuals, what Steven Lukes has called the purely truistic assertion that society consists of people⁵. This claim is not very helpful to Hayek, as it leaves open the possibility that the world contains all kinds of things besides individuals, things such as societies, for example, and that facts about societies are not reducible to facts about individuals. Hayek's claim is much stronger than this common sense truism, it is a reductionist ontological claim – that social properties are really nothing more than aggregates of individual properties.

Hayek's methodological individualism takes the form of ontological reductionism⁶. Ontological reductionism is the claim that things or properties of

³ Lister, "Appearances to the contrary, he (Hayek) is not really claiming that the idea of social justice is meaningless."

⁴ Scruton, p. 220.

⁵ Lukes, S., *Individualism*, Oxford University Press, Oxford, 1973.

⁶ Hayek, *Individualism and Economic Order*, University of Chicago Press, Chicago, 1948, p. 6, "There is no other way toward an understanding of social phenomena but through our understanding of individual actions directed toward other people and guided by their expected behaviour."

one type are really things or properties of a different type. So, the claim that colour is really just the propensity of objects to reflect light of a certain wavelength is an ontological claim about secondary properties, that they are really, or can be metaphysically reduced to, relational properties of primary qualities. A reductionist might claim that tables are really just collections of atoms⁷, that emotions are really just brain states⁸ and so on, and reductionism is usually associated with an assumption of the ontological priority of the reductionists preferred property or thing, be it atoms or physical states of the brain. Hence the word ‘really’, in the claims that tables are really just collections of atoms and emotions are really just brain states.

The methodological individualist version of ontological reductionism asserts that social properties are really just collections of properties that individuals possess, and social facts are really just collections of facts about individuals. An excellent statement of methodological individualism was given by Professor John Watkins, who began his academic life as a student of Hayek’s at the London School of Economics.

“According to this principle, the ultimate constituents of the social world are individual people who act more or less appropriately in the light of their dispositions and understanding of their situation. Every complex social situation, institution or event is the result of a particular configuration of individuals, their dispositions, situations, beliefs, and physical resources and environment. There may be unfinished or half-way explanations of large-scale social phenomena (say, inflation) in terms of other large-scale phenomena (say full employment); but we shall not have arrived at rock-bottom explanations of such large-scale phenomena until we have deduced an account of them from statements about the dispositions, beliefs, resources and inter-relations of individuals.... methodological individualism is contrasted with sociological holism or organicism. On this latter view, social systems constitute ‘wholes’ at least in the sense that some of their large-scale behaviour is governed by macro-laws which are essentially *sociological* in the sense that they are *sui generis* and not to be explained as mere regularities or tendencies resulting from the behaviour of interacting individuals.”⁹

So, for example, if we say that a football crowd was enthusiastic, what makes this proposition true is a set of facts about the individual members of the crowd, that a sufficient number of each of the distinct individuals who make up the crowd was enthusiastic. If we say the crowd was unenthusiastic, what would make that proposition true would be a different set of facts about the individual members of the crowd, that a sufficient number of the individuals who make up the crowd was unenthusiastic.

Of course, reductionism doesn’t mean we have to dispense with talk about football crowd, or tables or emotions, nor does it involve the claim that tables or

⁷ Democritus was perhaps the first reductionist of this kind, since for him, all that exists are atoms and the void.

⁸ The Mind Brain identity theory associated with Jack Smart would be such a reductionist account.

⁹ John N. W. Watkins, ‘*Historical Explanation in the Social Sciences*’, *The British Journal for the Philosophy of Science* Vol. 8, No. 30 (Aug., 1957), pp. 104-117.

emotions or social groups don't exist, but it does involve a claim about what makes propositions about them true. Since a football crowd is really just a collection of distinct individuals, what makes a proposition about it true are individual facts about the individual members of the football crowd. For Hayek, whatever property we ascribe to a social group, such as a football crowd, a social institution or a whole society, for this proposition to be true, his reductionist ontology means there must be some particular facts about the individuals who comprise that social entity which make the proposition true.

The Meaning and Truth Conditions of 'Just' and 'Unjust'

Hayek accepts that individuals can behave unjustly towards each other at the individual level. He believes that what makes the act of an individual unjust is that it involves an intention by that individual to gain an advantage by deception, force etc¹⁰. When it comes to ascribing injustice to a social practice, institution or outcome, Hayek's position is essentially the same as it is for ascribing enthusiasm to a football crowd, or for any property to a social practice, institution or outcome – that it is unjust if and only if those involved in it behave in certain ways, effectively if and only if they intentionally behave unjustly towards someone, because for Hayek, “only human conduct can be called just or unjust”, and the terms ‘just’ and ‘unjust’ have meaning when applied to a state of affairs “only in so far as we hold someone responsible for bringing it about...”¹¹

So the truth conditions “Individual a acted unjustly” and “Social institution S acted unjustly” are of the same kind¹².

“Individual a acted unjustly” is true if and only if a acted unjustly and “Social institution S acted unjustly” is true if and only if social institution S is composed of individuals a, b, c and so on, and a acted unjustly and b acted unjustly and c acted unjustly and so on¹³.

That is to say the truth conditions of a social body acting unjustly ‘reduce’ to facts about the unjust behaviour of individual members of the social body in exactly the same way that the truth conditions of propositions about football crowds ‘reduce’ to facts about individual members of the crowd. So if a social

¹⁰ I don't need a clearer specification than this as the focus of the argument is not on the definition of injustice, but on the reductionist ontology. However, Hayek does include an individual's intention to gain an advantage as a necessary condition of injustice.

¹¹ Hayek, *Law, Legislation and Liberty: A New Statement of the Liberal Principles of Justice and Political Economy*, Routledge and Kegan Paul, 1982, Vol. II, p. 31. The entire sentence reads “only in so far as we hold someone responsible for bringing it about *or allowing it to come about*” (my emphasis). However I will leave aside the qualification of allowing a state of affairs to come about, in the interests of simplifying Hayek's position so as to make his argument about the meaning of sentences clearer.

¹² For the connection between truth conditions and meaning, in which the truth conditions can be presented in the context of a Fregean theory of meaning in such a way as to display the meaning of a sentence, I would refer the reader to John McDowell, ‘*On the Sense and Reference of a Proper Name*’, *Mind*, LXXXVI (1977), pp. 159-85.

¹³ Obviously, not everyone involved in a social institution has to behave unjustly. If, for example, a bank operates a Ponzi scheme, it is sufficient for the scheme to be unjust that key figures in the bank behave unjustly. The majority of employees of the bank may have acted in good faith.

practice is unjust, it has to be because the individuals involved in it deliberately seek to gain an advantage by lying or deceiving or otherwise behaving unjustly towards others.

*Spontaneous Orders Do Not Arise Intentionally
and So Cannot Be Unjust*

But Hayek's objection to the term 'social justice' was that he believed it had predominantly come to be used to refer to a social outcome, institution or practice, without that outcome institution or practice being the result of the intentional actions of any particular individual or individuals.

Hayek thinks that most of the situations that are offered as examples of social injustice arise not because of any intentional action on the part of an individual or individuals to commit an unjust act, but arise as a result of the processes which are a form of spontaneous order, an order which arises 'from below' without any conscious design, and which arises because individuals engage in dealings with other individuals, in a process of free and peaceful exchange, pursuing their own interests with no aim other than that of their own short term interest. Although spontaneous orders do not derive from a rational plan, they exhibit "evolutionary rationality", the spontaneous process whereby individuals adapt their plans to those of others. Examples of spontaneous orders are the free market and the common law system of England – those rules of conduct that pre-dated the existence of written codes of law, which arose out of the existing customs and practices of groups of people, and which were subject to change and modification in the light of further circumstances, but always in conformity with the existing understanding of the group about matters of right and wrong. The common law arose not as a result of a conscious design, but is, like the market "a network woven by an invisible hand."¹⁴

Unlike much of continental Europe, where statute law, law written down in codes, constituted the basis of law, common law formed the basis of the legal system in England for over 1000 years and still plays a significant role in the English legal system. So rather than take an example of a spontaneous order in operation from the market, I propose to take an example from the common law.

Until 1870 in England it was not possible for married women to own property¹⁵. Upon marriage, women became the property of their husbands, and any property they owned prior to marriage, automatically became, under common law, the property of their husband as did any property they subsequently acquired. No

¹⁴ Scruton, pp. 212-4. Scruton is clearly drawing a parallel with Adam Smith's account of the market.

¹⁵ The Married Women's Property Act (1870) granted married women the right to own property for the first time in English law. Being passed by Parliament, the Act was statute law, and as such overrode the existing common law. The Act could plausibly be seen by Hayek and his followers as a clear example of a planned order – taxis – which is imposed from above by the state, in an attempt to bring about a new social order, in conformity with some ideal or plan – in other words, another step on the road towards a totalitarian state. See Hayek, *The Road to Serfdom*. For the more rational amongst us, the Act would be seen rather differently, as redressing a serious social injustice towards women. This latter view is, of course, unavailable to Hayek, for reasons which are the subject of this paper.

matter what the husband did with the property, whether he gambled it away or used it to buy a house for his mistress, it was his to do with as he liked and the wife had no claim under the common law on the property she brought with her to the marriage or any she acquired during her marriage, such as any salary she earned from her employment. Any property the man brought with him to the marriage and his salary remained, of course, entirely his own¹⁶.

One might think this was, *prima facie*, a clear case of injustice to women in general, and married women in particular. It enshrined in law the unequal treatment of men and women, solely on the basis of their gender.

However, for Hayek this is not and cannot be an example of injustice. The reason is simple. This situation did not arise as a result of a conscious decision to commit an injustice, but as a consequence of the workings of a spontaneous order, in which individuals operate without any conception of interests wider than their own immediate concerns. And for Hayek, "Justice is not concerned with those unintended consequences of a spontaneous order which have not been deliberately brought about by anybody¹⁷".

Writing about the market as an example of the market as a spontaneous order, *par excellence*, Hayek states "It has of course to be admitted that the manner in which the benefits and burdens are apportioned by the market mechanism would in many instances have to be regarded as very unjust *if* it were the result of a deliberate allocation to particular people. But this is not the case... the impersonal process of the market... can be neither just nor unjust, because the results are not intended or foreseen¹⁸" (emphasis in original).

The Truth Conditions of 'Just' and 'Unjust' as Applied to Social Institutions Arising as a Form a Spontaneous Order

It's clear that Hayek doesn't like social justice, but what does all this have to do with his claim that the term is "meaningless"? The answer lies in the truth conditions of the sentence, "The position of married women prior to the 1870 Married Women's Property Act was unjust".

If we recall the truth conditions of "The crowd was enthusiastic":

"The crowd was enthusiastic" is true if and only if there was a crowd, and it comprised a group of individuals – a, b, c and so on and a was enthusiastic, and b was enthusiastic and so on, and a sufficient number of the individuals who comprised the crowd were enthusiastic.

Using his reductionist metaphysics of methodological individualism, for Hayek the truth conditions of "The situation of married women under common law prior to the 1870 Married Women's Property Act was unjust" are as follows:

"The situation of married women under common law prior to the 1870 Married Women's Property Act was unjust" is true if and only if there was a discriminatory situation for married women enshrined in the common law and

¹⁶ The plots of many Victorian novels depend upon this fact for their dramatic impetus.

¹⁷ Hayek, *Law, Legislation and Liberty*, vol. II, p. 65.

¹⁸ Hayek, *Law, Legislation and Liberty*, vol. II, p. 64.

this situation was brought about with the express intention on the part of certain individuals of acting to commit an act of injustice by depriving women of their property.

Hayek believes, rightly, that people who believe in social justice want to criticise as unjust the situation which obtained before the passing of the Married Women's Property Act. But for Hayek such criticism can only mean that some individual or individuals intentionally brought about that situation with the express purpose of committing an injustice. The believer in social justice does not regard the matter of whether someone intentionally brought about that situation with the express purpose of committing an injustice as a necessary condition of injustice. They think social processes, institutions and outcomes can be unjust irrespective of the intentions of those involved in these social processes, institutions and outcomes – that social processes, institutions and outcomes can be unjust *tout court*, without any concern for the intentions of anyone. On the account given of Hayek's semantics, such a thought has no sense, because on the semantics I proposed for Hayek, the sentence

“Action/process/institution/outcome A is unjust even though no one brought it about with the express intention of committing an injustice” has no truth conditions. This is because the Hayekian truth conditions of “Action/process/institution/outcome A is unjust” are, “Action/process/institution/outcome A is unjust” is true if and only if (1) A is unjust and (2) someone brought A about with the express intention of committing an injustice.

So given the semantics I propose for Hayek, “Action/process/institution/outcome A is unjust even though no one brought it about with the express intention of committing an injustice” is true if and only if (1) A is unjust and (2) someone brought it about with the express intention of committing an injustice and (3) no one brought it about with the express intention of committing an injustice.

Since conditions (2) and (3) cannot both be met as it would require both that someone was responsible for bringing about a state of affairs and that no one was responsible for bringing about that state of affairs, Hayek can, using these semantics, with some justification describe ascriptions of social injustice as meaningless, as they have truth conditions which require incompatible states of affairs to obtain.

Similarly, for Hayek since the situation of married women arose out the common law, which is an example of spontaneous order, the truth conditions of “The situation of married women under common law prior to the 1870 Married Women's Property Act was unjust” are that the situation of married women under common law prior to the 1870 Married Women's Property Act was (1) unjust and (2) someone brought it about with the express intention of committing an injustice (his reductionist ontology) and (3) no one brought it about with the express intention of committing an injustice (his common law/spontaneous order condition).

Hence under the Hayekian truth conditions I propose, it makes no sense to assert that “The situation of married women under common law prior to the 1870 Married Women's Property Act was unjust” as conditions (2) and (3) cannot both be met.

This account of Hayek's semantics provides, I hope, a realistic account of why he thinks the words 'social justice' are meaningless, and why he describes 'social justice' as a term which "does not belong to the category of error, but to that of nonsense, like the term 'moral stone'."

Empirical Objections to the Existence of Spontaneous Orders

One very easy and very obvious response to Hayek would be to point out that his preferred examples of spontaneous order seem unlikely to meet one of the conditions he puts on something being a spontaneous order, namely that it arise as a result of the free, un-coerced actions of individuals. His view of both the market and the common law reveals Hayek's tendency to see spontaneous order as both the natural state of affairs and, like Dr Pangloss, to see them as providing the best of all possible worlds¹⁹. It is easier to think of the situation which prevailed prior to the passing of The Married Women's Property Act as an example of a spontaneous order if one does not think of women as always having been regarded as complete individuals, and that that this particular spontaneous practise arose when women were regarded as chattel²⁰. Otherwise it is hard to imagine why women would freely consent to be deprived of their property.

There is a remarkable ahistoricism about Hayek and his devotees, who are inclined to see the mists of time as providing a warm happy glow to the past, imagining a time when free individuals wandered the world, going around spontaneously arriving at mutually beneficial arrangements. Sadly, it is not spontaneous order but conquest, genocide, slavery, serfdom, exploitation, coercion, cruelty and waste on a colossal scale that have been the norm rather than the exception. It is as though Hayek wants to deny the reality of human history, to deny what Henry Staten described as the character that remains when one rejects attempts to make history intelligible by devising some structure that imposes an order on history, that gives a teleological purpose for it to serve, and to replace this depressing narrative of pointless suffering with a story that he would like to hear, a 'thus it ought to have been', rather than offer a truthful and dispiriting account of how it was, "Consider all the rest of human history, including most of the planet at the present moment. What are we to say about this overwhelming spectacle of cruelty, stupidity, and suffering? What stance is there for us to adopt with respect to history, what judgement can we pass on it? Is it all a big mistake?... There is no explanation, only the brute fact... There may not be any plan behind history, nor any way of making up their losses to the dead, but we can draw an invisible line of rectitude through history and in this way take power

¹⁹ Scruton, p. 226, "There is a tendency in Hayek, encouraged by his methodological individualism, to see spontaneous order as the default position of human society – the position to which we naturally revert when the distorting pressures of political control and egalitarian planning are lifted."

²⁰ For an example of this, see the list of property found in the tenth commandment, 'You shall not covet your neighbour's house, nor his wife, nor his manservant or maidservant, nor his ox, nor his ass, nor any other property belonging to your neighbour'. Women may take comfort from the fact that the property is listed in order of importance. Although listed behind the house, they are ahead of the ox and the ass.

over it. Against the awesome ‘Thus it was’ of history we set the overawing majesty of ‘Thus it ought to have been.’”²¹

Certainly the British variety of free market capitalism was built not on a spontaneous order of free individuals coming to un-coerced mutually agreed contractual arrangements, what Hayek calls the game of catallaxy, but upon the capital deriving from the proceeds of the slave trade, child labour and forced expropriation in the colonies. It would, I think, be hard, if not impossible to find a spontaneous order in history that survived for more than a few months, and if we wait for a Hayekian to provide a genuine empirical account of the historical emergence and development of a spontaneous order that meets Hayek’s condition of lack of coercion, rather than offering us some rather vague and unrealistic Panglossian a priori musings, we should be prepared for a very long wait.

It is thus possible to suggest that rather than being examples of spontaneous order and being intentionally brought about by no one, most of the cases of social injustice were intentionally brought about, by persons unknown, with the express purpose of subjugating or exploiting.

Philosophical Objections to Hayek’s Ontological Reductionism

But it is the philosophical criticism of Hayek’s account of the meaningless of ‘social justice’ which is the more damning, and it is that to which I now turn.

I have argued that the semantics which might support a claim of meaninglessness arise from Hayek’s reductionist ontology – the belief that the features possessed by social processes, institutions and outcomes are metaphysically ‘reducible’ to individual actions and intentions.

As John Watkins pointed out in the passage already cited, methodological individualism can be “contrasted with sociological holism or organicism. On this latter view, social systems constitute ‘wholes’ at least in the sense that some of their large-scale behaviour is governed by macro-laws which are essentially *sociological* in the sense that they are *sui generis* and not to be explained as mere regularities or tendencies resulting from the behaviour of interacting individuals”²².

So one very obvious way in which one could explain the meaning of “The situation of married women under common law prior to the 1870 Married Women’s Property Act was unjust” would be to deny Hayek’s reductionist premise and say that the Married Women’s Property Act was a social phenomenon, arising out of social processes and social institutions and sustained by social processes and social institutions and as such it was “governed by macro-laws which are essentially *sociological* in the sense that they are *sui generis* and not to be explained as mere regularities or tendencies resulting from the behaviour of interacting individuals.”

And one would therefore specify truth conditions for “The situation of married women under common law prior to the 1870 Married Women’s Property Act was unjust” which did not refer to the intentional actions of individuals:

²¹ Henry Staten, *Nietzsche’s Voice*, Cornell University Press, Ithaca, NY, 1990.

²² Watkins, *loc. cit.*

“The situation of married women under common law prior to the 1870 Married Women’s Property Act was unjust” is true if and only if the situation of married women enshrined in the common law prior to 1870 was unjust.

On this account, all reductionist reference to individual intentions and actions drops out of the semantics.

There seems to me to be no obvious reason why social outcomes, institutions and practices cannot be subject to moral appraisal without us knowing anything about the intentions of those who brought them about. And this is one of the ways in which we do use the language of moral appraisal. In both everyday speech and in assessing the actions of social institutions like governments, we say things like “That’s not fair” – when the boss allows her best friend to leave work early to go shopping but refuses to allow you to leave early when your child is ill, or when the government lowers the rate of taxation for the rich and increases it for the badly paid. We don’t enquire into people’s intentions. We can see that the action or outcome is unfair. Whilst there may be some a priori limits on what can fall within the compass of moral appraisal, there is no reason why social institutions cannot fall within the sphere our moral concerns as objects in their own right. And if proof of this latter statement is required, it is given by the fact that they clearly do fall within the scope of our moral interest.

Hayek’s reductionist argument appears to have an initial plausibility, but it is important to remember the difference between the purely truistic assertion that society consists of people and the philosophical claim that truths about society can be analysed into truths about people without loss of content. If we look at social groups, such as a football crowd, it seems quite obvious that it is composed of individuals who comprise its members. But social groups are not the only social entity that might be subject to moral evaluation. Social institutions, processes and outcomes are likewise suitable objects of moral evaluation. One can speak of a law as being unjust, of parliament behaving unjustly, of a social institution like slavery as being unjust and so on.

So what it would take to produce a reductionist ontological account of a sentence like, “The position of married women prior to the 1870 Married Women’s Property Act was unjust”? What would it take to give an account of this solely in terms of individuals, without presupposing any social institutions or social processes, and without loss of meaning? The answer to this is that we have absolutely no idea what such an account would look like, nor could we ever realistically hope to give such an account.

To begin with, such an account, given solely in terms of individual behaviour would have to explain the social institution of marriage, without referring to any social process or social institution that was left unanalysed in terms of individuals. So churches and registry offices, marriage ceremonies, witnesses etc. would all need to be explained in terms of the actions of individuals without presupposing the existence of churches and registry offices, marriage ceremonies, witnesses etc. When it comes to breaking down an Act of Parliament into the actions of individuals, one would need to explain the following social processes and institutions in terms of individual acts and intentions – Parliament, its legislative function, the law, the officers of the law, the courts, the police, royal assent, the

monarchy and so on. And this is far from being a complete list of the social phenomena that would need analysing in terms of individuals if one was to give a methodological individualist account based on Hayek's reductionist metaphysics. Quite literally, we have no idea what such an account would look like.

Hayek's argument looks plausible if you commit the fallacy of equivocation – moving between the truistic assertion that society consists of people and the reductionist claim that truths about society can be analysed into truths about people without loss of content. The truistic assertion is true. The reductionist claim is not. Methodological individualism cannot make good its claim to account for the meaning of social phenomena in terms of facts about individuals, and so as a philosophical doctrine, this kind of ontological reductionism is false.

One cannot 'reduce' social institutions to individuals, which explains why one cannot give truth conditions for the application of evaluative predicates to social institutions and processes in terms of individuals and their properties. Most social institutions, process and outcomes are indeed *sui generis* and the truth conditions for the application of ethical predicates to them are to be given on terms which exclude reference to individuals. Hence Hayek's major premise, that the terms 'just' and 'unjust' can only properly be applied to the behaviour of individual people is false.

Indeed, not only is it not the case that individuals cannot provide the appropriate bedrock upon which our understanding of social phenomena is built, it appears to be the case that we can't understand the behaviour of individuals without accepting the reality of social phenomena. An individual can only want to join the police, because the social institution of the police exists, and no explanation of his individual behaviour may be possible without a prior assumption of the existence of the social institution of the police.

Hayek and Aristotle

Aristotle made a distinction between two kinds of justice – general and particular. Particular justice governs relations between individuals, and Hayek has clearly adopted his conception of individual justice from Aristotle's ideas on particular corrective justice, which for Hayek comprises the whole of justice. The second part of Aristotle's conception of particular justice is distributive justice. Hayek identifies distributive justice with social justice, which Aristotle does not, and Hayek's epistemological argument against social justice, that society could never acquire all the information it needed to achieve a distributive outcome which reflects the individual merit of each person, is clearly an attack on the second component in Aristotle's theory of particular justice²³. I will not examine this here, but will simply point out that one of the problems in making sense of Hayek is that the meaning he attaches to the term 'social justice' when he is talking about distributive justice is entirely different from the meaning he attaches to the term when he claims that 'social justice' is meaningless.

²³ Aristotle, *Nicomachean Ethics*, 1131a. The references to Aristotle's texts follows the standard method of making references to Aristotle's Greek text, by page, column and line of I. Bekker's edition (*Aristotelis Opera*, Berlin, 1831): for instance, *Nicomachean Ethics* 1131a refers to page 1131, column a.

Having adopted Aristotle's account of particular justice and used it for his own purposes, Hayek finds himself having to reject Aristotle's account of general justice as meaningless as general justice, like social justice with which it has clear affinities, allows that social institutions can be just, without the need of any reductionist ontology. Aristotle's conception of general justice is a deeply political concept, and is concerned with the type of political structure a society has. Aristotle argues in the *Nicomachean Ethics* and *The Politics* for two things – firstly that 'just' and 'unjust' are properties that can apply directly to social institutions, unequivocally stating that "those political arrangements that aim at the common interest conform to what is unqualifiedly just²⁴". And secondly, he argues that the type of political structure a society has makes all the difference to whether it is capable of realising the first and most important goal of politics, that of "producing citizens who are both good and the sort to perform noble actions²⁵".

These two claims, as we have seen, require the rejection of Hayek's claims of the meaninglessness of the term 'social justice' and his reductionist ontology respectively. The first by giving a clear statement of truth conditions for statements about social justice which has no need of a reductionist ontology, namely:

"A social process or institution is just" is true if and only if it promotes the common interest²⁶.

Aristotle's second claim, that a just society makes just people, explains the properties of individuals by reference to the properties of social institutions, rather than the other way round as Hayek would have it, and indicates that social institutions are indeed *sui generis* and cannot be explained as mere regularities or tendencies resulting from the behaviour of interacting individuals. Just people help to make a just society, but as Aristotle saw, a just society inculcates in its members those habits of behaviour and mind that are just, it helps to make the people just. It is not the case that England is a monarchy because the people are monarchists, rather the inhabitants of England are monarchists because England is a monarchy. It is the society which creates in individuals the habits of mind which are associated with monarchism. But once so created those habits of mind found in individuals sustain the social institution of the monarchy. There is no explaining the attitudes of individuals without assuming the existence of the social institution, nor of explaining the existence of the social institution without taking into account the attitudes of individuals. So, it is with justice, according to Aristotle. The explanation runs not just one way, from individuals to social institutions, as Hayek would have it, but both ways, from individuals to social institutions and from social institutions back to individuals, making it impossible to give a specification of the attributes of individuals without reference to social institutions. One of Aristotle's concerns was to try to identify that form of political order which best promotes virtue in its citizens. This task is, according to Hayek, quite literally meaningless.

It should not come as surprise that Aristotle's conception of general justice is a deeply political concept. The question as to what constitutes the best form of

²⁴ Aristotle, *The Politics* 1279a.

²⁵ Aristotle, *Nicomachean Ethics* 1099b.

²⁶ For a specification of what the common interest is, I would refer the reader.

society cannot avoid being a political question. Aristotle's answer is a society that promotes the well being of all its citizens, and to do that it must function according to the precepts of general justice. Aristotle was interested in analysing the ways different forms of political organisation function and whose purposes they serve – Tyranny, Oligarchy, Democracy and so on. For Hayek, the best form of society is one that arises as a spontaneous order. Such a society would be, according to Aristotle's categorisation, a type of plutocratic Oligarchy, so for Hayek the best form of political organisation is one that promotes the well being of a wealthy elite, and in order to do that it cannot operate with a conception of general justice²⁷. Hayek's refusal to accord any meaning to a conception of general justice is a deeply political act, just as deeply political as Aristotle's.

Conclusion

Hayek's claim that the phrase 'social justice' is meaningless has not been given sufficient attention by philosophers. Any claim that a sentence is meaningless presupposes a semantics. The most plausible semantics that could substantiate Hayek's claim rests upon a reductionist ontology. However, the attempt to provide Hayek with a semantics that would substantiate his claim of meaninglessness fails. Such a semantics rests upon a reductionist metaphysical assumption that is impossible to make good. Hence the term 'social justice' is not meaningless, nor does it resemble the term 'moral stone'. The term 'social justice' is perfectly meaningful, and has clear and agreed criteria of application.

That Hayek's claim that a phrase we regularly use with near universal agreement as to its correct and incorrect application is meaningless should prove to be false will come as a surprise to no one who has read Wittgenstein, because for Wittgenstein, what it is for a term to be meaningful is simply for it to be used with agreement as to its correct and incorrect application. It is of course open to someone else to provide a different account from mine of the semantics of 'social justice', an account which would show Hayek's claim to be true. However I doubt that such an account is possible. The reasons for this are twofold. Firstly it would almost certainly involve rejecting a central pillar of Wittgenstein's later philosophy, which would be something of a philosophical earthquake as it would mean a total revision of current thinking about meaning. Secondly any argument in support of Hayek's claim that 'social justice' is meaningless would amount to a rejection of a significant part of the political philosophy of Aristotle. Again this would be something of a philosophical earthquake as it would show that Aristotle didn't know what he was talking about in *The Nicomachean Ethics* and in *The Politics* when he wrote about general justice. Of course, both Wittgenstein and Aristotle could have been wrong, but the materials to be found in Hayek for making such an argument are so threadbare, so minimal, and involve such a rudimentary level of philosophising that it is not to Hayek's writings that one would turn to find such an argument.

²⁷ This, rather than any philosophical merit, may account for Hayek's popularity among apologists for neo-liberalism.

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