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Chapter Thirteen

Why Libertarians Should Be Social Justice Warriors

Roderick T. Long

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AS ON A DARKLING PLAIN

[13.1]

Libertarians are often hostile to the concept of “social justice”¹ and are likewise frequently to be found among those who apply “social justice warrior” (or “SJW”)² as a disparaging label for those who call for greater inclusiveness in matters of race, class, gender, sexual orientation and identity, etc. Those who look upon social justice favorably tend to be equally hostile to libertarian views. But is this mutual hostility justified?

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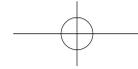
The term “social justice” appears to have originated in Catholic social thought (Benestad 2011, 151) and to have subsequently been adopted by a broad range of left-wing thinkers and activists. Most of these thinkers have been skeptical of markets and have favored a greater role for the state than do libertarians. But ideas may be closely affiliated even when those who hold them see them as utterly opposed. So it is, I shall argue, in this case.

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WHAT IS SOCIAL JUSTICE?

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Social justice, as commonly understood, concerns certain duties of justice that society is said to owe either to all of its members, or else specifically to its least advantaged members—the impoverished, the marginalized, and the oppressed. Among proponents of social justice, there’s some disagreement as to whether “all” or “the least advantaged” is the relevant focus. The Catholic tradition, drawing on Thomas Aquinas, makes the *common good* the object of social justice (Benestad 2011, 152–54). By contrast, many users of the concept apart from the Catholic tradition take social justice to involve a



“special concern for the poor or least advantaged”; it is the lack of such *special* concern that leads Jason Brennan (2013), for example, to discount utilitarianism as a social-justice view.

Matt Zwolinski and John Tomasi (2012b) tend to dismiss the distinction as, even if a valid point in *theory*, still unimportant in *practice*, since “a special sort of concern for the poor is warranted,” whether we are to be concerned with the poor “because their interests qua poor have a special non-derivative moral significance,” or instead because legal institutions “have an obligation to serve the interests of all ,” and “the poor are the ones who are most likely to suffer” when they fail to do so.

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But it is possible to resist the sharpness of the distinction even in theory. John Rawls (1971), for example, could argue that his focus on the welfare of the least advantaged just *is* a concern for the common good. That’s because he conceives of the common good in terms of *mutual* advantage rather than *aggregate* advantage, where the latter holds that “the hardships of some are offset by a greater good in the aggregate,” while the former rejects such utilitarian trade-offs as unjust (14–15).

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Here Rawls is in line with the Catholic tradition. Pius XI, in a 1937 encyclical, writes that it is “of the very essence of social justice to demand for *each individual* all that is necessary for the common good,” since it is “impossible to care for the social organism and the good of society as a unit unless *each single part and each individual member* . . . is supplied with all that is necessary for the exercise of his social functions” (quoted in Benestad 2011, 153; emphasis added). And this conception of the common good in terms of mutual rather than aggregate advantage arguably runs back to Aristotle (Miller 1995, chapter 6).

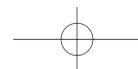
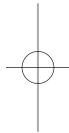
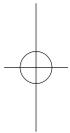
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It is Rawls’s commitment (1971) to mutual rather than aggregate advantage that explains why, in his various statements of the Difference Principle, he can speak indifferently of deviations from equality needing to favor either “everyone’s advantage” or that of the “least advantaged” (14–15, 44, 60). One critic has described Rawls’s ready slide between these two formulations as an “unsolved mystery” (Flew 2017, 136); but there is no mystery. If one starts, as Rawls does, from a baseline of equality, then any deviation from equality that benefits everyone must also benefit those who are the least advantaged in the situation that departs from the baseline, since they are part of everybody; and conversely any deviation from equality that benefits the least advantaged must also benefit everyone (or at any rate must not make anybody worse off), since if benefiting the least advantaged caused others to be made worse off than they would have been under equality, then those *others* would be the least advantaged—and the Rawlsian concern is with the least advantaged *de dicto*, not *de re*.

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Of course, there are versions of the mutual-advantage approach that do not take equality as the baseline. One such version is the Pareto Criterion,

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which requires that any proposed changes in the allocation of resources make everybody better off (or at least no worse off) relative to the *present distribution* taken as a baseline. If the present distribution involves massive exploitation and oppression of the vast majority by a small elite, a situation which could not be alleviated without making the elite worse off, then the Pareto Criterion will forbid any alteration in the existing system—thus making it unattractive as a principle of justice either for social-justice proponents or for libertarians. But while Rawlsian equality may be more attractive as a baseline than Paretian actuality, it too has been criticized, notably by libertarians, for disregarding inequalities in resources to which their possessors may be justly entitled, including natural talents and the products of noninvasive labor (Nozick 1974, chapter 7).

[13.10] We'll return to the issue of baselines below; but for present purposes we may take the following as an approximate definition: *Social justice is the branch of justice that evaluates systemic features of society in terms of their impact on social welfare generally, and on that of the least advantaged in particular.*

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SOCIAL JUSTICE AND SPONTANEOUS ORDER

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One objection that libertarians have raised against the concept of social justice is that it treats *states of affairs* (such as distributions of resources), rather than individuals and their actions, as objects to be evaluated as just or unjust, and likewise that it treats *society* rather than individuals as a moral agent that “owes” duties to its members, or at any rate as something that should be controlled by some agent discharging such duties, rather than being a spontaneous, undirected order. Friedrich Hayek (2013), for example, characterizes social justice as a form of anthropomorphism:

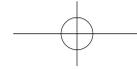
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It is perhaps not surprising that men should have applied to the joint effects of the actions of many people, even where these were never foreseen or intended, the conception of justice which they had developed with respect to the conduct of individuals towards each other. ‘Social’ justice . . . came to be regarded as an attribute which the ‘actions’ of society, or the ‘treatment’ of individuals and groups by society, ought to possess. As primitive thinking usually does when first noticing some regular processes, the results of the spontaneous ordering of the market were interpreted as if some thinking being deliberately directed them, or as if the particular benefits or harm different persons derived from them were determined by deliberate acts of will, and could therefore be guided by moral rules. (226–27; cf. Nozick 1974, chapter 7; Rand 1984, 110–11)

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But to this criticism the defender of social justice has a ready reply: it is always possible to decompose the duties of society into the various duties of its individual members and to translate talk of a state of affairs’ being just or





unjust into talk of the justice or injustice of individuals' acting to sustain or alter that state of affairs.

Admittedly, it is not always obvious how to translate any given instance of such a claim. If we say that it is unjust that all the left-handed members of a society are trapped at the bottom of a pit, we might mean that every individual in society has a duty of justice to help the left-handers get out; or that whoever can most easily provide assistance has such a duty; or that various agents of the government (assuming such an institution to be justified) have such a duty; or that whoever pushed them into the pit (if that's how they got there) has such a duty; or that people should stop pushing them in from now on; or perhaps only that everyone has a duty of justice not to interfere with the left-handers' attempts to climb out through their own efforts. Given this ambiguity, one can see why libertarians might think that rising to the society-wide level of description obscures the crucial issues.

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But descending to the individual level can obscure crucial issues too, as Marilyn Frye's (1983) famous birdcage analogy illustrates:

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Consider a birdcage. If you look very closely at just one wire in the cage, you cannot see the other wires. If your conception of what is before you is determined by this myopic focus, you could look at that one wire, up and down the length of it, and be unable to see why a bird would not just fly around the wire any time it wanted to go somewhere. . . . There is no physical property of any one wire, *nothing* that the closest scrutiny could discover, that will reveal how a bird could be inhibited or harmed by it except in the most accidental way. It is only when you step back, stop looking at the wires one by one, microscopically, and take a macroscopic view of the whole cage, that you can see why the bird does not go anywhere; and then you will see . . . that the bird is surrounded by a network of systematically related barriers, no one of which would be the least hindrance to its flight, but which, by their relations to each other, are as confining as the solid walls of a dungeon.

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It is now possible to grasp one of the reasons why oppression can be hard to see and recognize: one can study the elements of an oppressive structure with great care and some good will without seeing the structure as a whole, and hence without seeing or being able to understand that one is looking at a cage and that there are people there who are caged, whose motion and mobility are restricted, whose lives are shaped and reduced. (4–5)

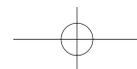
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Frye's case for stepping back from the purely individual level represents the sort of approach that Chris Matthew Sciabarra (2000) defends as a "dialectical awareness of reciprocal interrelationships among different elements in society" (360).

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The libertarian may still protest that attempting to alter society-wide structures risks interfering with spontaneous orders that individuals lack either the knowledge or the right to plan and direct. To this kind of concern, Zwolinski (2011) replies:

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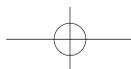
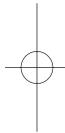
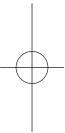
Yes, the distribution of holdings in a free society is determined partly by the countless ordinary decisions of innumerable individuals. But it is also a product of the *social and legal rules* that govern and structure those decisions: rules that determine the contours of property rights and contracts . . . These rules might be just or they might be unjust. If they are unjust, we could . . . intervene to change them, even if we did not deliberately create them. (cf. Rawls 1971, 102)

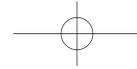
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Indeed, in this sense, Hayek himself could be interpreted as a proponent of social justice, since while he famously prefers rules and institutions that emerge spontaneously from the market to rules and institutions deliberately designed, when existing rules and institutions (whether emergent or designed) are such as to hamper the process of spontaneous social evolution, he recommends their conscious and deliberate revision, and indeed offers an extensive program for constitutional design (Hayek 2013, 441–61). Moreover, Hayek does take distributional effects into account in evaluating a society’s institutional framework, specifically expressing concern for its effects on “all people suffering from adverse conditions which may affect anyone and against which most individuals cannot make adequate provision” (395; cf. 249). Kevin Vallier (2012) argues that “Hayek’s critique of social justice does not apply to the evaluation of the rules that govern a society’s basic structure” (cf. Zwolinski and Tomasi 2012a). On Vallier’s reading of Hayek, concern for the welfare of the least advantaged is a permissible criterion of justice at the level of assessing a society’s basic structure as a whole (something that individuals can and should seek to influence, at least under certain circumstances; presumably Hayek’s own work represents such an attempt), and is forbidden only when used in addition as a criterion of justice for assessing particular distributions arising *within* that structure—and it is only to the latter, on this interpretation, that Hayek’s strictures on social justice are intended to apply. Hayek’s impression (whether correct or mistaken) that Rawls held the same two-level view presumably explains his oft-puzzled-over claim that he has “no basic quarrel” with Rawls’s theory (Hayek 2013, 261).

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But does the danger of interference with society’s spontaneous self-ordering rule out all forms of social-justice activism, beyond actions to revise a society’s institutional structure? Not necessarily; for it depends what sense of “spontaneous order” is in play. As Charles Johnson (2013) points out, the concept is variously used to contrast *consensual* with *coercive* orders, *polycentric* or *participatory* with *directive* orders, and *emergent* with *consciously designed* orders (13–15). While these three senses of spontaneous order may often go together, it is also possible for them to come apart; for example, “while the development of Wikipedia is a clear example of a consensual and participatory order—nobody’s forced to contribute; the editing process is wide open to anyone who wants to jump in without waiting for instructions,”





it is nevertheless “not a strong example of an *emergent* order,” since most contributors “edit Wikipedia . . . with the intention of *improving the breadth and accuracy of information on Wikipedia*,” which makes “the macro-scale success of Wikipedia . . . a consciously-adopted part of the micro-level intention (19).

But there is another, rather nastier way in which the three senses might come apart; for nothing rules out the possibility that “widely-distributed, micro-level practices of *violence*” might add up (like the bars in Frye’s birdcage) to an “*emergent but non-consensual* order” (20). For Johnson, rape culture is an example of such a malign emergent order; I’ve argued elsewhere (Long 2010b; cf. Long 2008) that the state itself is another such order.

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Insofar as libertarian worries about social-justice activism concern its interference, via top-down state power, with spontaneous order in the consensual sense, Johnson notes that his threefold distinction can “help illuminate how the genuine need for a *systematic* and *comprehensive* response to oppression need not entail a *governmental* response”; instead, “resistance can be systematic and comprehensive while remaining decentralized and bottom-up.” Johnson (2013) points to grassroots feminist activism against rape culture as an example of “*voluntarily coordinated, polycentric, but consciously organized* political resistance to a *polycentric, emergent, coercive* order of violent oppression” (25).

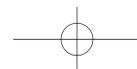
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It might be added that on the same principle, libertarian political activism need not involve *taking control* of the state (whether through electoral politics or violent revolution), but might instead be a matter of dissolving it through the deliberate creation of bottom-up, consensual orders that seek to win more and more people’s affiliation away from the state (Konkin 1983; Johnson 2008b; Long 2011b; 2018). While this strategy of building alternative institutions to undermine existing ones is often thought of as a left-wing, anarchist strategy, it’s also notably the strategy that Ayn Rand (1957) dramatized approvingly in her novel *Atlas Shrugged*.

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I’ve argued elsewhere that those who see governmental structures as a necessary constraint on what would otherwise be chaotic human interaction are the victims of a “metaphysical illusion,” a “habit of thinking of constitutional restraints . . . as though these structures existed *in their own right*, as external limitations on society as a whole,” when in fact such structures “exist only insofar as they are continually *maintained* in existence by human agents acting in certain systematic ways” (Long 2008, 140; cf. Long 2006b, 43–45). Given the way in which political power is embedded in a web of economic and cultural relationships, it’s surely a mistake for libertarians to think they can transform the existing system simply by targeting the state directly and solely, as though it were that one point on the Death Star you need to hit in order to make the whole thing blow up. One moral of dialectical social analysis is that there is no one such point.

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SOCIAL JUSTICE AND NATIONAL BORDERS

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A somewhat different libertarian objection to the concept of social justice has been articulated by Jacob Levy (2012):

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I think that we who care about freedom should be deeply outraged by the wrongs done by the system of border controls to keep people in poverty. . . . And the language of social justice renders it invisible, because the poor people being hurt are not already “members” of the “society” whose institutions are being evaluated.

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I think this is a fair concern to raise about those theories of social justice for which the boundaries of society are determined by the borders of the nation-state. But many theories of social justice are more cosmopolitan than that (cf. Pogge and Moellendorf 2008); and the social-justice community has indeed been at the forefront of pro-immigration activism. And if, as I would maintain, the most defensible version of libertarianism is an anarchist one, then the version of social justice here contended for is one that entirely dispenses with the state and *ipso facto* with its borders, and so is not vulnerable to the tendency Levy worries about.

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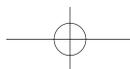
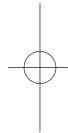
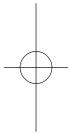
To be sure, those who reject the state may be tempted to substitute some *other* parochial grouping as the focus of social justice, as certain purportedly anarchist groups like the so-called “national anarchists” indeed do; and similar tendencies can be found, unfortunately, within the libertarian movement itself, particularly in those sectors that have made common cause with the Alt-Right—as instanced by the tribalist, anti-cosmopolitan, anti-immigrant version of libertarianism defended by Hans-Hermann Hoppe (2014; 2017; for a critique, see Long 2019, forthcoming). But this raises issues of culture that will be addressed below.

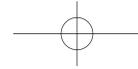
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IS SOCIAL JUSTICE A BRANCH OF JUSTICE?

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But the libertarian has ready to hand another criticism of the concept of social justice: If (a) claims on behalf of social justice are supposed to be legitimately enforceable, then they are in conflict with libertarian rights, since the claims of the needy and disadvantaged will then, at least in principle, clash with the robust private property rights that libertarians favor; by libertarian lights, evils that involve the use of force (against persons or property) may be combated by like force, but evils not involving force must be combated by other means. If, on the other hand, (b) claims on behalf of social justice are not legitimately enforceable, then they are not *rights*, and so are not properly describable as matters of *justice*—in which case (c) they are





simply matters of private morality and so are outside the scope of libertarianism.

My own view is that some social-justice claims are going to be legitimately enforceable and some are not, so I need to address both horns of this dilemma. But let me start with the terminological concern raised in (b).

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While social-justice claims often concern enforceable rights, they typically extend beyond this. Many of the claims routinely made on behalf of social justice are not legitimately enforceable, not only by libertarian lights but also *by the lights of those urging such claims*. When social justice advocates call for public pressure against individuals and organizations they regard as inadequately inclusive, they do not necessarily favor the use of force, governmental or otherwise, as part of that pressure. (Presumably some of them do, in some instances; but it's clearly not the case that all of them do, in all instances.) Social-justice campaigns of that sort typically resemble the consensual, participatory, bottom-up resistance movements described by Johnson above. Likewise, the mainstreaming of "social justice warrior" as a pejorative term arose in connection with the "Gamergate" controversy, where it was used against women raising concerns about female representation in video games (Ohlheiser 2015); the women targeted had not called for any use of force (though those harassing them in response often did). So does talk of "social justice" illegitimately extend the scope of justice beyond the bounds of enforceable rights?

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The concept of social justice, as previously noted, originates in Catholic social thought, and in particular is a development of Aquinas's conception of "legal justice" (Benestad 2011, 152–54), which in turn is based on Aristotle's "general justice," which he takes care to differentiate from "special justice" (*Nicomachean Ethics* V.1–5, 1129b20–1133b30; Aristotle 1999, 68–76). As I've explained elsewhere:

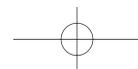
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General justice is concerned with interpersonal moral claims in general: it's the entire interpersonal dimension of morality, "the whole of virtue in relation to another." Special justice is concerned with a particular sort of moral claim, the sort that nowadays we would call "rights"; Aristotle lists what one is owed in virtue of being a citizen under the constitution, what one is owed as a result of a contractual agreement, and what one is owed by a wrongdoer as a result of having been a victim of illegal injury, as examples of special justice. (Long 2006c)

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Now libertarians depart from Aristotle in regarding only special justice as legitimately enforceable, whereas Aristotle regards general justice as likewise being the proper concern of law; he even calls it "legal justice," which is where Aquinas gets the term. Nevertheless, Aristotle does not regard all of interpersonal morality as legitimately enforceable by law (Long 1996, 777–80); and neither for that matter does Aquinas (*Summa Theologica*

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IaIIae.96.2–3; Aquinas 2000, 53–56). Hence, even though there’s always been a close affinity between the concept of justice and the concept of law, the idea that the scope of justice involves more than what is properly legally enforceable is very old, and indeed stands at the origin (or one of the origins) of social-justice thought.

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And, moreover, it is still common today to use concepts like *justice* and *rights* to refer to claims that have nothing to do with legal enforceability; it’s perfectly standard usage. An article in the 1967 *British Journal of Ophthalmology* is titled “Unjust Criticism of the Laser” (Kelly 1967); the author’s meaning is plainly that criticism of laser surgery for the eyes is unwarranted, not that such criticism is an actionable rights-violation that should be suppressed by law. Likewise, in Phil Collins’ 1985 song “Separate Lives,” when the singer tells his ex-lover, “You have no right to ask me how I feel; you have no right to speak to me so kind,” no one imagines that he is taking a stand against legal guarantees of free speech (Collins and Martin 1985). There are thus no grounds for objecting to using the language of social justice to refer to claims that are not meant to be secured by literal force.

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SOCIAL JUSTICE AND CULTURE

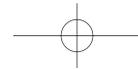
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This brings us to (c), the more substantive concern that if some social-justice claims are not enforceable, then they have nothing to do with libertarianism, which is solely a theory about the use of force. Here a dialectical perspective should lead us to question such narrowness of focus. As Sciabarra has documented in his exploration of Ayn Rand’s thought, Rand, while likewise making the non-initiation of force her bedrock political principle, insists on analyzing power relations in terms of personal, cultural, and structural levels, understood as “interrelated constituents of a single totality,” tracing “psycho-epistemological and ethical principles at work in exploitative interpersonal relations,” “distortions in social interaction as by-products and reflections of cultural practices” and “the essential role of the predatory state in creating conditions of economic dislocation, class (or intergroup) struggle, social fragmentation, and brutality”—where each of these factors both lends support to and draws support from the others (Sciabarra [1995] 2013, 277–78). Some of the evils she describes involve the use of force, while some do not; but if they really do form part of an interlocking system, then one cannot successfully combat those evils that involve force without at the same time combating those other evils that do not. (Note that this does *not* mean it is okay to use force against the non-force-involving evils.)

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For Sciabarra, Rand’s dialectical insights support an “awareness of the role of culture in sustaining freedom,” and thus a conclusion that “the real war is not merely political or structural,” but “also personal, cultural, and





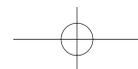
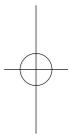
historical” (Sciabarra 2000, 362). Sciabarra borrows from Murray Rothbard (1990) the phrase “liberty plus,” denoting the idea that “a certain cultural matrix is essential to liberty” (3).

Drawing in part on Sciabarra’s analysis and in part on the nineteenth-century individualist anarchists (Long and Johnson 2005), the forerunners of today’s left-wing market anarchist (LWMA) movement, Johnson has developed the idea of “libertarian thickness,” according to which certain commitments not directly entailed by libertarian principle (specifically, the non-aggression principle, or NAP) may nevertheless be bound up with it in such a way that the reasonableness of a commitment to libertarianism makes it likewise reasonable to adopt these other commitments as part of a common program along with libertarianism (Johnson 2008c; cf. 2008a). For example, it may be that the best reasons for being a libertarian also support the other commitments; or that the absence of such commitments makes it harder to apply libertarian principles or to recognize their violation; or that a libertarian society cannot be successfully achieved or stably maintained without widespread adherence to such commitments. (Critics of libertarian thickness often take its proponents to be asserting that the additional commitments are, or should be, “part of” libertarianism, or that no one who rejects such commitments counts as a libertarian. However, the thickness thesis says neither of these things.)

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Of course, it’s one thing to say that libertarianism requires additional commitments, and another thing to say what they are. Rand’s own broader social and cultural commitments included a mix of progressive attitudes and reactionary ones (Sciabarra 2003; Long 2006a, 2010a); and Rothbard’s “liberty plus” involved a sharp turn toward social conservatism (Rothbard 1990, 3). Hoppean tribalism, as noted above, assumes a still more reactionary form of thickness.³ Within the LWMA movement, by contrast, where libertarian thickness is a popular (though not universal) position, the additional commitments include a traditionally left-wing, social-justice opposition to, in Gary Chartier’s words “*subordination, exclusion, and deprivation*” (Chartier 2008; cf. 2012). More specifically, as Kevin Carson explains, the LWMA movement seeks to “demonstrate the relevance of free market principles, free association and voluntary cooperation in addressing the concerns of today’s Left,” including not only “[e]conomic injustice, the concentration and polarization of wealth, the exploitation of labor, pollution and waste, [and] corporate power,” but also “structural forms of oppression like racism, sexism, homophobia and transphobia” (Carson 2014). Carson likewise exemplifies LWMA concern with intersectionality and privilege theory, noting that “struggles for class, racial and gender justice” are “not in a zero-sum relationship with one another” but rather are “complementary and cumulative.” While intersectionality is “sometimes dismissed . . . as a sort of ‘oppression olympics’ in which people compete to see who is the most oppressed of all,

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in order to extract maximum guilt from everyone else,” properly understood it is “not a source of division, but of unity,” serving to “strengthen each movement internally and create solidarity, by considering the special needs of each member and giving her whatever help she needs to function effectively as a comrade in the struggle” (Carson 2013).

[13.46] Critics of social justice like to point out that those with social-justice commitments have often advanced them in an intolerant and unreasonable manner (Bodenner 2017); and yes, this is undeniable. But there is no cause, however noble, that has not been taken up by assholes in assholeish ways. Social justice is no exception; and neither, of course, is libertarianism.

[13.47] Sciabarra himself, while not necessarily on board with the LWMA position or its full range of commitments, notes that “an intransigent cultural conservatism cannot be a viable foundation for a free society,” since while the market may “depend on various cultural and legal precedents for its functioning,” it is “also a spontaneous ordering that challenges, and may topple, traditions.” Sciabarra instances the way in which even semi-free markets have “severed the link between economic production and the family unit,” thereby making it “possible for many individuals to shape their own destiny and to pursue alternative lifestyles” (Sciabarra 2000, 361).

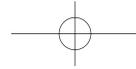
[13.48]

SOCIAL JUSTICE AND LIBERTARIAN RIGHTS

[13.49] Above I posed a dilemma for social-justice libertarianism: If a) claims on behalf of social justice are supposed to be legitimately enforceable, then they are in conflict with libertarian rights; whereas if b) they are *not* legitimately enforceable, then they are not *rights*, not properly matters of *justice*; and so c) they are irrelevant to libertarianism. Now that I’ve addressed (b) and (c), let’s return to the first horn of the dilemma, (a). If some social-justice claims *are* legitimately enforceable, won’t they run afoul of libertarian rights?

[13.50] My answer is that social-justice claims may *themselves* be part of the *grounding* of libertarian rights. After all, if libertarian (and especially *left-libertarian*, in the LWMA sense) economic theories are correct, genuinely freed markets will in fact tend to work out to the benefit of the least advantaged via spontaneous order of the unplanned variety, while at the same time affording maximum scope for planned (but consensual) efforts to combat whatever disadvantages may linger. LWMA’s in particular maintain that government intervention in the marketplace systematically empowers a privileged elite at the expense of the less fortunate, and that freeing up competition would have a levelling effect, dissolving concentrations of wealth and hierarchical workplaces, disabling exploitation, and drastically expanding opportunities for the least advantaged (Carson 2007; 2008; 2010; Chartier





2011; 2014; Chartier and Johnson 2011; Long 2012c; Christmas 2016; Johnson 2016; Massimo and Tuttle 2016; cf. Long 1998, Hart et al. 2018).

To many traditional social-justice proponents, the idea that scaling back (let alone entirely abolishing) government intervention can be expected to help the least advantaged will seem bizarre; such proponents tend to see deregulation as disastrous for the least advantaged, cutting back public services for those who cannot afford private alternatives, while loosening the already mild legal restraints on the most privileged and powerful.

[13.51]

From an LWMA perspective, social-justice proponents are *right* to be concerned about deregulation *as ordinarily conceived*. But LWMA draws a crucial distinction between primary and secondary regulation. In an article appropriately titled “Dialectical Libertarianism,” Carson turns the dialectical libertarian approach laid out in Sciabarra’s *Total Freedom* (Sciabarra 2000) to LWMA ends:

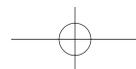
[13.52]

By dialectical analysis, Sciabarra means to “grasp the nature of a part by viewing it systemically—that is, as an extension of the system within which it is embedded.” Individual parts receive their character from the whole of which they are a part, and from their function within that whole. This means, especially, that it is a mistake to consider any particular form of state intervention in isolation, without regard to the role it plays in the overall system. . . . Some forms of state intervention are primary. They involve the privileges, subsidies, and other structural bases of economic exploitation. This is the primary purpose of the state: the organized political means to wealth, exercised by and for the ruling class. Some, however, are secondary. Their purpose is stabilizing, or ameliorative. They include welfare state measures, Keynesian demand management, and the like, whose purpose is to limit the most destabilizing side-effects of privilege, and to secure the long-term survival of the system. The kind of “free market reform” typically issuing from corporate-funded “libertarian” think tanks and politicians involves eliminating only the ameliorative or regulatory forms of intervention, while leaving intact the primary structure of privilege and exploitation. (Carson 2012; cf. Long 2010b, 14)

[13.53]

Repealing secondary regulations without repealing the primary ones is a sham form of deregulation that may well serve to *increase* the level of government intervention overall, since the entities being deregulated are the beneficiaries of ongoing government privilege. If one of my minions likes to punch you fifty times per day, but another of my minions usually restrains him so you only get punched twenty-five times per day, then my withdrawing my second minion, thereby giving the first free rein, does not count as a net decrease in the oppression you suffer from my regime. That’s a lesson that many libertarians need to learn. (On the other hand, any program for social change that makes its rallying cry “bring back the second minion! hail the second minion forever!” is not exactly getting to the root of the problem; and that’s a lesson that many social-justice proponents need to learn.)

[13.54]





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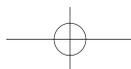
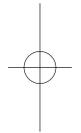
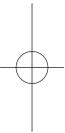
[13.55] If, as I think, the economic and social analysis offered by the LWMA movement is correct, then the enforceability of social-justice claims will *support*, and may even *ground*, the enforceability of libertarian rights, rather than clashing with it. Natural-rights libertarians, however, may find such an approach unduly consequentialist; while the beneficial social consequences of liberty may be welcome, the ultimate grounding of libertarian rights lies in facts about self-ownership and individual agency that would still hold true regardless of those consequences (Nozick 1974; Rothbard 2003; 2006). Hence, while enforceable social-justice claims and enforceable libertarian rights may be compatible in *actual* circumstances, they can still come apart in *counterfactual* circumstances; and it is the libertarian rights (they will say) that must then be assigned priority.

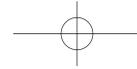
[13.56] But a more nuanced, and I think more defensible, position is available than either the pure consequentialist or the pure deontological approach—both of which seem to treat the convergence of consequentialist and deontological criteria as simply a lucky coincidence. Many of the ancient Greek philosophers defended a view known as the “unity of virtue,” according to which it’s impossible to have one virtue without having them all. The view seems initially implausible: don’t we know plenty of people who are brave but not especially honest, or honest but not especially generous, or generous but not especially brave? I think the view *is* implausible in the form in which Socrates and the Stoics held it, namely, that there is just one virtue that gets called by different names in different situations. But the Aristotelean version can better accommodate common sense, since it holds only that one cannot have one virtue *completely* without having them all; this allows for the possibility of someone’s being, say, 70 percent honest but only 40 percent brave.

[13.57] The second-century CE Aristotelean commentator Alexander of Aphrodisias states the case for the unity of virtue as follows:

[13.58] That the virtues are implied by one another might . . . be shown in the following way, in that . . . it is impossible to have some one of them in its entirety if one does not have the others too. For it is not possible to have justice in isolation, if it belongs to the just person to act justly in all things that require virtue, but the licentious person will not act justly when something from the class of pleasant things leads him astray, nor the coward when something frightening is threatened against him if he does what is just, nor the lover of money where there is hope of gain; and in general every vice by the activity associated with it harms some [aspect] of justice. (*DA* II.18, 153.29–154.5; Alexander 2014, 160–61)

[13.59] In other words, each virtue defines what actions are morally appropriate within a specific domain (danger, others’ needs, temptations of bodily pleasure, etc.). But since there is always potential for the domains to overlap, no





one could be counted on to be, say, just in all situations unless they could also be counted on to be courageous in all situations.

What I find far more interesting, however, than the mere thesis that the virtues stand in reciprocal determination with one another in respect of their *possession*, is what I take to be a plausible corollary: namely, that the virtues also stand in reciprocal determination with one another in respect of their *contents*. Suppose I have to decide whether to try to rescue someone from a burning building:

[13.60]

One might think of courage as counseling me to take the risk, and prudence as counseling me not to take the risk; but from an Aristotelean perspective, this would misdescribe the situation. The virtue of courage does not require us to take any and all risks, but only those risks that are worth taking; facing a danger worth running away from is no more admirable than running away from a danger worth facing. Taking stupid risks is not admirable, and so is incompatible with what virtue requires. Likewise, the virtue of prudence does not require us to save our skins at all costs; we have a prudential interest not just in the length of our lives but in their quality, where quality of life depends, in turn, not just on material comforts but on whether we are living a life worthy of admiration and respect. Hence saving [the person] is not courageous if it is imprudent; and letting [the person] die is not prudent if it is cowardly. What courage requires of me in this instance cannot be determined independently of determining what prudence requires of me, and vice versa; the contents of the two virtues are specified reciprocally, via mutual adjustment. (Long 2002)

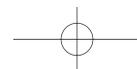
[13.61]

These considerations support a picture in which we start from rough, *prima facie* conceptions of the various virtues, and then allow the requirement of reciprocal determination to render them more precise. Dialectics teaches us, after all, to be suspicious of one-directional explanations in complex axiological phenomena. Since some virtues, like prudence and benevolence, have *prima facie* contents that are primarily consequentialist, while others, like justice, have *prima facie* contents that are primarily deontological, the result is that considerations of benefit, both to self and to others, will play a role in determining the content of justice—but the content of justice will also play a role in determining what counts as a benefit. Hence, the precise content of libertarian rights will be influenced by considerations of social welfare, but at the same time conceptions of social welfare will shape the contents of rights. Virtue as a whole (Total Virtue?) thus emerges out of the affiliations among the *prima facie* contents of its parts.

[13.62]

Since both deontological considerations (like those persuasively urged by, for example, Nozick 1974) and consequentialist considerations (like those resting on LWMA social theory) support something like the libertarian non-aggression principle (NAP) even prior to mutual adjustment, the NAP would appear to be well-grounded; but the process of mutual adjustment can

[13.63]





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help to specify its details—which means that the NAP is not a principle that can be applied like a self-contained algorithm, in isolation from the web of ethical and social facts that help to give it meaning:

[13.64]

[T]he NAP is . . . fairly abstract, and there are different ways of rendering it more concrete. A variety of moral considerations, some consequentialist, constrain the ways in which its generality can reasonably be specified. The contours of what counts as aggression are not infinitely malleable; but absent the contribution of further values . . . they are not infinitely specific either. . . . In some cases the principle will require not using someone else’s property without her consent; at other times (i.e., in emergency situations where the threat is great and the use temporary and minimal) it may merely require compensating the owner after the fact for unconsented use. That the application of the principle is consequence-sensitive does not mean that consequences override the principle; nor could such emergency situations license a permanent and systematic agency of coercion such as the state. (Long 2013a; cf. Long 2002; Long 2011a; 2012a; 2012b; 2013b; 2013c)

[13.65]

Assuming the preferability of a mutual-advantage over an aggregate-advantage approach to social welfare, the dialectical approach also enables us to address the aforementioned problem of baselines. It’s a puzzle how justice can presuppose a baseline, when choosing a baseline also seems to be a matter of justice. But suppose the *prima facie* content of benevolence favors a baseline of equality (which, for reasons noted above, would explain the special concern for the least advantaged), while the *prima facie* content of justice instead favors a libertarian commitment to self-ownership and homesteading, and thus a more “historical” baseline in Nozick’s sense (Nozick 1974; cf. Long 2012c). The libertarian commitment might then justify some adjustments in the equality baseline; yet the force of the equality baseline might also play a role in determining the precise shape of homesteading and self-ownership – and indeed of the self *per se*, since if we take the boundaries of the person to be determined by one’s projects rather than simply one’s physical body (Long 2014), then limning the contours of the self will in part be a matter of practical and not merely theoretical reason (Long 2013a).

[13.66]

There is no conflict, then, between libertarianism and social justice. On the contrary, in the web of conceptual space, each yearns for the other as its proper completion.

[13.67]

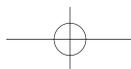
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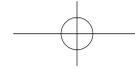
[13n1]

1. I’m using “libertarian” here in the free-market sense. There’s a long tradition of anti-authoritarian socialists and anarcho-communists using the term as well, and they are much less likely to be hostile to the idea of social justice.

[13n2]

2. For a brief history of the term, see Ohlheiser 2015.





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3. To his credit, Hoppe (2014), unlike many other right-wing libertarians, acknowledges the thickness of his own version of libertarianism.

[13n3]

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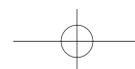
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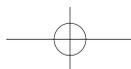
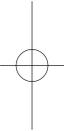


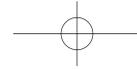


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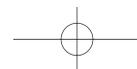




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