

Peace, Justice, and Economic Reform

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There is a bumper sticker that says, "If you want peace, then work for justice." At a superficial level, this simple slogan contains an important half-truth. At a deeper level, it contains a more profound half-truth. To understand these half-truths and why they are only half true, we need to know what peace is, what justice is, and we need to understand the relationship between the two. So in this talk I want to explore the meanings of peace and justice, their relationship, and the role of economic reform in attaining both.

"If you want peace, then work for justice." The more obvious and superficial meaning of this slogan is that people who are treated unjustly will prevent the attainment of peace until the wrongs to which they are subject are righted. Demonstrators shout: "No justice. No peace." The apparent meaning of peace in this case is tranquility, the absence of strife. And if this meaning of peace is accepted, the slogan is true. You cannot expect to end strife as long as people have unresolved grievances. But the reason that this is only half true is that this meaning is only a shadow of what peace really is.

Peace is more than armistice, more than the cessation of violence. Peace is unity and harmony. In a peaceful world people are all pleased to cooperate with one another. When we have attained true peace, there will be no person who has any purpose that any other person seeks to thwart. In a peaceful world, everyone will feel the truth of John Donne's meditation,

No man is an Island entire of itself; every man is a piece of the Continent; a part of the main; if a clod be washed away by the sea, Europe is the less, and well as if a promontory were, as well as if a manor of thy friends or of thine own were; any man's death diminishes me because I am involved in Mankind; therefore never send to know for whom the bell tolls; it tolls for thee.[1]

Is it imaginable that we might ever attain a world where everyone felt so? And if we do so, what will be the role of justice in that world? What is justice?

There are so many conflicting, strident claims for different conceptions of justice that a person might reasonably despair of ever finding a meaning of justice that people would agree upon. Any conception of justice may seem to be no more than one person's opinion. And yet there are things that we all know about justice. If I tell you that I stand before you as justice, you know that across my face you will find -- a blindfold. In my left hand I hold aloft -- a pair of scales. You know that in my right hand I have -- a sword that I will use if necessary. And my gender is female.

The blindfold, the scales, the sword, and the feminine gender. These features of the traditional symbol tell us much about justice. The blindfold might seem out of place, since it prevents justice from either seeing what the scales say or wielding the sword effectively. But we know that the blindfold has a distinct and essential meaning. The blindfold ensures that justice will not be swayed by any visible characteristics of those who plead before her. Justice is not concerned with whether you are black or white, short or tall, beautiful or ugly. Every person receives the same treatment from justice.

The scales have at least two possible interpretations. The first interpretation is that the disputants at the bar of justice each place their arguments in one of the pans of the scales, and justice determines who has the weightier arguments. Our language supports this interpretation with references to the scales of justice tipping in one direction or another. But there is different use of the scales that is particularly relevant to questions of social justice, as opposed to personal disputes. The scales can be used to achieve an equal division. Justice is done when the contents of one pan of the scales are exactly balanced by the contents of the other. This is the meaning of the scales that I shall apply.

And then the sword. The sword represents the fact that justice is prepared to use the threat of force, and force itself, to see that her decrees are carried out. In a world where men have so often used weapons to achieve selfish dominance, the feminine gender helps make credible the claim that the sword is used only to achieve justice, and not to advance the selfish interests of the person who wields it.

Thus if we know that justice is the blindfolded woman with the scales and the sword, then we know that justice is the principles of equality and evenhandedness that command and prohibit the use of force in resolving conflicts.

Consider what this tells us. It tells us first that if we wish to claim that justice authorizes the force we wish to use, or that justice forbids the force that others wish to use against us, then we must be able to show that our claim is consistent with equality and evenhandedness.

The slogan "might makes right" is an oxymoron, a misuse of language. An autocrat like Genghis Khan who imposes his will on others, without any reference to principles, does not operate in the realm of justice.

Second, the blindfold tells us that we are not in the realm of justice if the principles we offer to explain why our use of force is justified are of the form, "Because I am better than you," or Hitler's, "Because Aryans are better than Jews." Justice compels us to acknowledge the equality of all persons. Claims of individual or group supremacy cannot be accepted by justice.

Third, not only are all persons equal in the blindfolded eyes of justice, but their different goals in life all deserve equal respect. Lenin's claim that all power should be in the hands of the Central Committee of the Communist Party, because the Party was the unique source of true understanding of the historical dialectic, cannot be accepted by justice. Even if the Party is the unique source of true historical understanding, that is not a sufficient reason to give all power to the party. Justice provides equal treatment for those who wish to pursue lives that are inconsistent with the advance of the historical dialectic. And any other elitist claim that some particular goal provides the basis for favored treatment must similarly be rejected by justice. Even the utilitarian proposal that conflicting claims should be settled in the way that yields the greatest possible utility must be rejected as an elitist imposition of a particular goal on people who may have other plans. If I choose to pursue a life that can be guaranteed to lead to depression and despair, I have as much claim to the protection of justice in that pursuit as if I choose the path that leads to bliss. Justice must be neutral in its evaluation of people and their goals. As Bruce Ackerman has said in defining neutrality,

No reason [justifying the exercise of power] is a good reason if it requires the power holder to assert: (a) that his conception of the good is better than that asserted by any of his fellow citizens, or (b) that, regardless of his conception of the good, he is intrinsically superior to one or more of his fellow citizens.[2]

If we commit ourselves to neutrality, does that provide a unique definition of justice? No, it doesn't. There are a number of definitions of justice that might claim to satisfy neutrality, although the claims of some definitions are dubious, and other definitions can be rejected on other grounds.

Consider first the conservative claim that justice is defined by traditional rules. The conservative says, "I don't say that I'm better than anyone else, nor do I say that my conception of the good is better than anyone else's. I may not even like what tradition demands. But if you want to be just, you will follow the rules that have traditionally been followed." I have seen one drawing of justice that reflects this conservative view by portraying justice as a seated woman, with a book in her lap. The book is clearly the received law, the source that justice cites as the foundation of her decrees. But this is not the standard image of justice.

There is an important virtue of conservatism. This is that it eliminates the waste of resources in fighting over who has what rights, the waste from what economists call rent-seeking. Furthermore, there will be some situations where there is no time to secure agreement on anything other than the status quo. Thus there is reason to have at least some element of conservatism in the procedures by which disputes are resolved. But conservatism cannot be the ultimate rule of a just society. It would perpetuate slavery, the selling of daughters as brides, racial and sexual inequalities in civil rights, and every other historical injustice that, through our moral evolution, we have overcome. The neutrality of Conservatism is superficial. Conservatism cannot claim to offer either the evenhandedness that the blindfold promises or the equality that scales require.

Next, consider the claim that justice is defined by what the majority wants. The majoritarian says, "If you want to know who should prevail in a conflict, take a vote." As appealing as majoritarianism may be on the surface, it cannot provide a coherent theory of justice.

If one wishes to make sense of majoritarianism, one must first specify the perspective from which voters are expected to vote. Are voters to vote as proponents of their selfish personal interests, or are they to vote as disinterested judges of what is best?

Suppose first that voters vote on the basis of their selfish personal interests. Then voting is incoherent as a basis for justice. If voters always vote selfishly, then at any time when you might think that the voting was over, there will always be some measure that can be proposed that will benefit a majority at the expense of a minority, which could therefore be adopted by selfish voting. The process of deciding by voting will never end if any proposal can be advanced at any time and people always vote selfishly. Selfish voting can be used to decide between any two proposals. And it can be used in more general settings if there is some more or less arbitrary stopping rule to keep the process from going on indefinitely. But selfish voting as a general mechanism for determining what is just is incoherent.

Now suppose that voters behave as unselfish, disinterested judges of what is best. In this case, voting as a mechanism for determining what is just is incomplete, because it leaves unanswered the question of what is meant by "best." Does "best" mean "creates the greatest total utility" or "comes closest to preserving the expectations of the status quo" or "maximizes the rate of growth of the population" or something else? How would you know what best means? If the Supreme Court knows that what is best is what comes closest to preserving the expectations that have developed from our Constitution and traditions, then the justices can employ voting to decide cases and establish new precedents. But to say that what is just is what is voted to be best by unselfish, disinterested judges without specifying what best means is to decline to answer the question of what justice is. Thus neither selfish voting nor unselfish voting serves to define justice, although there can be an element of voting in our efforts to resolve disagreements about what an agreed definition of justice requires in particular circumstances.

If voting cannot be used to define justice, one might entertain the possibility of using a contractarian formulation: What is just is the rules to which people would have agreed if they did not know their personal circumstances. In his 1958 paper, "Justice as Fairness," John Rawls said,

[Suppose that a group lets] each person propose the principles upon which he wishes his complaints to be tried with the understanding that, if acknowledged, the complaints of others will be similarly tried, and that no complaints will be heard at all until everyone is roughly of one mind as to how the complaints are to be judged. . . . each person will propose principles of a general kind which will, to a large degree, gain their sense from the various applications to be made of them, the particular circumstances of which being as yet unknown.[3]

This is a reasonable recipe for implementing the Golden Rule and a fine idea for seeking agreement about the principles by which complaints shall be judged. If people were to follow this suggestion and achieve the agreement that is described, they would achieve fairness.

However, this does not make Rawls's suggestion a good way to identify justice. The critical difficulty with his suggestion is that those who mete out justice cannot afford the luxury of securing complete agreement on principles. They must bring their judgement to bear on those who have not agreed on principles. In this context, the closest that a person can come to Rawls' suggestion is to ask himself, "Are the principles that I propose to apply ones that I would agree to if I did not know how I would personally be affected by them?"

In later writings, Rawls claims that in the original position, people would choose the rules that maximized the well-being of the representative member of the least advantaged class.[4] John Harsanyi, on the other hand, has said that in the original position people would choose the rules that maximized average utility.[5] Someone else might say that in the original position people would choose the rules that provided the greatest stability. How can we know what people would choose?

No matter how a contractarian answers this question, there will be the difficulty raised by Ackerman, in *Social Justice in the Liberal State*. Describing the attempt to apply the Rawlsian criterion, Ackerman says:

Despite my best efforts, I shall be defenseless . . . the moment I try to make it clear to another person why it is right that I, rather than he, should establish a claim over a disputed thing: I: When I look into myself, I am sure that I would have insisted upon this right as a condition for entering society with you. YOU: You haven't the slightest idea what you would have insisted on in a presocial state. You're simply using the idea of a potential entrant as a screen upon which to project the deepest desires of your socialized self. But I too have desires; why should mine be sacrificed to yours? And if you insist, it is possible that I too may delve deep into my psyche and find a transcendent grounding for my desires.[6]

The sword of justice is too momentous to be constrained by only the requirement that those who judge be able to convince themselves that their judgements satisfy principles to which they would have agreed, if they had not known how they would be affected by those principles. The contractarian approach may be a good way to seek consensus. It may be a good guideline for those who are called upon by disputants to arbitrate between them. But it is not a good way to define justice.

Next, consider egalitarianism. The egalitarian says that justice is equality. There is a conceptual difficulty in specifying how beings as different from each other as humans are could ever be equal, unless we create a society where all humans are female clones of one another. (This should be technologically feasible within a few decades, if it is not already.) But I do not think that egalitarians want a society of clones.

Ackerman has offered a suggestion for determining whether any persons among a genetically diverse group are genetically disadvantaged. His suggestion is that, to be genetically undominated, a person must possess a set of abilities that permit him to pursue some life purpose that some persons have, with as much facility as

any other person is able to pursue that life purpose. And Ackerman asserts that every person has a right to be genetically undominated.[7]

I doubt that we have the technological capability yet to ensure that every child who is born will be genetically undominated, and until we have that capability and decide to use it, any egalitarian will need to deal with the question of how genetic inequalities are to be rectified.

John Rawls has proposed that the talents that individuals possess be regarded as a common pool, so that anyone who has more than his share has an obligation to compensate those who have less than their shares.[8] Ronald Dworkin has made the contractarian suggestion that people can justly be required to pay an income tax that represents the insurance against being untalented that they would have desired to purchase before they knew what talents they would have.[9]

Dworkin's acknowledges that his suggestion would not produce equality. If we believe Harsanyi's claim that people who did not know their personal circumstances would want to maximize their expected utility, then, even in the absence of adjustments for incentive effects, Dworkin's suggestion leads not to equal utilities, but rather to equal marginal utilities of money, which generally implies unequal utilities when people have different capacities to get utility from money.

Ackerman suggests that each person who is genetically dominated is owed compensation by those who dominate him.[10]

All of these suggestions should be rejected. Talents are not a common pool from which some persons have taken more than their shares. If we are all fishing in the same pond, the quantity of fish that you take will diminish the quantity that is available to me. But the quantity of talent that you have in no way diminishes the quantity that is available to me. Your talent is not acquired at my expense.

From the perspective of peace, no man is an island; each of us is a part of mankind. And any of us who has been graced with an extra measure of talent should recognize that, often, the best use of our talent is to provide for others. Nevertheless, from the perspective of justice, each of us must be allowed to act like an island if he wishes.

Suppose that a bone-marrow transplant from me would save your life--or at least prolong it. And suppose that there is no other person whose tissue type matches yours. Would you assert that you have a right to receive such a transplant whether or not I want to give it? Would you suggest that the sword of justice should be used to force me to give it? An egalitarian ought to be prepared to require me to provide the transplant, for if I refuse I am denying the possibility of continued life to another person, when I have continued life for myself, and the cost to me would be relatively modest.

If you do not mind requiring a bone-marrow transplant of me, then what about a kidney? Suppose that, through no fault of your own, both of your kidneys have failed, and I am the only person who has a kidney that is compatible with your tissue. Would you force me to donate a kidney? And if you call yourself an egalitarian and you would not, then why not? After all, I have two working kidneys and you have none. What could be more equal than requiring us to divide the available working kidneys equally?

If you do not mind requiring me to donate a kidney, then what about my heart? Suppose that I have lived for 50 years and you have lived for only 25. Your heart has been damaged by an illness, through no fault of your own. I have the only heart that matches your tissue, and it would be good for another 25 years. One of us will have to die. Why shouldn't we put the one available heart in your chest, so that we might divide the available

years of life equally between us? A good egalitarian should require me to part with the one available heart after I have had my share of years.

But I don't think you would. I don't think anyone would. We are not egalitarians. We recognize the sanctity of the boundaries of the human body. In a peaceful world I will gladly give a spare kidney to anyone who needs it. But in a just world, no one will forcefully extract a kidney from me, even to save someone else's life. Justice is not egalitarianism.

Just as I own my kidneys, so do I own my talents. In a peaceful world I will use them for the benefit of all mankind. But the sword of justice should not be used to force me to compensate those with less talent. Nor should it be used to force me to abide by the insurance contract that you believe I would have signed, if I had had the chance, before I knew what talents I would have. Nor, in Ackerman's framework, should I be held responsible for the fact that someone else decided to have a child that turned out to be genetically dominated by me. If anyone is held responsible for the fact that a genetically dominated child is brought into the world, it should be the child's parents. And if the parents are irresponsible, then the parents' parents, or the parents' teachers, should be held responsible.

If would-be parents are too poor to provide for the children that they ought to be able to have, then we should ask whether their parents provided inadequately for them, or whether they were unjustly deprived of resources that ought to have been theirs. But it is not a reason to levy assessments on those who have talent. An egalitarian redistribution to compensate for differences in talent is as unjust as an egalitarian redistribution of kidneys. Egalitarianism is not justice.

A proper definition of justice begins with the principles of classical liberalism. In a just world each person is permitted to determine the purposes to which his or her body is put--the hands and the brain no less than the kidneys. We each have rights of self-determination. This includes the right of ownership of what we produce, at least, as John Locke said, when we leave as much in natural opportunities for others as we appropriate for our own productive activities.[11]

We have the right to co-operate with whom we choose for whatever mutually agreed purposes we choose. Thus we have the right to trade with others, without any artificial hindrances, and we have the right to keep any wages or interest that we receive from such trading.

These components of the classical liberal conception of justice are held by two groups that hold conflicting views on a companion issue of great importance: how are claims of exclusive access to natural opportunities to be established?

John Locke qualified his statement that we own what we produce with his famous "proviso" that there be "as much and as good left in common for others." A few pages later, writing in the last decade of the seventeenth century, he said that private appropriations of land are actually not restricted, because anyone who is dissatisfied with the land available to him in Europe can always go to America, where there is plenty of unclaimed land.[12] Locke does not address the issue of rights to land when land is scarce.

One tradition in classical liberalism concerning claims to land is that of the "homesteading libertarians," as exemplified by Murray Rothbard, who say that there is really no need to be concerned with Locke's proviso. Natural opportunities belong to whoever first appropriates them, regardless of whether opportunities of equal value are available to others.[13]

The other tradition is that of the "geoists," as inspired if not exemplified by Henry George, who say that, whenever natural opportunities are scarce, each person has an obligation to ensure that the per capita value of the natural opportunities that he leaves for others is as great as the value of the natural opportunities that he claims for himself.[14] Any excess in one's claim generates an obligation to compensate those who thereby have less. George actually proposed the nearly equivalent idea, that all or nearly all of the rental value of land should be collected in taxes, and all other taxes should be abolished. The geoist position as I have expressed it emphasizes the idea that, at least when value generated by public services is not an issue, rights to land are fundamentally rights of individuals, not rights of governments.

There are two fundamental problems with the position of homesteading libertarians on claims to land. The first problem is the incongruity with historical reality. Humans have emerged from an environment of violence. Those who now have titles to land can trace those titles back only so far, before they come to events where fiat backed by violence determined title. And the persons who were displaced at that time themselves had titles that originated in violence. If there ever were humans who acquired the use of land without forcibly displacing other humans, we have no way of knowing who they were or who their current descendants might be. There is, in practice, no way of assigning land to the legitimate successors of the persons who first claimed land. And to assign titles based on any fraction of history is to reward the last land seizures that are not rectified.

The second fundamental problem with the position of the homesteading libertarians is that, even if there were previously unsettled land to be allocated, say a new continent emerging from the ocean, first grabbing would make no sense as a criterion for allocating land.

It would be inefficient, for one thing, as people stampeded to do whatever was necessary to establish their claims. But that is not decisive because, if we are concerned with justice, it might be necessary for us to tolerate inefficiency. But the homesteading libertarian view makes no sense in terms of justice. "I get it all because I got here first," isn't justice.

Justice -- the balancing of the scales -- is the geoist position, "I get exclusive access to this natural opportunity because I have left natural opportunities of equal value for you." (How one compares, in practice, the value of different natural opportunities is a bit complex. If you really want to know, you can invite me back for another lecture.)

Justice is thus a regime in which persons have the greatest possible individual liberty, and all acknowledge an obligation to share equally the value of natural opportunities. Justice is economic reform--the abolition of all taxes on labor and capital, the acceptance of individual responsibility, the creation of institutions that will provide equal sharing the value of natural opportunities.

Getting back to where we started, is it true that, "If you want peace-- real peace--you should work for justice?" and if so why? Well, it's half true. To see why, consider what peace is, and how one might create it.

Peace is unity and harmony. Peace is people recognizing that we are all parts of one another, that it is always for ourselves that the bell tolls.

What keeps us from attaining peace? One of the greatest hindrances to the attainment of peace -- real peace -- is that resistance that so many of us feel to tolerating oppression and injustice. When we know that we, or others we care for, have been treated unjustly, it is ever so difficult to attain a state of unity and harmony with others. The leap to peace is so much easier from a position of justice. So, even though peace and justice are very disparate things, and peace is much the more attractive one, still it make sense, if you want to help people reach peace, to work for justice.

But the reason that this is only half true is that, in fact, justice is not actually necessary to your attainment of peace. If you want peace for yourself, you can have it, at any time, in any circumstances in which you find yourself. Whether you are treated justly or not, you are a part of the being that is all humanity. Each person's joy is your joy. Each person's grief is your grief. You don't have to wait until you are treated justly to see this.

So if you want a peace for others, then work for justice. Work for freedom. Work for the elimination of all taxes on the productive things that people do. Work for equality in the right to benefit from natural opportunities. All these things will make it easier for people to make the leap to peace.

But if you want peace for yourself, simply have it.

Endnotes

1. John Donne, Meditation XVII.
2. Bruce Ackerman, *Social Justice in the Liberal State*, New Haven: Yale University Press, 1980, p.11.
3. John Rawls, "Justice as Fairness," *Philosophical Review*, 57 (1958), pp. 171-72.
4. John Rawls, *A Theory of Justice*, Cambridge: Harvard University Press, 1971, pp. 75-83.
5. John Harsanyi, "Can the Maximin Principle Serve as a Basis for Morality? A Critique of John Rawls's Theory," *American Political Science Review* 69 (1975), p. 594.
6. Bruce Ackerman, *Social Justice in the Liberal State*, New Haven: Yale University Press, 1980.
7. *Ibid.*, pp. 113-120.
8. John Rawls, "Distributive Justice," in E.S. Phelps (ed.), *Economic Justice*, Harmondsworth, Middlesex, England: Penguin, 1973, p. 338.
9. Ronald Dworkin, "What is Equality? Part 2: Equality of Resources" *Philosophy and Public Affairs* 10 (1981), pp. 283-345.
10. Ackerman, *Op. cit.*, pp. 132-33.
11. John Locke, *Second Treatise of Government*, paragraph 27.
12. *Ibid.*, paragraph 36.
13. Murray Rothbard, *The Ethics of Liberty*, Atlantic Highlands: Humanities Press, 1982.
14. For a concise statement by Henry George, see his *Progress and Poverty*, Book VII, Ch. 1.

Another Henry George Lecture, the 1988, by Mason Gaffney: *How to Revive a Dying City*, also appears on the wealthandwant.com website.