

**Catholic social teaching and Hayek's critique of social justice**

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**Abstract:** Debates surrounding the meaning of social justice divide philosophers and theologians. The concept was famously and influentially discussed by F. A. Hayek who strongly criticised Christian thinkers. In this paper, we return to the works that Hayek cited and we find that a) the intended meaning of social justice in Catholic thought was different from the meaning attributed to it by Hayek, and b) that Hayek might well have found some original uses of the term unobjectionable. We argue that Hayek's criticism of the use of the term by Catholic writers was unjustified, even if his criticisms of later meanings of the term are endorsed.

**Keywords:** FA Hayek, Catholic social thought, social justice, rules of just conduct, common good.

## 1. Introduction

Controversy surrounding the meaning of *social justice* has dominated many discussions of political economy, at least since F. A. Hayek published *The Mirage of Social Justice* as the second volume of *Law, Legislation and Liberty* in 1976. The subject divides political economists, philosophers and theologians. It is also used to place a divide between Christian social thought and those Christians who might be sympathetic towards Hayekian thinking. Indeed, some argue that, since Hayek regarded social justice as a mirage (amongst many other negative descriptions), his thinking on matters of politics and economics is incompatible with a Christian view of social policy and political organisation. However, there are several points of misunderstanding in these debates. For example, it is not clear whether Hayek's critique of social justice's Christian origins was well founded. Nor is it clear whether Christian supporters of social justice have really understood Hayek's views on some practical aspects of political economy.<sup>1</sup> It seems that many of these conversations have been taking place at cross purposes.

The literature on Hayek's critique of social justice is vast.<sup>2</sup> This paper fills an important gap by returning to the original works on social justice that Hayek cites from Catholic social thought and comparing the meanings expressed in those works with his critique. In particular, we focus on the

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<sup>1</sup> For example, whilst Hayek did not wish to use the words social justice to describe the process, he was in favour of largescale income redistribution. See, for example, F. A. Hayek, *The Road to Serfdom: The Definitive Edition*, ed. Bruce J. Caldwell, vol. II, The Collected Works of F. A. Hayek (Chicago: University of Chicago Press, 2007), 120; F. A. Hayek, *The Constitution of Liberty. The Definitive Edition.*, ed. Bruce J. Caldwell, vol. XVII, The Collected Works of F. A. Hayek (Chicago: University of Chicago Press, 2011), 417–21; F. A. Hayek, *Law, Legislation and Liberty. Volume 2: The Mirage of Social Justice* (Chicago: The University of Chicago Press, 1976), 87.

<sup>2</sup> This literature includes both critiques and defences of Hayek's views on social justice: see, among many others, Raymond Plant, "Hayek on Social Justice: A Critique," in *Hayek, Co-Ordination and Evolution: His Legacy in Philosophy, Economics and the History of Ideas*, ed. Jack Birner and Rudy Van Zijp (London: Routledge, 1994), 164–77; Edward Feser, "Hayek on Social Justice: Reply to Lukes and Johnston," *Critical Review* 11, no. 4 (1997): 581–606; Adam James Tebble, "Hayek and Social Justice: A Critique," *Critical Review of International Social and Political Philosophy* 12, no. 4 (2009): 581–604. Since our focus is mainly on Hayek's critique of Catholic social thought, we don't discuss this literature here.

relationship between Hayek's writing and Catholic thought on social justice from 1860-1939.<sup>3</sup>In doing so, we provide a platform which ought to facilitate dialogue between different groups who work in the fields of political economy, political theory and moral theology: groups that often talk past each other by using similar words with different meanings.

We argue that Hayek missed what might be described as a moving target and that, in doing so, he misrepresented the teaching of the Catholic Church and nineteenth century theologians on the matter. We also argue that Hayek's criticism of the early use of the phrase by Catholic writers was unjustified, even if his criticism of what the term came to mean in secular thought is accepted. Indeed, it is not clear whether Hayek understood what was meant by the originators of the term social justice. We then discuss whether Hayek's thought in general is compatible with the notion of social justice as it was used in Catholic social teaching in the pre-war period<sup>4</sup>. We think this debate is important for two reasons. Firstly, in intellectual and wider circles, proponents of a free economy who sympathise with Hayek and those who engage with Catholic social thought (whether Catholics or otherwise) tend to talk past each other because of incorrect pre-conceptions about the social justice debate. Secondly, a rich dialogue could have developed between Hayek scholars and those involved in developing Catholic social thought about the idea of social justice (even if given

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<sup>3</sup> Other scholars have commented on the relationship between Catholic social teaching and Hayek's thought, but without returning to the original sources that Hayek cites (e.g. Andrew Bradstock, "The Unexamined Society: Public Reasoning, Social Justice and the Common Good," in *Together for the Common Good: Towards a National Conversation*, ed. Nicholas Sagovsky and Peter McGrail (London: Hymns Ancient & Modern Ltd, 2015), 16–30). Some have addressed the relationship between Hayek's thinking and Catholic social teaching more fully (Michael Novak and Paul Adams, *Social Justice Isn't What You Think It Is* (New York: Encounter Books, 2015); Martin Rhonheimer, "The True Meaning of 'Social Justice': A Catholic View of Hayek," *Economic Affairs* 35, no. 1 (2015): 35–51; Raymond Plant, *Politics, Theology and History* (Cambridge: Cambridge University Press, 2001 ch. 8), but without examining the compatibility or otherwise in detail. Ryan T. Anderson has also written a number of notable articles and given lectures on the origins of social justice in Catholic social thought.

<sup>4</sup> It is worth noting in passing that the usage of the term "social justice" in Catholic social teaching has evolved since the Second World War. However, insofar as its meaning can be discerned precisely, it still different from the idea of social justice that was critiqued by Hayek in *Mirage*.

a different name) which could have led to a shared and richer understanding of the responsibilities of different groups within society.

The paper proceeds as follows. First, we briefly summarise Hayek's critique of social justice. We then trace the origins of social justice in Catholic social thought and relate this to the authors to whom Hayek refers in *Law, Legislation and Liberty*. This is followed by a consideration of the development of social justice in Catholic social teaching up to the end of the 1930s, after which point, Hayek does not refer specifically to writers in the Catholic social teaching tradition. Finally, we argue that it should have been possible for those steeped in the tradition of Catholic social thought and classical liberals such as Hayek to develop a constructive dialogue about the meaning of social justice in the decades that followed.

## 2. Hayek on social justice

The second volume of Hayek's *Law, Legislation and Liberty* is a systematic critique of the concept of social justice. Writing in the mid-1970s, Hayek argued that social justice had "conquered" public discourse and imagination. Not only had socialists and other political movements embraced social justice as a key political concept, but also several Christian denominations were adopting social justice as an item of faith. In Hayek's words, the phrase *social justice* was taken over by most 'teachers and preachers of morality'.<sup>5</sup> Hayek attributed this latter phenomenon to what he saw as the loss of faith in the supernatural by the most important Christian denominations, making special reference to the Roman Catholic Church.<sup>6</sup> He refers to leading Catholic thinkers of the

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<sup>5</sup> Hayek, *The Mirage of Social Justice*, 66.

<sup>6</sup> *Ibid.*, 66.

mid-to-late nineteenth century and to official teaching documents of the Catholic Church, particularly *Quadragesimo Anno* (1931) and *Divini Redemptoris* (1937).<sup>7</sup>

Hayek pointed out that the term social justice was poorly defined, both in the context of Christian social thought and in social and political philosophy more generally.<sup>8</sup> He comments that, when he wrote the first draft of *The Mirage of Social Justice*, he had been unable to find any serious discussion of social justice that defined the term in a precise way. However, it seems that Hayek could have distinguished more carefully between different notions of social justice. The fact that Hayek was shooting at a moving and poorly-defined target is perhaps a reason why he might have misunderstood what social justice meant in nineteenth and early twentieth century Catholic social thought. It is very clear that, in his critique, Hayek is defining social justice in terms of redistribution of income by the state based on egalitarian considerations. He argues that such egalitarian considerations are the most common interpretation of social justice.<sup>9</sup>

Two central questions structure Hayek's objections to social justice. The first is whether this concept has any meaning in the context of a market economy. The second relates to issues of compatibility and feasibility: that is, to whether it is possible to preserve the essential features of the market order while at the same time imposing on it some pattern of distribution based on the assessment of the needs of different social groups.<sup>10</sup>

On the first question Hayek's answer is that the application of the idea of social justice to a market economy is both "meaningless" and "atavistic". Two ideas central to Hayek's social thought are

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<sup>7</sup> Ibid., 176.

<sup>8</sup> Ibid., 176–77.

<sup>9</sup> Ibid., 80.

<sup>10</sup> Ibid., 68.

important to understand these claims: the idea of a spontaneous order and the contrast that Hayek draws between a “face-to-face society” and a “great society” or “extended order”. Spontaneous orders are patterns of human interaction that exhibit high degrees of coordination and facilitate social cooperation, but the outcomes of which are not directly intended by those who participate in them. The outcomes are the unintended consequence of individual agents operating under abstract rules of conduct.<sup>11</sup> Now, according to Hayek, the notion of justice as applied to any particular outcome has a clear meaning only “in so far as we hold someone responsible for bringing it about or allowing it to come about”.<sup>12</sup> However, if markets are spontaneous orders, their outcomes have not been deliberately brought about, and therefore the concept of social justice cannot be applied to them.

The idea that the notion of social justice is atavistic rests on Hayek’s sharp distinction between face-to-face society (i.e. primitive societies) and the great society (i.e. modern complex social orders). Atavism is a term that Hayek borrows from evolutionary biology. When applied to the sciences of man, it describes a cultural tendency to revert to modes of thought and action that belong to a bygone era. Hayek regards social justice as atavistic in the sense that it relies on a conception of society in which there exists a unity of purpose, a common goal or a shared hierarchy of ends which is supposed to structure the ends of each individual agent in that society. However, in the context of modern, complex societies there is (or should be), according to Hayek, only a framework of rules of conduct that allows for everyone to pursue their own ends. So, in this case, the concept of justice as applied to a group of people has application, insofar as they know the needs of others and the particular circumstances in which they find themselves. But since this does

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<sup>11</sup> F. A. Hayek, *Law, Legislation and Liberty. Volume 1: Rules and Order* (Chicago: The University of Chicago Press, 1973), 38–39.

<sup>12</sup> Hayek, *The Mirage of Social Justice*, 31.

not happen in a large complex society, then the application of social justice in such circumstances involves the application of ancient categories of thought to a modern, complex environment. In other words, it is the radical contrast between small groups and the great society regarding our common ends and purposes what makes social justice atavistic when applied to modern, complex social orders.<sup>13</sup>

Hayek also considers the feasibility of efforts directed at the realisation of some ideal of social justice in the context of a market economy. He thinks of two different ways in which citizens might try to pursue social justice: via direct individual or collective action or via state action. Hayek argues that in both cases individuals face insurmountable problems. If, for instance, the concept of social justice is used to describe the distribution of incomes, how can, Hayek argues, a just distribution be defined objectively?<sup>14</sup> Should earnings be equalised or relate to the value to society that somebody's work adds? Should economic outcomes relate to effort or merit? If so, how do we define and quantify this? Different people would give different answers to these questions. Hayek concedes that these questions can be settled for a small group or a family or organisation, but not for an extended society. Even if there is a shared conception of what a just distribution looks like it is not clear what agents should do to bring about such distribution. In Hayek's words, there can be no set of rules or principles by which individuals "could so govern their conduct that in a Great Society the joint effect of their activities would be a distribution of benefits which could be described as materially just".<sup>15</sup>

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<sup>13</sup> Ibid., 88–90. See also "The Atavism of Social Justice," in *New Studies in Philosophy, Politics, Economics, and the History of Ideas* (London: Routledge and Kegan Paul, 1978), 59..It should be noted that this does not apply to a subset within wider society such as a firm, a family or a workers' co-operative. This theme will be taken up later.

<sup>14</sup> Hayek, *The Mirage of Social Justice*, 78.

<sup>15</sup> Ibid., 85.

Hayek's critique also suggests that the pursuit of social justice can be used to justify almost any intervention by the state and such interventions would potentially undermine the idea of a society governed by clearly defined rules of conduct.<sup>16</sup> For example, forms of intervention in the intimacies of family life might be regarded as necessary to ensure what is often described as equality of opportunity which some might think of as a pre-requisite of social justice.

In summary, Hayek's assault on social justice involves four different claims: social justice is *meaningless* when applied to the outcomes generated by spontaneous orders; it is *atavistic* in the sense that it implies the application of certain modes of thought that belong to primitive societies; it is *unfeasible* in the sense that it cannot be pursued in a modern, complex social order; and it is *incompatible* with the rules on which such an order depends.<sup>17</sup>

### 3. Social justice in Catholic social thought in the 19<sup>th</sup> century

#### *The importance of Rerum Novarum*

In the context of his critical survey of the literature on social justice, Hayek included two important Catholic Church encyclical letters from the 1930s: *Quadragesimo Anno* (1931) and *Divini Redemptoris* (1937). He also mentioned Catholic theologians of the nineteenth century as being important originators of the ideas that he was criticising. These encyclicals as well as the writings of 19<sup>th</sup> century theologians on the matter should be understood in the context of the first social encyclical, *Rerum Novarum*, published in 1891 by Pope Leo XIII.

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<sup>16</sup> Ibid., 68.

<sup>17</sup> This fourth-fold classification of Hayek's arguments derives from Adam J. Tebbel, *F. A. Hayek* (London: Continuum, 2010), 63–75.

The history of the drafting of this document is well understood and there are a number of consistent accounts of its development.<sup>18</sup> One of the drafters of the document was Matteo Liberatore, though his work was amended. Both Liberatore and Leo XIII were students of Taparelli d'Anzeglio whom Hayek cites as the originator of the term *social justice*. Furthermore, *Rerum Novarum* was the antecedent of the Church documents published in the 1930s which Hayek also uses as sources of the term social justice, especially *Quadragesimo Anno*.

In *Rerum Novarum*, the phrase “social justice” was not, in fact, used, though, on a number of occasions, the document does use the term “justice” in a classical sense of which Hayek would have approved – especially in relation to property. However, from paragraph 20 onwards, justice is introduced in another context, though without the prefix “social”. For example, employers are told that they should pay workers according to just principles, ensure that workers are treated in such a way that they can meet their religious obligations (such as attending Mass) and that employers should not cause employees to neglect home and family. Justice requires, Pope Leo famously argued, that an employer should pay an employee sufficient in wages that a man can support his family.<sup>19</sup> For practical reasons, Pope Leo does not suggest that this is mainly the concern of the state but of other organisations in society. Although, the term “social justice” is not used, it can be argued that the first modern social teaching document of the Church tentatively introduced the idea of social justice that was then expanded upon in later documents, but without defining it as such.

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<sup>18</sup> See, for example modern discussions of the textual history in Rodger Charles, *Christian Social Witness and Teaching: The Catholic Tradition from Genesis to Centesimus Annus*, vol. 1 (Gracewing, Leominster: Fowler Wright Books, 1998), 15–16; Thomas A. Shannon, “Rerum Novarum,” in *Modern Catholic Social Teaching: Commentaries and Interpretations*, ed. Kenneth R. Himes (Washington, D.C.: Georgetown University Press, 2005), 133–34.

<sup>19</sup> Paragraph 45.

### *Social justice and Taparelli*

As has been noted, many scholars, Hayek included, have mentioned that the term social justice was used for the first time by Taparelli.<sup>20</sup> However, Taparelli's intended meaning is very different from the use attacked by Hayek in *Law, Legislation and Liberty*. In Taparelli's *Saggio Teoretico di Dritto Naturale Appoggiato sul Fatto* social justice is mentioned several times, but its meaning and applications have little to do with a centralised process of redistribution of income or wealth by a political authority which is both the modern use of the term and the use attacked by Hayek. This does not mean that Hayek would have approved of such nineteenth century ideas of social justice in Catholic thinking, but the reasons for his objections would be different.

Taparelli defines social justice as "justice between man and man".<sup>21</sup> The notion of equality plays a role in Taparelli's definition, but what he has in mind as far as the concept of equality is concerned is a notion of equality under the law, rather than some measure of equality of outcomes. In Taparelli's words, "social justice must equalize de facto all men in that which is related to the rights of humanity"<sup>22</sup>, but bearing in mind that, "individual men are naturally unequal among them, with respect to their individuality, as they are naturally equal with respect to the species".<sup>23</sup> If there are natural inequalities, the kind of equality with which social justice is concerned is of a different kind. This is clear by an example given by Taparelli. He states: "Now, what is the law of justice between two equal litigants? That both of them be heard equally, that their actions have equal

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<sup>20</sup> Hayek makes this reference in *The Mirage of Social Justice*, 176. See also Normand J. Paulhus, "Uses and Misuses of the Term" Social Justice" in the Roman Catholic Tradition," *The Journal of Religious Ethics* 15, no. 2 (1987): 261–282; Thomas Behr, "Luigi Taparelli and Social Justice: Rediscovering the Origins of a 'Hollowed' Concept," *Social Justice in Context* 1, no. 1 (2005): 3–16; Thomas Patrick Burke, "The Origins of Social Justice: Taparelli d'Azeglio," *Modern Age* 52, no. 2 (2010): 97–106.

<sup>21</sup> Para. 354. The *Saggio Teoretico* was published in 5 volumes between 1840–1843. Our references are from the paragraph numbers, which are consistent across different editions and translations.

<sup>22</sup> This idea is clearly reflected in *Rerum Novarum*. See, for example, *Rerum Novarum* 37.

<sup>23</sup> Para. 354–5.

authority, that none of them is deprived of what they possess without having evidently proved that the possession is unjust: that is, equality and possession”.<sup>24</sup> In these and other passages, Taparelli is explicitly stating that inequalities in outcomes are just and is arguing for equality before the law and of rights.<sup>25</sup> However, the reach of social justice is intended to go beyond equality before the law. For further clarification we need to consider the context of Taparelli’s thinking.

### *Aquinas and different notions of justice*

Nineteenth century Catholic social teaching was heavily influenced by Aquinas, and Taparelli’s thinking should be understood in that context. According to Aquinas, justice is first and foremost a virtue which he defines as “the perpetual and constant will to render to each one his right”.<sup>26</sup> Aquinas’ account of justice is complex. Two important distinctions are relevant: the distinction between particular and legal or general justice on the one hand and the distinction between commutative and distributive justice on the other.

Legal or general justice is primarily a virtue of the citizen, whereby he or she directs his or her conduct to the common good of the community, which in turn is understood as the conditions that foster the virtuous life of the members of the state. The word “legal” in legal justice does not necessarily mean “enforced by the state”, though it does not exclude that possibility. For Aquinas, the political authority has to promote the common good of society and laws promulgated by that authority should direct members of that political community to the common good, whenever this

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<sup>24</sup> Para. 1023.

<sup>25</sup> Though it should be noted that, even when the modern Church uses social justice to relate to the distribution of incomes, it is not proposing the elimination of inequalities.

<sup>26</sup> “[...] *iustitia est habitus secundum quem aliquis constanti et perpetua voluntate ius suum unicuique tribuit*”, S.Th. II<sup>a</sup>-II<sup>a</sup>e q. 58 a. 1 co. All references to Aquinas are taken from the *Corpus Thomisticum* project ([www.corpusthomisticum.org](http://www.corpusthomisticum.org)).

is possible<sup>27</sup>. However, the promotion of the common good through the practice of the virtue of justice is the responsibility of all members of society and of all organisations in society.

Particular justice, on the other hand, directs us to the good of individual persons with whom we interact.<sup>28</sup> It directs man in his relationships with others – considered as other private individuals with whom we interact or as the political community. Now, as far as particular justice is concerned, the relationships and transactions between one private individual and another is the domain of commutative justice, whereas the relationship between the political community in relation to each single person is the domain of distributive justice, which in Aquinas’s words, “distributes common goods proportionately”.<sup>29</sup> The distributive justice to which Aquinas refers does not mean that there should be an equal distribution of incomes, or, indeed, any particular pattern of income distribution. It means that the various goods of this world (both tangible and intangible, thus including rights, duties, political power, etc.) should be distributed according to appropriate criteria (virtue, wealth, liberty, etc.).

This summary of Aquinas’s notion of justice makes more intelligible the debates around social justice. Two central questions characterised those debates: whether social justice was a new development in Catholic social teaching or whether it is a new name for older concepts. Secondly, there is the question of what role is intended for the state in social justice.

### *Interpreting nineteenth century Catholic scholars in the context of Aquinas*

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<sup>27</sup> Our summary of Aquinas’s account of the common good does not necessarily take sides on the debate about whether this good should be understood in instrumental terms. For an overview of such debates see the essays by Alasdair MacIntyre, John Finnis and Michael Pakaluk in *Thomas Aquinas*, ed. John Inglis (London: Routledge, 2001).

<sup>28</sup> II-II, q.58, a.6

<sup>29</sup> II-II, q.61, a.1

One of the first contributions to these debates was the work of the Dominican R.D. Pottier, *De Jure et Justitia* (1900). As Shields documents, Pottier, who had a good knowledge of the use of the concept of social justice in Catholic circles, concluded that the term should be interpreted as being equivalent to Aquinas's legal justice.<sup>30</sup> The Jesuit A. Vermeerch in his monumental *Quaestiones de justitia* (1901) arrived at similar conclusions. In fact, according to Shields, a widely-shared opinion among theologians at the time was that the term social justice was synonymous with legal justice. Indeed, this seems to have been the way in which the concept was used in the famous *Semaines Sociales* of France.<sup>31</sup>

John R. Lee elaborates on this debate building on the works of Jeremiah Newman and of Shields.<sup>32</sup> Those authors argue that the notion of social justice is necessary to complete the idea of justice which had been narrowed to mean merely rules of just conduct devised by the political authority as the modern state developed. The idea of justice had become synonymous with commutative justice and wider obligations in justice, which were also not exclusively the concern of the state, had been squeezed out of discussion. Legal justice, according to Aquinas, also included those aspects of divine and natural law which direct the virtues towards promoting the common good of the whole society and which were not necessarily enforced by state law and which were the responsibility of all organisations in society. Thus, social justice, as a new name for legal justice, applies to all individuals and institutions in society and not just to the state.

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<sup>30</sup> Leo William Shields, "The History and Meaning of the Term Social Justice." (University of Notre Dame, 1941), 39.

<sup>31</sup> Parker Thomas Moon, *The Labor Problem and the Social Catholic Movement in France: A Study in the History of Social Politics* (New York: MacMillan, 1921), 339–46.

<sup>32</sup> See John R. Lee, "Is 'Social Justice' Justice? A Thomistic Argument for 'Social Persons' as the Proper Subjects of the Virtue of Social Justice" (Baylor University, 2008).; see also Shields, "The History and Meaning of the Term Social Justice."; Jeremiah Newman, *Foundations of Justice. A Historico-Critical Study in Thomism* (Dublin: Cork University Press, 1954).

As Newman explains “social justice is justice in society in general and not merely in economic or political society”.<sup>33</sup> Further: “Society...is manifold, the object of social justice being the common good of all and of each of its manifestations. The family, the district, the city and State too, the nation and international society, the Church and human society—all these form the sphere of social justice.” He continues: “As a virtue it is best described as that disposition of the will which inclines individuals and social groups in general to work for the common good of the community of which they are the parts...It determines the rights and duties of individuals, groups and the whole community, so that the common good of all may be obtained.”<sup>34</sup> Thus, social justice, according to this analysis, includes acts which different social groups owe to each other and to society as a whole that go beyond the law of the state. Such acts are dictated by moral precepts are animated by love and help bring society to a higher state of perfection.

In this context, we can understand the exhortation in *Rerum Novarum* to pay all employees a family wage. It would seem to be an element of social justice, though not named as such. It relates to justice between “man and man”. It also relates to social relationships which do not mainly – but could – involve the state. Furthermore, it relates to communities (businesses) that are neither individuals nor the political society. The idea is founded on the belief that, by employers paying a family wage (if it can be afforded), it will enable the family to live in dignity and thereby promote the common good. In this case, the application of social justice has distributional consequences, but it does not necessarily involve the state redistributing income according to given criteria and may not include any action by the state at all. Also, the requirement is not intended to bring about a particular pattern of income distribution.

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<sup>33</sup> *Foundations of Justice*, 107.

<sup>34</sup> *Ibid.*, 107–8.

These ideas are quite different from the application of social justice attacked by Hayek in *Law, Legislation and Liberty* and in *The Constitution of Liberty*. In the latter he argued that “[social justice] means little less than that the government, instead of providing the same circumstances for all, should aim at controlling all conditions relevant to a particular individual’s prospects and so adjust them to his capacities as to assure him of the same prospects as everybody else”.<sup>35</sup> Hayek argues that policies of redistribution are often motivated by envy and disguised in the “respectable garment of social justice”.<sup>36</sup> However, as we have seen, social justice in the early Catholic thinking Hayek cited was neither directly about distributive justice nor about creating complete equality of opportunity. Indeed, in this tradition of Catholic thinking, distributive justice is a form of particular justice and does not even fall into the same category as social justice.

#### *Hayek, Rosmini and social justice*

The second nineteenth century theologian mentioned by Hayek was Antonio Rosmini. Rosmini’s use of social justice is closer to Hayek’s thinking than that of Taparelli. Rosmini strongly defends property rights and attacks policies of redistribution. Indeed, he argued that the unique principle on which civil society should be organised was that of social justice which, according to Rosmini, required that “to each what he owns”, the “inviolability of properties” and strictly proportional (that is, not progressive) taxes<sup>37</sup>. Hayek may well have objected to the use of the word “social” to prefix “justice”, but there is little that Hayek should have found objectionable in Rosmini’s description of what he described as social justice.

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<sup>35</sup> *The Constitution of Liberty*, 154–55.

<sup>36</sup> *Ibid.*

<sup>37</sup> Antonio Rosmini, *The Constitution Under Social Justice*, trans. Alberto Mingardi (Lanham: Lexington Books, 2007), 70. The relevant passage also includes a political dimension: proportional voting rules, i.e., according to property owned.

Thomas Burke sums up the contributions of Taparelli and Rosmini arguing that the former, as a conservative, was defending the existing constitutional arrangements and the latter, as a liberal, was arguing for the restraint of the powers of government in a democracy and for the inviolability of property.<sup>38</sup> Social justice was not a new category of justice but, as Burke puts it, an extension of ordinary justice into the new arena of society as a whole.<sup>39</sup>

#### 4. The development of social justice in Catholic teaching in the 1930s

##### *The social justice encyclical*

In *The Mirage of Social Justice*, Hayek refers to *Quadragesimo Anno* and *Divini Redemptoris* published in 1931 and 1937 respectively. The latter will be discussed in the next section. As noted above, Hayek cites these documents as evidence that the Catholic Church had made social justice part of its official doctrine whilst writing caustically that large sections of Christian churches have embraced the concept of social justice whilst losing their faith in the supernatural. *Quadragesimo Anno* came to be known as the “social justice encyclical”. However, as in the case of *Rerum Novarum*, the use of justice in this context was not an innovation. Scripture uses justice to describe social and economic relationships in a very similar way to the use in these teaching documents.

The publication of *Quadragesimo Anno* led to much theological reflection. Important figures in this regard were some of the disciples of Heinrich Pesch, the author of a monumental work on political economy and known for the development of what is known as “solidarism”.<sup>40</sup> Influential

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<sup>38</sup> See Thomas P. Burke, *The Concept of Justice: Is Social Justice Just?* (London: Continuum, 2011), chap. 3. See also Novak and Adams, *Social Justice Isn't What You Think It Is*, 91, 295.

<sup>39</sup> Cfr. Burke, “The Origins of Social Justice.”

<sup>40</sup> See Peter Koslowski, “Solidarism, Capitalism, and Economic Ethics in Heinrich Pesch,” in *The Theory of Capitalism in the German Economic Tradition*, ed. Peter Koslowski (Springer, 2000), 371–96.

among these disciples were Gustav Gundlach and Oswald von Nell-Breuning. Also important was Johannes Messner to whom Hayek himself refers, though without any analysis.<sup>41</sup>

The encyclical *Quadragesimo Anno*, uses the term social justice on nine occasions and there is a detailed discussion of the concept from paragraphs 54 to approximately 85. This discussion is interesting, especially in the context of modern juxtapositions of Hayek's views on the matter with the teaching of the Catholic Church. Firstly, it should be noted that the idea of social justice was linked explicitly to distributive justice. However, the context is important. The state was not designated with the primary active role in this respect in *Quadragesimo Anno*. Indeed, in this part of the discussion about social justice (54-85), no explicit role for the state is proposed at all. Furthermore, the focus was not on a separate process of distribution but on how social justice led to conditions in which there would be a just distribution of goods. When it comes to the distribution of goods, it was proposed that all citizens should have sufficient income for basic living plus sufficient to allow a family to accumulate some property. Pope Pius XI explicitly criticised the idea that there should be equality of outcomes, whilst also criticising wide disparities in income and wealth. He argued (57) that social justice and the common good of all society could not be satisfied if one class prevented all from sharing in the riches of society.

It would appear that Pope Pius saw social justice as strongly linked to both distributive justice and the common good: "By this law of social justice, one class is forbidden to exclude the other from

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<sup>41</sup> Hayek, *The Mirage of Social Justice*, 176. Messner argued that social justice was a new development; see his "Zum Begriff Der Sozialen Gerechtigkeit," *Die Soziale Frage Und Der Katholizismus. Festschrift Zum 40jährigen Jubiläum Der Enzyklika "Rerum Novarum,"* 1931, 416–435. A good summary of the German literature can be found in Joachim Giers, "Zum Begriff Der Justitia Socialis: Ergebnisse Der Theologischen Diskussion Seit Dem Erscheinen Der Enzyklika "Quadragesimo Anno" 1931," *Münchener Theologische Zeitschrift* 7, no. 1 (2014): 61–74. Messner argues that his original ideas were adopted and therefore most theologians now argue that social justice is not the same as legal or general justice; see his *Social Ethics. Natural Law in the Western World* (London: Herder, 1965), 323–24.

sharing in the benefits...To each must therefore be given his own share of, goods, and the distribution of created goods, which... must be brought into conformity with the norms of the common good, that is social justice” (QA 57–58). But, as with *Rerum Novarum*, significant responsibilities in this respect were laid at the door of employers, civil associations and actors other than the state. It is not being proposed that the state redistributes goods in an attempt to achieve a just outcome according to some pre-conceived ideal or notion of desert. In general, a just distribution of goods should arise when people treated each other justly in the economic sphere.

With regard to employers, a series of principles was set out which was designed to indicate how a just wage could be determined by an employer. These included not just the value of a labourer’s product or the level of wages as determined in a freely agreed contract, but also, for example, the family situation of the worker. Whilst Pope Pius did not say that a freely-agreed contract of employment was unjust by nature, he did say that partnership arrangements between the social classes were preferable (64, 65). This is in the spirit of the encyclical more generally in which the principle of subsidiarity was proposed with an important role for professions, guilds and unions.

The strong implication here is that, although social justice is relevant to the state, the practice of the virtue is relevant to all social groups and to individuals. It is the responsibility of the state assist other social groupings in meeting their obligations in accordance with the principle of subsidiarity. This is entirely compatible with the interpretations of Taparelli’s thinking discussed above and the old definition of legal or general justice..

*Social justice consolidated - Divini Redemptoris*

Unsurprisingly, *Divini Redemptoris* had a similar message to that of *Quadragesimo Anno*. Once again, it was suggested that social justice was not satisfied until all people had sufficient material resources to exercise their proper social functions. In expanding upon this point, it was stressed again that this required action by employers, but also the creation of professional associations and other bodies in society that ensure that wages are not simply determined by free competition. For example, it was argued that: “the reign of mutual collaboration between justice and charity in social-economic relations can only be achieved by a body of professional and inter professional organizations, built on solidly Christian foundations” (paragraph 54). Many of a liberal disposition, such as Hayek, may regard such an approach as inefficient or the restrictions on competition that would result undesirable. However, it should be noted that the encyclical is clearly arguing that these functions belong to society and not to the state. There is no objection in principle in Hayekian thinking to extended community structures having a role in the setting of wages and other conditions, as long as the state does not give legal privilege to such arrangements.

Indeed, the fact that social justice belongs to society rather than simply to (or, indeed, primarily to) the state is demonstrated clearly when it is stated: “In reality, besides commutative justice, there is also social justice with its own set obligations, from which neither employers nor workingmen can escape.” (51). And, we also seem to get a clear indication in this encyclical that social justice is orientated towards promoting the common good of the whole society: “Now it is of the very essence of social justice to demand for each individual all that is necessary for the common good.” (51). Thus, the obligations arising from social justice go beyond those imposed by the state. The practice of social justice would, it can be argued, lead to a more even distribution of incomes. However, social justice is distinct from distributive justice. And social justice is

definitely not something that is primarily achieved after the fact by the state redistributing incomes according to what Hayek would have regarded as arbitrary principles.

## 5. Reflections on and development of social justice in the early-modern social teaching of the Catholic Church

### *Reflections on the teaching documents of the 1930s*

*Quadragesimo Anno* was drafted by the Jesuit priest Oswald von Nell-Breuning<sup>42</sup>. Reflecting on his involvement in the drafting of the encyclical, Nell-Breuning stated:

With the intent of publishing a new encyclical on the 40<sup>th</sup> anniversary of the encyclical *Rerum Novarum*, Pius XI, bypassing all Vatican offices, (only the Cardinal Secretary of State knew about it) entrusted its preparation to Fr. Wlodimir Ledochowski, Superior General of my order, who enjoyed his highest confidence. [...] Fr. Ledochowski in turn gave me the assignment of preparing a draft in strict secrecy, according to the custom of that time”.<sup>43</sup>

Nell-Breuning argued that: “*Quadragesimo Anno* has finally and definitively established, theologically canonized, so to speak, social justice.”<sup>44</sup> Given these words, perhaps it is not surprising that Hayek would address the Catholic Church’s development of the idea with such seriousness. Nell-Breuning said that it was our duty to study social justice, according to the strict

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<sup>42</sup> Nell-Breuning was a student of Liberatore; see Novak and Adams, *Social Justice Isn’t What You Think It Is*, 91.

<sup>43</sup> Oswald von Nell-Breuning, “The Drafting of *Quadragesimo Anno*,” in *Official Catholic Social Teaching*, ed. Charles E. Curran and Richard A. McCormick, Readings in Moral Theology 5 (New York: Paulist Press, 1986), 60–61.

<sup>44</sup> Oswald von Nell-Breuning, *Reorganization of Social Economy: The Social Encyclical Developed and Explained* (Bruce Publishing Company, 1936), 5.

requirements of scientific theology, and “give it its proper place in the structure of the Christian doctrine of virtue on the one hand and the doctrine of rights and justice on the other”.<sup>45</sup> As Novak and Adams discuss, this does not really explain what the term actually means and it is not easy to discern a meaning from Nell-Breuning’s discussion.<sup>46</sup> Indeed, for a term of such importance, it might be asked why its definition was not more formally introduced and discussed after its introduction in the formal teaching of the Church.

Novak and Adams themselves suggest a definition of social justice which relates to the virtue of free associations forming through the industry and sacrifice of people whose acts have ramifications that go far beyond their family or even the neighbourhood. They describe this kind of contribution as both virtuous and obviously social.<sup>47</sup> This is a plausible interpretation. In effect, reflection on the role of civil associations is an important aspect of Catholic social teaching. Moreover, this is clearly an aspect of the term as understood by its nineteenth century originators, though it is certainly not its full intended meaning.

Lee suggests that the subjects of social justice are the various groups and associations that make up society and that the object is just social relations especially in the economic sphere. This includes the public authorities, but also firms, associations, unions and so on. *Quadragesimo Anno* (101), for example, applies the term social justice to classes, arguing that the exploitation of labour by the class of capital owners in a way which scorns the dignity of workers offends the social character of economic activity, social justice and the common good.

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<sup>45</sup> Ibid., 5.

<sup>46</sup> *Social Justice Isn’t What You Think It Is*, 110–11, 115.

<sup>47</sup> Ibid., 118.

It is also noted by Lee that the end of social justice, as we have discussed above, is the promotion of the common good – that is the bringing of the whole of society to fulfilment. As has been noted, there are links drawn in *Quadragesimo Anno* between the common good, social justice and the distribution of goods (57-58). However, social justice is not just another name for distributive justice – its realm is intended to go further and precede distributive justice. As Lee points out, Pope Pius refers to the economy as the most important division of social life – but it is only one division.<sup>48</sup> The promotion of the common good and the realisation of social justice also go beyond the economic sphere.

Lee notes that Nell-Breuning did not have an explicit treatment of social justice in his commentary on the encyclical. Despite his exhortation that we should study the concept thoroughly, Lee argues Nell-Breuning's commentary still leaves us somewhat in the dark.<sup>49</sup> An examination of Nell-Breuning suggests that Lee's comments are reasonable. Nell-Breuning notes that he does not want to provide the commentary and analysis himself in his own volume, though he does offer a little insight. Specifically, Nell-Breuning argues that social justice is meant to counter the notion that an economy is self-guiding: the economy should be guided by social justice. In other words, the idea of social justice is a direct rejection of the idea that a market economy will self-order in such a way that it will necessarily be directed towards promoting the common good.<sup>50</sup> Following this, though social justice is intended to act through all social organisations, Nell-Breuning does suggest a strong guiding role for the state: "In a properly regulated community, social justice finds *its material realization* in public institutions, and *acts* through public authorities or their representatives." According to Nell-Breuning, the right social order is established through the

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<sup>48</sup> Lee, "Is 'Social Justice' Justice?," 11.

<sup>49</sup> Ibid., 20–24.

<sup>50</sup> Nell-Breuning, *Reorganization of Social Economy*, 246.

state: “this power, according to Leo XIII and Pius XI, is the state. The right social and economic order is established by the supreme authority in society, which in turn is bound by the demands of social justice from which it draws all its legal authority to direct and regulate.”<sup>51</sup>

It could be argued that there is a difference in emphasis here between the encyclical *Quadragesimo Anno* and the author of its first draft. Nell-Breuning seems to give more responsibility to the state as the prime actor when it comes to social justice than Pope Pius himself who focuses on the role of all social groups.<sup>52</sup> It should be noted, though, that throughout Catholic social teaching and across many issues, the precise role for the state in economic and social life is a prudential matter for debate. Indeed, it is to precisely this kind of debate that we argue Hayek could have contributed in his analysis of social justice. It is important to note, however, that the purpose of the state’s directive force, according to Nell-Breuning, is not to promote a particular distribution of incomes, which is the focus of Hayek’s critique of social justice. Rather, it is to help institutions and individuals promote the common good. As Nell-Breuning writes: “The result of this social justice, always an efficient principle in public authority, shall, according to the Pope’s statement, look first of all to social legislation; it shall bring about a legal social order that will result in the proper economic order.”<sup>53</sup> This approach is explicitly contrasted with the redistribution of property and it is proposed that, if the economic order were appropriately inspired by social justice, there would

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<sup>51</sup> Ibid., 250.

<sup>52</sup> Though, it is interesting to note that, Nell-Breuning later expressed dismay at Pius XI’s appreciation of the ‘QA state’ allegedly established in Austria through the Constitution of May, 1934. Nell-Breuning suggested that the idea of a ‘QA state’ is a direct self-contradiction of *Quadragesimo Anno* in which Pope Pius XI echoes Pope Leo XIII in asserting the right of citizens to choose their own form of government (QA 86). See Nell-Breuning, “The Drafting of *Quadragesimo Anno*.”

<sup>53</sup> Nell-Breuning, *Reorganization of Social Economy*, 250.

be no need for what Nell-Breuning describes as the ‘socialist redistribution of property’. Indeed, the practice of social justice by all actors will ensure that all receive what is their due.<sup>54</sup>

*The formal modern teaching of the Catholic Church on social justice*

The formal modern teaching of the Church in the *The Catechism of the Catholic Church* and in *The Compendium of the Social Doctrine of the Church* continues to use the term social justice in the sense developed from the 1860s to the 1930s even if its secular use has changed. For example, *The Compendium of the Social Doctrine of the Church* specifically defines political corruption as an offence against social justice as it relates to actions in the economic sphere of life which is part of the social sphere. Paragraph 1935 of the Catechism specifically raises the question of racial discrimination in the section on social justice. These uses of the phrase, which are totally consistent with Catholic thinking on social justice since the mid nineteenth century, are totally different from the use of the term Hayek was criticising.

The aspects of social justice which are very clear and consistent between the Church’s teaching today, 1930s Catholic teaching and nineteenth century thinking are that justice is intended to be a virtue; that it relates to how people interact in the economic and social sphere; that its practice is designed to bring the whole of society to a higher state of perfection thereby promoting the common good; that it is not fundamentally about creating a uniquely just distribution of incomes (although social justice does have distributional consequences); that it applies to all social institutions; and that there is a role for the state, but the state is not the primary (or at least not the only) actor. Thus, the formal teaching of the Catholic Church is not an innovation, but a

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<sup>54</sup> It is worth noting the contrast with the Rawlsian idea of justice as fairness which would imply ex-post redistribution. This distinction is also made by Martin Rhonheimer; see “The True Meaning of ‘Social Justice.’”

development of the ideas of nineteenth century thinkers which were, in turn, derived from the thinking of Thomas Aquinas.<sup>55</sup>

## 6. Hayek's thought and (in)consistency with the teaching of the Catholic Church

Within Catholic social teaching, there is a clear conception of the idea of a good society. This is the context for understanding social justice which is the virtue which requires us to orientate our actions to promoting the the common good of the whole society so that all members of society can reach fulfilment. In contrast, Hayek would not have accepted the idea that there was a single goal to which the social order should be directed: Hayek would not have had an objective sense of the good as such. For Hayek, as well as for other liberal thinkers, the purpose of the state is to promote and enforce rules of just conduct which allow all to choose peaceful preferred means to meet their preferred ends. However, for the tradition of Catholic social teaching, especially as informed by the philosophy of Thomas Aquinas, the state exists to promote the common good and help bring society to virtue and perfection.<sup>56</sup> This is a clear division between Hayek and the Catholic notion of social justice.

There is agreement between Catholic thinking and Hayek on the fact that the state should not try to design the perfect society. There are prudential judgements to be made as to the appropriate role of the state given the limitations of human nature (including the limitations of human knowledge),

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<sup>55</sup> Though consistency with Rosmini is hard to find.

<sup>56</sup> There is an important caveat to be made here. Aquinas' account of the common good did not and could not have in mind the idea of the modern, nation-state as we know it. It is beyond the scope of this paper to explore the implications if this distinction for the Thomist notion of the common good. Another important caveat to add is that Catholic social teaching is not equivalent to Thomism, but the deep interconnections between Catholic social teaching and the social philosophy of Aquinas cannot be dismissed. After all, the origins of modern Catholic social teaching are generally associated with Leo XIII, the pope who restores the study of Thomism in Catholic seminaries and who also promoted Thomism. On the connection between Leo XIII and Catholic philosophy more generally, see Alasdair MacIntyre, *Three Rival Versions of Moral Enquiry. Encyclopaedia, Genealogy, and Tradition* (London: Duckworth, 1990), chap. 3.

local circumstances, and the good at stake in a political community. And major actors in promoting the common good are other groups such as businesses, employers, employees associations and civil society institutions. The extent of the involvement of the state is not settled in Catholic social teaching and will always be context dependent.

This should create the nexus for a productive conversation. Hayek distinguishes between the extended order of a great society which cannot be designed and to which just rules of distribution cannot be applied and smaller scale orders in which it is possible to distribute goods on the basis of various interpretations of justice, taking into account, for example, effort and need. So, the question for Hayek – and his followers – is why they cannot define a category of justice which relates to actions in the social and economic sphere within non-state groups that make up the extended order and the great society such as businesses, families, civil society organisations, and so on. Might we not wish to call that category of justice "social" justice – or, if we do not like the qualifier "social" it could be called something else? This would not be the same as social justice in Catholic thinking, but it would bear some relationship to it.

Indeed, such ideas do appear in classical liberal thinking, often being described as "general justice" following Aristotle. There is a clear link with Catholic Church teaching here as Aquinas's ideas had a strong Aristotelian flavour. In fact, Hayek does recognise the concept of justice in the sense of justice in society outside the context of political authority, though he does not develop the idea. Hayek, for example, explains how an employer should determine employees' wages according to known and intelligible rules and that it should be seen that all employees receive what is due to

them.<sup>57</sup> He actually describes this process as “justice”, though he does not give it the prefix “social”.

Given this, it is likely that both those applying the principles of Catholic teaching and Hayek would disapprove of an employer who hired an employee who was a member of an ethnic minority at a low wage by free agreement (thus fulfilling the demands of commutative justice) but where that wage is less than that of other employees who contribute as much to the enterprise. Catholic teaching would argue that the employee is a victim of social injustice. It would not necessarily be a matter for the state, but it would certainly be a manifestation of the absence of virtue and of unjust treatment.

To give another example of justice operating in the non-state arena, it would be reasonable to describe an admissions tutor of a university who made judgements about whether to admit students on the basis of how attractive he found them as acting unjustly. The same could apply to discrimination on the grounds of race which, as has been noted, is specifically raised in the section of the Catechism of the Catholic Church on social justice. However, it is not self-evident that this sort of behaviour should necessarily be the subject of state law enforced by the political authority. It could, though, be regarded as an aspect of justice and it would not be unreasonable to describe it as “social justice”, even for a follower of Hayek, once the idea that social and distributive justice are synonyms is dropped. These are all applications of the principle of justice in the social sphere outside the political sphere and where the presence of social justice would, in Catholic thinking, help bring society to a higher state of perfection and go beyond the application of the principles of commutative justice.

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<sup>57</sup> *The Constitution of Liberty*, 187–88.

Returning to Hayek's original objections to the idea of social justice, we can ask whether they still hold when applied to actions of social justice which are implied by the Church's teaching and intellectual thought from 1850 to 1939. Certainly, the idea of social justice need not be meaningless. Surely there is a set of actions that are separate from the strict application of commutative justice and which are often described as general justice in liberal thinking. The big divide is partly one of semantics (the fact that "justice" is prefixed by "social" in Catholic teaching) and partly arises from that fact that in Catholic teaching there is an objectively defined state of virtue towards which society can be brought by just actions.

Social justice, as presented in Catholic social teaching need not be atavistic either. Indeed, this is a crucial point. Social justice is the responsibility of all groups within society. In other words, it does not only apply (or indeed primarily apply) to the great society (as Hayek called it) as a whole, Rather, it applies to those smaller groups which compose society. As we have seen, Hayek did apply the idea of justice to the actions of (for example) companies setting wages. The pursuit of social justice is feasible. Whereas it is true that there cannot be general agreement on the principles by which all the goods of society should be distributed and their application<sup>58</sup>, there can be quite wide agreement about many of the actions which form the basis of social justice. If there is not agreement, in so far as the subjects of social justice are individuals and associations within the state, different individuals and associations can apply the principles differently. Finally, the fact that social justice in Catholic social teaching does not involve wholesale state redistribution of

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<sup>58</sup> It should be noted that distributive justice in Catholic social teaching does not require this. The definition of distributive justice in Catholic social teaching is different from that attacked (and defined as social justice) by Hayek.

property as Hayek feared means that the pursuit of social justice need not undermine other aspects of the social order which constitute, in Hayek's view, justice proper.

Indeed, Hayek would have been an enthusiast for some applications and interpretations of social justice in Catholic social teaching. He would certainly agree with the theologian Martin Rhonheimer that governments that grant legal privileges or indulge in corrupt behaviours that prevent entry into markets would be indicative of an absence of justice in the social and economic sphere.<sup>59</sup> In fact, Hayek does note that the classical liberal movement has regarded as appropriate the removal of man-made obstacles to the rise of individuals, the abolition of legal privileges and that, where the state contributed to improving somebody's condition, they should do so in a way that did not discriminate<sup>60</sup>. This is not far from an important aspect of Rhonheimer's conception of social justice and is an aspect of justice frequently referred to in Catholic teaching, especially by Pope Francis.

## **Conclusion**

In his critiques of social justice, Hayek misunderstood the concept as it developed in Catholic social teaching. Certainly, social justice was not intended to be a synonym for distributive justice. It is unhelpful, as we have noted, that the precise meaning of social justice in the Catholic Church's teaching is not well defined. However, in its origins and applications, it is clear that the idea is something that should be applied to human action in the economic and social sphere, including by groups such as employers and civil society associations. What is much less clear is the proposed role for the state – though some role is clearly intended. Social justice is intended to be the virtue

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<sup>59</sup> Rhonheimer, "The True Meaning of 'Social Justice.'"

<sup>60</sup> Hayek, *The Constitution of Liberty*, 154–55.

that leads to the promotion of the common good or, as would have been understood in the nineteenth century, leads society to a higher position of virtue.

There is no question that Hayek would have thought unwise some of the actions in the economic sphere that the Church would consider important manifestations of social justice. And it is certainly true that he would have disapproved of the role of the state proposed in *Quadragesimo Anno*. Nell-Breuning, author of *Quadragesimo Anno*, saw the state as directing the economy in a broad sense and establishing the framework within which other institutions would operate.<sup>61</sup> However, there was ambiguity, and *Quadragesimo Anno*, though clear about a significant role for the state, tended not to relate that role to the idea of social justice explicitly – the state appears as a supporting actor in social justice rather than the commanding officer.

At the same time, in many cases, Hayek would have had little disagreement with the practical applications of social justice which are at the core of the principle in Catholic social teaching. Furthermore, those who follow Hayekian lines of thinking should be comfortable with the application of ideas of justice in the non-state arena. Much Hayekian and post-Hayekian thought is about the importance of sophisticated social constructs that are not the direct domain of the state. To put it another way, Hayekians believe that justice should not be a state monopoly. With reference to social justice, the Catholic Church believes the same. Social justice is a virtue that we should all practice.

There is, however, a clear difference between the Catholic Church's writing on matters to do with social justice and Hayek's understanding of justice, given the Church's belief that there is an

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<sup>61</sup> This did not mean socialist-style central planning, but the establishment by the state of frameworks which would provide for co-operation between various groups in society – something close to a system which we would call 'corporatist' today.

objective sense of virtue to which society should grow. However, at this stage in the development of the Catholic Church's teaching, it is not the difference with which Hayek is concerned and nor is it the difference that modern commentators identify. Hayek was also wrong to assume that the introduction of social justice into the lexicon was a revolutionary innovation in Catholic thinkers: it was a new term for an ancient idea.

Hayek was mis-defining his target when discussing the nineteenth century Christian origins of social justice. As Behr put it: "To be fair, Hayek was responding to the twentieth-century usage, and while he was aware that Taparelli coined the expression, he appears not to have read Taparelli directly and only projected current usage back on to the poor fellow".<sup>62</sup>

We would argue that Hayek could have developed more fully a theory of justice outside the political order which would then have provided an interesting juxtaposition with Catholic ideas of social justice and which would have opened up rather than closed down intellectual exploration of the operation of justice in society outside the political order. A Hayekian critique of social justice, as it developed in the Catholic Church from 1850-1939, could have engaged constructively with the idea of justice in society and within non-state organisations in society whilst challenging the proposed role of the state that has developed in some strands of Catholic social thinking and teaching. This conclusion has many analogies with that drawn by Adam Tebble<sup>63</sup>, though Tebble is considering social justice defined as distributive justice.

Such a Hayekian challenge could have been developed on at least three grounds. One is the difficulty of applying at the level of the state ideas which can be applied at the level of the smaller

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<sup>62</sup> Behr, "Luigi Taparelli and Social Justice," 5.

<sup>63</sup> Tebble, "Hayek and Social Justice".

group where judgement and different rules will have to be developed for different situations. The second is the unintended consequences, because of human ignorance and other failings of the human person, which are well understood by Christians, of taking action through the state in this sphere. Thirdly, there is the problem that action by the state to remedy one injustice might create injustice in another area. So, for example, action which ensures that the wages of one group of people are not reduced might restrict employment opportunities for other people. These issues could have developed into a principled intellectual debate between those who believe that social justice (as the Catholic Church has called it) should be largely operationalised by individuals and groups within society and those who believe that the state and other political institutions should be the lead actors. By dismissing the idea of social justice altogether (including its pre-1960s meanings), Hayek unintentionally reinforces the popular view that he is promoting an atomistic society rather than a society rich with social institutions.