

End-Result of Justice: Based on Hayek's Social Theory

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Abstract

Hayek strongly defends individual freedom, advocates free competition and market order, and he is strongly against the intervention of state's mandatory plan instruction. His whole social theory is concentrated on the discussion of free thought, and he emphatically expounded the importance and significance of individual freedom. The thought of justice, as the important part of his social theory, is the defense for individual freedom, so we can say that freedom is the end-result of justice. This article firstly talks about the connotation of justice and freedom and then extends to the standards, basis of distribution of justice until the contradiction of justice and free society, and then figure out the end-result of justice, namely free point of view.

Key word: Justice; Freedom; Equity

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INTRODUCTION

Friedrich Von Hayek, the Nobel Economics Prize winner in 1974, is a typical representative of western liberalism in this century. He strongly defends individual freedom, advocates free competition and market order, and he is strongly against the intervention of state's mandatory plan instruction. His whole social theory is focused on the discussion of free thought, and the ultimate goal of

this paper is to defend individual freedom. Justice, as an important part of his social theory, the end-result of it certainly should be the protection of freedom. Of course, the freedom Hayek is going to defend has its specific connotation. And Hayek's spontaneous order is the foundation of his free thought and his whole social theory.

1. JUSTICE IN HAYEK'S SOCIAL THEORY

Justice is an attribute of people's behavior. Hayek thinks that justice is an attribute of people's behavior. "Only people's behavior can be called justice or injustice. If the terminology Justice is used in the situation outside people's behavior, then it's a categorical error" (Von Hayek, 2000, p.50). This is to say the range of application of justice can only be action itself of human, while the result of action isn't considered. Then Hayek put forward his own interpretation towards justice, He thinks that

The so-called justice always means that some people should or shouldn't take certain action; and in turn this has presupposed some admission to some rules that have defined a series of situations. In these situations, some specific behavior is prohibited or is required to do. (Ibid., p.52)

The so-called plan here is also the rule of reasonable act that can influence other people's personal act. It aims to prevent the conflict and disharmony between people. Generally, it doesn't exert positive obligation to any specific individual, unless individual incurs certain obligation because of their behavior. Therefore, certain action is allowed under any conditions, the guarantee of reasonable behavior rules for individual's act is realized by the prerequisite that the individual has to comply with the rules of reasonable act. Please note that only situation. Results caused by people will be called justice or injustice.

The rules of reasonable conduct are usually a ban on misconduct. Reasonable conduct, in term of not exerting any positive obligation on any other people (unless the

individual assumes such obligation because of his own act) it's negative. First let's see the characteristics of reasonable act: First, in the sense that these rules prohibit rather require to take certain specific behavior, they are almost negative rules; Second, its goal still lies in providing protection to specific fields. Third, whether certain rules possess such characteristic can be known by using the general or generalized standards to test? (Ibid., p.56) By this token, the role of reasonable behavior's rules is to let's be clear what kind of act is allowed under what situation. But the rules have to be implemented by the individual in accordance with their response. Moreover, reasonable act is helpful for preventing conflicts; and conducive to facilitate cooperation of people by removing uncertain causes. But meanwhile we cannot ensure there isn't uncertainty even though we act by following proper behavior rules. This is just like the individual success that it not only depends on certain material facts, but also depends on others' action as expected.

The criteria of the proper conduct and behavior are qualitative. Although, the rules of proper behavior have the function of preventing, promoting cooperation, But Hayek also clearly pointed out:

The rules of just conduct is not decided by all the time or interest, nor by the aim to achieve specific results for the same purpose, but in a long evolutionary process developed gradually, during which people hold consistent in each generation who inherited down the rules system implementation consistency testing standards.

Thus, justice is not those encountered in a specific occasion which is the specific interests of balance, nor those that can be recognized by the balance of class interests. At the same time, justice does not aim at achieving a particular state of affairs which is considered to be justice, nor does it pay attention to the result of a particular action in fact.

Everything is changing, so the establishment, revision and supplement of the proper rules of conduct will change over time, and even make the whole rule system completely changed. The standard of negation is helpful to us, but it does not provide us with a brand new rule system. Thus Hayek said:

Those entrusted to clarify and explain the development of the current system of rules of right conduct must be unrelenting for solving specific seeking answers to a question, and not in this regard is forced off that they have the kind of unconstrained will. (Ibid., p.64)

Thus, fundamentally speaking, in the abstract order of our life and the device, we must guide the proper rules of our actions, which must be derived from our knowledge, not our intuition.

In a word, Hayek's view of justice is closely related to the rules of its proper behavior, which is logically consistent. Hayek believes that in the spontaneous order, only people's behavior can be referred to as justice or

injustice. The legitimacy of the justice is not refers to the act itself, but to the legitimacy of rules of conduct, because if there is no proper rules of conduct of the adjustment of the standard, then people's behavior does not exist just or not. In this, the important feature of the concept of justice of Hayek is that it is transformed from the traditional thought of human nature to justice.

2. FREEDOM IN HAYEK'S SOCIAL THEORY

Hayek wrote at the beginning of the book *The Principle of Free Order* that: freedom is a kind of state of people. In this kind of state" coerce imposed to others by some people is minimized to the smallest limit possible" (Von Hayek, 1997, p.4). Individual freedom refers to the state that "a person is free of coerce caused by personal arbitrary will" (Ibid.) or we can say it's a state of personal freedom. In Hayek's opinion, the original meaning of freedom means "there's always a possibility that a person acts based on his own decision and plan; This kind of state has formed a contrast with the state that a person must bend to another one (because he can force others to do or not do something by his arbitrary decision) that's independent of others' arbitrary will (Ibid., p.5). As can be seen, Hayek thinks that freedom only involves in the relationship of a person to others. Therefore, Hayek layouts the freedom in advance which is "the individual has certain selfish desire to be guaranteed and he also layouts that there are some situations in his life that others cannot intervene" (Ibid., p.4). That's to say, freedom must mean that others' force is no longer existing. Namely, the freedom of Hayek's eyes possesses negative characteristics.

In Hayek's eyes, there are two the kind of orders, one is "order created by human", the other is "order in growth". The "order created by human" originates from the order outside or deliberate arrangement. Therefore, it can also be regarded as an order constructed or considered, and especially when we have to discuss an order under instructions, it can also be called as an organization. The "Order created by human" is relatively simple and specific and it serves the purpose of those who create the order. The "order in growth" originates from the inner side or spontaneous order. That's a spontaneous order. The development of a society is mostly the "order in growth" which is that the spontaneous order is playing a leading role. Hayek repeatedly stresses that the formation of spontaneous order is the result of its factors that follow certain rules during the process in dealing with their real-time environment (Von Hayek, 2000, p.63). The spontaneous order originates from the inner order or spontaneous order. It is not deliberately created by some sage. Since the complexity of the spontaneous order cannot be grasped easily by human's intelligence. The

spontaneous order is impossible to be realized by people's intuition. Therefore, nobody or organization can create it. It can only come into being through free competition and trial.

3. FREEDOM IS THE END-RESULT OF JUSTICE

In line with defining the concept of freedom, justice is also defined in the state of human relations: Justice or fairness. "Justice or fairness is the intentional decision that somebody made for the situations in people's life" (Von Hayek, 1997, p.3). One of the most important criteria to measure is equality, but equality doesn't interfere with freedom.

In real life, people require the government to equally provide their decisions to all people. First, the reason why they ask this is because exist difference in fact. Secondly, Hayek especially stressed that all people are equal before law required by freedom will lead to the inequality in materials. Because exist great difference between people, so people will ask to be treated equally. But it's important to realize that the equality in law and material conflicts with each other. Finally, Hayek points out that though sometimes a country has to use guns in certain situation, but when using it, the country should equally treat it people, but a free society doesn't allow to regard the desire that a country can execute greater, discriminatory, forceful method as a lawful basis that tries to make people's situation more equal. (Ibid., p.104) Therefore, we can see his defense for individual freedom to be independent of others' arbitrary will. This also reflects his expectations that individual freedom should be free of others' implementation by force.

Hayek confidently thinks that though other types of society isn't able to solve the problem that "the difference in salary doesn't conform to the difference of conduct of those people who got these salary" (Ibid., p.113) but a free society can realize this kind of justice. Hayek thinks

A free social system, the materials given should conform to the conduct recognized by people. And a person's status should not depend on the comments that other people make for his conduct, and this is a basic characteristic of free social. (Ibid.)

So Hayek totally denied the principle of getting paid depending on conduct. There have some specific reasons: firstly, the feasibility isn't strong. It's hard to make judge. Conduct isn't the objective question, but a question of subjective efforts (Ibid., p.114). Moreover, we need to follow the conduct appreciable. It's extremely hard to judge it. Secondly, getting paid based on one's conduct goes against selecting one's career or job according to individual freedom. The people will be under the will of other people, thus losing individual freedom. But, we can see his advocate for individual freedom.

Therefore, getting paid based on one's conduct is neither practical nor desirable. It's impossible to give the fairest return for all conducts. If persisting in practicing this system, it will finally lead to the result that getting equally paid for different work. In order to solve this problem, we can judge the value of the result.

Hayek stresses that the reward standard of a free society for result of action should be: firstly, people should know exactly how many efforts to make is worth it. Secondly, if the results are the same, then the reward would also the same. In this way, it can not only satisfy those people who get equally paid for different service, but also can satisfy those who get differently paid because of different service. In his opinion, this will certainly hinder individual freedom, but how to distribute reward according to value?

Firstly, we should be clear about the difference between value and conduct. In free society, moral value is the synonym of conduct. Moral value is a kind of value, but not all. Secondly, we need to point clearly that the relationship of value and conduct is uncertain, and this will contribute to people's happiness. Therefore, we need to be clear about their difference. Finally, a free society should follow the value of personal contribution or performance in work, when the assessment becomes more and more complex, we can refer to conduct. In this way, it not only extends the freedom that individual can choose, but also doesn't go against freedom.

Hayek thinks that justice should be the protection of freedom, namely the end-result of justice is freedom. Based on this, Hayek opposes to distribute justice. He thinks that once the principle of distributing justice is adopted, it can only be realized when the whole society organizes everything in this principle (Ibid., p.121). They must go against with the principle of the free society. For this will go against the spontaneous order, and people need to follow the order of organization and will be under the influence and control of other people's will, this may eventually lead to centralization of power.

Besides, if we extend distribution of justice to a country or international community, then exclusive problems may emerge. This is bad for the free development of the whole human society. Members in a specific society have the right to enjoy certain living standard. Generally, a rich society tends to give some welfare to the poor in order to secure their live. The specific measures depend on the total wealth of a society. And the development of modern international society is not balanced and there exist differences. Once the range of application exceeds this region, society or country, it will be difficult to realize this, and in order to protect the interest of their own country, collective property right will be formed in order to exclude others. This is exactly a reason why some region has exclusive phenomenon. With scarcity and tension of global resource, this will gradually become the root cause of international conflicts.

CONCLUSION

All in all, no matter what Hayek opposed to equality of government decision, conduct or distribution, the reason why he disagrees is because it hinders personal freedom, and in essence, this is his advocate for freedom and his persistence that individual should be independent of others' arbitrary will. That is to say, in Hayek's mind, Justice is the protection of freedom, namely freedom is the end-result of justice.

Regardless of Hayek's concept of justice or Hayek's rules of proper behavior, underlines his strong liberal ideas and complete defending of personal freedom. At the same time, we can see his strong individualism from the concept of justice and freedom as well as the philosophical foundation of his whole theory—limited reason. Hayek believes that man's reason is limited and Man's reason not be predicted in all the circumstances. Therefore, he is totally opposed to social justice. The most important and fundamental reason for his opposition to social justice is that social justice will bring people under control of other

persons and then makes us lose the personal freedom, which is the most opposed by him. Thus, the end result of justice is freedom. Moreover, it is can be seen from Hayek's concept of freedom Hayek's freedom defends the freedom of the individuals. Regardless of his criticism of social justice or the criticism of the welfare state, the fundamental reason is that they seriously hindered the realization of personal freedom. It is not conducive to personal freedom and competition. So throughout Hayek's social theory, it is clear that freedom is the end result of justice.

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