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CONSERVATIVE SOCIAL JUSTICE AND THE LIMITS OF THE FREE MARKET

*JOHN SANDY**

While the desire for social justice in our society is common to most, the means by which it is achieved are as varied as the religious or philosophical principles guiding them. At its core, social justice refers to the distribution of advantages and disadvantages within a society. At first glance one may easily recognize that the way to give an advantage to the disadvantaged is in the act of giving itself, a sort of economic egalitarianism. When one witnesses another's despairingly different outcome in life, one intuitively wants to aid the other in assuring an impartial share in the benefit of society that they themselves have. However, whether one operates under the modus of religion, politics, or civil society, attention to the integrity of the human person must be afforded.

The human person has intrinsic value and as such is due certain freedoms. One of those freedoms is the ability to change one's situation in life. My great-grandfather immigrated to the United States from Abruzzi, Italy. He worked in the coal mining mills of Pennsylvania and had eight children. As such my grandfather grew up in the coal mine and all of his older siblings broke their backs to send him to college. The ability to emigrate and immigrate is thus one example of the broad freedom to change one's situation.

Within this social mobility the "great divide" between Liberal and conservative notions of social justice is observed. The Liberals' view of social justice is one of economic egalitarianism achieved through progressive taxation and property and income redistribution. In order to achieve the equilibrium that Liberals desire they, de facto, take from others. In this seizure they are restricting the freedom of the taxed. To work and reap the benefits of one's labors is intricately related to one's autonomy and dignity. As the late Pope John Paul II appropriately stated, "Work is personal, inasmuch as the energy expended is bound up with the personality and is the exclusive property of him who acts, and, furthermore, was given

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to him for his advantage.”¹ In societies where individuals are deprived of their property rights in order to benefit the less fortunate, there is always a tendency towards civil unrest. There is an inherent sense in which people exude their need for free use of their yields. It is in this way that the Liberals ironically contradict their mission. They confuse intuitive charity to provide a Marxist equal outcome by destroying the fundamental basis of justice: freedom.

In a more conservative scheme, social justice is best achieved through the free market, which provides equality of opportunity and promotes philanthropy in lieu of progressive taxation. The free activities of a market economy, though, cannot be conducted in an institutional, juridical or political vacuum. On the contrary, they presuppose sure guarantees of individual freedom and private property, as well as a stable currency and efficient public services. Hence, the principle task of the State is to guarantee this security, so that those who work and produce can enjoy the fruits of their labours and thus feel encouraged to work efficiently. Conservative social justice requires the freedom to change one’s social status in providing equality of opportunity, not outcome. In this way people are driven by their own will and freedom to change their circumstances in the free market while simultaneously being assured of the government’s protection of their earnings. Moreover, by dint of this freedom the roles of personal initiative, discipline, and entrepreneurship become increasingly evident and decisive for both the individual and the society.

The modern business economy is based on human freedom exercised in the economic field. However, there are many fields besides the economic, which must be recognized. At a Catholic Law School, we must recognize that some things are due to man simply because he is man and not because he has some economic worth.² Equality in opportunity must be assured and the free market may not always guarantee this. There are those with no possibility of acquiring the basic knowledge which would enable them to express their creativity and develop their potential, and it is here where the conservative must recognize that the free market does not solve all social justice problems. Conservatives already recognize this to some extent as they allow for the government to break up monopolies to ensure equal opportunities. The conservative need not adopt a socialist system, which has failed time and time again in its dehumanizing approach to free work and human autonomy. Rather, the conservative must adopt a system which does not stifle the market while demanding appropriate accountability by the State, so as to guarantee that the basic needs of the whole of society are

1. Pope John Paul II, Encyclical Letter, *Laborem Exercens*, 20: loc. cit., 629-632; Discourse to the International Labor Organization (I.L.O.) in Geneva (June 15, 1982): *Insegnamenti* V/2 (1982), 2250-2266; Paul VI, Discourse to the same Organization (June 10, 1969): *AAS* 61 (1969), 491-502.

2. *Ibid.*

satisfied. This is a different system than Liberals propose as it neither punishes the successful nor denies other human and moral factors: autonomy of labor.

Ultimately, the conservative model will allow for the formation of a strong sense of responsibility among producers while providing intervention by public authorities only when necessary to ensure equality of economic opportunity. The conservative must persevere in the conviction that the free market best protects human dignity and freedom while recognizing the anti-egalitarian effects of the unchecked free market. Capitalism must operate within a strong juridical framework and must recognize the human dignity of every person. The duty to show charity with what one has justly earned must be at the core of the conservative's *modus operandi*. With profit comes responsibility. However, this *a priori* charity must be free, and only forced in those rare circumstances where the free market fails to secure equality of opportunity. Such intervention by the State must be the anomaly, not the rule. A liberal view of what constitutes state intervention in aggressive taxation and redistribution is a dangerous venture into the vast Marxist circus. Basic needs consistent with human dignity are exactly that: basic. More often than not, the market can meet these basic needs without help, as competitive forces work upon each other. This is conservative social justice in the free market.