

“Social Justice” as a Standard for Institutions and Policy

Ben Peterson
Abilene Christian University

The concept of “social justice” has ardent advocates and avid foes. Drawing from the modern tradition of Catholic social teaching, I develop a conceptualization of social justice that is sensitive to the critiques of scholars who charge that the concept is unfit to serve as a standard for normative evaluation because it is necessarily statist and egalitarian. I propose defining social justice as the securing of that to which members of a society are due according to mutual obligations enforceable by a public authority, as essential to the common good. The conceptualization offers a framework for clear debate about social justice-based claims.

Introduction

Politicians, activists, and scholars employ the term “social justice” as a proposed or presumed standard against which scholars and citizens should evaluate institutions and policy. The ubiquity of the term in political and academic discourse does not reflect underlying agreement as to what constitutes social justice or injustice. Quite the contrary; advocates of social justice often advance nearly opposite ideas for reform of institutions and policy. A danger of such widely used but ill-defined terms is that they can be used as “instrument(s) of ideological intimidation, for the purpose of gaining the power of legal coercion.”¹ As a result, many conservative and classical liberal thinkers have disparaged the term as useless or even dangerous.

Yet social justice, properly understood, can serve as a standard for evaluating institutions and public policy. Political theorists should, however, pay closer attention to the manner in which they identify and discuss social-justice-based claims. In response to scholars who dismiss the very idea of social justice, I draw from the modern tradition of Catholic social teaching to develop a conceptualization of social justice that accounts for some of the core criticisms. Contrary to some of these criticisms, the term need not indicate an insistence upon equal economic outcomes or a particular distribution of economic goods, nor does it necessitate a statist orientation. My claim is that, to serve as a framework for evaluating the justice of institutions and policy or laws, “social justice” should be defined as the securing of that to which members of a society are due according to mutual obligations enforceable by a public authority, as essential to the common good.

Social Justice: Good for Nothing?

Scholars in the classical liberal and natural law traditions have argued that the dominant conception of social justice is not only misguided or flawed but also fundamentally incoherent or unfit to serve as a standard for institutions and policy because justice is properly understood only as applied to human actions or as a personal virtue. Friedrich Hayek famously described social justice as a “mirage,” arguing that the concept of justice cannot be applied to a distribution in a market society even though most such distributions do not accord with common conceptions of merit or desert.² In market societies, distributions result from myriad free exchanges between individuals, and are not intended by any person on whom blame can be placed for injustice.³ Robert Nozick likewise argued that any end-state or patterned theory of just distribution necessarily undermines liberty—and justice, properly understood.⁴ Finally, Michael Novak and Paul Adams echo an earlier critique by Ernest Fortin, arguing that social justice is properly understood as a personal virtue; the concept of social justice cannot serve as a “regulative principle” for institutions and policy.⁵

Thomas Patrick Burke argues that the most prominent contemporary notion of social justice, which he terms the “socialistic conception,” not only differs from “ordinary justice,” but “essentially conflicts with it.”⁶ He points to the papal encyclical *Quadragesimo Anno* (henceforth *QA*), alternatively titled “On Reconstruction of the Social Order,” circulated in 1931, as representative of a “revolution” in the Western conception of justice toward a misguided, socialistic conception.⁷ The new conception treats as the primary concern of justice impersonal states of affairs as opposed to human will and action, beginning with the premise that, “There is a particular state of affairs in society, namely

inequality of power or economic inequality, which is *ipso facto* unjust, irrespective of how it came about.”⁸ Burke argues that the dominant conception of social justice inappropriately applies the ethical concept of blame to an abstract entity, “society,” and is therefore necessarily statist because only the state has the power to address social injustice.⁹

Burke proposes an alternative conception of social justice based on the idea that all coercion, except to prevent or punish unjust coercion, is unjust. While he condemns slavery, Jim Crow laws, and the examples of repressive state policy that many regimes exhibit as unjust on the basis of his theory, his conception of social justice implies that peaceful discrimination not backed by state power, or noncoercive discrimination, is not unjust but in fact a human right.¹⁰ The implication is that the contemporary Civil Rights regime in the United States is unjust, as it violates the right to peacefully discriminate.

Contemporary scholars arguing for social justice or operating in a social justice framework occasionally do err in the way Burke describes, appearing to conclude that injustice is present based solely on states of affairs, typically states of affairs characterized by inequality.¹¹ Most prominent academic theories of social justice do treat the concept as primarily related to the distribution of “the good and bad things in life ... among the members of a human society.”¹² Further, the starting point for most major theories of justice is equality of some form; deviations from equality have to be justified.¹³ The terrain of the debate among most proponents of social justice centers on the question of what should be considered the “*distribuendum*,” the good to be apportioned according to distributive justice.¹⁴ Among egalitarian theories of social justice, the debate has revolved around the question of what goods should be equalized through redistribution; the “equality of what?” debate.¹⁵ Attempts to apply the concept of social justice as a standard for public policy often suggest a straightforward imperative to “take steps so that the lives of the people who are currently worst off are improved.”¹⁶ There are notable exceptions, including an assembly of scholars in a recent issue of *The Independent Review* who propose conceptions of social justice drawing on the classical liberal thought of Adam Smith and Friedrich Hayek.¹⁷

The intellectual and political stakes are significant. Excessive focus on systemic or societal justice may result in a habit of mind that ignores or underplays the rights and moral obligations of particular human beings. Focusing on impersonal structures and systems may result in the abandonment of traditional morality, leading to a statist fanaticism that undergirded fascist and communist revolutionary movements and regimes in the twentieth century.¹⁸ Yet the concept of social justice, properly understood, need not undermine the core notion of

justice. Rather, it extends that concept to social institutions. To clarify the concept of social justice, I draw from an articulation of the concept in Catholic social teaching (CST), especially the major encyclical *Quadragesimo Anno* (1931), its predecessor *Rerum Novarum* (1891) and successor *Centisimus Annus* (1991), and related commentary from Catholic natural law theorists and theologians.¹⁹ The treatment of social justice in Catholic social teaching can clarify elements of social justice-based claims that are often implicit.²⁰

In contrast to Burke's critique, the concept of social justice does not necessarily place blame on society, understood as an abstract entity apart from its members. Second, the concept is not necessarily egalitarian or statist; though again, some prominent theories tend in this direction. Next, to illustrate how, properly understood, the concept of social justice can serve as a "regulative principle" by which to understand and debate claims about the justice of institutions and laws, I posit that a fruitful way of thinking about social justice is to imagine a "claim" a person or group might make that they are experiencing a social injustice.²¹

The Concept of Social Justice

Before considering the adjective "social," we should put in place a definition of "justice" as such. Justice is commonly defined as "the constant and perpetual will to render to each his due," following Roman jurist Ulpian's definition in the *Digest* of the *Institutes of Justinian*.²² Burke notes that the "traditional conception of justice" relates to actions and not states of affairs.²³ Liberal political theorist David Miller identifies four important elements of the classic definition of justice: claims, impartiality, agency, and enforceability.²⁴ Especially relevant for this discussion are the points that justice involves claims and that these claims are enforceable, not only a matter of charity or beneficence. Claims arise from what is due to persons, and these claims are enforceable.

Having defined the notion of justice, we can begin to discuss the idea of social justice. Miller argues that three assumptions or premises must undergird any theory of social justice: there must exist "a bounded society with a determinate membership," "an identifiable set of institutions whose impact on life changes of different individuals" we can identify, and "some agency capable of changing the institutional structure in more or less the way our favored theory demands."²⁵ Already, we can see Miller retains the element of agency that Burke argued theories of social justice leave behind. The new elements are the idea of a society and of institutional structure.

Social Justice in Catholic Social Teaching

As Burke notes, the Catholic social tradition has been a major source for development and discussion of the concept of social justice.²⁶ Popes Leo XIII and Pius XI, launching the modern tradition of Catholic reflection on social and economic matters, sought to respond to the class divide resulting from industrialization in Europe. In the encyclicals touching on “the social question,” the popes explicitly denounced socialism and communism, but also liberalism and individualism.²⁷ Introducing the concept of social justice was part of the attempt to undercut the appeal of socialism through reform of capitalist institutions.²⁸ While CST propounds a particular theory of social justice, I argue that the encyclicals dealing with social justice also provide insight into the underlying concept itself and a clear framework for considering claims of social injustice. That underlying concept is not necessarily egalitarian or statist as Burke argues, and it is compatible with the core concept of justice identified above.

The concept in CST rests fundamentally on three ideas, the first and third of which Miller includes in his list of premises. The first is the notion of the common good, which implies the existence of a society composed of particular members who are united in some sense. In Catholic thought, social justice is essentially connected to the common good or common advantage. As Fr. J. Bryan Hehir writes, “social justice is designed to evaluate and redirect those public institutions that hinder the achievement of the common good.... [It] is focused on the functioning of major public institutions of the social, legal, economic, or political order.”²⁹ What is the common good? Pope John XXIII’s *Mater et Magistra* connects the common good with “all those social conditions which favor the full development of human personality.”³⁰ In the encyclical *Divini Redemptoris*, Pius XI clarifies somewhat the common good and its connection to social justice:

Besides commutative justice, there is also social justice with its own set obligations, from which neither employers nor workingmen can escape. Now it is of the very essence of social justice to demand for each individual all that is necessary for the common good.... [I]t is impossible to care for the social organism and the good of society as a unit unless each single part and each individual member—that is to say, each individual man in the dignity of his human personality—is supplied with all that is necessary for the exercise of his social functions.³¹

Both workers and employers have obligations to each other and to the common good, which includes the good of each member of society, not just the group as a single collective. As we can see, the idea of the common good need not treat

society as an abstract entirely set apart from its members. Rather, the common good refers to the good of each member of society, the shared good.

The second idea is that each member of society is due certain social goods from other members of society, and in turn has duties to others and to the common good. These social goods are due in the strong sense that coercion is justified in securing them to their rightful recipients.

There is an important distinction between social justice and social charity, even if they are closely related. As Burke notes, this distinction is crucial because the obligations of justice are ultimately enforceable by coercion.³² The obligations of charity are boundless, whereas those of justice are limited. Charity supports and enhances justice, promoting unity and the common good beyond the demands of justice.³³

The third fundamental element of the concept of social justice as expressed in *QA*, is that a “public authority,” the state, bears ultimate, but not exclusive, responsibility for ensuring that the distribution of social goods does not deny to its members what they are due from others.³⁴ As we will see, the public authority plays an important, but limited role in promoting the common good and securing justice.

There is debate among Catholic scholars and natural law theorists about how to fit this new idea of social justice into the classical tripartite schema of justice: commutative, distributive, and legal justice. Some scholars argue that social justice is simply an updated version of legal justice, that virtue which specifies what citizens owe to the political community.³⁵ Others treat the concept as primarily related to distributive justice, which concerns the allocation of social goods among members of the community. Still others hold that it is a new “species”³⁶ of social justice that specifically relates to the just ownership and use of property or that it is separate from but related to the other elements of justice.³⁷ My own view is closest to the last approach: social justice involves elements of commutative, distributive, and legal justice. Treating social justice as equivalent to distributive justice, which both proponents and critics have tended to do, obscures the degree to which it implicitly invokes the other aspects of justice.

Having introduced the key ideas related to social justice in CST, we will now consider some specific issues the encyclicals deal with in light of the concept. In *QA*, the encyclical Burke describes as a critical turning point toward the “socialistic” conception of social justice, the pope does refer to the idea that a highly concentrated distribution of wealth and property is unjust. In the first passage of papal teaching in which social justice is mentioned, Pius XI references the distribution of wealth:

Not every distribution among human beings of property and wealth is of a character to attain either completely or to a satisfactory degree of perfection the end which God intends. Therefore, the riches that economic-social developments constantly increase ought to be so distributed among individual persons and classes that the common advantage of all ... in other words, that the common good of all society will be kept inviolate. By this law of social justice, one class is forbidden to exclude the other from sharing in the benefits.... To each, therefore, must be given his own share of goods, and the distribution of created goods, which, as every discerning person knows, is laboring today under the gravest evils due to the huge disparity between the few exceedingly rich and the unnumbered propertyless, must be effectively called back to and brought into conformity with the norms of the common good, that is, social justice.³⁸

Here, Pius XI's claim is that the benefits of economic growth ought to be shared equitably among all classes and persons in society. Each person is due a certain share of goods and also has obligations to the common good. According to Leo XIII, Pius XI, and John Paul II, the working classes merit special attention from the public authority. Leo XIII does refer to the duty of “public administration” to “duly and solicitously provide for the welfare and the comfort of the working classes” as one of distributive justice, of ensuring that each receives his due.³⁹

Pius XI also applies social justice to discussions of property and wages. While affirming a natural right of private property ownership, the pope argues for limits on the use of property, based on the teaching that, “nature, rather the Creator Himself, has given man the right of private ownership not only that individuals may be able to provide for themselves and their families but also that the goods which the Creator destined for the entire family of mankind may through this institution truly serve this purpose.”⁴⁰ Notably, Pius XI also claims in *QA* that a person's “superfluous income” is “not left wholly to his own free determination”—such income must be used beneficently, though the degree to which this should result from voluntary choice is unclear.⁴¹ Though it cannot abolish private property according to the moral law, the public authority of the state is responsible for imposing particular, contextualized limits on the use of private property that serve the common good. This differs from the statist conception of social justice because it does not treat the state as the only actor in society responsible for ensuring an equitable distribution of goods. The state, acting within the limits of its office, imposes regulations and limits on private action and ownership in the interest of the common good, rather than serving as the sole or even the primary actor in the effort to promote the common good.

Pope John Paul II reaffirms this balanced approach to private property ownership in *Centesimus Annus*.⁴² In a sprawling section on “private property and the universal destination of material goods,” John Paul II applies ideas from *Rerum Novarum* to developments associated with the knowledge economy, or “the modern business economy.”⁴³ Burke states that *Centesimus Annus* is friendlier to capitalism than the other social encyclicals.⁴⁴ Indeed, John Paul II emphasizes that “primary responsibility” for protecting “human rights in the economic sector” falls to “individuals and to the various groups and associations which make up society.”⁴⁵ He also criticizes the development of the “social assistance state,” or the overly interventionist welfare state. Nevertheless, John Paul II affirms that there are certain demands of justice that the state has a role in securing: “It is a strict duty of justice and truth not to allow fundamental human needs to remain unsatisfied. . . . Even prior to the logic of a fair exchange of goods and the forms of justice appropriate to it, there exists something which is due to man because he is man, by reason of his lofty dignity.”⁴⁶ The society, through the institution of the state, has a role to play in securing a “society of free work, of enterprise, and of participation,” a role that involves controlling market forces such that “the basic needs of the whole society are satisfied.”⁴⁷ Specifically, the state “has a duty to sustain business activities by creating conditions” for jobs, stimulating economic activity in some circumstances, and preventing monopolies.⁴⁸ The state may even have to fulfill a “substitute function,” for other social groups, undertaking limited, short-term interventions in cases of urgent necessity.⁴⁹

Another social justice issue in CST is the notion of the just wage. Following Leo XIII, Pius XI states that a worker is due a wage sufficient to support a family. He argues that workers must be paid wages sufficient to provide for a family because “it is an intolerable abuse” for mothers to be forced to work outside the home. If fathers cannot be paid a wage sufficient to support a family, “social justice demands that changes be introduced . . . whereby such a wage will be assured to every adult workingman.”⁵⁰

Pius XI proceeds to recommend the “reform of institutions” and of morals in order to address the social question.⁵¹ Specifically, his admonition is that the state “devote itself to the re-establishment of the Industries and Professions,” a modern-day version of the guild structure.⁵² He goes on to describe the structure he has in mind and to argue that it will generate harmony as opposed to competition in the process of economic production. Essentially, these neo-guilds or syndicates, divided by industry and composed of delegates from both the workers and employers, manage the terms of economic cooperation, with assistance and adjudication from the public authority as necessary. The syndicate sets wages and labor agreements, supposedly obviating the need for strikes.

Pius XI argues that economic activity cannot be left to free competition, but must be “subjected to and governed by a true and effective directing principle”:

This function is one that the economic dictatorship [i.e., concentration of wealth and property,] which has recently displaced free competition can still less perform, since it is a headstrong power and a violent energy that, to benefit people, needs to be strongly curbed and wisely ruled.... Loftier and nobler principles—social justice and social charity—must, therefore, be sought whereby this dictatorship may be governed firmly and fully. Hence, the institutions themselves of peoples and, particularly those of all social life, ought to be penetrated with this justice, and it is most necessary that it be truly effective, that is, establish a juridical and social order which will, as it were, give form and shape to all economic life. Social charity, moreover, ought to be as the soul of this order, an order which public authority ought to be ever ready effectively to protect and defend.⁵³

Although the institutional reforms he recommends are far-reaching—some have noted affinities between the pope’s vision and the corporatism of Benito Mussolini’s fascist government—the pope refers to a critical principle that limits state power:

that most weighty principle, which cannot be set aside or changed, remains fixed and unshaken in social philosophy: Just as it is gravely wrong to take from individuals what they can accomplish by their own initiative and industry and give it to the community, so also it is an injustice and at the same time a grave evil and disturbance of right order to assign to a greater and higher association what lesser and subordinate organizations can do.⁵⁴

This has come to be known as the principle of “subsidiarity.”⁵⁵ The state has the responsibility to oversee economic activity to ensure it serves the common good, but there are constraints on its activities.⁵⁶

Subsidiarity means that, in addition to the generally limited role of the state’s office, the very conception of the common good in CST is not statist or monistic; rather, the vision is of a plurality of flourishing individual persons and communities living in harmony, helped by the state. Leo XIII describes this vision of “civil society” in *Rerum Novarum*:

Civil society exists for the common good, and hence is concerned with the interests of all in general, albeit with individual interests also in their due place and degree. It is therefore called a public society.... But societies which are formed in the bosom of the commonwealth are styled private, and rightly so, since their immediate purpose is the private advantage of

the associates.... Private societies, then, although they exist within the body politic, and are severally part of the commonwealth, cannot nevertheless be absolutely, and as such, prohibited by public authority. For, to enter into a “society” of this kind is the natural right of man; and the State has for its office to protect natural rights, not to destroy them; and, if it forbid its citizens to form associations, it contradicts the very principle of its own existence, for both they and it exist in virtue of the like principle, namely, the natural tendency of man to dwell in society.⁵⁷

As Leo XIII argues here, the state’s office is to support and protect the rights of individuals and of the private associations that individuals form, not to absorb, undermine, or destroy them.

A few observations about the concept of social justice as expressed in CST merit emphasis: First, an invocation of social justice implies a critique of social institutions, a charge that institutions yield a pattern of distribution that systematically denies persons their due.⁵⁸ If institutions systematically produce outcomes that deny persons their due—or perhaps better, allow some members of society to deny other members their due—they are unjust and require reform. Second, the CST conception of social justice does not fall prey to the problems Burke describes. As Edward Feser noted in an effort to reconcile CST on social justice with classical liberalism, *contra* Burke, the concept of social justice is not necessarily egalitarian or state-centric.⁵⁹ Though he claims the distribution of property and wealth constitutes an injustice, nowhere in *QA* does Pius XI suggest a just distribution must be equal, or that remedies should aim at equalization. The CST articulation does not demand an equal distribution of resources, but a distribution that supplies necessities to all members of society.⁶⁰ While the distribution of social goods may be an indicator of injustice, the concept of social justice does not merely refer to the distribution of goods, much less does it require an equal distribution. Nor does the CST tradition of social justice treat society as an abstract entity that can be blamed for injustices; rather, society is a bond that forms the basis of obligations that members of the society have to each other. Thus, the idea of justice is still applied to human will and action.

Theories of social justice, while they may take as a frame of reference a state of affairs such as a distribution of goods, do not critique states-of-affairs “irrespective of how they came about,” as Burke says. Rather, they treat states of affairs as indicative of the justice of social institutions. As Wolterstorff writes, “Social injustice is the injustice that is wreaked on members of the community by its laws and public social practices.”⁶¹ One need not accept Rawls’s claim that the “primary subject” of justice is the “major institutions” or “basic structure” of society to agree that justice can appropriately apply to institutions, of which

human persons are the shapers and perpetrators.⁶² Indeed, a proper conception of social justice need not undermine personal agency, but may in fact ground a call to action on the part of the majority or dominant members of society, those who benefit most from existing patterns of social interaction and who have the most ability to effect reform.⁶³ Application of the notion of justice to institutions is not a “revolution” in the Western conception of justice; Wolterstorff refers to the biblical prophets as “the first great spokesmen for social justice in what has come to be the Western tradition.”⁶⁴ If, as Benestad writes, reception of Pius XI’s teaching in *QA* and *CST* in general has often focused on the structural reform implications of social justice to the exclusion of the role of virtue, there is a danger of overcorrection.⁶⁵ The notion that justice is only understood as a personal virtue is unnecessarily restrictive.

Invoking Social Justice

The proposed definition of social justice above, securing that which is due to members of a society according to mutual obligation as essential to the common good, is drawn though not directly copied from *CST*. I argue it is an improvement on others in the academic literature and public discourse because it directs our attention not only to *desiderata* that might be the focus of claims to injustice such as income, respect, opportunity, and well-being, but also to two other important elements of a claim to injustice: social justice claims necessarily entail obligations, and to qualify as genuine claims they must be enforceable by a public authority. The boundaries of debate about social justice and injustice should be expanded to require consideration not only of what members of a society are due, but from whom and with appeal to what public authority?

Any benefit conferred on a person requires a burden to be placed on another—rights suggest duties or obligations.⁶⁶ Claims against “society” are functionally claims against particular members of society.⁶⁷ Thus, a theory of social justice must entail a theory of obligation. Most theories of social justice fail to entertain, much less wrestle adequately with, Nozick’s charge that coercive redistributive policies—which by definition do not enjoy unanimous agreement—violate Immanuel Kant’s principle “that individuals are ends and not merely means.”⁶⁸ Each person is an end and is not to be used solely as a means to some other end—even the end of helping another person. Theories of justice requiring coercive redistribution run afoul, according to Nozick, of the moral “side constraints” related to individual rights.⁶⁹ One need not accept the idea of self-ownership to agree that there is a potential for injustice or violation of individual rights in the pursuit of justice. A theory of social justice requiring a degree of coercive redistribution

requires a theory of obligation or duty, specifying the obligations corresponding to rights that require redistribution or reassignment of benefits and burdens.⁷⁰

Second, the definition clarifies that claims about justice are enforceable by a public authority. In other words, “social justice” is a must-have, and not a mere nice-to-have. The proposed definition suggests setting the bar high in terms of what counts as a social injustice and invites discussion of the appropriate public authority responsible for enforcing claims.⁷¹

At the risk of reductionism, my goal is to inject clarity into discussions of social justice.⁷² Even if the charge is against an institutional arrangement, any new institutional arrangement will burden some members of a society while benefiting others, unless the new arrangement is Pareto optimal.⁷³ If a theory of social justice is to serve as a standard against which to measure institutions and policy, it must provide a framework for a claim of injustice. What would such a claim look like? What are the blanks a claimant must fill in on a proverbial social justice claim form?

A Social Justice-Based Claim

As discussed above, a paradigmatic example of a social justice claim CST has consistently embraced is the argument for a just wage. Consider the structure of Pope Leo XIII’s argument in *Rerum Novarum*, alternatively titled “On the Rights and Duties of Capital and Labor”:

Let the working man and the employer make free agreements, and in particular let them agree freely as to the wages; nevertheless, there underlies a dictate of natural justice more imperious and ancient than any bargain between man and man, namely, that wages ought not to be insufficient to support a frugal and well-behaved wage-earner. If through necessity or fear of a worse evil the workman accept harder conditions because an employer or contractor will afford him no better, he is made the victim of force and injustice.... [I]n order to supersede undue interference on the part of the State ... it is advisable that recourse be had to societies or boards ... or to some other mode of safeguarding the interests of the wage-earners; the State being appealed to, should circumstances require, for its sanction and protection.⁷⁴

The worker is due a wage sufficient to support a family from his employer, independent of the level of remuneration an employer is willing to pay, even independent of a contract to which the worker has voluntarily agreed! Leo XIII takes what Burke calls the “fateful step” of describing as coercion a situation in which the employer offers and the employee accepts a lower wage because he has no other choices. The claim is based partly on an argument from basic human

dignity, partly on the fact that workers and employers are engaged in a common enterprise and should share in its benefits, and partly on the fact that there is a power imbalance between workers and employers; the terms of wage deals are based on unequal bargaining power. The worker may appeal to the state—as a last resort—for the “sanction and protection” of this right.⁷⁵

Breaking out the elements of the claim, we can express them in the following way:

- Workers are due a wage sufficient to support a family from employers, on account of need and desert.
- If employers will not pay workers wages sufficient to support a family, the workers can appeal to the state as a last resort.
- If employers cannot be compelled to pay a wage sufficient to support a family without increasing unemployment, then the public authority and citizens must reform the institutions or otherwise ensure adequate provision for the worker and his family.
- If the public authority and citizens do not reform the institutions, or otherwise ensure adequate provisions for the worker and his family, the justice of the society diminishes.

In general form, an invocation of social justice to lodge a charge of injustice includes the following elements:

- Claims: There are social goods that members of a society—we might call them “obligors”—are due.⁷⁶
 - Grounds: There are reasons obligors are due these claims.
- Obligations: If obligors are due certain claims, other persons—“obligees”—are obligated to provide them, or to accept burdens that allow for their provision. Claims imply obligations.
 - Grounds: There are reasons obligees owe the obligors claims.
- Enforceability: These obligations are enforceable by a public authority. Unwilling obligees should be compelled to fulfill the claims of obligors.
- Reform: If obligees cannot be compelled to fulfill obligors’ claims without undermining the common good, then a public authority and citizens must pursue institutional reform.
- Legitimacy: If a public authority and citizens do not reform institutions, the society’s justice diminishes; the public authority’s legitimacy decreases.

The final element of legitimacy seems to me the very purpose of an invocation of justice as applied to laws and institutions. Social injustice, if it cannot be remedied through legal channels, suggests that extralegal channels, such as civil disobedience or even rebellion, may be required or at least justified. Again, this suggests that invocations of social justice should be treated with appropriate caution and recognition of the stakes. In the context of discussing abortion and euthanasia, which he identifies as threats to the “inviolable right to life of every innocent human being,” John Paul II argues that “the necessary conformity of civil law with the moral law,” means there is no obligation to obey unjust laws: “There is no obligation in conscience to obey such laws; instead there is a grave and clear obligation to oppose them by conscientious objection.”⁷⁷ This standard is precisely the conclusion to which a claim about social justice should be understood as appealing. To be taken seriously, such a claim should reach a high enough bar that if legal channels do not afford means of rectification, extralegal actions are permitted.⁷⁸ That said, there may be more or less clear violations of social justice. Clearly prohibited violations of human dignity such as abortion or euthanasia are easier to determine than violations of an equitable distribution of resources.⁷⁹

The above components of a social justice claim do not themselves constitute a theory of justice but a conceptualization and framework for debate.⁸⁰ Theorists of social justice and activists invoking the concept will undoubtedly fill each component with different content, but they should structure their claims such that they fill in each blank on the form, so to speak. Some content for each component is implied in a claim of social injustice, whether or not it is made explicit. Of course, specifying what is due to a person is no simple task; different views of human nature and how humans should be treated will suggest different specifications. An egalitarian will claim all persons are due equal treatment, for instance.

So how can we determine what people are due and from whom? This is a crucial question because what people are due will determine whether “social justice” is being employed purely as a form of ideological intimidation, or as an authentic form of justice. Miller identifies need, desert, and equality as criteria of justice, and argues that each may be the relevant criterion in some, but not other, spheres of social organization.⁸¹ Burke advances a theory of social justice based on the idea that what individuals are due—all they are due—is respect, which implies noncoercion. As applied to laws and institutions, “a law or institution is unjust if it exerts coercion on individuals beyond what is necessary for the prevention of unjust coercion.”⁸² As he concludes, this implies that noncoercive discrimination for any reason is completely justified and no grounds for compulsion. Fair enough. But Burke’s theory falls if one can demonstrate that respect—or benign

neglect—is not all that members of a society are due from other members. If a member is due consideration for certain positions on account of merit, or some minimal level of provision on account of personhood, or perhaps special regard as a member of a disadvantaged group, then laws and institutions are unjust if they allow other members of society to deny them their due.

Feser points out that many classical liberal thinkers, including Hayek, have allowed that need may limit property rights and justify redistribution.⁸³ Nozick himself, tantalizingly waffling on the theory he propounded in *Anarchy, State, and Utopia*, muses that

The bonds of concern for others may involve ... particular limitations on liberty concerning kinds of action. To take one example, consider the case of discrimination. What might be tolerable if done by some idiosyncratic crank ... becomes intolerable when a large portion of the society discriminates to the considerable detriment of the very same group.... Hence—concerning blacks, women, or homosexuals, for instance—there is justification for antidiscrimination laws in employment, public accommodations, rental or sale of dwelling units, etc.⁸⁴

Nozick here sketches a case that a widespread practice of discrimination—totally peaceful and noncoercive—would still systematically deny to members of a society things they are due such as consideration for employment and housing from those that control these social goods. This would be “intolerable” and require reform of laws—the shifting of burdens onto employers, managers of public accommodations, and owners of private housing.⁸⁵

In CST, human dignity is the ground for rights and also of corresponding responsibilities, and the question of what human beings are due relates to the natural law. The goods appropriate to distinctly human nature, along with the kinds of relationships between people that pertain in society, determine what is owed to whom from whom.⁸⁶ As another example of a relationship which, like the employer-employee relationship, helps to ground obligations and duties, consider the parent-child relationship and child support laws. In *Rerum Novarum*, Leo XIII says, “It is a most sacred law of nature that a father should provide food and all necessities for those whom he has begotten.”⁸⁷ By virtue of human nature and the child’s need, and of the specific kind of relationship that exists between a father and his children, the father is expected to provide for his children’s needs. This is an obligation of justice; as enacted in contemporary child support laws, this obligation is enforceable by the state in case that the father does not voluntarily meet his obligation after a divorce settlement or leaving his family.

Conclusion

Burke is surely right that “few things are of more importance to a society than its conception of justice” and that “justice provides the chief criterion for the legitimate use of force.”⁸⁸ Yet, social justice is not an incoherent or meaningless concept, even in a market society, nor is it a distortion of the traditional notion of justice. The concept is built on the notion of shared membership in a society and the attendant, enforceable obligations of each member of society to render to each other member his or her due.

Nevertheless, critics of the concept raise important objections that theorists of social justice should acknowledge and address. If social justice is to serve as a standard for the evaluation of institutions and policy, we should clarify its meaning and implications. I argue that defining social justice as above—the securing of that to which members of a society are due according to mutual obligations enforceable by a public authority, as essential to the common good—reflects the underlying essence of the concept and will help to introduce clarity into public and academic debates about social justice. An important articulation of the concept of social justice in CST, while expressing a particular theory of social justice, also helps to illuminate the underlying concept and its core components. The distinction between social injustices and social problems is important; an invocation of social justice is an invocation of a standard external to the present institutional arrangement by which we measure their legitimacy.

Notes

1. Michael Novak and Paul Adams, *Social Justice Isn't What You Think It Is* (New York: Encounter Books, 2015), 39. The author wishes to thank James R. Rogers for the opportunity to present a version of this article at a session in the 2019 Liberal Arts International Conference at Texas A&M University-Qatar. Thanks also to Cary Nederman, Benjamin Ogden, and Brian Kogelmann for helpful feedback on earlier drafts of the article and to the participants of the Political Theory Convocation at Texas A&M University. Finally, thanks to editors at the *Journal of Markets & Morality* and the reviewers for helpful criticism and feedback that strengthened this work.
2. See Friedrich A. Hayek, *Law, Legislation and Liberty: The Mirage of Social Justice*, vol. 2 (Chicago: University of Chicago Press, 1976).
3. Still, as a number of commentators have noted, Hayek favored the social provision of a minimum for persons unable to work or provide for themselves.
4. Nozick even argued that Hayek's contention that market exchanges are based on subjective value invoked a pattern as a rule of justice. As an alternative to patterned or end-state theories of justice, he advanced an entitlement theory of just holdings that does not rely on any pattern of distribution, but instead is based on the manner in which holdings have historically been acquired. As long as the holder of property obtained it justly—that is, through initial acquisition or receipt through voluntary transfer—the holder is entitled to the property. See Robert Nozick, *Anarchy, State, and Utopia* (New York: Basic Books, 2013 [1974]).
5. Novak and Adams, *Social Justice*, 115; Ernest Fortin, “Natural Law and Social Justice,” *American Journal of Jurisprudence* 30 (1985): 1–20. Chartier also emphasizes that economic justice is primarily the “responsibility of persons” to “acknowledge the just claims of others and just limits on their own choices.” Gary Chartier, *Economic Justice and Natural Law* (Cambridge: Cambridge University Press, 2009), 48. See also Noah Rothman, *Unjust Social Justice and the Unmaking of America* (Washington, DC: Regnery Gateway, 2019) for a critique of contemporary invocations of social justice.
6. Thomas Patrick Burke, *The Concept of Justice: Is Social Justice Just?* (London: Continuum International Publishing Group, 2011), 4. Guerrière aims a similar critique at an equalitarian account of social justice that he attributes to the “democratic socialist vision” or “progressivism, American liberalism, socialism.” Daniel Guerrière, “Social Justice versus Western Justice,” *The Independent Review: A Journal of Political Economy* 24, no. 1 (2019): 25–36.
7. Burke, *Concept of Justice*, 3.

8. See Burke, *Concept of Justice*, 4.
9. See Burke, *Concept of Justice*, 3.
10. See Burke, *Concept of Justice*, 114.
11. Herzog writes, “In this discursive standoff, and given today’s exorbitant inequalities (e.g., Piketty 2014), which are unjust by the standards of almost any theory of justice, it suggests itself to broaden the horizon and to explore other, non-moralist arguments for social justice.” Lisa Herzog, “Durkheim on Social Justice: The Argument from ‘Organic Solidarity,’” *American Political Science Review* 112, no. 1 (2018): 112. David Wiens’s proposal for “clinical institutional theory” also refers primarily to better or worse end-states, based on some moral criterion. See David Wiens, “Prescribing Institutions without Ideal Theory,” *Journal of Political Philosophy* 20, no. 1 (2012): 46.
12. David Miller, *Principles of Social Justice* (Cambridge: Harvard University Press, 1999), 1.
13. “With the exception of rights-based theories like Nozick’s, the task of the major theories of justice can be stated as justifying deviations from equality.” Jon Elster, *Local Justice* (New York: Russell Sage Foundation, 1992), 200. Burke traces the “presumption of equality” in contemporary liberalism to the writings of John Stuart Mill. See Burke, *Concept of Justice*, 59–60. For an argument that classical liberals should endorse a limited notion of social justice, see John Tomasi, *Free Market Fairness* (Princeton: Princeton University Press, 2012). For an argument that markets in fact promote justice in society, see Richard B. McKenzie, *The Fairness of Markets: A Search for Justice in a Free Society* (Lexington, MA: Lexington Books, 1987).
14. Elster, *Local Justice*, 186, emphasis original.
15. See Amartya Sen, “Equality of What?” May 22, 1979, in Sterling McMurrin, ed., *Tanner Lectures on Human Values*, vol. 1 (Salt Lake City: University of Utah Press; Cambridge: Cambridge University Press, 1980), 195–220; Martha Nussbaum, “Capabilities as Fundamental Entitlements: Sen and Social Justice,” *Feminist Economics* 9, no. 2–3 (2003): 33–59; Gerald Allen Cohen, “Equality of What? On Welfare, Goods and Capabilities,” *Recherches Économiques de Louvain/Louvain Economic Review* 56, no. 3–4 (1990): 357–82.
16. Jonathan Wolff, “Social Justice and Public Policy: A View from Political Philosophy,” *Social Justice and Public Policy: Seeking Fairness in Diverse Societies*, ed. Gary Craig, Tania Burchardt, and David Gordon (Bristol, UK: Policy Press, 2008), 27.
17. See, e.g., James R. Otteson, “Opting Out: A Defense of Social Justice,” *The Independent Review: A Journal of Political Economy* 24, no. 1 (2019): 13–24; Kevin D.

- Vallier, “Hayekian Social Justice,” *The Independent Review: A Journal of Political Economy* 24, no. 1 (2019): 63–72.
18. See Paul Johnson, *Modern Times: The World from the Twenties to the Nineties*, rev. ed. (New York: HarperCollins Publishers, 1991).
 19. See Oswald von Nell-Breuning, *Reorganization of Social Economy: The Social Encyclical Developed and Explained*, English ed. (New York: The Bruce Publishing Company, 1936); William Francis Drummond, *Social Justice* (Milwaukee: The Bruce Publishing Company, 1955); John C. Fitzgerald, “The Natural Law and Social Justice,” *The Catholic Lawyer* 2, no. 2 (1956): 137–46; Heinrich Albert Rommen, *The State in Catholic Thought: A Treatise on Political Philosophy* (New York: Greenwood Press Publishers, 1969 [1945]); John A. Ryan, *Economic Justice: Selections from Distributive Justice and a Living Wage*, ed., H. R. Beckley (Louisville: Westminster John Knox Press, 1996); Brian J. Benestad, *Church, State, and Society: An Introduction to Catholic Social Doctrine* (Washington, DC: Catholic University of America Press, 2011); J. J. Ziegler, “What Is Social Justice?” *Catholic World Report*, November 22, 2022, <https://www.catholicworldreport.com/2022/11/22/what-is-social-justice/>.
 20. Stoner takes some steps toward such a conceptualization. Nevertheless, a more detailed and precise conceptualization may be useful. James R. Stoner, Jr., “Civil Society and Social Justice: A Prospectus,” *The Independent Review: A Journal of Political Economy* 24, no. 1 (2019): 85–94.
 21. While this approach may elide a useful analytical distinction between “primary” and “rectifying” justice, I argue that the practical function of “primary” justice, particularly with regard to social justice, is to serve as a basis for claims about injustice and the need for rectification. See Nicholas Wolterstorff, *Justice: Rights and Wrongs* (Princeton: Princeton University Press, 2008), 71.
 22. See David Miller, “Justice,” *The Stanford Encyclopedia of Philosophy* (Fall 2017), ed. Edward N. Zalta, <https://plato.stanford.edu/entries/justice/>; Russell Kirk, “The Meaning of ‘Justice,’” *The Heritage Lectures* 457, The Heritage Foundation, March 4, 1993, <https://www.heritage.org/poverty-and-inequality/report/the-meaning-justice>. Rawls also appears to accept this definition as underlying his conception of “social justice” as “providing a standard whereby the distributive aspects of the basic structure of society are to be addressed.” He argues for continuity with the Western tradition of justice, noting that Aristotle’s virtue-focused account of justice presupposes “an account of what properly belongs to a person and of what is due to him.” John Rawls, *A Theory of Justice* (Cambridge: Belknap Press, 2009 [1971]), 9–11. Note, Thomas Aquinas also uses this definition: “a habit whereby an individual renders to each one his due (ius) by a constant and perpetual will.” Quoted in Benestad, *Church, State, and Society*, 143.

23. Burke, *Concept of Justice*, 10.
24. See Miller, "Justice."
25. Miller, *Principles of Social Justice*, 5–6.
26. Indeed, one of Burke's contributions has been to outline the religious origins of social justice, particularly in Catholic thought. See Thomas Patrick Burke, "The Origins of Social Justice: Taparelli d'Azeglio," *Modern Age* 52, no. 2 (2010): 97–106; Burke, *Concept of Justice*, 31–57. See also Robert P. Kraynak, "The Origins of 'Social Justice' in the Natural Law Philosophy of Antonio Rosmini," *The Review of Politics*, 80, no. 1 (2018): 3–29; Ryan T. Anderson, "Natural Law, Social Justice, and the Crisis of Liberty in the West," *Public Discourse*, March 10, 2017. Miller refers to Catholic contributions to the concept of social justice in *Principles of Social Justice*, but does not discuss them in detail.
27. Pius XI, encyclical letter *Quadragesimo Anno* (May 15, 1931), 2.
28. Miller notes that nineteenth-century liberals and progressives were more interested in social justice than socialists themselves, but the imperative of responding to socialist activism nevertheless affected their theories. See Miller, *Principles of Social Justice*, 3.
29. Quoted in Benestad, *Church, State, and Society*, 150.
30. John XXIII, encyclical letter *Mater et Magistra* (May 15, 1961), 65, https://www.vatican.va/content/john-xxiii/en/encyclicals/documents/hf_j-xxiii_enc_15051961_mater.html. This is reaffirmed in *Compendium of the Social Doctrine of the Church* (Vatican City: Libreria Editrice Vaticana, 2005 [2004]), II.a.164, https://www.vatican.va/roman_curia/pontifical_councils/justpeace/documents/c_pc_justpeace_doc_20060526_compendio-dott-soc_en.html.
31. Pius XI, encyclical letter *Divini Redemptoris* (March 19, 1937), 51, https://www.vatican.va/content/pius-xi/en/encyclicals/documents/hf_p-xi_enc_19370319_divini-redemptoris.html, emphasis added.
32. See Burke, *Concept of Justice*, 12.
33. See also Leo XIII, encyclical letter *Rerum Novarum* (May 15, 1891), 22, https://www.vatican.va/content/leo-xiii/en/encyclicals/documents/hf_l-xiii_enc_15051891_rerum-novarum.html, on this distinction in reference to the dictates of charity that require all surplus to be given to the needy: "When what necessity demands has been supplied, and one's standing fairly taken thought for, it becomes a duty to give to the indigent out of what remains over.... It is a duty, not of justice (save in extreme cases), but of Christian charity—a duty not enforced by human law."
34. Pius XI, *Quadragesimo Anno*, 49.

35. See John Finnis, “On the Origins of the Concept of Social Justice and a Misunderstanding of Aquinas,” *The Concept of Social Justice*, ed. Christopher Wolfe (South Bend, IN: St. Augustine’s Press, 2019), 51–58.
36. Drummond, *Social Justice*, 55.
37. See John A. Ryan, “The Concept of Social Justice,” *Catholic Charities Review* 18, no. 10 (1934): 315–13; idem, “Social Justice and the State,” *Commonweal* 30 (1939): 205–6; Edward J. O’Boyle, “Social Justice: Addressing the Ambiguity,” *Logos: A Journal of Catholic Thought and Culture* 14, no. 2 (2011): 96–117.
38. Pius XI, *Quadragesimo Anno*, 58.
39. Leo XIII, *Rerum Novarum*, 33.
40. Pius XI, *Quadragesimo Anno*, 45. This doctrine is known as “the universal destination of goods.” *Compendium of the Social Doctrine of the Church* (Libreria Editrice Vaticana, 2005 [2004]), 359, https://www.vatican.va/roman_curia/pontifical_councils/justpeace/documents/rc_pc_justpeace_doc_20060526_compendio-dott-soc_en.html.
41. Pius XI, *Quadragesimo Anno*, 50.
42. See John Paul II, encyclical letter *Centesimus Annus* (May 1, 1991), 10, https://www.vatican.va/content/john-paul-ii/en/encyclicals/documents/hf_jp-ii_enc_01051991_centesimus-annus.html.
43. John Paul II, *Centesimus Annus*, 32.
44. See Burke, *Concept of Justice*, 90.
45. John Paul II, *Centesimus Annus*, 48.
46. John Paul II, *Centesimus Annus*, 34, emphasis original.
47. John Paul II, *Centesimus Annus*, 35, emphasis original.
48. John Paul II, *Centesimus Annus*, 48.
49. John Paul II, *Centesimus Annus*, 48.
50. Pius XI, *Quadragesimo Anno*, 71.
51. See Pius XI, *Quadragesimo Anno*, 110. Pius XI summarizes his argument regarding the need for institutional reform:

Since the present system of economy is founded chiefly upon ownership and labor, the principles of right reason, that is, of Christian social philosophy, must be kept in mind regarding ownership and labor and their association together, and must be put into actual practice. First, so as to avoid the reefs of individualism and collectivism, the twofold character, that is individual and social, both of capital or ownership and of work or labor must be given due and rightful

weight. Relations of one to the other must be made to conform to the laws of strictest justice—commutative justice, as it is called—with the support, however, of Christian charity. Free competition, kept within definite and due limits, and still more economic dictatorship, must be effectively brought under public authority in these matters which pertain to the latter’s function. The public institutions themselves, of peoples, moreover, ought to make all human society conform to the needs of the common good; that is, to the norm of social justice. If this is done, that most important division of social life, namely, economic activity, cannot fail likewise to return to right and sound order.

52. Pius XI, *Quadragesimo Anno*, 82.
53. Pius XI, *Quadragesimo Anno*, 88.
54. Pius XI, *Quadragesimo Anno*, 79.
55. *Compendium*, 395–99.
56. See also Rommen, *The State in Catholic Thought*, 351–58. The principle of subsidiarity also is the basis on which John Paul II criticizes the social assistance state. See John Paul II, *Centesimus Annus*, 48.
57. Leo XIII, *Rerum Novarum*, 51.
58. See Ronald Dworkin, *Sovereign Virtue: The Theory and Practice of Equality* (Cambridge: Harvard University Press, 2000), 1. See also, however, Young’s argument that the “distributive paradigm” unduly narrows the scope of justice and ignores institutional and procedural issues that should be the focus: Iris Marion Young, *Justice and the Politics of Difference* (Princeton: Princeton University Press, 1990), 15–38.
59. See Edward Feser, “Social Justice Reconsidered: Austrian Economics and Catholic Social Teaching,” Hayek Memorial Lecture delivered at the 2005 Austrian Scholars Conference in Auburn, Alabama, <http://www.edwardfeser.com/unpublishedpapers/socialjustice.html>; Burke, *Concept of Justice*, 74–75, 82.
60. Of course, various theories of social justice differ both in what they consider due to the members of society and with regard to the reforms they suggest.
61. Nicholas Wolterstorff, “All Justice Is Social—But Not All Justice Is Social Justice,” in *The Concept of Social Justice*, ed. Christopher Wolfe (South Bend, IN: St. Augustine’s Press, 2919), 26.
62. Rawls, *Theory of Justice*, 6. Slightly above on the previous page, Rawls appears to be limiting the subject to “social justice,” rather than identifying with the notion of justice itself as primarily related to institutions.
63. See Glenn C. Loury, *The Anatomy of Racial Inequality* (Cambridge: Harvard University Press, 2002).

64. Wolterstorff, “All Justice Is Social,” 24.
65. See Benestad, *Church, State, and Society*, 165–67.
66. I do not mean this in the sense that rights ought to correspond to duties (see Mary Ann Glendon, *Rights Talk: The Impoverishment of Political Discourse* [New York: Free Press, 1991]), though this seems sensible as a normative claim. I mean that, logically, any right—positive or negative—of one person places a burden on another person, at minimum the burden of respecting that right even if it is inconvenient or difficult.
67. Wolterstorff makes this point about the nature of rights: “rights are normative social relationships; that to which one has a right is always to the good of being treated a certain way by one’s fellows.” Wolterstorff, “All Justice Is Social,” 21.
68. Nozick, *Anarchy, State, and Utopia*, 31. Miller dismisses such concerns with the argument that only by first establishing the principles of justice can we determine whether or not such side constraints are problematic, or whether redistribution would inappropriately violate liberty. See Miller, *Principles of Social Justice*, 14. Cohen attempts to deal with the problem, but he does not deal directly with the claim that coercion violates Kant’s categorical imperative. See G. A. Cohen, “Robert Nozick and Wilt Chamberlain: How Patterns Preserve Liberty,” *Erkenntnis*, 11, no. 1 (1977): 5–23.
69. “End-state and most patterned principles of distributive justice institute (partial) ownership by others of people and their actions and labor. These principles involve a shift from the classical liberals’ notion of self-ownership to a notion of (partial) property rights in other people.” Nozick, *Anarchy, State, and Utopia*, 172. See also Burke, *Concept of Justice*, 109, 111.
70. In his explication of a natural law theory of economic justice, Chartier relies on the existence of “duties” toward others to respond to objections against “redistributive norms.” Chartier, *Economic Justice*, 156–59.
71. Chartier acknowledges that collective norms and institutions may be required to assist persons in fulfilling their responsibilities according to economic justice, but he argues that the state with its monopoly on the use of force may not be necessary. See Chartier, *Economic Justice*, 26–31.
72. I have in mind a point of G. K. Chesterton’s:

If you say “The social utility of the indeterminate sentence is recognized by all criminologists as a part of our sociological evolution towards a more humane and scientific view of punishment,” you can go on talking like that for hours with hardly a movement of the gray matter inside your skull. But if you begin “I wish Jones to go to [jail] and Brown to say when Jones shall come out,” you will discover, with a thrill of horror, that you are obliged to think.

- G. K. Chesterton, *Orthodoxy* (New York: Barnes & Noble Inc., 2007 [1908]), 116. At bottom, any charge of social injustice can be reduced to a statement as stark as “I wish Jones to go to jail and Brown to say when Jones shall come out.”
73. As Nozick points out, “Whether it is done through taxation . . . or through there being a big social pot so that it’s not clear what’s coming from where and what’s going where, patterned principles of distributive justice involve appropriating the actions of other persons.” Nozick, *Anarchy, State, and Utopia*, 172. Likewise, changes in institutions will benefit some while burdening others. These appropriations or institutional shifts in benefits and burdens must be justified in order to support a claim based on social justice.
 74. Leo XIII, *Rerum Novarum*, 45.
 75. Pius XI expounds on this social justice issue, adding the requirement to reform institutions.
 76. I borrow the language of “obligor,” “obligee,” and “obligation” from Fitzgerald, though he uses the terms mainly in the context of commutative justice. See Fitzgerald, *The Natural Law*, 138. As noted above, I think Ryan is correct that, even though social justice is oriented toward the common good of a society, it relates to rights and duties of each particular member of society. See Ryan, “Concept of Social Justice.”
 77. John Paul II, encyclical letter *Evangelium Vitae* (March 25, 1995), 72–73, https://www.vatican.va/content/john-paul-ii/en/encyclicals/documents/hf_jp-ii_enc_25031995_evangelium-vitae.html. See also Gregory R. Beabout and Mary C. Hodes, “John Paul II on the Relationship between Civil Law and the Moral Law: Understanding *Evangelium Vitae* in the Light of the Principle of Subsidiarity and the Moral Grammar of John Paul II,” *Notre Dame Journal of Ethics and Public Policy* 21, no. 1 (2007): 71–109.
 78. On this point, I agree with Rawls: “Laws and institutions no matter how efficient and well-arranged, must be reformed or abolished if they are unjust.” Rawls, *Theory of Justice*, 3. But see Ross Douthat’s discussion of the high bar required to justify extra-legal measures in Catholic teaching, especially with regard to violent measures: Ross Douthat, “Why the Pro-Life Movement Opposes Violence,” *New York Times*, December 1, 2015, <https://archive.nytimes.com/douthat.blogs.nytimes.com/2015/12/01/why-the-pro-life-movement-opposes-violence/>.
 79. See Ben Peterson, “Invoking the Tradition: Catholic Social Teaching in Policy Debates,” *Public Discourse*, February 3, 2020, <https://www.thepublicdiscourse.com/2020/02/59750/>.
 80. For an attempt to describe the underlying concept of social justice that is largely consistent with, though less specific, than the definition proposed here, see Jason Brennan, “Zeroing in on ‘Social Justice,’” *Bleeding Heart Libertarians*, April 30, 2012,

<http://bleedingheartlibertarians.com/2012/04/zeroing-in-on-social-justice/>. In a subsequent post, Brennan helpfully discusses the distinction between a “concept and differing conceptions of it.” In those terms, I am discussing the concept and not a particular conception of social justice. See Brennan, “Defining Social Justice, Etc.,” *Bleeding Heart Libertarians*, May 21, 2013, <http://bleedingheartlibertarians.com/2013/05/defining-social-justice-etc/>.

81. See Miller, *Principles of Social Justice*, 62–63.
82. Burke, *Concept of Justice*, 193.
83. As a number of commentators have noted, Hayek favored the social provision of a minimum for persons unable to work or provide for themselves. See also Matt Zwolinski, “Property Rights, Coercion, and the Welfare State: The Libertarian Case for a Basic Income for All,” *The Independent Review: A Journal of Political Economy* 19, no. 4 (2015): 515–29.
84. Robert Nozick, *The Examined Life: Philosophical Meditations* (New York: Simon & Schuster, 1989), 291.
85. See also Rothman’s brief sketch of a genuine version of social justice:

Social justice is a theory of human relations that predates the modern age. It mandates that agrarian societies transitioning to industry and urbanization provide a soft landing for the displaced, that a widow should not be separated from her children because she lacks the means to provide for them. It recognizes that racial disparity in American prisons is a symptom of a broader social malady with roots that go back centuries, that the effects of ethnic and sectarian discrimination, sexual disparity, and prejudice are expansive and overlapping, shaping our perception of the world in ways most of us cannot fully comprehend. It demands that we have difficult conversations, examine our own assumptions, and build coalitions toward truly noble ends: honesty, recompense, and reconciliation. (Rothman, *Unjust*, xiv)

86. See Arthur F. McGovern, “Entitlements and Catholic Social Teachings,” *Notre Dame Journal of Ethics and Public Policy* 11, no. 2 (2012): 445–65.
87. Leo XIII, *Rerum Novarum*, 13.
88. Burke, *Concept of Social Justice*, 3.