

Introduction

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The six papers in this special issue—Fowler, Clayton and Stevens, Pierson, Penny, Layman, and Lukes—pick up on themes stemming from John Tomasi’s groundbreaking book *Free Market Fairness* (2012), and address various aspects of the view he expounds there.¹ *Free Market Fairness* is now widely recognized as being one of the most important contributions to Anglo-American political theory within recent years.

At least since the publication of Rawls’s *A Theory of Justice* (1971) the liberal-egalitarian view has been the dominant position within normative political philosophy. Opposed to this ‘high liberal’ view, as Tomasi terms it, is a set of views comprised of versions of classical liberalism and contemporary libertarianism. On Tomasi’s characterization of these two opposing ‘camps’, one of the key differences is their attitude towards the market. Following Rawls, liberal-egalitarians have been suspicious of the market for achieving a just distribution of economic (and other) resources, and have favoured such things as limited personal economic rights, state-controlled redistributive mechanisms, and so forth. By contrast, classical liberals and libertarians have typically favoured a virtually unfettered market and (often very) limited state interference.

¹ Three of the papers (Fowler, Penny, and Pierson) were originally presented at the two-day ‘Free Market Fairness: Themes from Tomasi’s Work’ conference held at CONCEPT: The Nottingham Centre for Normative Political Theory in June 2013. I would like to register my thanks to participants of the conference, as well as to Tim Fowler, Richard Penny, and Chris Pierson for their input and patience. Particular thanks must, of course, go to John Tomasi who not only attended the conference and responded to the papers in his usual careful and thoughtful manner, but who has willingly taken on the task of reading and responding to a further three essays in his reply to his critics.

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Defences of the free market have typically relied upon consequentialist underpinnings, or claims about pre-existing property rights, which the state violates when it introduces redistributive mechanisms. Defences of liberal-egalitarianism usually rest on claims revolving around social justice and fair treatment. Tomasi observes a certain Balkanization between these two roughly drawn positions. Each tends only to talk to its own, and to view the other as either inconsequential or wholly misguided. On those occasions where they do interact, they risk talking past each other because they share no common starting point.

Part of his purpose, Tomasi tells us (using the metaphor of the ice-breaking ship cutting a channel across the frozen sea between the two camps), is to restart the debate between them by providing some common ground. Here, Tomasi's contribution is indeed refreshing, for it provides a challenge to the liberal-egalitarian position that does not stem from within that camp, but from further to the right of the political spectrum (though Tomasi himself dislikes such labels). *Free Market Fairness* is no stale contribution to working out the minutiae of the left-leaning liberal-egalitarian position, as though the terms of the debate were set and all that is left to do is fill in the gaps. Instead, it blows through that camp with a new wind, challenging the terms of the debate itself.

Whilst Tomasi's sympathies clearly lie with the kind of free-market classical liberalism most associated with Hayek (indeed, one of the most fascinating chapters is the comparison of Hayek's view with that of Rawls's on social justice), he is drawn to the philosophical framework and methods of working of the liberal-egalitarians. *Free Market Fairness* explicitly adopts the Rawlsian framework of political theorizing in an attempt to show that the free market can provide a viable alternative institutional scheme to the state-controlled model of liberal-egalitarianism for achieving social justice in Rawlsian terms. Rawls (and those that follow him) see justice as requiring 'property-owning democracy' or a distinct form of 'liberal socialism' with respect to institutional arrangements—institutions that interfere with economic liberty—to achieve those underlying aims. Instead, Tomasi argues that liberty and social justice are better achieved by (or at least equally viable under) an institutional scheme that treats economic freedoms as basic rights, and which relies on market competition to achieve a fair distribution of the various goods (and bads) generated by social cooperation. The just society, on this view will be one of prosperity, economic freedom, markets, and opportunities more akin to modern American capitalism than Scandinavian social democracy, perhaps.

Crucial to Tomasi's view is the claim that economic rights—the rights to start, run, and reap the rewards of a business; to own productive property; to invest (or not) in healthcare and pensions; to sell, trade, and donate one's labour; to negotiate the terms of one's employment—are to be considered 'basic' rights akin to freedoms such as the right to vote or to freedom of religion that are defended by liberals as the protection of which are the primary concern of social justice, and defended by Rawls under his first principle of justice. In addition, Tomasi argues that such a set of economic liberties will also realize other aims of Rawlsian justice, namely, fair equality of opportunity, and a distribution of economic resources (such as wealth and income) that will be to the greatest benefit to the least advantaged (Rawls's Difference Principle).

Unlike many classical liberal and libertarian views, Tomasi's defence of Market Democracy rests not on claims about pre-social property rights, nor on an appeal to consequentialist considerations. Instead, it rests on the Rawlsian idea that the project of social justice is one where society is conceived as 'a fair system of cooperation among citizens committed to respecting one another as responsible self-authors' (Tomasi 2012, p. 88). An extensive set of economic freedoms is, that is, indispensable to realizing what Rawls calls the 'two moral powers'—a sense of justice, and a conception of the good (Rawls 2001, pp. 18–19). Exercising our powers in these ways is 'essential to us as free and equal citizens' (Rawls 2001, p. 45). This 'thick conception' of economic liberty, Tomasi tells us, 'is a necessary condition of responsible self-authorship' (Tomasi 2012, p. 98). When we are denied such freedoms we forgo a range of conceptions of the good life that many people might wish to adopt.

The papers in this volume take issue with these various claims. Tim Fowler questions whether the link between a thick conception of economic liberties and self-authorship is as clear as Tomasi thinks. Providing individuals with more choice over such things as healthcare insurance or pension funds may actually hamper individual agency rather than enhance it. The state that takes certain decisions out of the hands of citizens may facilitate greater individual agency.

Matthew Clayton and David Stevens question Tomasi's claim that market democracy would satisfy Rawls's difference principle on the 'narrow' interpretation that Tomasi employs. Meaningful work and control over one's working life, they claim, are important goods that the difference principle is supposed to protect, but which are lost under the market democratic concentration on wealth and income. Second, they argue that in order to know whether an expansion of economic liberty, in the manner Tomasi suggests, would be valuable, we would need to know how it impacts on the interests of others, and its detrimental effects might be too great to allow such freedoms.

Chris Pierson's essay also questions the impact that a thick conception of economic liberty would have on the lives of others. Ultimately, Pierson claims, the test of whether such a liberty would be valuable is an empirical one, not a theoretical one. Once we examine the history of capitalism we are likely to be less optimistic that Tomasi that human freedom or the fair distribution of goods will be achieved under the market democratic conception.

The essay by Richard Penny also challenges the linkage between basic economic rights and individual self-authorship. Penny focuses on Tomasi's use of Rawls's notion of self-respect, and argues that it cannot do the work Tomasi requires of it. Rawls's notion of self-respect is structured in such a way as to support his account of public reason, and Penny argues that expanding economic liberties might threaten such a conception, not enhance it.

Unlike the other essays, Daniel Layman does not challenge the expansion of the basic liberties to include economic freedoms of the kind Tomasi defends. Instead, Layman accepts Tomasi's argument for their inclusion, but contends that their full recognition would—because of the way they impact upon the rights of others—require greater protection. Such a view would lead in the direction of social democratic institutions, not market democratic ones, Layman argues.

In the final essay Steven Lukes raises a number of challenges to Tomasi's view. Lukes questions Tomasi's characterizations of market democracy and social democratic regime types, as well as environmental and economic trends that might undermine Tomasi's claims that market democratic regimes could satisfy Rawls's principles of justice. Lukes' central challenge, however, is one that takes issue with what he sees as the commodification of all areas of human life under Tomasi's market democratic model. The extension of market values and methods in this way, forces out other valuable forms of human existence and interaction.

References

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