

Chapter 1

Theories of Justice

What is Justice?

At a symbolic level, we all know what justice is. Throughout the world justice is symbolized by a female figure with a sword in her right hand and a pair of scales in her left. This is the Greek goddess Themis or Roman goddess Iustitia. These days, many people refer to her as Lady Justice.

Consider the sword that Lady Justice holds in her right hand. It is pointed toward the ground, so it is not an immediate threat, but it is present if needed. The sword symbolizes our willingness to use force, if necessary, to ensure that the dictates of justice are obeyed. Thus there is a potential tension between justice and peace.

Peace and justice are often put together, as if they were two parts of a greater whole. The relationship between the two is more intricate. Justice is concerned with the principled exercise of power. Peace is the condition that exists when the exercise of power has morphed into people doing what they understand they should do, without opposition or coercion. A peaceful world is much better than a world that is merely just. But peace is more elusive. It depends on achieving harmony in human feelings. Justice requires only that rights be apportioned properly. Nevertheless, it is worth making great efforts to achieve justice, because peace is much more likely to emerge in a world that is just.

Consider the scales that Lady Justice suspends from her left hand. Some say that Lady Justice uses the scales to determine which argument in a dispute is weightier. But there is a better interpretation. By balancing the scales, one can achieve an equal division of a continuously divisible substance such as grain or gold. So the scales symbolize the idea that justice entails the recognition of equal claims.

Consider the blindfold that is often seen across the eyes of Lady Justice. You will not find the blindfold on classical depictions of Themis or Iustitia. It was added by 16th century German artists, who employed the blindfold to suggest that Lady Justice had been prevented from seeing what she needed to see to do her job. But the blindfold came to be understood differently, as a symbol of the impartiality of justice. Lady Justice does not need to see what you look like to know how you ought to be treated. The blindfold has been retained to symbolize this feature of our understanding of justice.

The sword, the scales, and the blindfold lead to what might be called a first-level definition of justice, that is, a description of the realm of constructs that are potentially eligible to be called justice:

Justice: universal standards of conduct that are backed by principles of equality and evenhandedness and subject to coercive enforcement.

The first-level definition specifies properties of justice that one can reasonably expect to find in all of the conceptions of justice of persons who use the word “justice” in ways that we recognize as linguistically coherent. A second-level definition is still needed, to prescribe the standards of conduct that justice requires.

A Methodology for Identifying Justice

How can we identify the basic principles of justice? First principles, by definition, cannot be proven. So I do not attempt to prove the principles I offer. Rather, I suggest that when you understand the theory of justice that emerges from these principles, you may wish to accept the principles provisionally, until you can find a better theory of justice. This is analogous to how scientific theories are treated.

With a scientific theory, we test principles by seeing whether experimental results are consistent with implications of the theory. But satisfactory experimental results do not prove a theory. They would do so only if no other theory could possibly account for the results, and this condition is never satisfied. Furthermore, unsatisfactory results are sometimes a consequence of our lack of understanding, or inadequate procedures, rather than any inadequacy of the theory. When we accept a scientific theory, it is not because it is proven, but rather because the theory is appealing for the economy with which it explains the available evidence, and because we are not aware of a more attractive alternative.

Newton’s theory of gravity did a wonderful job of explaining most of the motion of heavenly bodies. It did not explain all such motion, but it was such a beautifully simple theory and explained so much that when discrepancies arose, scientists were inclined to think that it was their knowledge and not the theory that was inadequate. Previously unexplained deviations in the orbit of Saturn were used to predict where Uranus would be found. Later, unexplained deviations in the motion of Uranus led to the discovery of Neptune. But when this trick was tried a third time, it did not work.

In the nineteenth century, one of the continuing puzzles of astronomy was how to explain the movement of Mercury’s closest approach to the sun. Astronomers hypothesized that there was some small, undiscovered planet between Mercury and the sun that caused this movement, and they gave this yet-to-be-discovered planet the name Vulcan. They attempted to calculate its mass and orbit, but they could

find no trace of Vulcan. In the 20th century, most of Mercury's previously unexplained movement was explained by Einstein's general theory of relativity.

Thus faith in Newton's theory in the face of unsatisfactory results was twice rewarded with new discoveries, and the third time the faith was misplaced: the unexplained movement was evidence of the inadequacy of the theory.

From a 20th century perspective, Newton's theory of gravity is wrong and always was, because it does not take account of the way that objects warp space. But for more than two centuries it provided a wonderful advance in understanding. Anyone who had argued in the 18th century that Newton's theory was inadequate because it did not explain the motion of Saturn would have been wrong. But anyone who argued in the 19th century that Newton's theory was inadequate because it did not explain the motion of Mercury would have been right. There is no easy way to tell when a complaint about the inadequacy of a theory is justified.

This book offers a theory of justice. I claim that, just as Newton's theory of gravity was wrong but a valuable step, the theory presented here, while not necessarily true, is a valuable step in the human effort to discern what justice means. I invite you to consider embracing its simple principles provisionally, until you find a better theory of justice.

No amount of consensus can establish that a theory is right, or that others ought to adopt it. But if the theory presented here is a valuable step in the human understanding of justice, then its principles will one day be as non-controversial as the ideas that slavery is wrong and that women must be accorded the same civil and political rights as men. Each person must determine his or her own understanding of what justice is. And the meaning of justice, if not the truth about justice, emerges through history, in an evolving human consensus.

Justice and Goodness

Being just is part, but only a part, of being good. Although justice is extremely important, not all aspects of good behavior fall under justice. There are some things that people will do if they are good, that they cannot justly be compelled to do. A good person is generous and compassionate, for example. It will be easier to identify justice if we first identify the larger realm of goodness, or ideal morality, of which justice is a part.

The things that a good person will do, whether or not he or she is compelled to do them, are specified by a first-level definition of ideal morality:

Ideal Morality: universal standards of conduct that good people choose to observe.

I leave “good” undefined, presuming it to be understood, like “point” and “line” in geometry.

Ideal morality concerns standards of conduct that good people *choose* to observe, since things that people are forced to do have no bearing on their morality. While the dictates of justice are always eligible for coercive enforcement, we should expect that people will not be coerced to do everything that they ought to do, because if they were, they would have no chance to be good.

Justice and ideal morality share the characteristic of universality. They represent ideals to which appeals can be made irrespective of the standards of particular societies.

The Content of Ideal Morality

As a matter of general principle, the content of ideal morality is quite simple. The essence of ideally moral behavior is that a good person acts on the understanding that his or her own well-being is no more important than that of any other person, or, if beings other than humans are sentient, no more important than that of any other sentient being. This is reflected in the utilitarian idea that the well-being of a society is measured by the sum over all persons (or over all sentient beings) of the well-being of that person or being. It is reflected as well in the Old-Testament directive, reiterated and emphasized by Jesus of Nazareth, “Love your neighbor as yourself.”

Applying the principle of ideally moral behavior is not nearly as simple. We never have the knowledge that would be needed to understand all of the effects of our actions. Nor are we able to place reliable quantitative values on the effects that we are aware of. Even when we have access to quantitative estimates that we are prepared to rely on, we may lack the time that would be required to make the necessary calculations. So even if we have the will to be as good as we could be, we must inevitably rely on imperfect general rules. But ideal morality does not require us to be omniscient. It requires only that we act on the understandings that we have.

The morality of our actions is limited not only by our knowledge but also by the extent of our desires to act morally, and we have competing impulses. Natural selection favors those who are selfish. It is a normal human predicament to find one's conscience in conflict with impulses arising from awareness of the actions that would yield greater selfish satisfaction or greater financial gain. Very few of us are so saintly as to be able to ignore entirely these selfish impulses.

The capacity of the selfish impulses to take control is aided by the propensity of the human brain to not perceive that which it is in one's selfish interest to not perceive. As Upton Sinclair wrote, “It is difficult to get a man to understand something when his salary depends on his not understanding it.”

Because of the combination of our limited understandings and difficulty we have in overcoming our selfish impulses, one principle that is of great value in attempting to be moral persons is the principle of respecting the rights of others. It

is imaginable that we might encounter possibilities for making the world a better place by robbing or killing innocent persons. (The wealth of the person who is robbed is needed for a good cause; the wealth of the person who is killed will be inherited by someone who will put it to a very valuable use.)

Such calculations are fraught with difficulty. We would need to take account of the fear that our actions would cause, and the likelihood that our actions would cause others to behave similarly. Even if we believe that we can keep our actions entirely secret (the person will not even know that he is robbed; the death will appear to be an accident), so that no fear and no similar behavior will result, there would be consequences for the kinds of persons we would become: knowing we had done such things, thinking of those we encounter as potential victims, unable to be honest about our past actions and our intentions. Moral people abide by the principle of respecting the rights of others; they focus their efforts to be moral on the best use of the resources that justice accords to them. A theory of justice serves to specify the rights of others and the resources that each of us can properly allocate as we choose. Ideally moral people use the resources that justice accords to them for the greatest possible good. And while they may require others to be just, they do not coerce others to act as those others would act if they were more generous.

Laws and Social Norms

Justice is a universal concept, independent of the practices of particular societies. The standards of conduct that a given society declares to be coercively enforceable are its laws:

Laws: Standards of conduct that a society declares to be coercively enforceable.

Laws are declared to be coercively enforceable, but sometimes they are not actually enforced. Laws ought to be just, but sometimes they are not. Justice provides the standards to which we appeal when we argue that a law is or is not good.

Social norms are different from laws. A law describes a rule that is coercively enforceable. A social norm describes practice. Many social norms have nothing to do with coercion. Do people wave a greeting when passing a stranger? Some societies do and others do not. Is alcohol always served at social gatherings? In some societies it is and in others it is not. Often, a person will not be aware of a social norm until it is violated. Thus social norms are defined:

Social norms: Standards of conduct that are expected of people in a given society.

Laws are generally initiated by formal promulgation, while social norms grow and evolve by a process that is not generally subject to control. In a society where people do not wave to strangers, someone may start doing it, and others may follow, or they may not. There is no process by which a new social norm can be guaranteed to be adopted. While passing a law about a new social norm usually causes it to be adopted, even the threat of coercion is not always effective. Efforts can be made to change social norms, but there is no formula for guaranteed success.

Justice provides the standards by which laws should be evaluated; ideal morality provides the standards by which social norms should be evaluated. Thus the four concepts of justice, ideal morality, laws, and social norms fit into a two-by-two table, as shown in Table 1.1. Justice and ideal morality share the characteristic of universality, while laws and social norms share the characteristic of being particular to a society. Justice and laws share the characteristic of being concerned with standards of conduct that are subject to coercive enforcement, while ideal morality and social norms are concerned with standards of conduct that may or may not be subject to coercive enforcement.

Table 1.1 Types of standards of conduct

	Standards that are enforced coercively	Standards with no necessary relation to coercion
Universal standards	<i>Justice</i> : Universal standards of conduct that are backed by principles of equality and evenhandedness and subject to coercive enforcement.	<i>Ideal morality</i> : Universal standards of conduct that good people observe.
Standards that are particular to a society	<i>Laws</i> : Standards of conduct that a society declares to be coercively enforceable.	<i>Social norms</i> : Standards of conduct that are expected of people in a given society.

If good people are just, then justice is a component of ideal morality. But when specific meanings are given to justice and ideal morality, it is a challenge to ensure that being just never entails being immoral. For example, is it just, and is it moral, to deprive a person of his or her liberty if you believe that he or she may be temporarily insane? As a matter of morality, you may want to protect people from themselves. As a matter of justice, people may be entitled to liberty even if others believe them to be insane.

With the background above, we now move to the explicit content of second-level theories of justice.

Theories of the Content of Justice

There are many theories of the content of justice. Each theory, even those that are obviously inadequate, reflects a truth that can be helpful in constructing better theories of justice.

Might Makes Right

Here is a theory of justice that is encapsulated in just three syllables and even has a rhyme. But it is a very inadequate theory of justice. It is really more of an ironic joke. Those who have might are able compel others to act as if they believed that rules chosen by those with might were just. But the sword of Lady Justice reflects the idea that justice does not need to yield to power. Might cannot make right. Still, it is worth asking why it sometimes seems that might can make right.

When a person is coerced by a power that he or she cannot resist, there is sometimes comfort in believing that what cannot be resisted is right. If such a belief can be maintained, the potentially dangerous impulse to rebel against power can be more easily resisted. Since people are subject to such beliefs, it pays for those with power to seek to induce people to believe that their might makes right, to better secure their power.

The Divine Right of Monarchs

In a slight variation on the theme of might makes right, medieval monarchs asserted that they ruled by divine right. God was in charge, and He would not have allowed them to be on their thrones if He had not intended for them to rule. The logical difficulty with an argument of this form is that there is nothing that it cannot justify. If a plot to kill the king succeeds, it is because God intended it to succeed. Unless God speaks in a voice that causes all of us to understand Him to have said the same thing, it is problematic to assert a right to coerce based on God's will.

The element of validity in the divine right of monarchs is that when religion holds sway over many people and religious leaders can be induced to do as the monarch wishes, it will be useful for the monarch to persuade religious leaders to assert that the monarch rules by divine right, because many people will be induced to believe this when it is asserted by religious leaders, and this will make it more difficult to organize opposition to the monarch.

The Destiny of a Master Race

In the 19th century, many American politicians asserted that it was the “manifest destiny” of Americans to dominate the North American continent, and this made it right for the United States to annex whatever territory it could. In the 20th century,

Hitler told Germans that they were the master race, and this justified German territorial expansion. All such notions are inconsistent with justice. The blindfold and the scales symbolize the equality that is essential to justice. Assertions of group superiority cannot be reconciled with justice.

The element of truth in theories involving the right of a group to dominate is that humans are susceptible to feelings that justice is on their side when they have the strength to dominate others.

Conservatism

Naïve conservatism asserts that it is always unjust to depart from traditional rules. The falseness of this claim is seen most easily by considering past advances in the understanding of justice. The abolition of slavery was opposed on the ground that it would be unjust to deprive the slave owners of their property. The idea of equal rights for women was opposed on the ground that men traditionally had rights over women. In hindsight it is easy to see that these naïvely conservative arguments against advances in justice were unfounded.

There are two important elements of validity in a more sophisticated conservatism. First, because people change their minds only with difficulty, there will be significant costs of disruption from seeking to introduce new ideas about justice. Second, the productivity of a society may depend on its structure in ways that are not understood. A stable and reasonably productive social order may be undermined in unforeseen ways by questions about the validity of its foundations. An effort to reform public understanding of justice is worthwhile only if it makes sense when these costs of social disruption are considered.

Majoritarianism

Majoritarianism is the theory that it is just to coerce people to abide by rules that are chosen by a majoritarian voting procedure. Naïve majoritarianism would say that it is just to coerce people to do what the majority wants. Such a theory is incoherent, because of the possibility of majority-rule cycles.

Suppose that three persons must choose from among three options, A, B, and C, and that the ranked preferences of the three persons are ABC, BCA, and CAB. Then when pairs of options are compared head-to-head, A beats B by 2 votes to 1, B beats C by 2 votes to 1, and C beats A by 2 votes to 1. Whatever option is selected, there will be another option that is preferred to the selected option by a majority. Thus it is not possible for all democratic choices to be consistent with what majorities want.

A more sophisticated majoritarianism would say that, while majority cycles are possible, they will not always be found, and when they are found they will generally not have the symmetry of the example, so that it will generally be possible to cut through any majority rule cycles that are found in ways that

minimize the damage to the principle that majorities should prevail. Thus the rules and actions that are just are those that are least inconsistent with the majority-rule principle.

The difficulty with this view is that there are some types of actions that are clearly wrong even when supported by a majority. If a majority favors the killing of an innocent person for entertainment, the action is wrong no matter how large a majority favors it. Being favored by a majority provides no guarantee that an action is consistent with justice.

To the extent that the principle of making decisions by majority rule is a good idea, it is not because majorities should always prevail, but rather because majorities tend to be right, and because groups that use majority rule have constitutions, by-laws or traditions that keep them from trying to use majority rule where it is inappropriate. Once a group has a framework that keeps them out of the terrain where majority rule breaks down, it is understandable that they choose to make many decisions by processes that draw on the spirit of majority rule. But this does not make majoritarianism a coherent theory of justice.

Elitism

Plato proposed that the power to rule be limited to individuals who had been selected for their intelligence and given special education. Lenin argued that it was appropriate for all power to be in the hands of the Central Committee of the Communist Party, because they were the only people with a true understanding of the historical dialectic. Both of these theories are examples of elitism. Elitist theories of justice operate on the idea that public decisions will turn out better if participation in the public decision-making process is limited to identifiable persons who have the greatest talent for making good public decisions.

The elitist claim that some persons are better than others at contributing to the public decision-making process is plausible. The idea that it is possible to construct a political system in which power will be retained by those who are best at making decisions is less plausible. But even if this claim is true, it would be unjust to impose an elitist regime on unwilling subjects, because such a regime would lack the equal rights that justice requires.

If the elitist claims are true, then we should expect that if an elitist nation were established, it would attract immigrants, because of its superior government. If what elitists want is the opportunity to demonstrate the ability of their approach to government to attract willing immigrants, then their request is reasonable. The opportunities they should have to do this are explained in Chapter 3.

Contractarianism

Contractarianism is the theory that it is just to coerce people to abide by the rules that they would have agreed to if they had had the chance to do so before they knew the personal circumstances that bias them in favor of one rule or another.

The idea of trying to identify the rules that people would have agreed to before they knew their personal circumstances has valuable applications apart from theories of justice. When two persons are seeking to resolve a dispute between the two of them, they can sometimes achieve accord by discussing the question of what rule they would both have found attractive for dealing with the dispute, if they had been discussing it in a situation where neither of them knew which roles in the dispute they would occupy. A mediator can sometimes assist disputing parties by framing an issue in these terms. Similarly, an arbitrator who is asked by disputants to resolve an issue can come to a decision and explain it in terms of an effort to determine what rule the disputants would have found attractive before they knew which roles in the dispute they would occupy.

All of these uses involve either people who reach agreement by using the device of the imagined neutral situation, or people who agree that someone (the arbitrator) has their permission to impose a solution. Using the contractarian principle to identify rules of justice is fundamentally different, in that it involves deciding what rules can reasonably be imposed on a person who does not actually agree to those rules in any way. In this case, the use of the contractarian principle is subject to an objection articulated by Bruce Ackerman. Taking the voice of the advocate of contractarianism, he says:

Despite my best efforts, I shall be defenseless ... the moment I try to make clear to another person why it is right that I, rather than he, should establish a claim over a disputed thing:

I: When I look into myself, I am sure that I would have insisted upon this right as a condition for entering into society with you.

YOU: You haven't the slightest idea of what you would have insisted on in a presocial state. You're simply using the idea of a potential entrant as a screen upon which you can project the deepest desires of your socialized self. But I too have desires; why should mine be sacrificed to yours? And if you insist, it is possible that I too may delve deep into my psyche and find a transcendent grounding for my desires.¹

In other words, if those with power seek to justify a particular rule on the ground that the dissenters would have agreed to the rule if they did not know their personal circumstances, then those with power are likely to be deluding themselves about

1 Bruce Ackerman, *Social Justice in the Liberal State* (Yale, 1980), p. 331.

the objectivity with which they approach the question. Despite the value of the idea of neutral situations for resolving disputes consensually, contractarianism has the dangerous potential to allow those with power to wrongly believe that they have justice on their side when they impose on others the rules that they find attractive.

Utilitarianism

The central idea of utilitarianism is that the well-being of a society is the sum over the persons in that society of their individual well-being. Utilitarianism provides the basis for a wonderful theory of ideal morality. An ideally moral person, according to utilitarianism, will allocate those resources that everyone agrees are his or hers in the way that produces the greatest sum of individual well-being. I have no quarrel with this theory of ideal morality.

As a theory of justice, utilitarianism says that those with power behave justly if they use their power to coerce people to allocate resources in the way that produces the greatest sum of individual well-being. This is problematical.

Two different forms of utilitarianism, act-utilitarianism and rule-utilitarianism, need to be analyzed separately. An act-utilitarian evaluates individual acts by the utilitarian criterion, while a rule-utilitarian applies the utilitarian criterion only to the rules of a society.

Consider act-utilitarianism first. There are two ways to challenge the claim that it is just to coerce people to act in those ways that produce the greatest sum of individual well-being. First, one can note that no one has devised a way to measure utility reliably, so there is no coherent content to an instruction to maximize utility. But it is imaginable that a utilitarian will claim to have a solution to this difficulty. In that case, the appropriate objection to utilitarianism is that it presumes that people who are capable of great happiness should be given preference over those who are not.

Consider a society consisting of just two persons, an aesthete and an ascetic. The aesthete has an enormous capacity to appreciate things, while the ascetic has practically none. The ascetic hardly minds working at all, while the aesthete is greatly distressed by working. Utility for the two of them will be maximized if the ascetic does all the work and consumes only enough to get by, while the aesthete does no work and consumes most of what is produced. It is imaginable that the ascetic would agree to such an arrangement because he thought it appropriate to maximize total utility. But it would be unjust to coerce the ascetic to abide by the utility-maximizing arrangement, to turn him into a virtual slave because his capacity for happiness is less than that of the aesthete. Despite its value as a theory of ideal morality, act-utilitarianism is a poor theory of justice, because it does not value people equally.

Now consider the rule-utilitarian claim that it is just to coerce people to abide by the rules that maximize total utility. The non-measurability of utility is

overcome by saying that what rule-utilitarianism requires is that people, using their own experience to guide them, evaluate coercive rules by a criterion of maximizing the sum of individual utility under the presumption that persons, though they have different preferences, all have the same basic capacity to achieve utility.

To this suggestion I reply with a test. Consider a rule that would coerce people to provide bodily substances for the benefit of others when lives are at stake and there is very little risk to the person providing the substance. It could be bone marrow that will save the lives of others, with coercion needed because the probability of a match is so low. Or it could be blood for medical research. Perhaps the blood of just a few persons contains a substance that scientists confidently believe will lead to a cure for a disease from which many are dying, and to have the cure as soon as possible scientists must have as much of the substance to work with as possible. Would a rule coercing the provision of bodily substances in circumstances of dire need be consistent with rule-utilitarian justice? It certainly seems that the benefit to those who would benefit would be greater than the costs to those who would provide the substances.

If a rule-utilitarian says that such a rule would be just, I reply that rule-utilitarianism lacks respect for the right of every person to himself or herself, which means, most importantly, the right to bodily integrity. Rule-utilitarianism cannot be just if endorses such a rule.

But a rule utilitarian might say that the calculation above does not account properly for the losses to the many people who are never called upon to provide bodily substances for the benefit of others but lose because they are unhappy about the possibility that they could be called upon to do so. While they might also one day be beneficiaries of the rule, this does not compensate them because they do not expect to be beneficiaries. It might happen that the rule-utilitarian always reaches conclusions in accord with the rights of persons to themselves, on the basis of a comparison of costs with benefits, never employing the idea of a right of persons to themselves. In this event I will rejoice in the support of the rule-utilitarian in every contest regarding individual rights to bodily integrity. But I will still be concerned that he is prepared to abandon individual rights to bodily integrity if ever it should happen that in the calculation of the costs and benefits of a rule, the calculation goes against such rights. I cannot endorse his methodology.

Egalitarianism

An egalitarian theory of justice asserts that it is just to coerce people to provide as much for others as they have themselves. Then the question arises: As much what?

If the answer is, "as much happiness," serious problems arise. As mentioned in the discussion of utilitarianism, there is no reliable way to measure happiness. If somehow this problem is overcome, then there is another serious problem. Some people are chronically depressed. Others endure continual physical pain. No

matter what we do, we cannot reasonably expect to bring the level of happiness of these people up to that which others achieve just by being alive. If justice were to require equal happiness, then justice would require us to make everyone as miserable as the most unhappy person whose unhappiness we are unable to relieve. This is not a plausible conception of justice.

If equality is sought not for happiness but rather for goods, then different difficulties arise. First, if equality with respect to every good were sought, then, because there are so many different goods, people would generally not have enough of individual goods to get any benefit from them. Therefore, to make egalitarianism at all interesting, one must interpret it as requiring goods of equal value for all persons. But such a vision of egalitarianism is likely to be unworkable, because it requires that people be given no incentive (other than the opportunity to do more for humanity) to find ways to be more productive. Whenever anyone produces more, it must be shared equally with all persons. Under an egalitarian theory of justice, people can be compensated for working more hours (because they then have less leisure) or for expending more effort (if effort can be measured), but not for producing more with the same effort. If people were perfectly generous, if they valued the well-being of others as much as they valued their own well-being, then there would be no problem. They would be as willing to work for the happiness of others as for their own happiness. But with the level of human generosity that is customarily observed, the equal sharing of all that is produced with all of humanity is a recipe for equal human misery, as output would plummet.

To escape the grim world of egalitarianism, the equality that justice requires must be found somewhere other than in equal goods. I shall suggest that it lies in equal liberty and in equal rights to natural opportunities.

John Rawls' Theories

John Rawls was probably the most prominent philosopher of the 20th century. Rawls is most famous for his 1957 paper, "Justice as Fairness" and for two books, *A Theory of Justice* (1971) and *Political Liberalism* (1993).

In "Justice as Fairness" Rawls develops the idea that justice is specified by the rules that people would agree to if they did not know which role in a dispute they would occupy. In *A Theory of Justice* he expands this idea to address the question of what social institutions are just.

Rawls elaborates the idea of not knowing which role in a dispute one would occupy with the concept of "the original position." This is a hypothetical situation of equality between persons seeking to agree on the principles of justice for the basic structure of society. In the original position,

[N]o one knows his place in society, his class position of social status, nor does anyone know his fortune in the distribution of natural assets and abilities, his

intelligence, his strength, and the like. . . . [T]he parties do not know their conceptions of the good or their special psychological propensities. The principles of justice are chosen behind a veil of ignorance. (*Theory*, p.12)

Rawls argues that behind this veil of ignorance, people would find two fundamental principles attractive:

First: each person is to have an equal right to the most extensive basic liberty compatible with a similar liberty for others.

Second: social and economic inequalities are to be arranged so that they are both (a) reasonably expected to be to everyone's advantage, and (b) attached to positions and offices open to all. (*Theory*, p.60)

Rawls lists the basic liberties of his first principle:

The basic liberties of citizens are, roughly speaking, political liberty (the right to vote and to be eligible for public office) together with freedom of speech and assembly; liberty of conscience and freedom of thought; freedom of the person along with the to hold (personal) property; and freedom from arbitrary arrest and seizure as defined by the concept of the rule of law. (*Theory*, p. 61)

He says that the first principle takes priority over the second:

These principles are to be arranged in a serial order with the first prior to the second. This ordering means that a departure from the principles of equal liberty required by the first principle cannot be justified by, or compensated for, by greater social and economic advantages. The distribution of wealth and income, and the hierarchies of authority, must be consistent with both the liberties of equal citizenship and equality of opportunity. (*Theory*, p.61)

Despite the priority that Rawls attaches to liberty, he regards justice to require governments to tax and regulate people in a wide variety of ways:

In establishing these background institutions [for distributive justice] the government may be thought of as divided into four branches. . . . The allocative branch . . . is to keep the price system workably competitive and to prevent the formation of unreasonable market power. . . . The allocative branch is also charged with identifying and correcting, say by suitable taxes and subsidies and by changes in the definition of property rights, the more obvious departures caused by the failure of prices to measure accurately social benefits and costs. To this end suitable taxes and subsidies may be used, or the scope and definition of property rights may be revised. The stabilization branch, on the other hand, strives to bring about reasonably full employment . . .

The social minimum is the responsibility of the transfer branch. . . . [T]he transfer branch guarantees a certain level of well-being and honors the claims of need. . . .

Finally, there is the distribution branch. Its task is to preserve an approximate justice in distributive shares by means of taxation and the necessary adjustments in the rights of property. Two aspects of this branch may be distinguished. First of all, it imposes a number of inheritance and gift taxes, and sets restrictions on the rights of bequest. The purpose of these levies and regulations is not to raise revenue (release resources to government) but gradually and continually to correct the distribution of wealth and to prevent concentrations of power detrimental to the fair value of political liberty and fair equality of opportunity. . . .

The second part of the distribution branch is a scheme of taxation to raise the revenues that justice requires. Social resources must be released to the government so that it can provide for the public goods and make the transfer payments necessary to satisfy the difference principle [Rawls' second principle of justice]. (*Theory*, pp. 275-78).

How, you may wonder, can Rawls regard so much taxation and regulation to be consistent with a priority for every person to have an equal right to the most extensive basic liberty compatible with a similar liberty for others? There are several answers.

First, an examination of Rawls' list of basic liberties above reveals that Rawls' does not regard the right to collaborate productively with others as a basic liberty. In Rawls' view, freedom of speech and assembly and freedom of one's person are fundamental, but if I say to you, "dance for me and I will sing you a song," the government can say, "Not unless you pay a tax of half the value exchanged," and that does not infringe on our basic liberties.

Second, nowhere does Rawls say that people are justified in coercing anyone who does not agree to abide by the rules he describes. Rather than seeking to provide a justification for coercing dissenters, Rawls undertook only the task of describing the institutions that would be attractive to a person in the original position, behind a veil of ignorance regarding his personal circumstances, capacities, and tastes.

Rawls describes *A Theory of Justice* as an inquiry into "strict compliance theory" or "ideal theory" (pp. 8-9), by which he means a society in which "Everyone is presumed to act justly and to do his part in upholding just institutions." (p. 8). When everyone is presumed to act justly, there is no need for the sword of Lady Justice and therefore no occasion to explain how its use is justified. Rawls offers some discussion of why people would want penal sanctions for those who infringe on the liberty of others (pp. 235-43), but no discussion of how coercion of those who have fundamental disagreements with Rawls's conception of justice might be justified.

A third way that Rawls avoids questions of coercion is by confining his analysis to "a reasonable conception of justice for the basic structure of society

conceived for the time being as *a closed system isolated from other societies*" (emphasis added). Rawls conjectures that "once we have a sound theory for this case, the remaining problems of justice will prove more tractable in the lights of it." (*Theory*, p. 8) This focus on a society as a closed system means that Rawls does not have occasion to address the question of how a nation can justly bar the entry of persons who wish to immigrate, or how it can justly refuse to allow a minority who wish to secede to do so. It also means that Rawls loses the opportunity to consider the possibility that people might resolve some of their fundamental disagreements about the basic structure of society by forming separate societies with different basic structures.

How, then, do we get from Rawls' ideas about justice to a society that embodies them? In *Political Liberalism* Rawls explains that the ideas he developed in *Theory* were not meant as a description of the only theory of justice that a reasonable person could have. In *Liberalism* he discusses the way that people with different reasonable conceptions of justice that are not consistent with one another form a stable society in terms of the overlap among their theories of justice. Thus Rawls' ideas in *Liberalism* are not a defense of coercion either, but rather a descriptive explanation of how people manage to find a basis on which to erect a stable society despite their inability to agree on a theory of justice. Rawls does not offer a theory of how those who form a society despite their inability to agree on a theory of justice can justly coerce those who disagree with the overlap among their theories of justice.

The fundamental problem of justice, as I see it, is to explain what those who have power can and cannot properly do with their power, and why. Rawls does not address this question. Thus Rawls' ideas do not constitute "a theory of justice" as I define that phrase.

A virtue of Rawls' effort is that by giving no support to coercion, it honors the ideal of getting to a world without coercion. But by choosing this structure, Rawls makes his work a theory of fairness rather than a theory of justice. It is not a theory of justice because justice is fairness that is properly demanded through the exercise of power, and Rawls does not offer a theory of the proper exercise of power. He proposes no axioms regarding the just exercise of power.

Libertarianism

Libertarianism, as expounded by Murray Rothbard in *The Ethics of Liberty*,² for example, is the theory of justice based on the axioms that people have rights to themselves and that natural opportunities belong to those who use them first. It is the latter axiom that is problematic. Rothbard says (Chapter 8):

2 New York University Press, 1998. Originally: Atlantic Highlands , N.J.: Humanities Press, 1982. Available on line: <http://www.mises.org/rothbard/ethics/ethics.asp>

If every man has the right to own his own person and therefore his own labor, and if by extension he owns whatever property he has “created” or gathered out of the previously unused, unowned state of nature, then who has the right to own or control the earth itself? In short, if the gatherer has the right to own the acorns or berries he picks, or the farmer his crop of wheat, who has the right to own the land on which these activities have taken place? Again, the justification for the ownership of ground land is the same for that of any other property. For no man actually ever “creates” matter: what he does is to take nature-given matter and transform it by means of his ideas and labor energy. But this is precisely what the pioneer—the homesteader—does when he clears and uses previously unused virgin land and brings it into his private ownership. The homesteader—just as the sculptor, or miner—has transformed the nature-given soil by his labor and his personality. The homesteader is just as much a “producer” as the others, and therefore just as legitimately the owner of his property.

Rothbard’s theory would be sensible if there were never any shortage of opportunities provided by nature. In that case, whatever market value there was in the right to use opportunities provided by nature could be attributed to the efforts of people to develop those opportunities. But in the actual world, many types of natural opportunities are scarce before they are developed, so that assigning rights of ownership to first-users creates problems of both efficiency and fairness.

From the perspective of efficiency, one cost of granting ownership of natural opportunities to those who use them first is that it leads to a waste of resources in the rush to be first. If land is scarce because some day it will be a good place for a city, and planting a crop will make you the owner of the land, then you will have an incentive to plant a crop and become the owner even if the land is unfertile, so that you can sell the land to others when it becomes time to build the city.

A costly variation on this case arises with rain forests. One of the ways of transforming land is to burn down the trees that grow on it. One possible reason for burning down the trees is to permit grass to grow, so that cattle can graze on the land. If there is a forest that is valuable to many people in its untransformed state, and people value it precisely because it has not been transformed, then in Rothbard’s theory there is no way that those who enjoy the forest in its untransformed state can acquire the right to prevent others from transforming it, except by transforming it themselves, which spoils its value to them. Every year, many thousands of acres of rain forest are burned down to create grazing range for cattle, grazing range that will only support grass for a few years before its fertility is gone. By Rothbard’s theory it would be unjust to prevent this practice unless those who wished to prevent it acquired ownership of the rainforest by transforming it.

Another source of difficulty for Rothbard's theory is the history of land theft. Any theory of land ownership based on first use must deal with this issue, and Rothbard addresses it. He says (Chapter 9):

even though the property was originally stolen, . . . if the victim or his heirs cannot be found, and if the current possessor was not the actual criminal who stole the property, then title to that property belongs properly, justly, and ethically to its current possessor.

Allowing the current possessor to be treated as a rightful possessor if the victim and his heirs cannot be found has the unfortunate consequence of providing an incentive to kill the victim and his heirs. Then, even if a criminal cannot acquire valid title to what he seizes, he can transfer what he seize to his heir or to someone who wishes to buy it. By Rothbard's theory, the heir or purchaser will have a valid title.

The fundamental difficulty with Rothbard's theory is that it does not recognize the obligation that humans have to share equally the opportunities provided by nature. In 1995 a volcano made a substantial part of the island of Montserrat uninhabitable. Much of the population fled and were allowed to emigrate to the United Kingdom, since Montserrat had previously been a UK colony. Suppose that the event had been somewhat different, that an island nation had been totally obliterated by a volcano, and that no nation wished to admit the refugees. By Rothbard's theory, the whole world could say, "It's not our problem. We will let your ships sink to the bottom of the ocean before we will let you disembark on our shores. You have no rights to our land." This can't be right. There is nothing about being first to a place that should permit those who arrive first to exclude those who arrive later, even if it means, as in Rothbard's theory, their deaths. That all have equal rights to the gifts of nature is argued in detail in Chapter 3.

The value of the libertarian perspective is that it reminds us of the importance of individual autonomy.

Richard Epstein's Theory

In *Skepticism and Freedom*, Richard Epstein defends a theory that he identifies as classical liberalism. According to Epstein, the rules of classical liberalism

. . . respect the autonomy of the individual. They allow for the emergence of a strong system of private property by allowing land and movables to be reduced to private ownership by occupation and animals by a rule of capture. They provide voluntary exchange as the one means for people to sell their labor or possessions to others who might value it more highly. Finally, to ensure the voluntary transfer of ownership of labor and property, the legal rules contain a strong prohibition

against the use of force or fraud as means for altering the balance of entitlements and obligations in interpersonal relations.³

These purposes are extremely valuable. But in the case of a strong system of private property, the purpose can be achieved without the institution that Epstein specifies. A strong system of private property requires mutual respect and consensus on rules. It does not require that a society allow “land and movables to be reduced to private ownership by occupation and animals by a rule of capture.” In fact, Epstein is not rigid with respect to the rules he advances. He acknowledges that when competition for resources in a common pool creates great inefficiency, appropriation should be limited.⁴ My argument is that appropriation should be limited not just to prevent inefficiency, but also to prevent the unfairness of the elimination of opportunities for those who come later, by disproportionate appropriations by those who come earlier.

Robert Nozick's Theory

Robert Nozick's theory of justice, as expounded in *Anarchy, State and Utopia*, is based on principles set out in John Locke's *Second Treatise of Government*, first published at the end of the 17th century. Nozick's theory, like Locke's, is a “state of nature” theory, meaning that Locke and Nozick assign rights to individuals in the absence of governments and trace the way that individuals use their rights to create institutions of government. Thus Nozick says,

Individuals in Locke's state of nature are in “a state of perfect freedom to order their actions as dispose of their possessions and persons as they think fit, within the bounds of the law of nature, without asking leave or dependency upon the will of any other man” (sect. 4). The bounds of the law of nature require that “no one ought to harm another in his life, health, liberty, or possessions” (sect. 6).⁵

I have no quarrel with this exposition of individual liberty. I take exception to Nozick's understanding of Locke's theory of acquisition. Nozick says, “Locke views property rights in an unowned object as originating through someone's mixing his labor with it.” What Locke said is,

Though the Earth and all inferior Creatures be common to all Men, yet every Man has a *Property* in his own *Person*. This no Body has any Right to but himself. The *Labour* of his Body, and the *Work* of his Hands, we may say, are properly his.

3 *Skepticism and Freedom*, p. 2.

4 *Skepticism and Freedom*, pp. 169-70.

5 Nozick, *Anarchy State and Utopia*, p. 10

Whatsoever then he removes out of the State that Nature hath provided, and left it in, he hath mixed his *Labour* with, and joyned to it something that is his own, and thereby makes it his *Property*. It being by him removed from the common state Nature placed it in, hath by this *labour* something annexed to it, that excludes the common right of other Men. For this *Labour* being the unquestionable Property of the Labourer, no Man but he can have a right to what that is once joyned to, at least where there is enough, and as good left in common for others.⁶

The last fourteen words of this paragraph, “at least where there is enough, and as good left in common for others,” are essential to the meaning of the whole paragraph and are known as “Locke’s proviso.”

If Locke’s proviso is satisfied, if after every appropriation of land there is enough and as good left in common for others, then the *only* reason that land ever has value is that labor had been applied to it. The value of land is the value of the labor that has been applied to it. That this is Locke’s point becomes clear when, a few pages later, Locke says,

The measure of Property, Nature has well set, by the Extent of Mens *Labour, and the Conveniency of Life*: No Mans Labour could subdue, or appropriate all: nor could his Enjoyment consume more than a small part; so that it was impossible for any Man, this way, to intrench upon the right of another, or acquire, to himself, a Property, to the Prejudice of his Neighbor, who would still have room, for as good, and as large a Possession (after the other had taken out his) as before it was appropriated. This *measure* did confine every Man’s *Possession*, to a very moderate Proportion, and such as he might appropriate to himself, without Injury to any Body in the first Ages of the World, when Men were more in danger to be lost, by wandering from their Company, in the then vast Wilderness of the Earth, than to be strained for want of room to plant in. And the same *measure* may be allowed still, without prejudice to any Body, as full as the World seems. For supposing a Man, or Family, in the state they were, at the first peopling of the World by the Children of *Adam*, or *Noah*; let him plant in some in-land, vacant places of *America*, we shall find that the *Possessions* he could make himself upon the *measures* we have given, would not be very large, nor, even to this day, prejudice the rest of Mankind, or give them reason to complain, or think themselves by this Man’s Incroachment, though the Race of Men have now spread themselves to all the corners of the World, and do so infinitely exceed the small number [which] was at the beginning. . .⁷

6 John Locke, *Two Treatises of Government*, Second Treatise, paragraph 27.

7 John Locke, *Two Treatises of Government*, Second Treatise, paragraph 36.

In other words, the extent to which people can own land is limited by what they are able to transform, and no one is able to transform more than a small part of the world. No one encroaches on the rights of others when he appropriates land, because after people appropriate what they properly can there is still enough for everyone to appropriate as much as they can use. Anyone who wants to live independently of others can appropriate as much land as he might use in some inland vacant place in America. Since, in Locke's view, there is "enough and as good left in common for others" after the appropriations that have occurred in Europe, all of the value of land in Europe represents the labor of those who have improved land, and the private appropriations of land in Europe are just.

Locke's justification of private ownership of land crumbles when, as today, there is no place on earth where people can appropriate land that is as good as the land that some have appropriated.

Nozick recognizes the importance of the possible exhaustion of things that people appropriate. He says, "A process normally giving rise to a permanent bequeathable property right in a previously unowned thing will not do so if the position of others no longer at liberty to use the thing is thereby worsened."⁸ But Nozick still believes that private ownership of land is just. He says:

Is the situation of persons who are unable to appropriate (there being no more accessible and useful unowned objects) worsened by a system allowing appropriation and permanent property? Here enter the various familiar social considerations favoring private property: it increases the social product by putting means of production in the hands of those who can use them most efficiently (profitably); experimentation is encouraged, because with separate persons controlling resources, there is no one person or small group whom someone with a new idea must convince to try it out; private property enables people to decide on the pattern and types of risks they wish to bear, leading to specialized types of risk-bearing; private property protects future persons by leading some to hold back resources from current consumption for future markets; it provides alternate sources of employment for unpopular persons who don't have to convince any one person or small group to hire them, and so on. These considerations enter a Lockean theory to support the claim that appropriation of private property satisfies the intent behind the "enough and as good left over" proviso, . . .⁹

Nozick seems to think that the only alternative to "a system allowing appropriation and permanent property" is collective ownership. If the advantages that Nozick mentions could be achieved only through a system allowing appropriation and permanent property, then it is conceivable that such a system could be consistent

8 Nozick, *Anarchy, State and Utopia*, p. 178.

9 Nozick, *Anarchy, State and Utopia*, p. 177.

with Nozick's version of Locke's proviso. But there are other possibilities. The intent that Nozick understands to be behind Locke's proviso is that those who have not appropriated not be worsened by appropriation. This can be achieved by a rule that anyone who appropriates too much has an obligation to compensate those who have too little. In particular, anyone who appropriates a greater value in scarce natural opportunities than the average value that others are able to appropriate can be obliged to provide annual compensation to one or more persons with below-average appropriations. The total amount of compensation should equal the amount by which the appropriation of the person with an above-average appropriation exceeds the average of what others are able to appropriate. Under such a rule, the virtues of private appropriation that Nozick mentions—use by those who can use resources most efficiently, diversity of control, concern for the interests of future persons, and multiple ways for unpopular persons to acquire resources—are all preserved. At the same time, the value of natural opportunities is shared equally by all.

Despite its flaws, Nozick's analysis is valuable for its attention to the question of how people might justly create a government without violating the rights of those who do not want a government.

Bruce Ackerman's Theory

Bruce Ackerman's theory of justice, as expounded in *Social Justice in the Liberal State*, is based on three principles:

1. (Rationality) Whenever anyone questions the use of a power by a power-holder, the power-holder has an obligation to provide an explanation of why he is justified in exercising the power.
2. (Consistency) The reason that a power-holder uses to justify the exercise of one power must not be inconsistent with the reasons that he uses to justify the other powers that he holds.
3. (Neutrality) No reason for exercising power is a good reason if it requires the power-holder to assert that
 - a. his conception of the good is better than that of anyone else, or
 - b. he is intrinsically superior to anyone else. (*Social Justice*, pp. 4-11)

Ackerman argues that satisfying the principles above requires that:

- a. No citizen *genetically dominates* another.
- b. Each citizen receives a *liberal education*.
- c. citizen begins life under conditions of *material equality*.
- d. Each citizen can *freely exchange* his initial entitlements within a *flexible transactional network*.

- e. Each citizen, at the moment of his death, can assert that he has fulfilled his obligations of *liberal trusteeship*, passing on to the next generation a power structure no less liberal than the one he himself enjoyed. (*Social Justice*, p. 28, emphasis in the original)

If it turns out not to be feasible to provide all citizens with this list of goods, then, Ackerman says, a principle of *equal sacrifice* requires that the deficiencies be apportioned in a manner that is arguably equal. (*Social Justice*, pp. 237-39)

Using the examples of pioneers settling a new planet, Ackerman argues that if the only issue is how to distribute natural opportunities, each person can properly say, "Because I am a person who is at least as good as you are, with a conception of the good that is at least as good as yours is, I have a right to a share of natural opportunities that is at least as great as your share, with which to pursue my conception of the good." In this way Ackerman defends an equal division of natural opportunities. (*Social Justice*, pp. 31-68)

The concept of citizenship plays a central role in Ackerman's theory. Only citizens have rights. A citizen is a person who can question the claims of others, assert his or her own claims, and be relied upon to respect the rights of others. Neither infants nor senile persons are citizens in Ackerman's framework, although citizen can extend protection to non-citizens if they wish.

In Ackerman's theory, the equal division of the value of natural opportunities is conditional on everyone having an adequate genetic endowment, which Ackerman defines as a genetic endowment that permits a person to pursue *someone's* conception of the good at least as well as anyone else can. If this condition is not satisfied, then, under Ackerman's theory, any person who lacks such a genetic endowment can justly demand compensation of enough of an extra share of natural opportunities that the combination of the actual genetic endowment and the compensation will permit the person to pursue someone's conception of the good at least as well as anyone else can.

Ackerman argues as follows:

[O]nce the child is born, either natural or adopted parents might freely choose to lavish their care on it rather than turn their backs on the afflicted creature. Yet a time will come when the infant will become a citizen and hold his caretakers to account:

Disadvantaged: I have been placed, by your decisions, at a plain disadvantage from my very birth. While my peers could run and see and play, I am confined to a small dark place. How can this be justified? . . . Since I'm at least as good as you are, I am entitled to start out in life with a set of endowments that is at least as good as yours is. (p. 130).

Since only those who are able to defend their claims have rights in Ackerman's theory, it would not have been unjust, in his theory, for the disadvantaged infant to

have been allowed to die of neglect. But I can see no reason, within his theory, for assigning the obligation to provide compensation to society in general, as he does, rather than to the parents and/or caretakers whose decisions resulted in a disadvantaged citizen.

Ackerman's theory would be more coherent if he had argued that one of the costs of bringing a child into the world is the risk that the child will be disadvantaged, and therefore, since every citizen has a right to an endowment that is at least as good as anyone else's, those who conceive children and do not plan to abandon them if they are disadvantaged are behaving unjustly if they do not set aside funds or buy insurance against the possibility of a disadvantaged child. Ackerman could possibly argue that society has an obligation to compensate disadvantaged children because society could prevent people from bringing disadvantaged children into the world by, for example, requiring all fertile citizens to either live in a community where any members of the opposite sex were unfertile or else purchase insurance against the possibility of bringing into the world a child whose rights as a citizen the parents could not afford from their own resources.

One might think that within Ackerman's theory, those who were unable to endow their biological children with adequate endowments would deserve compensation for this inability, but this is not implied by his framework. Each person is entitled, in Ackerman's framework, to an endowment that permits one to pursue *someone's* conception of the good at least as well as anyone else can. Since some people have conceptions of the good that do not entail having children, no one is entitled to compensation, under Ackerman's principles, for the lack of a genetic endowment that permits one to bring adequately endowed children into the world as cheaply as others can.

I can envision a "repaired" version of Ackerman's theory, that assigned responsibility for compensating disadvantaged children to those who brought them into the world and those who cared for them, or possibly to the communities that provided impecunious potential parents the freedom to conceive disadvantaged children, and not to society in general. Such a theory would thereby leave rights to natural opportunities distributed equally. But I would not endorse such a theory.

When Ackerman assumes in his first principle that "*whenever* anyone questions the use of a power by a power-holder, the power-holder has an obligation to provide an explanation of why he is justified in exercising the power" (emphasis added) he leaves people needing explanations of why they are justified, for example, in using their power to smile, to bring happiness to those who see them smile and not to others, or why they are justified in using their talents to cause others to admire them. I prefer a theory of justice in which no such justifications are needed, because people have rights to themselves.

I appreciate Ackerman's theory nevertheless, for its identification of one way to explain why all people have equal rights to natural opportunities, and for the way

that it shows how a theory can address a variety of questions of justice on the basis of a very few principles.

Geoliberalism

Geoliberalism is my name for the theory developed in this book. This theory is based on the two axioms that people have rights to themselves and that all persons have equal rights to natural opportunities. These two axioms have also been used in a variety of other theories of justice, generally called left-libertarian theories. Thus geoliberalism is a version of left-libertarianism. Left-libertarianism gets its name from the fact that it combines a left axiom (people have equal rights to natural opportunities) with a libertarian axiom (people have rights to themselves).

The word “liberal” is derived from “liber,” the Latin word for “free.” In putting the word “liberal” into my name for the theory, geoliberalism, I am connecting with the tradition of recognizing the rights of persons to be free. I prefer this to the word “libertarian” because that word has come to suggest a greater disdain for collective action and regulation than I would endorse.

The prefix “geo” has three relevant associations. The first association is with land. Land is the primary natural opportunity. So geoliberalism is a theory of individual freedom that connects with land. The second association of “geo” is with relations among nations on the planet, as in geopolitics. Geoliberalism incorporates a theory of justice among nations. The third association of “geo” is with the name George. The ideas of Henry George are the inspiration for much of geoliberalism.