

AFFIRMATIVE ACTION, SOCIAL TERRORISM, AND TRADE UNION FREEDOM: THE FAILURES OF THE FALLACIOUS CONCEPT OF 'SOCIAL JUSTICE'

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The tendency to confuse the rhetoric of racism and exclusion with the functioning of the market economy is a disturbing sign of deep intellectual regression and mental manipulation. The moral and philosophical foundation of market individualism is not a smug cult of blind egoism, but rather a commitment to judge individuals without regard to attributes such as skin colour, ethnic origin, religion, socio-economic status, or sex. An individualistic society refuses to consider people on the basis of such attributes, insisting that before one is a man or a woman, a peasant or a professor, black or white, blue or white collar, one is an individual.

As long as we hold supreme the value of the individual - a value which can neither be dissolved in a group nor reduced to the sum of specific attributes - a just society can only be founded on a respect for individual choice. Only a State of Rights can guarantee such justice. Justice cannot favour bosses over workers or unions over employers. It cannot serve men at the expense of women either. Because justice must, first and foremost, protect the individual, it cannot grant certain groups special rights or privileges. The fallacious concept of 'social justice' perverts the concept of justice for it multiplies the rights granted to some specific groups - be they women, young people, or workers - thereby breaking the social fabric and compromising the very principles of the State of Rights. Certain union rights, for example, would allow workers to disregard the importance property rights and the freedom of movement. In fact, those who reason in terms of class, caste, and ethnicity are those who incite class, gender, and race warfare.¹ They do not

admit and can not even conceive of the autonomy of the individual and turn the State into the instrument of the power of some social groups. To borrow from Marxist logic, the State becomes an instrument for the dictatorship of the proletariat. For Hitler, the National-Socialist State was the instrument of an ethnic cleansing campaign that resulted in the decimation of European Jewry. For Stalin, the State was a means to free society from the bourgeoisie, a mindset which led to the deportation of the kulaks and the confiscation of their belongings. Just as Marxist analysis - which is the basis of all left-wing thought - considered the economy to be a battlefield for two rival classes (the capitalists and the proletarians), it provides an ideological framework in which the State of Rights turns into the Welfare-State and democracy into social-democracy. Since classical liberal thought refuses to lock individuals into groups, it cannot allow the State to become the arbitrator of conflicts between particular groups who purport to represent the general interest. The function of the State is to protect individual liberties so that the individuals are free to engage into contractual relations.² Economic relations and economic agents - firms, for example - will arise from such contracts.

Let us consider that individual A is seeking to hire someone but refuses to employ individual B. If we adhere to the principle of individual freedom, the government should not forbid A's decision and there is no need for A to justify himself.³ If, as an employer, A believes the employment of B to be detrimental to his company, A has the right to refuse B a position. The freedom to contract is not

the obligation to contract: it implies freedom to choose. If B is a woman, this decision may be considered to be sexist discrimination. If B belongs to some ethnic minority, it could be seen as racial discrimination. In an open and free society, there is a real possibility that B is a woman, foreign, or from another ethnic group since it is precisely in such a society that the labour market is open to anyone, regardless of his or her attributes. In traditional societies, women rarely work.⁴ Multiplying affirmative-action measures and quotas reduces the freedom to contract since it regulates individuals' choices (and hence their preferences since choices illustrate individual preferences).

If a White individual rejects someone of another colour, does his action imply that the entire White population rejects the entire Black population on the basis of skin colour? If a man cannot tolerate a particular woman, does it mean that all men are sexist? This is likely to have been the case in traditional collectivist societies that negated individual autonomy. Modernity precisely aimed at breaking away from such kinds of societies. If - once more - we admit the individualistic principle of the autonomy of thought - freedom of thought which is in fact intimacy - the individual's choices should not be regulated since A's choices only involve himself, not the group with which A might be identified. In fact, such identification is always problematic, relative, and subjective since one can be assigned to several groups at once. If A is a White woman and B a Black man: should B claim racism or sexism? Is A's choice typically 'feminine' or 'White'? Considering the individuals with respect to their attributes is a dead-end that leads to conflict and exclusion. Such measures of 'affirmative action' derive from views on society that negate the individual and consider society to be merely a jumble of perpetual struggles between antagonistic groups.⁵ Market economies can only flourish in a society based on the notion of individual freedom: which im-

plies the State of Rights as opposed to the Welfare State, and Republican Justice as opposed to some ideal of social justice.

The generalisation implied by policies of affirmative action - which have shown their limits in the USA and are beginning to blossom in France - is precisely one of the consequences of the fallacious concept of social justice.

One other outcome is a kind of 'social terrorism' that consists of the extension of 'union rights' in such a manner that they conflict with the respect of fundamental individual rights: freedom of movement, freedom of thought, private property. French citizens are frequently held hostage in such situations as the Bové case,⁶ when truck drivers blockade roads or when workers threaten to pollute the environment with dangerous chemical substances so as to influence negotiations in their firms.

It is not possible to expect help from our elites when people like Corine Lepage⁷ affirm that a unionist cannot be detained because of his union activities. This is not the point. A teacher cannot be arrested for simply teaching. However, if he happens to be a paedophile, he must be removed from his position. Teachers, as well as unionists, have a duty to obey the law. What is the legitimate limit to union activities? What if youngsters start to burn cars en masse or a coalition of homeless people decides to rob shops? Are these youngsters to be forgiven because they are 'young' or the homeless because they are 'poor' in the name of 'social justice'? Some peculiar attributes would become magnified even though justice has to be blind to be fair. The issue is not to blame anybody for being young, poor, rich, or in a union. The issue is to curb any individual who breaks laws protecting property and the person, no matter whether he or she is young, poor, rich, or in a union. No one, not even a minister, a president or a unionist is above the law. The

French Revolution was necessary for such a principle to become constitutional. Prior to the French Revolution - according to some divine right - those who made the laws liberated themselves from any obligation to obey them. Nowadays, the welfare state has given birth to a new category of people who can escape the law for an array of arbitrary reasons.

The concept of 'social justice' weakens republican equity by strengthening the social incentives of those breaking the law. Terrorists and bombers also legitimise their acts by asserting their noble grounds. Hence one should not be surprised to find that farmers or truck drivers block the roads violating freedom of movement for people and goods, or that disgruntled workers abduct their employers. Acknowledging 'social justice' legitimises this kind of violence just as one is trained to think that, due to great economic ignorance, the perpetrators are the victims of an unjust economy. There is an insidious slip from 'social justice' to 'social terrorism.' The State pretends to be an arbitrator with powers to redistribute wealth yet it leads to the creation of inextricable conflicts. In a country where the market economy is not free, violence replaces contracts. There are only two ways to acquire wealth: it can be done either by respecting private property rights, a constitutional right that Mr Bové's union activities knowingly violate, or by the negation of private property rights and exchange, a move which leads to pillage, violence, and latent civil war. In such a context, French competition will continue to decrease and the social edifice upon which the French model was built will ultimately collapse.

Notes

1. Usually such people cannot admit that an individual has independent thoughts. So, if I assert an argument X, they will say: "the economists say X", or "White men think X" or "civil servants advocate X" depending on the group they will identify me with. That is

why they cannot understand how a civil servant can defend classical liberal thesis.

2. Writing from a minarchist rather than an anarchist perspective.

3. Let's take the example of a restaurant owner who refuses to hire a girl because she wears an Islamic scarf. As an individual, I might be shocked by such a decision and I can decide to boycott this restaurant, yet I have no right to ask the State to compel him to hire the girl. Actually, freedom of expression means the government should not forbid any idea, any political party or newspaper but this does not mean the government should fund the press or political parties. If I find this or that TV program stupid or shocking, I can switch the channel or stop watching TV but the government must not censor any program.

4. Similarly, in India, people from the lowest castes cannot become civil servants.

5. Such a view could be considered Darwinist since it reduces society to a struggle between 'species', the species being here social groups. Individualism does not exist in the animal kingdom for the creatures only exist as members of a larger body, their specie.

6. José Bové is a unionist in the agricultural sector who has campaigned for the protection of French agriculture from the free market pricing and multinational companies.

7. Corine Lepage was a minister of the environment from the same political party as Jacques Chirac and who defended Bové's destruction of generically modified crops on private land.