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LIBERALISM AND STRUCTURAL INJUSTICE: WHEN THE SOLUTION BECOMES THE PROBLEM

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Abstract: If structural injustice is the problem, could liberalism be the solution? This paper argues that over the last few centuries liberalism tackled three manifestations of historical injustice (slavery; natural hierarchies; colonialism) by promoting the mantra of individual rights, but the unintended consequence of this philosophy has been to engender and legitimize even more enduring forms of structural injustice (exploitation; inequality; domination). Historical injustice has not gone away, it has simply learned to accommodate liberal orthodoxy. To tackle structural injustice, it may be necessary to look beyond liberalism.

Keywords: structural injustice; Brian Barry; liberalism; rights; colonialism; exploitation.

If structural injustice is the problem, could liberalism be the solution? I will try to shed some light on this question, and suggest a tentative answer. The relationship between liberalism and structural injustice is complex, with a long and tortuous history. Those who champion liberalism today eulogise this ideology as the solution to the problem of social injustice, so much so that an injustice is often equated with illiberal practices. And yet a disquieting tension between liberalism and structural injustice persists, with the growing suspicion that liberalism merely transcended one form of historical injustice by introducing a different class of structural injustice.

Part One will define the concept of structural injustice. Part Two will give a favourable assessment to Brian Barry's suggestion that liberalism emerged as a solution to three

specific instances of social injustice: intolerance; censorship; racial inequity. Part Three will build on Barry's analysis by highlighting three institutionally pervasive types of historical injustice: slavery; natural hierarchies; colonialism, in order to see how liberalism responded to these types of injustice. Part Four will argue that liberalism's answer to the reality of the injustice of slavery, natural hierarchies, and colonialism was to enshrine individual rights at the core of our modern ethical, political, and economic model. Although promising and well-intended, this solution has had mixed results, releasing and legitimizing a new wave of structural injustice. Liberalism did not uproot structural injustice; it has merely transformed it. Part Five will consider two possible ways to resolve the tension between liberalism and enduring social injustice. One solution is to separate liberalism from neo-liberalism, and blame neo-liberalism for everything that is still wrong with the world today while defending the noble principles of liberalism. The other solution is to acknowledge that while there are some aspects of liberalism that ought to be retained, liberalism is not enough; to tackle structural injustice, it may be necessary to look beyond liberalism.

1. STRUCTURAL INJUSTICE

All structural injustice is social injustice, but not all social injustice is structural injustice, which is why it is important to distinguish between these terms. Social injustice, which roughly refers to issues of harmful maldistribution and/or misrecognition across society, can be the result of either intentional actions by individuals, or the by-product of involuntary behaviour consistent with the social, cultural, economic and political institutions in society. Structural injustice refers specifically to the latter.

Social injustice is a multi-dimensional phenomenon,[1] which in recent years has attracted more attention by political philosophers.[2] Structural injustice highlights one specific aspect of the multi-faceted reality of social injustice; namely, the fact that social injustice occurs without anyone deliberately wanting to cause harm to or disadvantage others. The injustice lies in the fabric of society, in the inherited laws of the land, in the norms that shape our social actions and general understanding of the world.

The concept of structural injustice has a long history, and Marxism can make a legitimate claim to its paternity. Aside from the Marxist tradition, in the 1960s and 1970s the notion of an injustice not blameable on the intentional conduct of an individual or group can be found in the concepts of 'structural' or 'institutional' violence.

Johan Galtung (2009, p.83) famously distinguished between 'direct violence', where the instigator of an act of violence can be traced to a person or persons, and 'structural violence', where there may not be any person who directly harms another person:

> "there may not be any person who directly harms another person in the structure. The violence is built into the structure and shows up as unequal power and consequently as unequal life chances".

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[1] In Bufacchi (2012) I argue that social injustice has three main dimensions: maldistribution; exclusion; disempowerment.
[2] See Fraser (2012); Fraser and Honneth (2003); Heinze (2013).

Working on a similar intuition, Newton Garver (2009, p.180) defines institutional violence as:

> "The institutional form of quiet violence operates when people are deprived of choices in a systematic way by the very manner in which transactions normally take place, without any individual act being violent in itself or any individual decision being responsible for the system".

While the influence of Galtung and Garver has gradually waned in the last 50 years, their views are still relevant, and very similar to the position put forward by Iris Marion Young who is the main point of reference for all the recent literature on structural injustice. Using a mix of fictional and non-fictional examples, from homelessness in rich countries to sweatshops in poorer countries, Young wants to highlight the fact that an injustice can occur without any particular individual or group being morally or causally responsible for the injustice. This is arguably Young's (2011, p.52) best attempt at capturing the complexity of the concept of structural injustice:

> "Structural injustice, then, exists when social processes put large groups of persons under systematic threat of domination or deprivation of the means to develop and exercise their capacities, at the same time that these processes enable others to dominate or to have a wide range of opportunities for developing and exercising capacities available to them. Structural injustice is a kind of moral wrong distinct from the wrongful action of an individual agent or the repressive policies of a state. Structural injustice occurs as a consequence of many individuals and institutions acting to pursue their particular goals and interests, for the most part within the limits of accepted rules and norms".

Young's idea of structural injustice has been very influential, generating a stream of research inspired by it.[3]

In what follows I'm not going to get into a detailed analysis of the merits or defects of Young's definition.[4] Instead, following in the footsteps of Iris Marion Young, I'm simply going to assume that social injustice has an invisible face, being ingrained in the institutional fabric of society, and that overcoming this injustice will require not merely stopping an individual or group, but more fundamentally changing the laws and norms that define the 'system'.

2. LIBERALISM

There has always been a structural dimension to injustice, and the history of political theory could conveniently be thought of as either an attempt to justify social injustice, or to rectify the injustice by justifying necessary changes to the polity. Depending on who you read, over the course of the last few centuries the political theory of liberalism has been placed on both sides of the fence.

I will not, for obvious reasons, try to summarize the history of liberalism. Instead, I will simply take it for granted that the moral and political emphasis on individual freedom is the common denominator which unites philosophers as diverse as Hobbes and Locke in the 17th century, Kant and Hume in the 18th century, James and John Stuart Mill in the 19th century, Hayek and Rawls in the 20th century. To be more precise, I will adopt Norberto Bobbio's (1987, p.106) claim that Liberalism "accords pride of place in the scale of moral values to the individual, and hence individual freedom in the dual sense of negative and positive freedom". Bobbio's assumption

[3] See for example Parekh (2011); Nuti (2019); Mantouvalou (2020).
[4] See McKeown (2021); Wolff (forthcoming); Goodin and Barry (2019); Powers and Faden (2019).

regarding individual freedom as the essence of liberalism is far from being controversial, and yet it is not shared by every adherent of liberalism. For example, Paul Kelly (2005, p.7) argues that liberalism is primarily a theory of equality, not liberty: "Whereas many commentators and philosophers continue to see liberalism as primarily about liberty, other liberal thinkers have claimed that the core value at the heart of liberalism is not liberty but rather equality". There may be some truth in what Kelly says, but for the sake of brevity I suggest we adopt Norberto Bobbio's widely endorsed approach.

In terms of the relationship between structural injustice and liberalism, it may be useful to take an historical approach to the question. Again, I will not explore the extensive literature on the historical roots of liberalism,[5] instead I will take as valid Brian Barry's digest on this question. In the opening page of an article on the idea of neutrality (and its limits) published in 1990, Brian Barry suggests that there are three key features that defined liberal states as they emerged in the 17th and 18th century: religious toleration; freedom of the press; abolition of servile civil status. What is most interesting about Brian Barry's (1990, p.1) analysis is the fact that liberalism is seen as having developed as a response to three specific but overlapping types of injustice, namely: intolerance; censorship; racial inequity.

> "I believe that there are three features that defined liberal states as they emerged in the seventeenth and eighteenth centuries. These were: religious toleration, freedom of the press and the abolition of servile civil status".

It is not the case that liberalism is the all-conquering benevolent force of justice against pre-Enlightenment prejudice and injustice. The reality is that liberalism and the

[5] For a history of liberalism from the 19th century to today, see Fawcett (2018); for an alternative history of liberalism, starting from Ancient Rome, see Rosenblatt (2018).

liberal state was always about exclusions based on particular conceptions of personhood that defined who was deserving of freedom and citizenship and who wasn't.[6] Conor Gearty (2013, p.4) is probably right when he suggests that the key liberal concepts of 'liberty' and 'security' "grew to prominence at a time when the work they did was at the service of the few", contradicting the ethic of universalism we associate with modern liberalism. Nevertheless, the point is that on the basis of this admittedly cursory probe into the 17th and 18th century, Barry (1990, p.1) goes on to say that modern liberal institutions may be seen as extensions of each of these elements in liberalism's historical core: religious tolerance turned into the 'harm principle'; freedom of the press morphed into all forms of freedom of expression; the abolition of slavery opened the door to equal citizenship rights:

> "Modern liberal institutions may be seen as extensions of each of these elements in the historical core. Thus, the principle of religious toleration has been generalized to the 'harm principle': the principle that people should be free to act as they wish provided they do not harm others. Freedom of the press has been generalized to cover freedom of expression of all kinds. And the principle that there should be no servile civil status has been generalized to a concept of equal citizenship rights due to everyone without regard to social class, race or gender".

There is a lot of merit to Barry's probe on the history of liberalism, even though the way this ideology developed over the centuries may have been more accidental than deliberate. Above all, Barry starts by identifying certain forms of injustice, and suggests that the theory of justice at the heart of the liberal tradition matured as a recognition of the unfairness of the status quo, and the desire to fix the problem. The

[6] I'm grateful to Marie Moran for this observation.

priority of individual freedom, both negative and positive, is fully captured by these three modern liberal institutions: the freedom to decide what we wear, what we read, what we consume, how we spend our free time, what we do for a living, how we interact on social media, who and how we love, where we travel, what political beliefs we hold, are the sort of prerogatives that distinguish liberal democracies from non-liberal democracies.

Of course, given the brevity of his analysis, the accuracy of Barry's snapshot of the history and philosophy of liberalism may be questioned. For example, although he suggests that modern liberal institutions aim to extend equal citizenship rights to everyone, without anyone being penalized for their social class, gender or race, there is perhaps insufficient recognition that racism, sexual intolerance, patriarchy and class prejudice are still part of the fabric of our liberal society.[7]

3. HISTORICAL INJUSTICE AND INDIVIDUAL RIGHTS

I want to build on Barry's theoretical framework and suggest a slightly different account of how liberal institutions came to be formed. This alternative account is in the spirit of Barry's insight, but it aims to do a slightly better job of accounting for the persistent problems of social injustice still plaguing modern liberal democracies.

Like Barry, I think we should start from cases of social injustice, but unlike Barry I suggest we think on a much grander scale, in terms of long-term, enduring, historical injustice. My alternative analysis suggests that between the 16th and the 19th centuries

[7] On liberalism and patriarchy, see Pateman (1988); on class analysis, see Cicerchia (2021); on race, see Mills (1997). To his credit Barry (1990, pp. 1-2) appears to be fully aware of this, which is why he goes on to say that "There are, of course, many disputes about the formulation of these generalizations of the venerable liberal institutions".

three dominant and overlapping forms of *structural* injustice came into prominence: slavery; the theory of natural hierarchies; colonialism.

Slavery has been around for millennia, and many great empires, including Greece, Rome, and Egypt, functioned on a slave economy. But it was the British sugar barons in the Caribbean that turned slavery into a modern commodity, perhaps starting from the settlement at St.Kitts in 1623-4.[8] To the extent that the brutality of slavery could be justified, or even tolerated, pseudo-scientific theories of racial supremacy were invented, offering explanations for the 'fact' that all natives were racially inferior to the colonizers' race, and that there were hierarchies even amongst the colonized.[9] The theory of natural hierarchies was used to justify not just slavery but colonialism more generally, as well as many other types of inequality, including between the sexes. Racism and sexism are cut from the same colonial cloth.

There are two possible narratives on the relationship between the political theory of liberalism, and the tripartite structural injustice of slavery, natural hierarchies, and colonialism. According to one narrative, grotesque forms of social and political inequality were propelled by economic imperatives, sustained by a sophisticated system of domination and power legitimized by cultural elites often aided by all sorts of experts, including philosophers of a liberal persuasion: Ch.4 of John Locke's *Second Treatise on Government* 'Of Slavery' always makes uncomfortable reading; Herbert Spencer, GWF Hegel, Jean-Jacques Rousseau all made embarrassing claims regarding the inferior status of the female sex; and John Stuart Mill's defence of the British

[8] See Parker (2012) and Dunn (1972).
[9] Du Bois (2007).

Empire is often conveniently overlooked by *aficionados* of his political theory. In the last analysis, liberalism and colonial capitalism go hand in hand.[10]

And yet, it is possible to point to a different narrative which is more charitable towards liberalism. According to this alternative account, it was as a response to these three forms of structural injustice that liberalism developed. The brutality of slavery was condemned by Thomas Paine.[11] Robert Filmer's theory of natural hierarchies penned in his influential work *Patriarcha*, published posthumously in 1680, was so overwhelmingly refuted by John Locke in his *Two Treatises on Government* that today all students of political theory read Locke while Filmer has been marginalized and forgotten. A few years later, the orthodoxy of the natural superiority of men over women was rejected by Mary Wollstonecraft, Harriet Taylor, JS Mill, and the suffragettes, amongst others. Finally, the appalling violence and intrinsic injustice of colonialism, laid bare in the diaries of Thomas Thistlewood, an 18th century an English planter in colonial Jamaica, was considered unjustifiable as early as the 16th century by Dominican friar Francisco de Vitoria, and increasingly so over the next few centuries. The intrinsic injustice of colonialism is one issue that modern non-liberals and liberals agree on.[12]

This alternative narrative suggests that the political theory of liberalism progressed and matured as a response to the uncomfortable reality of structural injustice, in particular by the practices of slavery and colonialism supported by the ideology of natural hierarchies. During this process, the philosophy of liberalism came to be identified with one key theme, which became liberalism's answer to all forms of

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[10] Ulas Ince (2018).
[11] In 1775 Paine published the essay "African Slavery in America" calling for the abolition of slavery and the resettlement of freed slaves; see Lynch (1999).
[12] See Ypi (2013) and Bufacchi (2017).

injustice: the concept of individual rights. Belief in the inalienable rights of men first, followed eventually (albeit much later) by the rights of women, and much more recently by the rights of all other minority groups like the LGBTQI+ community, became the orthodoxy shared by all followers who adhere to the eclectic church of liberalism. Rights play a determining role in the works of (virtually) all liberal theorists,[13] and in the aspirations of all liberal activists. In the final analysis, liberalism's answer to all forms of structural injustice was to enshrine individual rights at the centre of a new model of ethics, politics and economics. Rights became the panacea for all society's ills. Every aspect of society was going to be reformed around this revolutionary idea of equal individual rights.

Was liberalism successful in dealing with the historical injustice of slavery, colonialism, and natural hierarchies? A generous, romantic account wants to convince us that it was thanks to liberalism that the most egregious, appalling forms of slavery, natural hierarchies, and colonialism have been confined to history. A different, more realistic picture suggests that liberalism did not bring about the end of slavery, nor did it defeat natural hierarchies or put a stop to colonialism, in fact liberalism today still faces major struggles in the post-slavery, postcolonial world; not all is well with our liberal democracies.[14]

4. LIBERAL INJUSTICE

So far, I have argued that there is a tension between structural injustice and liberalism. On one hand there are valid grounds for suggesting that liberalism was, if not the cause

[13] One notable exception to this rule is Joseph Raz, who denies the existence of formal values like 'justice' or 'rights'. Instead, for Raz there are only 'personal' values; See David Owens (2022).
[14] See Ivison (2002).

of historical injustice, at the very least a major contributing factor. On the other hand, one must consider the possibility that liberalism, via its commitment to individual rights, has contributed to the overcoming of the worst manifestations of historical injustice.

Even if liberalism is given the benefit of the doubt, and we entertain the thought that the political theory of liberalism was part of the solution to the historical injustice perpetrated by slavery, natural hierarchies, and colonialism (and that is a big 'if'), liberalism is not out of the woods yet. The political theory of liberalism is now facing a further set of challenges. Liberalism may have been a factor in putting an end to certain manifestations of structural injustice, only to unleash a different generation of structural injustice: not slavery, but extreme exploitation; not natural hierarchies, but entrenched inequalities; not colonialism, but transnational economic domination. In other words, instead of being the solution to structural injustice, liberalism has become the problem. The five faces of oppression highlighted by Iris Marion Young (exploitation, marginalization, powerlessness, cultural imperialism, and violence) are symptomatic of this new wave of structural injustice, and liberalism shoulders some of the blame, if not most of it.

Exploitation is strictly speaking not slavery, because the victims of this practice are not physically forced into it. From a legal point of view there is nothing stopping someone being exploited from leaving the practice, since exploited workers have a set of rights that slaves never had, but this liberal veneer of consent and voluntariness hides a reality of powerlessness. In practice, for millions of people around the world exploitation is their only choice. The only right many labourers enjoy is the right to be

exploited. The liberal credo of individual rights has turned extreme poverty into a choice, the result of bad decisions taken at the individual level.[15]

The theory of racial or sexual natural hierarchies has been totally discredited, so much so that it finds patronage only amongst the most reactionary bigots. And yet inequality in modern society is not only still prevalent, but generally accepted. In fact, instead of seeing a reduction of inequality the last century has witness an acceleration of it.[16] Inequality has been normalized, to the extent that attitudes of inequality have become invisible.[17] To a great extent the fact that we have learned to cohabit with inequality is a consequence of the fact that we have come to accept that we have rights, including the right to make choices, therefore we are responsible for the outcome of our choices, including any inequality that may arise from them.

Colonialism is a dirty word in politics, and no country today openly defends a policy of colonization. The epoch of predatory geographical expansion is over.[18] But while colonialism may be dead as a viable political policy, many countries still live in the shadow of post-colonialism, still suffering from the economic, political and social consequences of having been a colony to a more powerful empire.[19] It is not just that the long-term effects of colonialism are still being felt to this day, but the fact that large areas of the world are under the domination of non-indigenous people, just as it was during period of colonialism. While political colonialism may be a thing of the past, economic neo-colonialism is rife, with poor nations giving access to their natural resources to multinational companies often with strong ties to the colonial powers.[20]

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[15] See Roemer (1988).
[16] Piketty (2014).
[17] I'm thinking of the phenomenon of implicit bias; see Brownstein and Saul (2016).
[18] Or almost over, the Russia–Ukraine war an exception to the rule.
[19] See Thompson (2002); Spinner-Halev (2012).
[20] See Bhambra (2021).

Under the cloak of international markets and global capitalism, relationships of colonialism are resurfacing, a phenomenon perfectly captured by Uzoigw's (2019): colonialism is dead, long-live neo-colonialism.

5. BEYOND LIBERALISM?

There are two possible ways to resolve the enduring tension between liberalism and structural injustice. One solution is to separate liberalism from neo-liberalism and blame the latter for all forms of structural injustice. The other solution is to look beyond liberalism.

Liberalism Without Neo-Liberalism.

One path we may choose to take is favourable to liberalism. It accepts the fact that structural injustice is a serious problem, in fact it is even prepared to acknowledge that liberalism may have contributed (intentionally or unintentionally) to the structural injustice of modern society. But the cause of the structural injustice we face today in our liberal democracies is not liberalism, but neo-liberalism. The solution is therefore to separate liberalism from neo-liberalism, and blame neo-liberalism for everything that is still wrong with the world today while defending the noble principles of liberalism. According to this solution, what we need is more liberalism, but only the right type of liberalism: egalitarian liberalism, not neo-liberalism.

Neo-liberalism is the ideology of unregulated capitalism, it reduces the polis and its forum to a market place. Neo-liberalism not only permits but encourages private interests to take over the public sphere where the common good resides. Under neo-liberalism, democratic deliberation is replaced by bargaining, and as a result not only subsequent inequalities are justified by the workings of the invisible hand, but any effort by the state to address these inequalities are deemed illegitimate and morally

apprehensible.[21] The economist and philosopher Friedrich Hayek has given neo-liberalism an enduring sheen of intellectual respectability.

That neo-liberalism is behind the different forms of oppression that Iris Marion Young tries to capture with the concept of structural injustice cannot be denied. Many liberals today are appalled by the politics of neo-liberalism, hence their effort to double-up on the liberal project. According to this approach, which remains sympathetic to the aspirations of liberalism, the problem does not lie in the idea of individual rights at the heart of the philosophy of liberalism, but in the fact that these rights do not reach far enough. What is required is more liberalism, more rights. Liberalism needs to let go of the historical paradigm of individualism, and embrace a whole range of other rights: group rights, cultural rights, indigenous rights, social and economic rights, even rights of nature.[22] This tendency towards rights expansionism is reflected in the literature on human rights, with human rights proliferation including the human right to sleep and to the internet.[23] The propensity towards human rights inflation risks undermining the value of human rights as well as magnifying the inevitability of conflict between human rights. Nevertheless, we are told that liberalism always had the right idea, namely, the morality of rights, but it didn't go far enough in implementing it.

The idea that liberalism and neo-liberalism are distinct political theories has some merit. While they may draw inspiration from some of the same historical figures, John Locke *in primis*, it is disingenuous for liberals and neo-liberals to be tarred with the same brush. It is undeniable that there is an enormous chasm between the liberal political theories of John Rawls, Ronald Dworkin, and Brian Barry on one side, and Friedrich Hayek, Ludwig von Mises, and Milton Friedman on the other, for example.

[21] On neoliberalism see Metcalf (2017); Harvey (2005); Gerstle (2022).
[22] Ivison (2008; 2020); Baard (2021).
[23] Lee (2016); Tomalty (2017).

Their respective conception of the good life is profoundly different, as reflected by their radically diverse principles of social justice. Nevertheless, their shared commitment to individual rights raises serious problems for liberals: one is left wondering whether neo-liberalism is not only consistent with liberalism, but neo-liberalism is nothing more than the logical conclusion of the liberal project. To separate liberalism from neo-liberalism may be as tricky as separating conjoined twins: it can be done, but they will always share the same DNA.

Beyond Liberalism.

The other solution to the modern predicament of structural injustice is to acknowledge that liberalism may be part of the problem, to accept that there are serious limitations to liberalism. It follows that if we are serious about doing something about structural injustice, more creative and more radical solutions beyond liberalism must be explored. While there are aspects of liberalism that can be praised, and ought to be retained, liberalism is not enough. The problems of structural injustice inflicting our modern world are not going to be solved by John Locke. It is necessary to look beyond liberalism.

In particular, the culture of rights central to liberalism needs to be revisited. The nature of rights in general, especially property rights, remains problematic, and in need of a radical makeover. More and more philosophers working in the liberal tradition are coming around to this idea. The notion of a human right to property is also damaging the idea of human rights, exacerbating rather than dismantling structural injustice. In the public imagination rights have an absolutist characteristic, being the trump card that always wins an argument. And when that fails to materialize, and legal rights appear not to be enough, the strategy is simply to up the ante and turn a legal right into a human right. The escalation of absolutist claims is unrelenting.

There are, of course, those who are brave enough to suggest that bar a few exceptions (torture comes to mind) human rights are not unlimited and unconditional. Perhaps not surprisingly these critics of the absolutist interpretation of human rights are often dismissed as dangerous moral relativists, and thus not to be taken seriously. That's a mistake. Human rights have a dark side, which must be acknowledged, also for the sake of human rights.[24]

We may be reaching a point best captured by Hegelian dialectic. As the challenges posed by structural injustice become insurmountable, a new political theory may take shape, one that is distinct from liberalism while retaining certain characteristics of the liberal DNA. There is a growing number of political theorists prepared to argue that this new synthesis in political theory is already here, and its name is Civic Republicanism.

The emphasis on the problem of domination makes Civic Republicanism an attractive proposition, furthermore while the republican tradition emphasized our duties to the common good it did not do so at the cost of individual rights, which suggests that at least some interpretations of republicanism are not inimical to liberalism.[25] But does it make sense to look backwords to ancient times to solve our current and future challenges? Considering that slavery, colonialism, and natural hierarchies were very much part of the social fabric of life in Ancient Rome or Renaissance Florence, can Cicero or Machiavelli offer the solution we are looking for? Republicanism is valuable, and part of the answer, but perhaps political theory in the 21st century needs to be more creative, more innovative, less shackled by the chains of history, less nostalgic of the past. Whenever liberalism is the focus of critique the temptation is to look backwards:

[24] On the dark side of human rights, see O'Neill (2005).
[25] See for example Patten (1996).

to virtue ethics, or natural law theorists, as some communitarians did in the 1980s,[26] but that is unconvincing, and the conservatism of these philosophies can also be disconcerting.

Snippets of a post-liberal synthesis already exist. They include the idea of a property-owning democracy;[27] the economic model of community wealth building;[28] taxes on luxury good, where 'luxuries' include cheap flights, the consumption of meat, and even the procreation of human beings;[29] an open democracy.[30] These ideas are what socialists are advocating in the 21st Century.[31] This is the way forward.

CONCLUSION

According to the political philosophy of liberalism our intrinsic freedom as individuals is recognized, acclaimed, and defended. Furthermore under liberalism our liberties are also institutionalised, and therefore protected, by the infrastructure of rights. In the liberal universe freedom is not just a licence, it is also a right. The negative and positive individual freedoms that enjoy pride of place in the scale of moral values in modern liberal society are enshrined in an intricate and expanding set of rights, so much so that the political theory of liberalism has, over many centuries, gradually shifted its focus from philosophical concerns about the nature of freedom to the legality of rights. Even the discourse on human rights, arguably the jewel in the liberal crown, has now been taken over by lawyers. The fact that very few philosophy

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[26] I'm referring to Alasdair MacIntyre here, in particular MacIntyre (1981).
[27] John Rawls's (1971) insight on property owning democracy is one of the most original passages in his work, although not sufficiently celebrated. On Rawls's property-owning democracy, see O'Neill and Williamson (2012) and Alan Thomas (2017).
[28] See O'Neill and Guinan (2020).
[29] See Bufacchi and Mawe (2015).
[30] See Landemore (2020).
[31] Edmundson (2021).

departments teach courses on human rights, but every law schools has human rights on its curriculum, is an indication of the shift of emphasis in the liberal tradition from the philosophy of freedom to legal rights.

By promoting the mantra of individual rights, liberalism can legitimately claim to have made a contribution in the fight against three historic forms of structural injustice (slavery; natural hierarchies; colonialism), only for these to morph into new forms of structural injustice which are even more enduring, and ubiquitous. Liberalism tells us that slavery is wrong, but extreme forms of exploitation are acceptable; natural hierarchies are illegitimate, but gross social and economic inequalities are tolerable; colonialism is deplorable, but many other forms of domination (by financial corporations and multinationals) are unobjectionable. Structural injustice has not gone away, it has simply learned to accommodate liberal orthodoxy.

By putting all their eggs in the basket of rights liberalism risks undoing some of the progressiveness that marked its intellectual history, during and after the Enlightenment. Endorsing individual rights has not eradicated historical structural injustice. Modern manifestations of slavery, natural hierarchies and colonialism persist today, and feed off the liberal rhetoric of rights. Perhaps the time has come to rescue liberalism from itself. If we want to retain what is best about liberalism it may be necessary to look beyond liberalism.[32]

[32] Guess (2022).

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