

**SOLZHENITSYN, HAYEK, AND SOCIAL JUSTICE:  
A MEETING OF MINDS IN SUBSIDIARITY?**

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The fight for peace is only part of the writer's duty to society. Not one little bit less important is the fight for social justice and for the strengthening of spiritual values in his contemporaries.

-Aleksandr Solzhenitsyn<sup>1</sup>

The term “social justice” is widely used but ill-defined. Friedrich Hayek went so far to as to call it a “mirage”—a “quasi-religious superstition” that is the “direct consequence of that anthropomorphism or personification by which naïve thinking tries to account for all self-ordering processes.” Worse, the quest for social justice is inevitably coupled with efforts to impose it through political processes that “must progressively approach nearer and nearer to a totalitarian system.” Indeed, “various modern authoritarian or dictatorial governments have...proclaimed ‘social justice’ as their chief aim. We have it on the authority of [Soviet scientist and dissident] Andre Sakharov that millions of men in Russia are the victims of terror that ‘attempts to conceal itself behind the slogan of social justice’.”<sup>2</sup> Perhaps the most famous such victim was Sakharov’s fellow dissident, the writer and Nobel Laureate Aleksandr Solzhenitsyn, who extensively documented and dramatized the existence, extent, and brutality of the Soviet penal system of terror and forced labor in a number of influential works, including and especially *The Gulag Archipelago*. What inspired Solzhenitsyn’s work and gave it special force and legitimacy was that he had himself been a prisoner for eight years in the Gulag. And no doubt Solzhenitsyn have agreed with Hayek on the totalitarian dangers of the quest for social justice. Indeed, in *Warning to the West* (1977), he urged vigilance against “those pundits

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<sup>1</sup> Aleksandr Solzhenitsyn, *The Oak and the Calf* (New York: Harper & Row, 1980), 458.

<sup>2</sup> Friedrich Hayek, *Law, Legislation and Liberty 2: The Mirage of Social Justice* (Chicago: University of Chicago Press), 1976. All quotes from chapter 9, 62-100.

who are attempting to establish fine degrees of justice and even finer legal shades of degrees of equality...to prevent them from using the struggle for peace and social justice to lead you down a false road.”<sup>3</sup>

However, as is indicated in the epigraph, Solzhenitsyn would have disagreed with Hayek that social justice is “meaningless” or a “mirage”; clearly he viewed it as real and important. Moreover, Solzhenitsyn’s “Warning to the West” referred not only to the “false road” of godless ideology and totalitarianism of Communism (and ostensibly more benign forms of socialism), but indeed to in *any* human-centered schemes for progress, including what he saw as the consumerism,<sup>4</sup> complacency—and godlessness—of modern Western capitalist society. Faith in either worldview, he believed, was destined to bring not social *justice*, but social *annihilation*, because both were subject to “the calamity of an autonomous, irreligious humanistic consciousness” in which man is “the measure of all things on earth—imperfect man, who is never free of pride, envy, vanity, and dozens of other defects.”<sup>5</sup> For Solzhenitsyn, the “mirage” is not social justice itself, but the idea that “autonomous, irreligious man” can construct for himself the “true road” to social justice.

While Hayek’s skepticism about the meaning of the term “social justice” and concern about the totalitarian impulses that may emanate from its quest should be taken seriously, to label it as simply a “mirage” will strike most observers as too dismissive,

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<sup>3</sup> Aleksandr Solzhenitsyn, *Warning to the West* (New York: Farrar, Straus and Giroux, 1976), 49.

<sup>4</sup> See Camryn Zeller and Steven McMullen, “The Moral Critique of Consumerism in Solzhenitsyn’s Economics and Political Thought,” *Journal of Markets & Morality*, 24, no.2 (2021), 309-24.

<sup>5</sup> Aleksandr Solzhenitsyn, “A World Split Apart,” in *Solzhenitsyn at Harvard*, edited by Ronald Berman (Washington, DC: Ethics and Public Policy Center, 1980), 19.

and in turn leave him open to being dismissed by its proponents. Solzhenitsyn, a victim and scourge of the sort of totalitarianism Hayek feared and yet himself a self-proclaimed proponent of social justice, cannot be so easily dismissed by either advocates or skeptics. On the other hand, the spiritualistic and Slavophilic sources of Solzhenitsyn's social pronouncements leave *him* open to being ignored by classical liberals and secularists like Hayek. There is, however, a clear affinity between their views in that they both are skeptical of the grandiose schemes of what Adam Smith called "the Man of System,"<sup>6</sup> such as those who place excessive faith in their ability to harness knowledge (Hayek's critique) or conjure a secular Utopia (Solzhenitsyn's).

This paper will analyze social justice by comparing and contrasting Hayek's denial of it with Solzhenitsyn's belief in it. Although Hayek's position is provocative and valuable—especially in its warning about it being a convenient instrument for the abuse of power—it is not entirely persuasive for reasons that Solzhenitsyn suggests. And although Solzhenitsyn's social pronouncements were often discounted or dismissed as old fashioned, I will argue that his perspective on social justice navigates constructively between libertarianism and communitarianism (in their broadest senses, representing the poles of emphasis on individual and collective behavior), and is useful both as exhortation and warning in the modern quest for "social justice." The paper is organized

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<sup>6</sup> "The man of system...is apt to be very wise in his own conceit; and is often so enamored with the supposed beauty of his own ideal plan of government, that he cannot suffer the smallest deviation from any part of it. He goes on to establish it completely and in all its parts, without any regard either to the great interests, or to the strong prejudices which may oppose it. He seems to imagine that he can arrange the different members of a great society with as much ease as the hand arranges the different pieces upon a chess-board." Adam Smith, *The Theory of Moral Sentiments*, II, (Boston: Wells and Lilly, 1817), 59-60.

as follows. The first section explores the origins of the term “social justice.” The second section focuses on Hayek’s “mirage” critique. The third section uses Hayek’s critique as a basis for examining and drawing inferences about Solzhenitsyn’s views on the subject. The final section concludes by observing how the doctrine of subsidiarity provides a bridge on which Hayek and Solzhenitsyn may have a meeting of minds concerning the notion of “social justice.”

### **Origins of “Social” Justice**

#### *Suum Cuique*

“Justice” is a term of ancient origin reflecting a fundamental ideal for human behavior—a *virtue* (a habit or character trait for moral excellence). In Western thought, justice-as-a-virtue stretches as far back as Plato, and in early Christian doctrine emerged (along with prudence, temperance, and fortitude) as one of the so-called cardinal virtues. “The classical definition [of justice], which comes to us from Plato, Aristotle, Saint Ambrose, and Saint Augustine of Hippo, is expressed in a single phrase: *suum cuique*, or ‘to each his own.’ As this is put in Justinian’s *Corpus Juris Civilis*, ‘Justice is a habit whereby a man renders to each one his due with constant and perpetual will.’”<sup>7</sup> In *The Theory of Moral Sentiments*, Adam Smith identified three senses in which the word could apply: (1) *commutative justice*, meaning rendering one his due (and thereby also avoiding the infliction of positive harm); (2) *distributive justice*, meaning “proper beneficence...the becoming use of what is our own, and in applying it to those purposes either of charity or generosity”; and (3) valuing or esteeming something at its appropriate

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<sup>7</sup> Russell Kirk, “The Meaning of ‘Justice’,” Washington: The Heritage Foundation, 1993.

level (“thus we are said to do an injustice to a poem or a picture, when we do not admire them enough, and we are said to do them more than justice when we admire them too much”).<sup>8</sup> In more modern parlance, justice has been encapsulated by the word “fairness”—as C. S. Lewis put it, “Justice is more than the sort of thing that goes on in law courts. It is the old name for everything that we should now call ‘fairness’; it includes honesty, give-and-take, truthfulness, keeping promises, and all that side of life.”<sup>9</sup>

But whereas the word “justice” is of ancient origin, the practice of using the word “social” to modify it is relatively recent, dating back only to the mid-19<sup>th</sup> century when the first phase of the industrial revolution had reached its maturity. By that time, changes in socioeconomic conditions and relations had become apparent; gains in the standard of living were undeniable, but so too was the fact that these gains were not evenly distributed across the population. In reaction, much of the subsequent thinking on social justice emerged from three sources: (1) Catholic Social Teaching; (2) liberalism; and (3) Marxism.

### **Catholic Social Teaching**

Michael Novak traces the introduction of the term “social justice” into modern discourse to *A Theoretical Essay on Natural Right from an Historical Standpoint* (1840) by a Sicilian Jesuit priest, Luigi Taparelli d’Azerglio.<sup>10</sup> About the same time, Antonio Rosmini “developed in *The Constitution under Social Justice* [1848] and other writings a Catholic ‘liberal’ understanding of social justice that hinged on the constitutional organization of property rights and, in turn, the condemnation of redistributive economic

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<sup>8</sup> Smith, *The Theory of Moral Sentiments II*, 111-112.

<sup>9</sup> C. S. Lewis, *Mere Christianity* (New York: Collier Books, 1960), 76.

<sup>10</sup> Michael Novak, “Defining Social Justice,” *First Things*, December 2000.

policies and practices.”<sup>11</sup> Later Pope Leo XIII—a student of Taparelli’s—issued the papal encyclical *Rerum Novarum* (“Of Revolution”—*On the Condition of Workers* [1891]), and while the document does not include the specific term “social justice,” it helped lay the basis for what was to emerge as social justice in Catholic Social Teaching. It is through Catholic Social Teaching that the term gained its much of its currency.

*Rerum Novarum* was written in large measure to combat the “crafty agitators of socialism,” who “are striving to do away with private property, and contend that individual possessions should become the common property of all, to be administered by the State or by municipal bodies.” This Leo condemned as “emphatically unjust.”<sup>12</sup> At the same time, he acknowledged the social disquiet that had accompanied the Industrial Age, and recognized class issues and economic distribution as matters of spiritual concern. In 1931, Pope Pius XI issued *Quadragesimo Anno* (“On the Fortieth Year” of *Rerum Novarum*), in which Pius remarked “it cannot be rash to say that Leo’s Encyclical has proved itself the *Magna Charta* [sic] upon which all Christian activity in the social field ought to be based, as a foundation.”<sup>13</sup> Like his predecessor, Pius XI sharply rebuked socialism and affirmed private property.<sup>14</sup> However, in so doing he cast a wary eye on distributional disparities and specifically employed the term social justice, declaring that

the riches that economic-social developments constantly increase ought to be so distributed among individual persons and classes that the common advantage of all... By this law of social justice, one class is forbidden to exclude the other from sharing in the benefits.... To each, therefore, must be given his own share of goods, and the distribution of created goods, which, as every discerning person knows, is laboring today under the gravest evils due to the huge disparity between

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<sup>11</sup> Michael Novak, and Paul Adams. *Social Justice Isn’t What You Think It Is* (New York: Encounter Books, 2015), 91.

<sup>12</sup> Leo XIII, *Rerum Novarum*, §3.

<sup>13</sup> Pius XI, *Quadragesimo Anno*, §39.

<sup>14</sup> *Ibid.*, §56.

the few exceedingly rich and the unnumbered propertyless, must be effectively called back to and brought into conformity with the norms of the common good, that is, social justice.<sup>15</sup>

In *Centesimus Annus* (the “Hundredth Year” of *Rerum Novarum*, 1991), Pope John Paul II celebrated his predecessor’s encyclical, and reaffirmed the Church’s interest in “the struggle for social justice,”<sup>16</sup> while at the same time observing the inability of both (a) materialistic socialism (the manifest failure of which seemingly self-evident at the time by the performance and recent collapse of the Soviet Union and its satellites), and (b) unfettered capitalism, to effect it.<sup>17</sup> Today, social justice in Catholic Social Teaching is ensconced in the *Catechism of the Catholic Church*, which declares that “Society ensures social justice when it provides the conditions that allow associations of individuals to obtain what is their due, according to their nature and their vocation. Social justice is linked to the common good and the exercise of authority.”<sup>18</sup> While this rendering of social justice appears to basically re-state the classical forms of justice (“*suum cuique*”), the *Compendium of the Social Doctrine of the Church* (2004) makes clear that while

the most classical forms of justice [are to be] respected: *commutative, distributive, and legal justice*...[e]ver greater importance has been given to *social justice*, which represents a real development in *general justice*, the justice that regulates

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<sup>15</sup> Ibid., §56, 57.

<sup>16</sup> John Paul II, *Centesimus Annus*, §14.

<sup>17</sup> “[C]an it be said that, after the failure of Communism, capitalism is the victorious system, and that capitalism should be the goal of the countries now making efforts to rebuild their economy and society?...If by ‘capitalism’ is meant an economic system which recognizes the fundamental and positive role of business, the market, private property and the resulting responsibility for the means of productions, as well as free human creativity in the economic sector, then the answer is certainly in the affirmative...But if by ‘capitalism’ is meant a system in which is not circumscribed within a strong juridical framework which places it at the service of human freedom in its totality, and which sees it as a particular aspect of that freedom, the core of which is ethical and religious, then the reply is certainly negative.” John Paul II, *Centesimus Annus*, §42.

<sup>18</sup> *Catechism of the Catholic Church*, chapter 2, Article 3, §1928.



social relationships...[and] concerns the social, political and economic aspects and, above all, the structural dimension of problems and their respective solutions.<sup>19</sup>

## **Liberalism**

A different wellspring from which the term social justice entered modern usage was through the classical liberalism of Adam Smith and others. But whereas Smith, who experienced only the nascent stirrings of the Industrial Revolution and whose main focus was “the *nature* and *causes* of the wealth of nations” as opposed to its distribution, later writers such as John Stuart Mill were well aware of the social disparities and upheaval wrought by the Industrial Revolution and consequently more interested in questions of distribution. Hayek attributes to Mill the introduction of the term social justice (“in the sense it is now generally used and constantly appealed to”) when the latter argues in *Utilitarianism* that society “should treat all equally well who have deserved equally well of it, that is, who have deserved equally well absolutely. This is the highest abstract standard of social and distributive justice; towards which all institutions, and the efforts of all virtuous citizens should be made to the utmost degree to converge.”<sup>20</sup> Mill also envisioned, in his *Principles of Political Economy*, a time in which “it is not probable that any but the least valuable work-people will any longer consent to work for all their lives for wages merely...Eventually, and in perhaps a less remote future than may be supposed” we may

see our way to a change in society, which would combine the freedom and independence of the individual, with the moral, intellectual, and economical advantages of aggregate production...effacing all social distinctions but those fairly earned by personal services and exertions....[Through co-operative societies, associations, or similar means,] existing accumulations of capital might

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<sup>19</sup> *Compendium of the Social Doctrine of the Church*, §201. Emphases in original.

<sup>20</sup> Hayek, “Law, Legislation, and Liberty 2,” 63.

honestly, and by a kind of spontaneous process, become in the end the joint property of all who participate in their productive employment: a transformation which, thus effected... would be the nearest approach to *social justice* [emphasis added], and the most beneficial ordering of industrial affairs for the universal good, which it is possible at present to foresee.<sup>21</sup>

Mill's concerns about distribution notwithstanding, classical liberalism tended to adopt utilitarianism as its philosophy and, as a result, its theory of justice. Under utilitarianism, "the good" was defined to be happiness, with "the right" defined to be the maximization of the good: "society is rightly ordered, and therefore just, when its major institutions are arranged so as to achieve the *greatest net balance* [emphasis added] of satisfaction summed over all the individuals belonging to it"<sup>22</sup>— note, "*greatest net balance*," as opposed to a "*fairly (or evenly) distributed*" net balance. Moreover, if each individual belonging to society is pursuing his or her own rational self-interest (happiness/satisfaction), then the aggregate results will be just. "The principle of choice for an association of men is interpreted as an extension of the principle of choice for one man. Social justice is the principle of rational prudence applied to an aggregative conception of the welfare of the group."<sup>23</sup> This was by no means universally accepted—it seemed often to be at variance with our "intuitions" that other "goods" matter besides simply "happiness/satisfaction," and that the *distribution*, and not merely the maximization, of the "net balance of happiness" is also somehow relevant. But without a

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<sup>21</sup>Mill, John Stuart. *Principles of Political Economy with some of their Applications to Social Philosophy*. William J. Ashley, ed. London; Longmans, Green and Co. 1909. Library of Economics and Liberty [Online] available from <http://www.econlib.org/library/Mill/mlP.html>; accessed 13 May 2016; Internet, Book IV, Ch. VII, IV.7.62.

<sup>22</sup> John Rawls, *A Theory of Justice: Revised Edition* (Cambridge, MA: Harvard University Press, 1999), 20.

<sup>23</sup> *Ibid.*, 21.

consensus about what those other goods might be, and with no rules by which to order and weight them and determine their “correct” distribution, the reservations remained “intuitions,” and utilitarianism became, largely by default, the liberal theory of justice.<sup>24</sup>

This uneasy stasis was disrupted with the publication of John Rawls’s *A Theory of Justice* in 1971. Declaring that “justice is the first virtue of social institutions,” Rawls said that social justice is determined by

the basic structure of society, or more exactly, the way in which the major social institutions [the political constitution and principal economic and social arrangements] distribute fundamental rights and duties and determine the advantages and disadvantages from social cooperation... The basic structure is the primary subject of justice because its effects are so profound and present from the start... [The principles of social justice] regulate the choice of a political constitution and the main elements of the economic and social system. The justice of a social scheme depends essentially on how fundamental rights and duties are assigned and on the economic opportunities and social conditions in the various sectors of society.<sup>25</sup>

Rawls’ theory, which he termed “justice as fairness,” was based on a highly abstract “thought experiment”: Assume that rational individuals in society, beginning in an “original position” behind a “veil of ignorance,”<sup>26</sup> were to have to choose the basic

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<sup>24</sup> In economics, “efficiency” and “equity” are the two principle normative goals. But since efficiency is in general defined as (constrained) utility maximization, and utility is “the good,” and maximizing utility is “the right,” social justice is served by allowing individuals to rationally pursue their own happiness/satisfaction. Certainly, our intuitions tell us that this is not all there is to life, but one person’s intuitions on this matter may deviate from another’s—it is subjective. On the other hand, who would deny that everyone seeks happiness/satisfaction as he or she defines it? Thus, it seems prudent to deemphasize “equity,” as largely subjective, when there is an element of justice already implicitly embedded in “efficiency.”

<sup>25</sup> Rawls, *A Theory of Justice*, 6-7.

<sup>26</sup> “Among the essential features of this situation is that no one knows his place in society, his class position or social status, nor does anyone know his fortune in the distribution of natural assets and abilities, his intelligence, strength, and the like. I shall even assume that the parties do not know their conception of the good or their

structure of society. Which sort of structure would they select? For Rawls, the thought experiment led to the conclusion that society will select a social structure designed to maximize the welfare of the worst off members of society. Importantly, however, this conclusion did not necessitate an egalitarian distribution of society's "primary goods" ("things that every rational man is presumed to want"<sup>27</sup>), or even any particular concern about inequality in the distribution of such goods, as long as the structure adheres to what he calls the "difference principle." This principle states that any differences that do exist need to be for the benefit of everyone in society. Thus, for example, disparity in wealth between the rich and the poor can be justified if what causes the rich to be richer also causes the poorer to be richer than they otherwise would be. Nevertheless, the typical take-away from "justice as fairness" is that fairness justifies redistribution of primary goods from those that have them to those who do not.

Rawls's theory had a profound impact on political philosophy and beyond, and today "justice as fairness" serves as perhaps the most important starting point in intellectual debates concerning the nature of social justice. For example, much of the libertarian Robert Nozick's influential work *Anarchy, State, and Utopia* was in response to Rawls. Nozick argued that justice called for the inviolability of individual rights beyond that which Rawls was willing to go. Communitarians such as Amitai Etzioni, on the other hand, argue that Rawls focused *too much* on the individual, with some communitarians criticizing liberalism itself as "atomistic" in its view of human behavior

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special psychological propensities. The principles of justice are chosen behind a veil of ignorance." Ibid., 11.

<sup>27</sup> "For simplicity, assume that the chief primary goods at the disposition of society are rights, liberties, and opportunities, and income and wealth." Ibid., 54.

and social structure.<sup>28</sup> Further, Etzioni maintains that “the good society can reduce inequality to a larger extent than the one provided by the Rawlsian rule of approving of increased inequality as long as the have-nots benefit from the increased resources that result from the growing share of the haves even when the haves’ share increases much more than that of the have-nots.”<sup>29</sup>

### **Marxism**

The role played by the notion of “haves vs. have-nots” in conceptions of social justice cannot ignore the influence of Karl Marx. While Marx did not use the term—and indeed was largely contemptuous of bourgeois notions of “justice” and “morality”—he was an important progenitor of the modern idea of social justice. After all, as noted above, Catholic Social Teaching in some measure emerged in reaction to “crafty agitators of socialism” like Marx. According to David Harvey, a prominent recent expositor of Marxism, “social justice and morality relate to and stem from human practice rather than with arguments about the eternal truths to be attached to those concerns.”<sup>30</sup> “Liberal formulations” of social justice, such as those propounded by Rawls, remain wedded to the idea of abstract truths. But “truth” is largely a social construction. Moreover, Harvey argues, “liberal formulations” stubbornly adhere to the notion that production and distribution are distinct, separable concepts. Thus, for the “liberal,” justice is concerned with distribution, while efficiency is concerned with production, which “it is assumed,

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<sup>28</sup> Amitai Etzioni, “Communitarianism,” in *Encyclopedia of Political Thought*, ed. Michael T. Gibbons (Hoboken, NJ: John Wiley & Sons, 2015).

<sup>29</sup> Amitai Etzioni, “The Good Society,” *Seattle Journal for Social Justice* 1, no. 1, <http://digitalcommons.law.seattleu.edu/sjsj/vol1/iss1/7>

<sup>30</sup> David Harvey, *Social Justice and the City*, (Oxford UK: Basil Blackwell, 1993), 15.

will be taken of care of, presumably through the workings of the market mechanism.”<sup>31</sup> But for Marx, production and distribution are inseparable; to contemplate social justice by focusing on one while ignoring the other is a woefully incomplete “theory of justice.” “It is counter-productive in the long-run to devise a socially just distribution if the size of the product to be distributed shrinks markedly through the inefficient use of scarce resources. In the long-long-run, therefore social justice and efficiency are very much the same thing.”<sup>32</sup>

Thus, for Marx, “justice” takes a back seat to (or, more precisely, will be a by-product of) the process that will, “in the long-long-run,” generate it: Class struggle. In the new Industrial era, this took the form of proletariat versus bourgeoisie, with the latter class exploiting the former. Whether this was a “just” or “unjust” situation was not, from Marx’s point of view, the important thing. What was important was that it was untenable. The proletariat would inevitably become so “immiserated” that it would no longer tolerate the existing order and the economic and social institutions that supported it, and would revolt against it. “[T]he first step in the revolution of the working class is to raise the proletariat to the position of ruling class...to wrest, by degrees, all capital from the bourgeoisie....Of course, in the beginning, this cannot be effected except by despotic inroads on the rights of property...”<sup>33</sup> Indeed, “the theory of the Communists may be summed up in a single sentence: Abolition of private property”<sup>34</sup> (—which, as we have seen, Pope Leo XIII condemned as “emphatically unjust” and was one of the prime

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<sup>31</sup> Ibid., 15

<sup>32</sup> Ibid., 97.

<sup>33</sup> Karl Marx and Friedrich Engels, *The Communist Manifesto* (New York: International Publisher, 1989), 30.

<sup>34</sup> Ibid., 23.

stimulants to what emerged as Catholic Social Teaching). But eventually, “in the long-long-run,” after the existing order was upended and class antagonisms eliminated, a socialist version of *suum cuique* would emerge—“from each according to his abilities, to each according to his needs.”<sup>35</sup>

### **Hayek’s “Mirage” Critique of Social Justice**

Naturally, as one of the 20<sup>th</sup> century’s most prominent, long-standing, and consistent critics of socialism, Friedrich Hayek vehemently opposed the socialist version of *suum cuique*. But he also viewed the belief in “social justice” itself was a dangerous “road to serfdom.” In his Preface to the second volume of *Law, Legislation and Liberty* (1976), Hayek explained that he had originally intended to critique the term “social justice” by showing that its principles could not be generally agreed upon, and thus could not be generally applied. But the more he attempted to define it, “the more it fell apart—the intuitive feeling of indignation which we undeniably experience in particular instances proved incapable of being justified by a general rule such as the conception of

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<sup>35</sup> The origin of this phrase is widely but erroneously attributed to Marx. It was a common socialist slogan of his day. Marx’s ambivalence and personal lack of interest in the slogan can be seen in the context in which he used it. He clearly saw it as applicable only in “long-long-run,” once a “higher phase” of communism had been reached in which classes had been abolished; in the meantime, the class struggle took precedence. “In a higher phase of communist society, after the enslaving subordination of the individual to the division of labor, and therewith also the antithesis between mental and physical labor, has vanished; after labor has become not only a means of life but life’s prime want; after the productive forces have also increased with the all-around development of the individual, and all the springs of co-operative wealth flow more abundantly—*only then* [emphasis added] can the narrow horizon of bourgeois right be crossed in its entirety and society inscribe on its banners: From each according to his ability, to each according to his needs!” *Critique of the Gotha Programme*.

<https://www.marxists.org/archive/marx/works/1875/gotha/>

Regardless of Marx’s apparent lack of personal regard for the slogan, it succinctly summarizes the socialist vision of justice.

justice demands.” Indeed, he became convinced “that the people who habitually employ the phrase do not know themselves what they mean by it and just use it as an assertion that a claim is justified without giving reason for it.”<sup>36</sup> It was, as he labeled it in the title of volume 2, a “mirage”—

a quasi-religious superstition of the kind which we should respectfully leave in peace so long as it merely makes those happy who hold it, but which we must fight when it becomes the pretext of coercing other men. And the prevailing belief in “social justice” is at present the gravest threat to most other values in a free civilization.<sup>37</sup>

In Hayek’s view, in a “Great Society” (for him, meaning a free or open society), the results of individuals’ actions (so long as they follow the rules) may be good or bad, beneficial or detrimental, successful or unsuccessful—but not “just” or “unjust.” For instance, consider the creation of a business. The entrepreneur may follow the rules of the game (and do so “virtuously”), and yet there is typically a high probability that the business will nevertheless fail. If it does, that is certainly bad for the entrepreneur (and perhaps for those customers well served by the business), but is it unjust? Or, does the fact that the businessperson failed indicate that that he or she “got what was deserved” (received “justice”)? This applies that much more in a collective sense. The decisions and actions of a multitude of persons, acting on widely dispersed knowledge sets and subject to all sorts of vicissitudes and vast amounts of uncertainty, will often (technically, always) yield unforeseen results. Those results may be good or not, advantageous or not, beneficial or not, but it is misleading to call them just or unjust. When the structure of the economy changes, for example through technological innovation, and existing

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<sup>36</sup> Hayek, *Law, Legislation and Liberty 2*, xi.

<sup>37</sup> *Ibid.*, 66.



arrangements get swept away in a wave of Schumpeterian “creative destruction,” are the results just or unjust? Was it unjust that the introduction of the horseless carriage wiped out the horse-drawn carriage industry and all the jobs that went with it? Or, more recently, consider the advent of the ride-sharing venture Uber which competes with traditional taxi services. Uber has faced resistance in many localities, usually (ostensibly) on the basis of safety concerns due to lack of regulation. Allowing Uber to compete with taxis may be wise or unwise, safe or unsafe—but is it “unjust”?

“Justice requires that in the ‘treatment’ of another person or persons—i.e. in the intentional actions affecting the well-being of other persons, certain rules of conduct be observed.” But,

It clearly has no application to the manner in which the impersonal process of the market allocates command over goods and services to particular people: this can be neither just nor unjust, because the results are not intended or foreseen [*sic*], and depend on a multitude of circumstances not known in their totality to anybody. The conduct of individuals in that process may well be just or unjust; but since their wholly just actions will have consequences for others which were neither intended nor foreseen, these effects do not therefore become just or unjust. The fact is simply that we consent to retain, and agree to enforce, uniform rules for a procedure which has greatly improved the chances of all to have their wants satisfied, but at the price of all individuals and groups incurring the risk of unmerited failure.<sup>38</sup>

The market system, he continued, is “wholly analogous to a game, namely a game partly of skill and partly of chance....And while, as in a game, we are right in insisting that it be fair and nobody cheat, *it would be nonsensical to demand that results for the different players be just* [emphasis added].”<sup>39</sup> There, in the emphasized portion of the quote, lies the kernel of Hayek’s objection to “social justice,” for that is what most calls for social

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<sup>38</sup> Ibid., 70.

<sup>39</sup> Ibid., 71.

justice amount to. By itself, this may be an understandable and harmless (if juvenile) reaction. The problem is: Call out to whom? “[T]he demand for ‘social justice’ is addressed not to the individual but society—yet society, in the strict sense in which it must be distinguished from the apparatus of government, is incapable of acting for a specific purpose...”<sup>40</sup> “Society...is not an acting person, but an orderly structure of actions resulting from the observation of certain abstract rules by its members.”<sup>41</sup> The conception of “social” justice is thus

a direct consequence of that anthropomorphism by which naïve thinking tries to account for all self-ordering processes. It is the sign of the immaturity of our minds that we have not yet outgrown these primitive concepts and still demand from an impersonal process which brings about a greater satisfaction of human desires than any deliberate human organization could achieve, that it conform to the moral precepts men have evolved for the guidance of their individual actions.<sup>42</sup>

Thus, calls for “social justice” must either be (a) the plaintive and fruitless beseeching of an entity that by its nature cannot respond (because “society” is not an entity capable of response), or (b) petitions to an actual human organization (“the apparatus of government”) with the power to effect changes in the rules or results of “the game.” It is tempting to call upon the apparatus of government to intervene, and it is “in the belief that something like ‘social justice’ could thereby be achieved, that people have placed in the hands of government powers which it can now not refuse to employ in order to satisfy the claims of the ever increasing number of special interests who have learnt to employ the open sesame of ‘social justice’.”<sup>43</sup>

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<sup>40</sup> Ibid., 64.

<sup>41</sup> Ibid., 95.

<sup>42</sup> Ibid., 62-63.

<sup>43</sup> Ibid., 67.

Yet it is the general belief in the validity of the concept of “social justice” which drives all contemporary societies into greater and greater efforts [to alter the rules and results of the game] and which has a peculiar self-accelerating tendency: the more dependent the position of individuals or groups is seen to become on the actions of government, the more they will insist that governments aim at some recognizable scheme of distributive justice; and the more governments try to realize some preconceived pattern of desirable distribution, the more they must subject the position of the different individuals and groups to their control. So long as the belief in “social justice” governs political action, this process must progressively approach nearer and nearer to a totalitarian system.”<sup>44</sup>

Indeed:

“Social justice” can be given a meaning only in a directed or “command” economy (such as an army) in which individuals are ordered what to do; and any particular conceptions of “social justice” could be realized only in such a centrally directed system. It presupposes that people are guided by specific directions and not by rules of just conduct.<sup>45</sup>

Thus, if taken seriously and seriously implemented, “social justice leads straight to full-fledged socialism”<sup>46</sup> and as such is, to use the title of his very famous 1944 book, a “Road to Serfdom.”

### **Solzhenitsyn and Social Justice**

As one of 20<sup>th</sup> century’s most prominent *victims* of socialism, Solzhenitsyn shared Hayek’s dark view of it. In 1991, as the Soviet Union’s socialist experiment drew to an ignominious end, Solzhenitsyn decried its effect on his homeland. “For seventy years in labored pursuit of a purblind and malignant Marxist-Leninist utopia, we have lost a full third of our population—lives yielded up to the executioner or squandered in the ineptly, almost suicidally waged ally ‘Patriotic War.’”<sup>47</sup> This was not due merely (as he himself

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<sup>44</sup> Ibid., 68.

<sup>45</sup> Ibid., 81.

<sup>46</sup> Ibid., 64.

<sup>47</sup> Aleksandr Solzhenitsyn, *Rebuilding Russia: Reflections and Tentative Proposals* (New York: Farrar, Straus and Giroux, 1991), 3-4.

once believed) to a hijacking of socialist principles by unscrupulous charlatans like Stalin. Rather, it was endemic in the system itself: “Socialism of any type and shade leads to a total destruction of the human spirit and a leveling of mankind into death.”<sup>48</sup> In this sense, Solzhenitsyn would have agreed with Hayek that “social justice,” if it were to lead to socialism, would be a false road—a road to serfdom.

And yet Solzhenitsyn would not have agreed with Hayek that “social justice” was meaningless. This section will outline how, *contra* Hayek, Solzhenitsyn believed that social justice was real and important. But the quest for social justice, if focused simply on asserting equality and group rights and interests, unmoored from spiritual values—from God—was futile. Rather, the key to social justice is “self-limitation.”

### Uses of the Term in Context

Solzhenitsyn’s use of the explicit term “social justice” was rare. I have found two such instances.<sup>49</sup>

(1) In 1966, Solzhenitsyn agreed to a meeting with a Japanese newspaper correspondent at which he delivered written replies to five questions, including “What view do [you] take to be the writer’s duties in defense of peace?” His reply was:

I shall broaden the scope of the question. The fight for peace is only part of the writer’s duty to society. Not one little bit less important is the fight for **social justice** and for the strengthening of spiritual values in his contemporaries. This, and nowhere else, is where the effective defense of peace must begin— with the defense of spiritual values in the soul of every human being.<sup>50</sup> [emphasis added]

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<sup>48</sup> Solzhenitsyn, “A World Split Apart,” 12.

<sup>49</sup> There are probably others that I am not aware of; I would be grateful to learn of additional instances. In addition, since Solzhenitsyn wrote in Russian, “social justice” was selected by the translator as the appropriate translation for the Russian equivalent.

<sup>50</sup> The full written reply appears in the appendix to *The Oak and the Calf*, 457-58.

(2) In a speech to the AFL-CIO in Washington in 1975 later published in *Warning to the West*, Solzhenitsyn urged America not to allow over-eagerness for détente with the Soviet Union blind it to the true nature of the regime and its aims. “The Communist leaders respect only firmness and have contempt for persons who continually give in to them....[P]ower with continual acquiescence is not power.” The United States had suffered, just over two months before, the final, humiliating end to the Vietnam experience with the fall of Saigon. Solzhenitsyn feared that, in its current state of self-doubt and recriminations, the U.S. would make hasty concessions and turn inward, and in so doing leave Soviet dissidents vulnerable and jeopardize world-wide resistance to Soviet aggression.

I would call upon America to be more careful with its trust to prevent those pundits who are attempting to establish fine degrees of justice and even finer degrees of equality (some because of their distorted outlook, others because of shortsightedness, still others out of self-interest), to prevent them from using the struggle for peace and for *social justice* to lead you down a false road. They are trying to weaken you; they are trying to disarm your strong and magnificent country in the face of this fearful threat— one which has never before been seen in the history of the world. Not only in the history of your country, but the history of the world.<sup>51</sup> [emphasis added]

Whatever his conception of social justice was, these passages establish that: (1) Solzhenitsyn believed it to be real and important, and (2) it could lead one down a “false road.” But what exactly did he mean by “social justice”?

### **Social Justice in the Life of a Nation**

Much of Solzhenitsyn’s view of social justice can be inferred from an essay entitled “Repentance and Self-Limitation in the Life of a Nation,” published abroad shortly after his expulsion from the Soviet Union in 1974. In it, he first took issue with

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<sup>51</sup> Solzhenitsyn, *Warning to the West*, 49-50.

what served as an important basis for Hayek's critique. Recall that Hayek was very dismissive of what he called "anthropomorphizing" society, calling such a practice "naïve" and "immature." Society, he maintained, is "a spontaneous order of free men," not "an acting person but an orderly structure of actions resulting from the observations of certain abstract rules by its members." Nor is society some "deity to which we complain and clamor for redress if it does not fulfill the expectations it has created."<sup>52</sup>

Solzhenitsyn was aware of this sort of aversion to what he described as the application of "ordinary, individual, and human values and standards to larger social phenomena and associations of people, up to and including the nation and the state as a whole." The "social sciences," he observed, strictly forbid it.<sup>53</sup>

"And yet people do not cease to be people just because they live in social agglomerations....Why are the standards and demands so necessarily and readily applied to individuals, families, small groups, and personal relations, rejected out of hand and utterly prohibited when we go on to deal with thousands and millions of people in association?"<sup>54</sup>

"Who, if not we ourselves, constitutes society?"<sup>55</sup>

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<sup>52</sup> Hayek, *Law, Legislation and Liberty* 2, 69.

<sup>53</sup> Aleksandr Solzhenitsyn, "Repentance and Self-Limitation in the Life of Nations," in *From Under the Rubble* (Washington, DC: Regnery Gateway, 1981), 105-06. In "the social sciences" he asserts, "only economic, statistical, demographic, ideological, to a lesser extent geographical, and—very dubiously—psychological procedures are held to guarantee the serious scientific character of research into society and the state, while the evaluation of political life by ethical yardsticks is considered totally provincial." He expressed a similar statement in a speech to the International Academy of Philosophy in 1983, declaring that with the Enlightenment "by the eighteenth century we had learned from John Locke that it is inconceivable to apply moral terms to the state and its actions. Politicians, who throughout history were so often free of burdensome moral constraints, has thus obtained something of an added theoretical justification." Aleksandr Solzhenitsyn, *The Russian Question at the End of the Twentieth Century* (New York: Farrar, Straus and Giroux, 1995), 144.

<sup>54</sup> Solzhenitsyn, "Repentance and Self-Limitation," 106.

<sup>55</sup> *Ibid.*, 118.

Here, then, is the critical passage that gives a clue as to how Solzhenitsyn viewed “social justice”:

The transference of values is entirely natural to the religious cast of mind: human society cannot be exempted from the laws and demands which constitute the aim and meaning of individual human lives. But even without a religious foundation, this sort of transference is readily and naturally made. It is very human to apply even to the biggest events or human organizations...our spiritual values: noble, base, courageous, cowardly, hypocritical, false, cruel, magnanimous, *just, unjust*, and so on.”<sup>56</sup> [emphasis added]

The focus of the essay was to apply two “categories of spiritual life and ethics”—repentance and self-limitation—to “the life of a nation,” with the implication that the same could be done for the other categories he listed. Solzhenitsyn argues that repentance is the key to mutual survival in a world facing the existential threats of nuclear annihilation, ecological destruction, and overpopulation. He further argues that all nations have need of repentance, including Western nations like Britain, France, and Holland for colonial depravities. But the bulk of his call for repentance falls on his own nation. He knows this will lead some to question his patriotism; but, he retorts, if “patriotism means unqualified and unwavering love for the nations, [it should imply] not uncritical eagerness to serve, not support for unjust claims, but frank assessment of its vices and sins, and penitence for them.”<sup>57</sup> His own nation should take the first step, and “if we err in our repentance, it should be on the side of exaggeration, giving others the benefit of the doubt.”<sup>58</sup> Repentance naturally involves a humbling and denial of self. How can a whole nation do that?

If we now long...to go forward at last into a just, clean, honest society—how else can we do so except by shedding the burden of our past, except by repentance, for

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<sup>56</sup> Ibid.,106.

<sup>57</sup> Ibid., 120.

<sup>58</sup> Ibid., 128.

we are all guilty, all besmirched? We cannot convert the kingdom of universal falsehood into a kingdom of universal truth by even the cleverest and most skillfully contrived economic and social reforms: these are the wrong building bricks. But if millions pour out their repentance, their confessions, their contrite sorrow—not all of them perhaps publicly, but among friends and people who know them—what could all this be called except the “repentance of the nation”?<sup>59</sup>

Then, after repentance, “self-limitation comes into its own as the most natural principle to live by. Repentance creates the atmosphere for self-limitation.”<sup>60</sup>

We are always very ready to limit *others* this is what all politicians are engaged in... We are always anxiously on the lookout for ways of curbing the inordinate greed of the *other* man, but no one is heard renouncing his *own* inordinate greed.... After the Western ideal of unlimited freedom, after the Marxist concept of freedom as acceptance of the yoke of necessity—here is the true Christian definition of freedom. Freedom is *self-restriction*! Restriction of the self for the sake of others!”<sup>61</sup>

Thus, for a nation to “go forward into a just society,” requires repentance and self-limitation, and for those virtues to emerge in the life of a nation, they must do so through the desires and actions of the people themselves. Solzhenitsyn’s view of social virtue generally—including the virtue of social justice—does not revolve around getting the right system in place (whether Marxian or Western), or with the self-assertion of rights, wants, and interests, but as external and collective manifestations of internal and individual virtues of penitent hearts and the self-restricting actions of the people themselves.

Whatever feelings predominate in the members of a given society at a given moment in time, they will serve to color the whole of that society and determine its moral character. And if there is nothing good there to pervade that society, it will destroy itself, or be brutalized by the triumph of evil instincts, no matter where the pointer of the great economic laws may turn.<sup>62</sup>

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<sup>59</sup> Ibid., 118-19.

<sup>60</sup> Ibid., 135. (It could just as easily be argued that the relationship works in the opposite direction: Self-limitation creates the atmosphere for repentance.)

<sup>61</sup> Ibid., 136. Emphases in original.

<sup>62</sup> Ibid., 106.



“Social justice” as a product of secular social *thought*—Marxian, Western, or whichever—places too much faith in “Progress” and the perfectibility of man outside of God. “It was from this intense optimism of Progress that Marx, for one, concluded that history will lead us to justice without the help of God...[But] there can be only one true Progress: the sum total of the spiritual progresses of individuals; the degree of self-perfection in the course of their lives.”<sup>63</sup>

### **Hayek vs. Solzhenitsyn: A Meeting of Minds in Subsidiarity**

As an agnostic, Hayek would likely view “Solzhenitsynian social justice,” with its “anthropomorphizing” and its linkage to “spiritual values” and to “God,” as an example of a “quasi-religious superstition.” But he would likely see it as “of the kind which we should respectfully leave in peace so long as it merely makes those happy who hold it,” since “Solzhenitsynian social justice” is not predicated on the coercion of others. He would also likely see it as harmless—perhaps even helpful—because it is based on a “practice of individual action in the course of social evolution... a product of society or of a social process, [not] a conception to be imposed on society.”<sup>64</sup> For his part, Solzhenitsyn would likely see Hayek as one of those misguided “social scientists” who see society and nations only as collections of individuals, not “complex, unrepeatably organism[s]” that “have a full spiritual life [which] can soar to the heights and plunge to the depths, run the whole gamut from saintliness to utter wickedness (although only individuals ever reach the extremes).”<sup>65</sup>

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<sup>63</sup> Solzhenitsyn, *The Russian Question*, 117-18.

<sup>64</sup> Hayek, *Law Legislation and Liberty 2*, 80.

<sup>65</sup> Solzhenitsyn, “Repentance and Self-Limitation,” 110.

A secular meeting of minds between these two views can be found in the term “subsidiarity,” a product of Catholic Social Thought. The principle was outlined in Leo XIII’s *Rerum Novarum* and Pius XI’s *Quadragesimo Anno*, in which the latter declared that “it is an injustice and at the same time a grave evil and disturbance of right order to assign to a greater and higher association what lesser and subordinate organizations can do.”<sup>66</sup> Today, *The Catechism of the Catholic Church*, after observing that “excessive intervention by the state can threaten personal freedom and initiative,” endorses subsidiarity by stating:

The teaching of the Church has elaborated the principles of *subsidiarity*, according to which “a community of a higher order should not interfere in the internal life of a community of a lower order, depriving the latter of its functions, but rather should support it in case of need and help coordinate its activities with the rest of society, always with a view to the common good.”<sup>67</sup>

Although Hayek would no doubt recoil from language that concedes to “the supreme authority of the State” (in Pius XI’s words) the responsibility for “the common good,” he would applaud the prefatory concern for excessive intervention and support, as a check on it, the notion of pushing state functions downward to the extent practicable.

And in “subsidiarity” we can find in Solzhenitsyn’s writings unambiguous affinity. In *Rebuilding Russia* (1991), Solzhenitsyn outlined a number of reform proposals as the Soviet Union unraveled. Advocating “democracy of small areas,” he argued that

Democracy must be built from the bottom up, gradually, patiently and in a way designed to last rather than being proclaimed thunderously from above.... Only in areas of this size can voters have confidence in their choice of candidates, since they will be familiar with them both in terms of their effectiveness in practical

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<sup>66</sup> Quad Annus 79.

<sup>67</sup> *The Catechism of the Catholic Church*, §1883. The quote within the passage is from John Paul II’s encyclical *Centesimus Annus*.

matters and in terms of their moral qualities. At this level, phony reputations do not hold up....It also represents a level that is most certain to take root because it will involve the vital concerns of each locality...without properly constituted self-government, there can be no stable and prosperous life, and the very concept of civic freedom loses all meaning.<sup>68</sup>

He also expressed admiration for small area governance practices in two of his homes during in exile, that of the Swiss cantons and “town halls” in Vermont.

### Conclusion

Hayek called social justice a “mirage.” A better, more modern metaphor might be this: Social justice is a “hologram,” one that exhibits a parallax effect. Step to one side, and social justice looks like Martin Luther King on the steps of the Lincoln Memorial delivering his inspirational “I Have a Dream” speech, or composing his convicting “Letter from a Birmingham Jail.” But step to the other side and image transitions to the Gulag, to the Cultural Revolution, to the tumbrel and guillotine. The allure of—and perhaps psychological need for—a vision of the “Good Society” (Etzioni) or “Great Society” (Hayek) is palpable in Western thought. But can such a society be *forged*? Hayek thought not, and that attempting to do so was a dangerous invitation to coercion and totalitarianism (a “road to serfdom”). Instead, for social justice to emerge, it would need to arise from just actions by individuals in their interactions with others; interaction with others is by nature social, such that the term is a “pleonasm [redundancy] such as if we spoke about ‘social language.’”<sup>69</sup>

But can modernity be relied upon to deliver an *emergent* form of (social) justice? Solzhenitsyn thought not. No matter “where the pointer of the great economic laws may

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<sup>68</sup> Aleksandr Solzhenitsyn, *Rebuilding Russia: Reflections and Tentative Proposals* (New York: Farrar, Straus and Giroux, 1991), 82-83.

<sup>69</sup> Hayek, *Law, Legislation and Liberty* 2, 78.

turn,” or whatever political system is in place,<sup>70</sup> if virtue is not exhibited by the people, it will not be observed in the aggregate, in the “life of a nation.” From Solzhenitsyn’s perspective, many of the negative traits of modern humanity—the root of its materialism, its loss of courage, its frivolity and cruelty, etc.—are traceable to

the prevailing Western view of the world which was born in the Renaissance and has found political expression since the Age of Enlightenment [that] became the basis for political and social doctrine and could be called rationalistic humanism or humanistic autonomy: The proclaimed and practiced autonomy of man from any higher force above him. It could also be called anthropocentricity, with man seen at the center of all....It has made man the measure of all things on earth—imperfect man, who is never free of pride, self-interest, envy, vanity and dozens of other defects....We have lost the concept of a Supreme Complete Entity which used to restrain our passions and our irresponsibility. We have placed too much hope in politics and social reforms, only to find out we were being deprived of our most precious possession: our spiritual life. It is trampled by the party mob in the East, and the commercial one in the West.<sup>71</sup>

So long as this anthropocentricity predominates, the pursuit of social justice—or any other positive value “in the life of a nation”—will be futile.

All attempts to find a way out of the plight of today’s world are fruitless unless we redirect our consciousness, in repentance, to the Creator of all: without this, no exit will be illumined, and we shall seek it in vain. The resources we have set aside for ourselves are too impoverished for the task. We must first recognize the horror perpetrated not be some outside force, not by class or national enemies, but within each of us individually, and within every society.<sup>72</sup>

Whence, then, “social justice”? For Hayek, the secularist, from an evolutionary process that operates through a rule-based social organization that prizes individual

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<sup>70</sup> “[We] are creatures of mortal clay...[U]ntil we transcend our clay, there will be no just social system on this earth, whether democratic or authoritarian.” Aleksandr Solzhenitsyn, *The Gulag Archipelago, 1918-1956, III* (New York: HarperPerennial, 1992), 477.

<sup>71</sup> Solzhenitsyn, “A World Split Apart,” 16.

<sup>72</sup> Aleksandr Solzhenitsyn, “Men Have Forgotten God,” Templeton Address, 1983.

liberty by minimizing coercion.<sup>73</sup> For Solzhenitsyn, that's not enough. Social justice requires relinquishing anthropocentricity and the recognition of a higher power—a turning toward God, something “modern man” seems loath to do. In a world that seems less and less likely to choose that course, was Solzhenitsyn only a prophet of doom, a hopeless pessimist not only about the quest for social justice, but all forms of earthly human progress? In an interview with his biographer Joseph Pearce, Solzhenitsyn acknowledged that it might appear this way. But “I must tell you that, on the contrary, I am an incurable optimist. I have always been an optimist. When I was dying of cancer [in the Gulag] I was an optimist. When I was exiled abroad nobody believed that I would return but I was convinced I would return. So, no, it's not full of dark and gloom. There's always a ray of hope.”<sup>74</sup>

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<sup>73</sup> Friedrich Hayek, *The Constitution of Liberty*. Chicago: University of Chicago Press, 2011.

<sup>74</sup> Pearce, Joseph. *Solzhenitsyn: A Soul in Exile* (Grand Rapids, MI: Baker Books, 2001), 313-14.

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