

# Playful Order: A Better Metaphor for Hayek's Theory of Spontaneous Order

*“Here we come across another, very positive feature of play: it creates order, is order”*

— Johan Huizinga (1938), p. 10

## 1. Introduction.

The question of the nature of social order was first seriously pondered during the Enlightenment. It only occurred with the realization that society had fundamentally changed. It was now too complex and dynamic to be outlined in the simple hierarchy of a natural or religious blueprint or in the laws of a philosopher-king. However, the early moral philosophers who were preoccupied with explaining the principles that ruled the world of man soon found that the nature of order in society was difficult to capture. The familiarity with man-made order in everyday life proved to be an obstacle for many to perceive the defining properties of social order. Our experience tells us that order ordinarily is designed by an intelligent mind and that it serves a certain purpose: it is conceived as an *organization*. We are thus inclined to project an anthropomorphic understanding of order on society as well. Even now, many cannot readily accept the notion that a social order is something more, or something else, than the outcome of power politics, deliberate

collaborative (democratic) organization, or the playground of vested interests.

To conceive of a new conception of social order that goes beyond the idea of an organization, the Enlightenment philosophers resorted to the use of images that appealed to the imagination. For this reason De Mandeville (1714) used the example of the ‘beehive’ to point to the possibility of unintentionally generated order on a complex scale. However, De Mandeville did not pursue the profound implications of his radically new conception of society. Instead, he was more interested in the scandalous ethical provocation of the discovery that private vices could produce public benefits. We have to wait for David Hume and Adam Smith to analyze the question of social order in a truly scientific way.

Hume was the first moral philosopher to recognize the importance of the principle of self-organization in creating social order. He traced social cooperation back to a system of rules that govern the actions of individuals. These rules minimize conflicts of interest between them and direct all individual action to contribute ‘unintentionally’ to a social order that

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benefits all. The guidelines themselves are artificial products of an evolutionary process that selects those rules that help people to resolve conflicts of interest between them while discarding others that obstruct mutual cooperation. About the rules proscribed by law, Hume (1740: 339) observes that they arise, “... from natural principles still more oblique and artificial. ’Tis self-love which is their real origin; and as the self-love of one person is contrary to that of another, these self-interested passions are oblig’d to adjust themselves after such a manner as to concur in some system of conduct and behaviour. This system, therefore, comprehending the interest of each individual, is of course advantageous to the public; tho’ it be not intended for that purpose by the inventors.”

Adam Smith (1776) developed the insights of his friend Hume and made some of the greatest contributions to the newly fledged science of man and society. He also found a metaphor for the principle of social self-organization that lasted: the ‘invisible hand.’ Like Hume he applied the idea of self-organization to the genesis of social institutions but he noted that an important manifestation could be found in the market process. His profound and lucid analysis of the causal feedback effects that structure the market still forms the basis of economic theory today. At the same time ‘the invisible hand’, although not without problems of interpretation, turned out to be a captivating image for social self-organization.

In our time Friedrich Hayek (1936, 1968) has been the most important social philosopher to recognize that “(t)he insight that *not all order that results from the interplay of human actions is the result of the design* is indeed the beginning

of social theory.”<sup>1</sup> He acknowledges his debt to the Scottish Enlightenment in his frequent references to Hume and Smith. He also borrowed from Adam Ferguson (1767: 119) his famous description of order in society as “indeed the result of human action, but not the execution of any human design.”<sup>2</sup> Given the advances in the sciences, Hayek could push his social theory much further than his Enlightenment predecessors. He managed to support the theory of social self-organization by relating it to a general theory of behavior in complex systems. At the same time he increased its analytical depth by integrating it with a distinct view of human reason as socially embedded. In this way he was able to show the interconnectedness between the objective or structural elements in social order and the subjective world of individual action.

He was, though, not entirely successful in the integration of human action and systems theory, I think mainly because of his choice for the name of his theory. Hayek chose the term ‘spontaneous order’ to emphasize the non-designed aspects of social order and to draw attention to its systems-theoretical causality. Indeed, he managed to describe this dimension of social order quite successfully.

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<sup>1</sup>Emphasis as in original. Earlier he had written that the “central problem of economics as a social science ...” is “how the spontaneous interaction of a number of people, each possessing only bits of knowledge, brings about a state of affairs ... which could be brought about by deliberate direction only by somebody who possessed the combined knowledge of those individuals” Hayek (1936: 50, 51).

<sup>2</sup>Hayek refers to Ferguson, for instance, in (1960: 57).

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Nevertheless, his emphasis on systems theory has caused problems of interpretation as well. ‘Spontaneous order’ allows but little room to see or understand intuitively the scope for purposeful action in such an order. In this paper I will try to argue why ‘spontaneous order’ is not an adequate concept to capture the true integrating potential of Hayek’s social theory. It cannot do justice to the interaction and interrelation that exist between the structural causality that produces order on a systems-theoretical level, and the human actions that are purposefully directed at the level of the individual. Instead it suggests a separation of the two sides.

I think we should consider an alternative metaphor that would be able to show this interdependency more successfully. I propose that the concept of ‘playful order’ can bring this out into the open. In play it is immediately clear to us how the systems-theoretical causality relies on the *interplay* of individuals, each using rules and local information to act and react to one another. In the last section of the paper I will indicate which distinguishing elements of play can also be recognized in the model of society seen as a self-organizing order. These prove to be manifold. One of the more surprising insights that the metaphor of ‘play’ can yield concerns the interpretation of distributive justice within a modern market society.

## 2. Hayek’s theory of spontaneous order.

Hayek tried to make clear a number of times what, in his view, were the essential features of spontaneous order. Some elements figure prominently: the astonishing degree of complexity of modern

society; the rules governing the coordinating processes; the focus on information and learning; the extent to which such an order can be considered beneficial to its members; the direction into which it evolves and thus its predictability; and the (im)possibility of political intervention. But one essential element that Hayek identified is surely that such orders are *not intended*.

The adjective ‘spontaneous’ before ‘order’ indicates this important aspect. The term ‘spontaneous order’ was probably first introduced by Michael Polanyi (1951: 137, 195 and 196), but it was adopted as a central concept by Hayek (1960: 160).<sup>3</sup> He specified the distinction between a designed and a spontaneous order in the first part of *Law, Legislation and Liberty* (1973: 38). Here Hayek associated the two kinds of orders with the Greek terms ‘*taxis*’ and ‘*cosmos*’. A ‘*taxis*’ is a man-made, or designed, order while a ‘*cosmos*’ refers to a naturally grown order produced by people who follow rules. A *cosmos*, “not having been made ... *cannot* legitimately be said to *have a particular purpose*, although our awareness of its existence may be extremely important for our successful pursuit of a great variety of different purposes.”<sup>4</sup>

The quintessential example of a spontaneous order is the market. In Hayek’s thinking, the market is not an institution that achieves the goal of equilibrium between demand and supply, but one that creates non-intended order from the interaction of thousands of individuals, each

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<sup>3</sup>Hayek explicitly referred to Polanyi when he first used the term ‘spontaneity’ in *The Constitution of Liberty*.

<sup>4</sup>Emphasis as in original.

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pursuing limited personal objectives. The social importance of the market is not that it will produce an ultimately efficient solution but that it enables cooperation between people who have no common aims in the first place. For Hayek (1976: 109), the term ‘market’ itself had become so tainted with equilibrium analysis that he preferred a new word that emphasized the wider context of a self-organizing order. He proposed the not particularly evocative (nor very successful) term of ‘catallaxy’ (exchange) to describe “the order brought about by the mutual adjustment of many individual economies in a market. A catallaxy is thus the special kind of spontaneous order produced by the market through people acting within the rules of property, tort and contract.”<sup>5</sup> Catallaxy emphasizes the element of individual interaction that stands at the heart of the market process. The market seen as a catallaxy is an institution that allows order to grow through the coordination of individual actions. The purely economic aspects that are usually associated with it are merely the means of allowing many people to pursue their own particular ends. As Hayek indicated (1976: 110): “The important point about the catallaxy is that it reconciles different knowledge and different purposes which, whether the individuals are selfish or not, will greatly differ from one person to another.” The social importance of the market order is not that it facilitates efficient resource allocation, but rather that it creates something that did not exist before: social order through coordination.

What makes Hayek's theory so successful and what distinguishes it from other social theories that rely on systems

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<sup>5</sup>Mises had already introduced the term catallaxy before Hayek. See Mises (1949, chapter XIV).

theory (e.g. Luhmann's), is that he managed to give his theory great analytical depth through the identification of the pivotal role of information. Information and knowledge are the unifying core concepts of his social theory. They manage to link the different dimensions of the theory into a coherent whole. Hayek's theory of spontaneous order has great explanatory power because it can relate the subjective categories of individual rationality, decision-making and knowledge, to the social categories of information transformation, coordination, and order. The operational links between the two levels of social theory are the rules and institutions that give individuals guidance in their thinking and acting and, at the same time, provide the systems-theoretical structure for society. This is not the only way the two levels are related. The structure of a social order is not fixed or imposed upon it from the outside—the rules and institutions are the objects of a process of cultural evolution driven by individual decision-making. The relation between society and the individual is thus recursive, reflecting the double significance of each event.

Not only does social order grow from the interaction of the individual members, each following rules in the pursuit of individual subjective plans and purposes; the very rules that they follow are the results of similar ordering processes. At the nexus of Hayek's social thought we find the Janus head of information/knowledge: this double-faced core concept manages to connect the subjectivist human sciences to the objectivist theory of systems and order. One side, knowledge, observes how individuals read the social world and how they attempt to partake in it through purposeful, rule-guided, action. The other side, information, shows us how such individual ac-

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tions can produce an order for the whole social system that could not have been known to any person in advance. Through his recognition of the role of knowledge/information, Hayek has managed to produce a coherent theory of social order that takes both sides fully into account, without neglecting either one or the other as is customary in the social sciences.

The inclusion of the subjectivist dimension in Hayek's social theory means that it cannot be interpreted in a reductionist manner. Spontaneous order theory stays true to the principle of methodological individualism in that all social phenomena are made understandable in terms of individual actions and deliberations. Here social phenomena are seen as expressions and products of the meanings that individual agents have attributed to the world. If this is so, then no understanding of social phenomena is complete without taking into account the subjective account of the individual actors who 'live' them.<sup>6</sup> At the same time, Hayek's social theory manages to avoid a narrow atomistic individualism that sees individuals as autonomous, purely rational, decision makers. With Hayek, individuals are social creatures, following rules and norms that are the product of cultural evolution. Humans are always socially embedded. At all times, individuals find themselves already in a social matrix of rules, norms and institutions. For Hayek (1945: 6), we are individuals "whose whole nature and character is determined by their existence in society."<sup>7</sup> This integrative potential of Hayek's social theory

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<sup>6</sup>See Madison (1990: 139), and also Lachmann (1991: 134-146).

<sup>7</sup>See also Hayek (1967: 76), and (1988: 9) for similar references.

has been noticed by a number of postmodern writers. G. B. Madison (1998: 53), for instance, claims that that Hayek's social theory "is of the greatest philosophical interest from a postmodern or postmetaphysical point of view in that it represents a determined attempt to get beyond the Cartesian (e.g. modernist) categorical opposition of subjective (mind) and objective (matter) that has dominated all of philosophical modernity." Indeed, "(h)ermeneuticists would say that spontaneous orders of a social or cultural sort are neither subjective, nor objective but are, rather, *intersubjective*. The realm of the intersubjective, as opposed to *either* the merely subjective *or* the merely objective, is preeminently the realm of hermeneutics." Similarly, Chris Sciabarra (1995: 17) holds that it is "a distortion to view Hayek's approach as *either* individualistic *or* holistic. Hayek's method is *fundamentally dialectical*, encompassing elements of individualism *and* holism, while repudiating all forms of reductionism, atomism, ahistoricism, and strict organicity."<sup>8</sup>

### 3. The need for metaphors.

Hayek managed to develop a coherent social theory that does not give a one-dimensional representation of social phenomena. It is not reductionist. Both the objective structural factors of social order, as well as the (inter)subjective world of the individual decision-maker are incorporated into the theory and related through Hayek's particular understanding of reason. It is therefore a pity that he could not find a correspondingly successful metaphor to make his key innovation visible. 'Spontaneous order' does not manage to embrace both sides of the so-

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<sup>8</sup>Emphasis as in original.

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cial world, but advances one at the expense of the other. It cannot evoke a matching depth of understanding but, rather, misdirects us and many of his critics into a world where purpose and intention have become adjectives rather than the driving forces of social order.

As already noted, it is probably hard to grasp the deeper meaning of self-organization intuitively because it runs counter to everyday experience. We *know* that in order to reach a certain goal we have to organize our activities deliberately and consciously. Normally, in our familiar world of life and action, we function as rational constructivists. It is no accident that it has taken such a long time for us to even imagine the possibility of a self-organizing order, let alone to understand and accept the reach and the scope of the principles behind self-organization. The affront that the idea of non-designed order gives to our normal understanding of the world is for instance expressed in the vehement denials by creationists of the validity of Darwin's theory of evolution. As an argument for intelligent design they often use the simile in which the likelihood that biological evolution would produce the delicate and wonderful organisms we see around us is unfavorably compared to the probability that 10 monkeys with typewriters will ever be able to reproduce a copy of a play by Shakespeare.<sup>9</sup> Now, apparently, suppor-

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<sup>9</sup>The argument in favor of intelligent design has been employed by many philosophers and theologians. Cicero, for instance, asked his readers if they thought it likely that, "... if an infinite number of the one-and-twenty letters of the alphabet, whether composed of gold, or any substance whatever, were flung together somewhere, that from them so cast to the ground, the annals of Ennius could be produced in such a way that they might be read" (in 'De Natura Deorum', quoted in the

ters of spontaneous order theories claim the exact opposite of this common sense belief: extremely complicated orders like biological organisms or complex social orders (orders that are far more complex than a play by Shakespeare) can *only* be produced through self-organization. Hayek (1973: 38) argues that, made orders "are relatively *simple* or at least necessarily confined to such moderate degrees of complexity as the maker can still survey ...." In contrast, this does not pose a problem in the case of a spontaneous order because, "its degree of complexity is not limited to what a human mind can master." He comes to the conclusion that, "very complex orders, comprising more particular facts than any brain could ascertain or manipulate, can be brought about only through forces inducing the formation of spontaneous orders." In this argument he is supported by contemporary research in complex phenomena. Recent findings suggest that self-organization may actually be a universal coordination and ordering principle in all complex systems. The philosopher Rescher (1998: 206) has noted the increased, "... recognition of *the self-generation of order in a universe of chance*. Fundamental to this idea is the discovery that the randomness and chance that indeed characterize nature do not make for anarchy—for unruly and incoherent lawlessness .... The emergence of lawful order in a world of chance and chaos is a natural and rationally tractable phenomenon. Throughout the sciences ... there is emerging a common recognition that a universe of chance and chaos is not unruly (anarchic) but merely complex, exhibiting through its natural operation the emergence of higher order lawful-

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introduction of Kemp Smith to Hume, 1776: 32, 33).

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ness.”<sup>10</sup> The omnipresence of self-organization in the world around us has also been observed by Stuart Kauffman (1995: 84), one of the main modern proponents of the science of complexity. He echoes Hayek when he proposes that complex orderly phenomena are usually not the product of any conscious effort: “Our intuitions about the requirements for order have, I contend, been wrong for millennia. We do not need careful construction; we do not require crafting. We require only that extremely complex webs of interacting elements are sparsely coupled.”

Because the idea of self-organization is so new and strange, authors have sought to find appropriate metaphors to illuminate or capture the basic principles involved. This is why De Mandeville needed a fable to express the new idea that human society could be more than an atomistic collection of individuals yet not form a complete organism either. The something in between, neither chaos nor entity, could be seen as an order *like* a beehive, yet of course not completely the same as a colony of bees. Smith’s ‘invisible hand’ expresses the idea of a distinct ordering mechanism more poetically and at the same time it underlines the enigmatic quality of spontaneous order. It is more successful than Hayek’s notion of spontaneous order in pointing out the problematic relation with our normal understanding of intentional organization, but it is also more confusing because it suggests the possibility of a hidden metaphysical purpose to the forces that produce order in the universe. Indeed, some critics have remarked that Smith’s proposition of the natural harmony of social order cannot be separated from his belief in a Divine purposefulness that gives it

direction. In this view the ‘invisible hand’ metaphor should be read in a more literal way than we are apt to do now.<sup>11</sup>

Metaphors have always been important tools to illuminate an, as yet, unthought concept. A new idea can often only be approached through the use of other concepts that have already been absorbed in our language and that have collected certain connotations and associations that are useful for describing a particular phenomenon from a new perspective. These other concepts are the same in some aspects but not identical to the new idea. The use of metaphors is then not simply a literary technique or a rhetorical trick but the very stuff of making us ‘see things in the light of ...’ The French philosopher Paul Ricoeur (1986) has reminded us that all our thinking is guided by metaphors.<sup>12</sup> He sees human thought processes as permeated and empowered by metaphors. When we use a word as a metaphor it means that we transpose the meaning or the quality of a well known phenomenon to another phenomenon in order to bring out their essential similarities and thus making us see the latter in a new and refreshing way. Ricoeur thinks that “(m)etaphor’s power of reorganizing our perception of things develops from transposition of an entire ‘realm.’ Consider, for example, sound in the visual order. To speak of the sonority of a painting is no longer to move about an isolated predicate, but to bring about the incursion of an entire realm into alien territory” (1986: 236).<sup>13</sup> The use of meta-

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<sup>11</sup>For example: Hill (2001: 293). She follows Viner (1972). For an overview of the debate on this question, see Evensky (2005: 23-25).

<sup>12</sup>See especially studies number 6 and 7.

<sup>13</sup>Madison (1988: 189) agrees that the essential business of metaphor is to bring together

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<sup>10</sup>Emphasis as in original.

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phors to capture the new idea of spontaneity in social orders is therefore an invaluable tool, but one should always be aware of their character as metaphor. That is, they express or bring to the fore *certain* aspects of the idea one wants to clarify, but not all of them. A metaphor can easily be mistaken for the equivalent of the phenomenon that it indicates or describes. One should keep in mind that they merely point to a particular correspondence between otherwise distinct and far richer phenomena.

In this way, for instance, the metaphor of 'equilibrium' was imported from the science of physics into the science of economics. It originally described a situation of balance, or rest, between physical forces at work in certain objects, and it cannot be denied that it provides a beautiful analogy for the balance between the forces of demand and supply in a particular market with the equilibrium market price as an indicator for the existence of such a balance. Nevertheless, the metaphor 'equilibrium' does not exhaust the full reality of market phenomenon. It brings along associations of forces, mathematical equations and 'optima', which shut out other ways of understanding the market. Equilibrium might, for instance, be a totally inappropriate tool to understand the nature of the organizing mechanisms that are at work underneath the supply and demand relationship or to grasp the importance of the 'discovery' of new information in the interaction and communication between the participants in the market. The alternative of 'coordination' is, of course, also limited (it is vague and hard to measure), but it does bring out the aspect of information dis-

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distinctive fields of thought and thus to alter the way we think of, categorize, interpret things.

persal and discovery that stands at the core of Hayek's social theory, a feat that is impossible to accomplish with the equilibrium concept.

At this point I think am able to make the case that the concept 'spontaneous order' is ill suited to express the complementarities that exist between reason and structural causation in social orders. It can certainly be argued that 'spontaneous order' is an excellent metaphor for revealing the systems-theoretical logic in social order. It stresses the parallels between society and natural complex systems and suggests that the main variable that helps us understand the behavior of both kinds of orders is information. Hayek used it as a metaphor for this reason. But in his writings he has also pointed out that one could not just transpose the whole of cybernetic theory to social phenomena. He broke with most 'pure' systems theorists, such as John von Neumann, when it came to his conviction that the content of relevant 'information' within society is subjectively determined. For Hayek it is not merely information, it is also knowledge. This realization gives his theory a uniquely social qualitative dimension that theories of natural complex systems simply do not have to deal with.

Nevertheless, his choice of the metaphor of 'spontaneous order' is less fortunate in this particular respect because, as a metaphor, it is very much limited to provoking associations with pure systems theory. As such it highlights the aspects of Hayek's social theory that he thought deserved emphasis at the time. These were the non-purposeful, unintended, and objectifying elements of the logic of social order. Hayek chose to do this because that side of the argument was not well understood by socialists and planners



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who could only imagine an order that was rationally designed and constructed. The problem is that it now hinders us in understanding another important aspect of Hayek's theory because its cybernetic connotations disregard the role that intentional action plays within social orders. The metaphor of 'spontaneous order' does not manage to bring to light the interaction between human action and social causation, tradition, and institutions. Worse, because of its affinity with sciences like cybernetics, biology and physics, it reinforces the notion that its principles are independent of human action. Instead of showing how they are integrated in the various examples of social self-organization, 'spontaneous order' affirms the existence of a dichotomy between purposeful human action and social causation. If we want to avoid such misleading associations we must look for another metaphor for social order that can show us how the objective forces of spontaneity, the rules and institutions that guide our actions, and the unintended consequences of our actions, combine with the human 'subjective' perspective of purposeful deliberation and action. 'Spontaneous order' can only bring the first set of factors out into the open.

#### **4. Playful order.**

Metaphors are not just rhetorical means to provide pretty decoration for solid or not so solid arguments. They represent a central aspect of all understanding and communication. In the present context a transfer of the concepts of 'play' and 'game' from their well known everyday use to the context of spontaneous order theory might bring alive the relation between purposeful action and the structure of social order. The interesting parallel between society as a spontaneous order

and 'play' is that, in play too, humans act and interact purposefully, but always within a structure of rules and guidelines. The resulting self-organizing order is what we usually call a game.

Play is a good metaphor for self-organization in social orders for a number of reasons. First of all, 'play' (game) can make us see how a person can make rational and purposeful decisions while at the same time she is guided in these decisions by the rules and the logic of the game. The example of a game (say a football game) brings out the interdependence between rules and intentional choice. It can also show that their relation is dialectic rather than competitive. It is not an exaggeration to claim that the rules of the game actually make intentional action possible for the players. Without rules there would be no play but merely chaos. Rules therefore not only limit the players in the scope and range of possible actions, they are also guidelines that enable them to act at all so that, "play is not determined by the consciousness which plays; play has its own way of being. Play is an experience which transforms those who participate in it. It seems that the subject of aesthetic experience is not the player himself, but rather what 'takes place' in play .... All of these expressions betray that play is something other than the activity of a subject .... Whoever plays is also played: the rules of the game impose themselves on the player ...." (Ricoeur 1998: 186).

Play is not possible without rules, but neither can it exist without freedom. The constrictions on the players' actions should not be so repressive that the element of play would disappear altogether. That would be against the whole spirit of the game. Robot teams are never the best teams around because they lack the capa-

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bility to be truly creative and flexible. The quality of play presupposes that each player is, to a large extent, free to select certain techniques and tactics and apply them to the play at hand. The rules should only give general and non-specific directions on how the game ought to be played. Purposefulness and intentionality are therefore set free within that particular institutional environment, a freedom that would not be possible without it.

In another important respect the game also shows strong similarities with the idea of a self-organizing social order. The game shows the importance of interaction between the players and the role of feedback effects for the generation of complex order. No player can plan for certain the progress of a game. He is dependent on the reactions of the other players and he relies on quick adaptations in his own play to accommodate the feedback information that arrives during the course of the game.<sup>14</sup>

The consequences of play that *cannot* be planned are as a result more important in shaping the overall order than the directly intended ones. Otherwise the game would no longer be exciting to watch (or for that matter, to play). In making the *interaction* between individuals the central element of play (that which makes play ‘playful’, as it were) it also manages to transcend the individualist versus holist division. A purely individualist interpreter of the game would only focus on the stars of the teams whose actions are presumably decisive for its outcome. A holist would focus on the rules and the tactics of the game without taking notice

of the individuals that ‘live’ the game. For him, each game would be a mechanical variation of the earlier ones. In contrast, spontaneous order theory looks at how these elements come together and how an overall order is generated from the *interplay* of the individual actions which are guided by the rules of play.

Finally, the resulting outcome of play is, at the same time, highly structured and spontaneous and unpredictable. From a distance an observer can clearly discern the patterns that structure a game. Otherwise it would merely be fooling around with a ball (chaos and not order). But this overall order can only be understood in terms of relatively broad patterns and regularities. In no good game should the details be predictable, let alone the outcome. Moreover, in both a game and in a social order it is possible to make a normative evaluation about the quality of the game. Some games are more exciting, more complex, or more brilliantly played than others. The same can be said of social orders. Some social orders are qualitatively better than others. Quality can be expressed in various criteria, and one may argue over their relative importance, but in the case of play most people will agree that elements like technical brilliance, complexity, and creativity have to be taken into account. It is noteworthy that the simplest games, the games with the clearest and simplest sets of rules, and the least interference by the referee, often produce the most exciting and complex play. In such games the principles of self-organization are allowed to unfold in their full scope and depth.

## 5. Social justice.

I will conclude this paper with some ideas on how the ethical evaluation of play can provide further analogies for

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<sup>14</sup>Ricoeur (1998: 187) notes that “[i]n entering a game we hand ourselves over, we abandon ourselves to the space of meaning which holds sway over the reader.”

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society. One of the most interesting and surprising insights that the adoption of the metaphor of play can evoke concerns the interpretation of distributive justice for a market society. The subject of social justice has dominated discussions on the ethical content of a market based society, certainly since the publication of John Rawls's *A Theory of Justice* (1971). Most contributions to his theme have generally followed a limited number of approaches. Prominent among them have been attempts to derive criteria for social justice through fundamental ethical theorizing that does not take the nature of social order much into account. Usually, a deontological (and purely philosophical) understanding of the 'just' is placed in the centre of the inquiry. Frequently 'equality', 'equity' or 'entitlement' are mentioned as the ethical core principles of a theory of social justice.

Instead of trying to distill some essential first principle of justice, or to devise a foundational procedure that would conclusively generate the principles of justice, we could ask ourselves what interpretation of justice would be appropriate for a market society. Hayek concerned himself with this problem in the second part of *Law Legislation and Liberty* (1976), suggestively titled 'The Mirage of Social Justice'. He dismisses the notion that social justice can somehow be imposed on a market order by political means. For him, social justice cannot apply to the results of a spontaneous order because these outcomes are created unintentionally. They cannot possibly be planned or imposed from above. It follows that "(a)ccording to this logic we are forced to conclude that, what is called 'social' or 'distributive' justice is indeed meaningless within a spontaneous order and has meaning only within an organization" (Hayek 1976: 33). Hayek did not offer an alternative interpretation, and

given his predominantly utilitarian perspective it is understandable that he could not proceed much further.

Nevertheless, I think it is possible to say more on the subject. Could there not be another conception of social justice that would be fitting for our context? The main problem that was identified by Hayek was that social justice is usually conceived of as a certain pattern, or a state, of the distribution of goods. Given the importance of spontaneous mechanisms and recursive causality in a self-organizing order, this particular understanding of social justice is clearly inappropriate. One cannot fix any patterns in such an order. However, there are other interpretations of (distributive) justice that we can learn from. There already exists one for a game, for instance; it is called 'fair play'. The metaphor of 'play' here shows a distinct advantage over 'spontaneous order'. Playful order is concerned with human action within a set of rules and institutions. And because a game is an order produced by human beings, play is in principle accessible to an ethical evaluation of fairness.<sup>15</sup>

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<sup>15</sup>Buchanan (1983: 126) too has asked himself whether "the game analogy (is) appropriate for interpreting the economic interaction process?" And, if this is so, he continues, "could my claims, my current holdings, have emerged as one outcome of a game that we might agree has been carried out under tolerably fair rules?" It can be pointed out that the notion of fair play in a social context was already thought to be relevant by Adam Smith (1759: 83): "In the race for wealth, and honours, and preferments, he may run as hard as he can, and strain every nerve and every muscle, in order to outstrip all his competitors. But if he should justle, or throw down any of them, the indulgence of the spectators is entirely at an end. It is a violation of fair play, which they cannot admit of."

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In a game many factors influence the pattern of play and its outcomes. The players have different resources, choices of actions, good luck and bad luck, they work hard or they are lazy. And in the end, of course, they may obtain a possible reward for their efforts. In the context of play (game) we interpret 'justice' as 'fair play'. This implies that if a player has followed the rules of 'fair play', then the outcomes of the game should be considered justified as well.

A game should be fair, but the practical application of fairness must always take place within the overarching demand of allowing the players to produce a good game. The game must be able to flow, for instance, without suffering too many interruptions and impositions from outside of the game by the referee. Only the free interplay between the participants of the game is able to produce the level of creativity, speed, and surprising complexity that we expect from a good game.

Certainly fairness is a desirable condition for a game, but it is more a *constraining norm* for good play than the heart of the game itself. Fairness, as applied to the rules of the game, must always respect the character of the game and not intrude on its spontaneous nature.

I think one can successfully transpose this understanding of distributive justice to that of a social order. In this context fair play would imply that the rules should be fair (i.e., equal) for all participants. They should also be applied fairly. The institution of the referee in a game would therefore find its equivalent in the rule of law in modern society. The criteria of equality, equity and entitlement that are now often associated with a fair distribution of wealth and income, could find their corresponding interpretations in

the idea of fair play in society. The principle of equality is not only reflected in the fair application of the rule of law; the rules themselves should also allow for an equal participation of all individuals. The practical understanding of equality that is associated with this idea is that there should be equal opportunities for all (but not necessarily equal outcomes).

The principle of equity can be related to the fairness of the rules and institutions that structure society. If the rules and institutions respect a particular interpretation of the principles of justice, then any outcome of the social process must also be accepted as fair. Like the score in a game, the distribution of income that results in a free market economy will bear some relation to the relative efforts or productivity of the participants, but this is certainly not guaranteed. Good luck and bad luck are also involved. Under these circumstances equity can only be approximated.

Finally, because the notion of fair play is a process-oriented interpretation of justice, it can also be reconciled with the entitlement tradition in social justice as represented by the ideas of Robert Nozick (1974). It should be kept in mind, though, that entitlement in a game does not follow from the application of rules that have been sanctioned by any natural or metaphysical authorities. The rules of a game or the market are man-made institutions, and even though they may have had a long cultural history, they can, in principle, be the objects of interventions if we think that this will improve their effectiveness or fairness.

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