

The Composite Model of Justice and Liberty in the Liberal Small State: From Theory to Legal Policymaking

Mohammad. Esmacil Motamedi^{1*} 

¹ Department of Public Law, Tehran SR.C., Islamic Azad University, Tehran, Iran

* Corresponding author email address: 0769148204@iau.ir

Received: 2026-03-18	Revised: 2026-05-10	Accepted: 2026-06-25	Initial Publish: 2026-06-26	Final Publish: 2027-05-01
EDITOR: Eman Shenouda  Associate Professor, Department of Psychology, Isfahan (Khorasgan) Branch, Islamic Azad University, Isfahan, Iran. Email: ens01@fayoum.edu.eg				
REVIEWER 1: Shehzad Raj  School of Law, Universiti Geomatika Malaysia, Kuala Lumpur, Malaysia. Email: shehzadraj@geomatika.edu.my				
REVIEWER 2: Jeremiah Thuku Thuku  Department of Literary and Communication Studies, Laikipia University, Nyahururu, Kenya. Email: jerethukuthuku@gmail.com				

1. Round 1

1.1. Reviewer 1

Reviewer:

The concept of the “small state” is central to the whole article, yet in Section 2.1 it remains insufficiently defined. The sentence “the state is not a social agent with broad missions, but a minimal institution whose main function is the protection of common rules and the safeguarding of liberty” is useful but not enough. The author should distinguish “small state,” “minimal state,” “limited state,” “regulatory state,” and “night-watchman state,” because these concepts are not identical. A small state may still possess strong regulatory capacity, while a minimal state in Nozick’s sense has a much narrower protective function. This distinction is essential for the article’s proposed composite model.

In Section 2.1, the article states that the state’s essential functions are “guaranteeing security and public order,” “formulating and enforcing general and neutral legal rules,” and “protecting fundamental rights.” This list should be further justified and possibly expanded. For example, does the small liberal state also include protection against monopoly, enforcement of competition law, judicial access, public health minimums, or basic education? Since later sections do include antimonopoly policy and minimal social support, the conceptual definition in Section 2.1 should be aligned with the policy instruments introduced in Section 4.2.

In Section 3.1, the sentence “These three principles are not merely value propositions, but organizing criteria for legal policymaking in the small state” is important, but the principles need operational indicators. For individual liberty, what indicators should be used: scope of choice, freedom of contract, property protection, absence of arbitrary coercion, or constitutional rights? For institutional justice, should indicators include access to courts, competition, transparency, or equal opportunity? For efficiency, should the assessment be fiscal cost, compliance cost, administrative burden, or market performance? The model will become much stronger if each principle is translated into measurable legal-policy criteria.

In Section 3.1, the third principle, “efficiency as the limiter of the scope of the state,” should be critically balanced with the justice component of the model. The current formulation risks making efficiency the overriding criterion of intervention, while

the article's stated purpose is to synthesize liberty and justice. The author should clarify whether efficiency is an independent normative principle, an instrumental constraint, or a secondary test after liberty and justice have been assessed. If efficiency is treated as equal to liberty and justice, the article should justify why an economic-administrative criterion has the same normative rank as the two core values of the study.

Authors revised the manuscript and uploaded the document.

1.2. Reviewer 2

Reviewer:

In the second paragraph of Section 2.1, the claim that “the small state, institutionally, lacks broad supervisory capacity to restrain private forms of domination” needs refinement. If the proposed model later depends on independent regulatory institutions, then the author must clarify whether the small state is weak in supervisory capacity by definition, or whether it can be institutionally small but functionally strong through specialized regulators. This is a crucial internal tension in the article: the model criticizes the small state's lack of supervisory capacity while also proposing regulatory institutions as compatible with the small state.

In Section 2.2, the sentence “negative liberty is the foundation of limited regulation in the small state” is theoretically important, but the author should provide clearer criteria for when regulation becomes compatible with negative liberty. The current discussion mentions necessity and direct harm, but the legal test remains underdeveloped. The article would benefit from formulating a more precise proportionality-like standard, such as legality, legitimate aim, necessity, least restrictive means, and institutional accountability. This would strengthen the bridge between political theory and legal policymaking.

In Section 2.2, the paragraph beginning “Nevertheless, limiting oneself to negative liberty, particularly in the context of structural inequalities, can lead to a gap between formal liberty and real liberty” introduces a major theoretical shift from libertarian negative liberty toward capability-oriented or opportunity-based liberty. This transition should be developed more carefully. The author should explain how much positive or enabling liberty can be admitted without transforming the small state into a welfare or perfectionist state. Otherwise, the boundary between minimal empowerment and welfare-oriented intervention remains ambiguous.

In Section 2.3, the statement “justice is primarily understood in the form of procedural justice; a justice guaranteed not in outcomes, but in processes and general rules” should be followed by a sharper distinction between procedural justice, formal equality before the law, and substantive equality of opportunity. These are related but not identical concepts. Procedural justice concerns fair procedures; formal equality concerns equal application of rules; equality of opportunity concerns the background conditions that make participation meaningful. The article should avoid merging these levels too quickly.

In Section 2.3, the sentence “Opportunity justice is a form of justice that remains compatible with the minimal-state system” is a key claim, but it requires stronger argumentative support. Opportunity justice can require significant public expenditure in education, healthcare, antidiscrimination enforcement, legal aid, and infrastructure. The author should specify which version of opportunity justice is intended: formal equality of opportunity, fair equality of opportunity, sufficientarian opportunity, or capability-based opportunity. Without this distinction, the compatibility between opportunity justice and the small state remains asserted rather than demonstrated.

In Section 2.4, the threefold model of “mutually reinforcing, conflictual, and equilibrium-oriented” relationships between liberty and justice is one of the strongest parts of the article, but it should be systematized more rigorously. The author should consider presenting these three models in a table that compares their assumptions, view of state intervention, conception of justice, conception of liberty, risks, and representative theorists. This would make the conceptual framework clearer and would help readers understand how the proposed model emerges from, and differs from, existing positions.

In the second paragraph of Section 2.4, the article states that “Nozick ... argues that any attempt to create equality—even equality of opportunity—requires violating legitimate liberties.” This statement is somewhat too categorical. Nozick's objection is primarily directed at patterned and redistributive theories of justice, especially those that interfere with voluntary transfers and holdings. The author should revise this formulation to avoid overstating Nozick's position and should clarify that

certain procedural or anti-fraud rules may be compatible with Nozickian entitlement theory, whereas redistributive equality of opportunity is more problematic.

Authors revised the manuscript and uploaded the document.

2. Revised

Editor's decision: Accepted.

Editor in Chief's decision: Accepted.