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

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The relationship between liberty and justice has long been regarded as one of the most fundamental theoretical tensions in political philosophy and public law. Focusing on the paradigm of the "small state," this article seeks to rethink the possibility of organizing a new conceptual understanding of this relationship within a composite model of liberty and justice. The analytical basis of the study rests on the assumption that the main issue is not a value-based conflict between liberty and justice, but rather the manner in which institutional and legal design can ensure their co-sustainability. To this end, at the normative level, three fundamental principles—negative liberty, procedural justice, and equality of opportunity—are identified as the theoretical pillars of the model. At the institutional level, the division of labor among the small state, the market, and civil society, together with the establishment of independent regulatory institutions and general, transparent rules, illustrates a "system of limited but targeted intervention." At the policymaking level, the logic of principle-based regulation, the simplification of legal rules, and regulatory impact assessment based on indicators of liberty and justice are explained. The findings of the study, obtained through a descriptive-analytical method, indicate that the small state can be normatively defensible only if it is grounded not in the negation of responsibility for justice, but in its redefinition within the framework of institutional and opportunity-oriented justice. Within this framework, liberty and justice are organized not in conflict, but in a co-sustainable relationship: negative liberty opens the field of possibility, while institutional justice guarantees the conditions for equal enjoyment of it. Accordingly, the smallness of the state does not mean a reduction in responsibility, but rather the rule-bound, accountable, and self-limiting exercise of power; an order in which emancipation from the concentration of public power coincides with the restraint of private monopolies, and the relationship between liberty and justice is elevated from a conflictual duality to an institutional and coexistent construct.

Keywords: *small state, negative liberty, institutional justice, equality of opportunity, public law*

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1. Introduction

In the tradition of modern political philosophy, the two fundamental values of liberty and justice have always stood at the center of theoretical debates on political order and public law. Liberty, particularly in its liberal meaning, emphasizes the individual's independence from the coercion of political power and the possibility of freely choosing one's way of life; whereas justice, in contemporary understandings, is more concerned with the fair distribution of opportunities, the removal of structural inequalities, and the guarantee of conditions under which individuals can genuinely benefit from their rights. Although, at the theoretical level, these two concepts are often presented as complementary values, at the institutional and policymaking levels they are frequently placed in a tense relationship. Liberty, in its classical sense, calls for

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limiting the scope of state intervention, while the realization of certain dimensions of social justice requires a form of public intervention to correct structural inequalities. Isaiah Berlin, in his well-known analysis of the two concepts of liberty, shows that negative liberty, that is, freedom from coercion, in many cases comes into conflict with attempts to realize distributive or equalizing goals, because such goals usually require limiting certain economic or proprietary liberties (Berlin, 1969). By contrast, approaches that understand justice as the guarantee of real opportunities for individuals argue that liberty merely at the level of formal rights cannot be equally meaningful for all individuals, and that without appropriate institutional conditions, many individuals will not in practice be able to exercise their freedoms (Sen, 1999). This theoretical tension becomes more prominent when the discussion is framed within the concept of the "small state." The idea of the small state rests on the assumption that the excessive expansion of state authority not only threatens individual liberties but can also lead to economic inefficiency and the concentration of bureaucratic power. Within this framework, the primary function of the state is regarded as limited to maintaining public order, guaranteeing property rights, enforcing contracts, and establishing a general legal framework for social and economic interactions. Hayek, in explaining this view, emphasizes that the state should, instead of pursuing specific social or economic objectives, merely formulate and enforce general and abstract rules—rules that enable individuals to pursue their own goals within a predictable framework (Hayek, 1960). From this perspective, extensive distributive interventions can disrupt the spontaneous order of the market and ultimately restrict individual liberties. Nozick, too, in defending the minimal state, argues that any compulsory redistribution of resources, even when carried out in pursuit of social justice, entails a violation of individuals' property rights over their own achievements and is therefore incompatible with the principle of self-ownership (Nozick, 1974). Nevertheless, historical experience and theoretical analyses show that the complete elimination or weakening of justice-related considerations in institutional structures also produces problematic consequences. Severe economic inequalities, the concentration of power in the hands of major economic actors, and the absence of real opportunities for segments of society can not only lead to persistent social divisions but ultimately threaten individual liberties themselves. Where certain individuals or groups, due to lack of resources or opportunities, are unable to participate genuinely in economic and social life, liberty at the legal level is reduced to a kind of formal liberty. Amartya Sen argues in this regard that liberty should be understood not merely as the absence of coercion, but as individuals' real capability to do and choose what they have reason to value; and this capability often depends on the existence of appropriate institutional and social conditions (Sen, 1999). From this perspective, a minimum level of institutional justice is not a rival to liberty, but rather a precondition for its sustainability in a modern society.

It is from this point that the main problem of the present study emerges: if, on the one hand, the unlimited expansion of the state can restrict individual liberties, and, on the other hand, complete disregard for social justice also leads to the weakening of those same liberties, the essential question is how a form of institutional compatibility can be established between these two fundamental values. More precisely, the problem of the present study is to find an answer to the question of whether it is possible, within the theoretical and institutional framework of the small state, to design a model in which individual liberty is preserved as the guiding principle, while institutional mechanisms are also envisaged to guarantee a minimum level of procedural justice and equal opportunities. Raising such a question is important because many existing theoretical debates have either moved toward defending a completely liberty-oriented minimal state or, at the opposite pole, have tended toward expansive models of the welfare state. As a result, the space between these two theoretical poles has received less attention; a space in which one can, on the one hand, take into account the structural limitations of the state in direct intervention and, on the other hand, not ignore the necessity of institutions that prevent the formation of destructive inequalities and the concentration of economic power. In fact, the main issue of this article is not simply choosing between liberty and justice, but rethinking the conceptual and institutional relationship between these two values in the context of the small state. The central question is whether a model of governance can be designed in which negative liberty is preserved as the legal foundation of social order, while institutional justice is strengthened through general rules, limited regulatory institutions, and mechanisms for guaranteeing opportunities. Such a model, if designable, can provide a middle path between two undesirable conditions: on the one hand, the expansion of bureaucracy and pervasive state intervention, which are often accompanied by inefficiency and the restriction of liberties; and, on the other hand, the complete abandonment of social and economic mechanisms, which may lead to the concentration of private power and the deepening of structural inequalities. For this reason, examining the theoretical and institutional possibility of forming a "composite model of justice and liberty in the small state" is important not only from the perspective of political philosophy but also for public law and institutional policymaking in contemporary societies; because it can provide an analytical framework for understanding how justice may be secured not through the unlimited expansion of the state, but through the intelligent design of legal rules and institutions within a limited state (Faqihi, 2021; Rawls, 1999).

2. Conceptual Framework: Formulating the Relationship between Justice and Liberty in the Small State

2.1. The Liberal Small State

The liberal small state is formed on the basis of a philosophy in which "political power" must be limited as much as possible so that individual liberties and the autonomous actions of citizens remain protected from the encroachment of governance structures. The foundation of this view can be traced in the tradition of classical liberalism, particularly in Locke, Smith, and later Hayek. In this tradition, 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," not the direct management of economic and social spheres (Hayek, 2011; Locke, 2014). In the philosophy of the minimal state, the essential functions of the state are mainly defined in three domains: first, guaranteeing security and public order; second, formulating and enforcing general and neutral legal rules for regulating relations among citizens; and third, protecting fundamental rights, especially property, freedom of contract, and civil liberties. This classification is based on the assumption that a major part of social needs can be met by the market and civil society, and that extensive state intervention, while reducing efficiency, also restricts liberty. This view is also reflected in classical political economy and regards the state as an "arbitrating supervisor," not an "interventionist agent" (Blaug, 1996; Gide & Rist, 1968). The boundaries of minimal-state intervention are determined on the basis of this same philosophy; the state is permitted to enter economic and social spheres only when the absence of intervention creates a direct threat to public order or fundamental liberties. In other words, every state action must be based on "legal necessity" and "functional justification"; something Hayek describes as the "principle of power limitation based on general rules" (Hayek, 2011). Within this framework, legislation must also be minimal, simple, and non-accumulative; a matter that Iranian public-law studies have also described as "legislative inflation as a threat to public liberties" (Saramad, 2018).

However, the small state faces specific institutional limitations, particularly in the production of justice. The first limitation is the absence of extensive redistributive instruments. Social justice, especially in the sense of removing structural inequality or guaranteeing equal opportunities, requires intervention beyond the level permitted by the minimal state. In theories of opportunity justice and social justice, the state plays an active role in removing structural barriers, whereas the small state confines itself to providing general and neutral rules (Faqihi, 2021; Mousavi Bojnourdi, 2014). This causes justice in such a system to be defined mainly as "procedural justice" or "justice based on general rules," rather than distributive justice. Another limitation is that the small state, institutionally, lacks broad supervisory capacity to restrain private forms of domination. When the state reduces the scope of its intervention, the risk of the formation of monopolies and hierarchies of private power increases. In the absence of effective supervision, market rules do not necessarily lead to the fair distribution of opportunities. Thinkers such as Niknazar have shown that freedom of contract without minimal state intervention can lead to inequality in bargaining power and, consequently, structural inequality (Niknazar, 2013). Moreover, comparative analyses in constitutional law indicate that a very small state is more vulnerable to pressure from interest groups, because the institutional mechanisms for restraining and moderating power are less developed (Daraafarin et al., 2021).

2.2. Liberty in the Small State

In the conceptual system of the liberal small state, liberty is not merely one value alongside other values, but the point of departure for legal ordering and public regulation. This liberty is first understood in the sense of "negative liberty"; that is, the absence of coercion and arbitrary intervention, especially by public power. Hayek defines liberty as a condition in which the individual is protected from the arbitrary will of others and the legal order operates only through general, abstract, and impersonal rules (Hayek, 1960). Within this framework, the role of the state is not to direct social outcomes, but to guarantee the structure of rules that makes free action possible. In Nozick's words, a legitimate state is one that confines itself to "minimal protective functions" and avoids any redistributive or perfectionist intervention (Nozick, 1974). Accordingly, negative liberty is the foundation of limited regulation in the small state. Every binding rule must pass the test of necessity; that is, it is justified only if it is necessary to prevent the violation of fundamental rights or to avert direct harm. This understanding is aligned with the principle of the "minimal rule of law" in public law; a principle that regards legislative inflation and extensive executive interventions as threats to public liberties (Rahimi, 2017). In the classical liberal tradition, too, law is legitimate when it is general, predictable, and directed at regulating the framework of conduct, not when it serves as an instrument for engineering social outcomes (Locke, 2008). Therefore, negative liberty, as a normative criterion, limits the scope of regulation and binds the state to institutional self-restraint.

Nevertheless, limiting oneself to negative liberty, particularly in the context of structural inequalities, can lead to a gap between "formal liberty" and "real liberty." Berlin, in his famous distinction between negative and positive liberty, warns that freedom from intervention does not necessarily mean the actual ability to choose (Berlin, 1969). If an individual is deprived of minimum resources, education, or access to judicial institutions, although legally free, he or she does not in practice have the power to benefit from that liberty. In the literature on justice, this point has also been emphasized: unequal structures can turn liberty into a class privilege (Rawls, 1999). From this perspective, if the small state seeks to protect liberty as a universal value, it must inevitably accept a minimum level of positive or enabling elements of liberty. This "enabling minimum" should not be confused with the welfare-state model; its aim is not broad redistribution or equality of outcomes, but the creation of initial conditions without which negative liberty becomes ineffective. In Iranian public law, some studies have also emphasized the necessity of guaranteeing institutional preconditions for the effective enjoyment of fundamental rights, including equal access to adjudication, basic education, and the guarantee of property-right security (Faqihi, 2021; Niknazar, 2013). Even within the framework of liberal political economy, guaranteeing free competition requires antimonopoly rules and minimal supervision over the concentration of private power; otherwise, freedom of contract may lead to economic domination (Hayek, 1960).

2.3. Justice in the Small State

In the philosophy of the liberal small state, justice is primarily understood in the form of procedural justice; a justice guaranteed not in outcomes, but in processes and general rules. The foundation of this view is the state's commitment to normative neutrality and avoidance of intervention in determining the content of the "good life" for citizens. In Hayek's thought, justice exists when the rules governing social relations are general, impersonal, and predictable, not when the state acts with the aim of achieving a specific pattern or result in the distribution of resources (Hayek, 1973). In this sense, justice means the compatibility of the conduct of public power with general legal principles, not the correction of social outcomes in favor of a specific group. Instead of guaranteeing justice in substance, the small state focuses on guaranteeing "justice in process"; that is, the possibility of equality for all before the rules. Such a view is based on the modern natural-law tradition and the principle of the rule of law, rooted in the ideas of Locke and Smith; both believed that justice cannot be extracted from state intervention, but must be guaranteed through institutions that make power constrained and predictable (Locke, 2008; Smith, 1981). Within this framework, the procedural neutrality of the state is a necessary condition of liberty, because only through general rules can individuals be assured that political decisions will not be arbitrary and discriminatory.

However, exclusive reliance on procedure, without providing a minimum level of opportunities, may limit the function of justice at the theoretical level. For this reason, within the theory of the small state, an intermediate concept called opportunity justice or "equality of possibilities" takes shape. Unlike distributive justice, this understanding does not concern outcomes, but emphasizes the provision of initial conditions under which each individual can effectively exercise his or her liberties. Opportunity justice is a form of justice that remains compatible with the minimal-state system, because it does not require the expansion of bureaucracy or economic administration, but focuses on regulating rules that guarantee equal opportunities (Faqihi, 2021; Rawls, 2001). Here, justice does not mean redistribution, but guaranteeing equal access to "paths of success": basic education, fair adjudication, protection of free competition, and prevention of monopolization of private power. Nozick, in defending the minimal state, also emphasizes that justice must be found in the legitimacy of free and voluntary exchanges, not in their final outcomes (Nozick, 1974). Yet these free exchanges can be assumed to be just only when the structure of opportunities enjoys a minimum degree of balance; a balance that the state, through the least institutional intervention, can preserve by means of rules that guarantee competition and remove barriers to entry (Hayek, 1960).

2.4. The Conceptual Relationship between Liberty and Justice in the Small State

The discussion of the relationship between justice and liberty within the framework of the small state concerns one of the most central theoretical tensions in the liberal tradition; a tension reflected both in classical literature and in newer studies of public law and political philosophy. This relationship can be formulated in three main models: mutually reinforcing, conflictual, and equilibrium-oriented. Each of these models shows how two fundamental liberal values, in the context of the minimal state, can be aligned, conflicting, or in need of institutional regulation. In the first model, namely the mutually reinforcing relationship, liberty and justice have a reciprocal reinforcing effect on each other. According to this view, the general and neutral rules of procedural justice are a condition for the realization of negative liberty, and negative liberty in turn strengthens the possibility of equal use of just procedures. Hayek states that "justice has meaning only in the context of liberty," and the state is just when it refrains from intervening in individual choices and confines itself to general rules (Hayek, 1960). The same logic is present in Locke's thought, where the rule of law, as a constraint on liberty, is at the same time the guarantor of natural justice (Locke, 2008). In the Iranian intellectual tradition as well, some scholars argue that procedural justice is not a rival to liberty, but an instrument for its preservation, because it prevents the arbitrariness of public authority (Faqihi, 2021). As a result, this model emphasizes the conceptual overlap of liberty and justice in the structure of the small state.

The second model, the conflictual relationship, holds that justice and liberty in the small state are relatively in conflict, especially when justice is understood in a sense beyond merely procedural justice. Nozick, in defending negative liberty and property rights, argues that any attempt to create equality—even equality of opportunity—requires violating legitimate liberties (Nozick, 1974). On the other hand, theorists such as Rawls state that liberty without a minimum level of opportunity justice becomes a privilege rather than a universal right (Rawls, 1999). Consequently, every attempt to guarantee equal opportunities—even at a minimal level—requires a degree of regulation that may come into tension with the philosophy of the minimal state. Domestic studies have also noted that free competition under unequal conditions can lead to economic domination and the reduction of real liberty (Niknazar, 2013). Therefore, in this model, justice and liberty in the small state are naturally caught in a permanent tension, and one cannot strengthen either without imposing costs on the other.

The third model, the equilibrium-oriented relationship, is an attempt to resolve the tension between the two previous models. This view accepts that procedural justice alone is insufficient to protect liberty and, at the same time, that the expansion of distributive justice is incompatible with the nature of the minimal state. Therefore, a kind of institutional equilibrium must be designed in which the state, with the least possible intervention, provides the preconditions for the effective exercise of liberty; something known in contemporary literature as "opportunity-oriented justice" or "minimal empowerment" (Rawls, 2001). Unlike the two previous models, this model regards the nature of the relationship as neither aligned nor conflicting, but "regulable"; that is, justice and liberty in the small state can remain sustainable together only within a framework of balanced rules.

3. The Proposed Composite Model: A Normative-Institutional Framework

3.1. Normative Principles of the Model

The composite model of justice and liberty in the small state rests on a normative foundation whose three central principles—individual liberty as the guiding principle, institutional justice as the condition for the possibility of real liberty, and the criterion of efficiency as the limiter of the scope of the state—provide the necessary theoretical framework for combining the minimality of the state with the realization of the real functions of the liberal order. These three principles are not merely value propositions, but organizing criteria for legal policymaking in the small state; criteria that have been emphasized in the classical liberal tradition as well as in contemporary theories of justice and political economy (Berlin, 1969; Faqihi, 2021; Hayek, 1960; Niknazar, 2013; Nozick, 1974; Rawls, 2001).

The first principle, individual liberty as the guiding principle, plays a foundational role in determining the limits and functions of the state. In the liberal tradition, liberty in its negative sense—freedom from coercion and domination by another's will—is regarded as the basis for the legitimacy of every binding rule (Berlin, 1969; Hayek, 1960). From this perspective, a legal order is regarded as legitimate when its interventions are limited to preventing encroachments upon fundamental liberties, not when it itself becomes the source of extensive restrictions on liberty. Particularly in the small state, every public policy must be evaluated in light of the question of whether it restricts individual liberty and, if so, whether this restriction is legally and morally necessary (Epstein, 1995; Nozick, 1974). Locke also states that human beings come together only for the mutual protection of their natural liberties, and that the state has no authority beyond what is necessary to preserve liberty (Locke, 2008). Classical economists also emphasized that economic liberty and individual liberty constitute the foundations of an efficient social order (Friedman, 1962; Smith, 1981). Contemporary Iranian public-law studies have also introduced individual liberty as a "controlling criterion of state intervention" and emphasized its role in limiting the scope of public regulation (Mousavi Bojnourdi, 2014; Niknazar, 2013; Saramad, 2018). Therefore, individual liberty, like a normative compass, determines the overall orientation of the model and prevents the state from its natural tendency to expand the domain of authority.

Nevertheless, liberty, if deprived of the possibility of social realization, does not move beyond the normative level. Therefore, the second principle, institutional justice as the condition for the possibility of real liberty, complements the first principle. Justice here is understood not in a redistributive sense, but in the form of procedural and opportunity-oriented justice; a justice that organizes the structure of rules and institutions in such a way that all individuals have the possibility of benefiting equally from liberty. Rawls states in his theory of justice that basic liberties are meaningful only when they are exercisable by all within a just institutional framework (Rawls, 1999, 2001). Legal literature has also emphasized that equality in access to legal institutions and social opportunities is a necessary condition for the realization of real liberty (Dworkin, 2000; Sen, 1999). Hayek, while criticizing theories of distributive justice, nevertheless states that the legal system must protect competition from domination and monopoly so that the real liberty of individuals remains sustainable (Hayek, 1960, 1973). In economic literature, too, it has been argued that just institutional rules are a condition for the formation of free competition and the prevention of the concentration of economic power (Buchanan, 1987; North, 1990). Domestic studies have also highlighted that institutional justice—especially in the form of equal access to adjudication, legal transparency, and protection of competition—is a precondition for the realization of individual liberties (Blaug, 1996; Faqihi, 2021; Farajiha, 2019). Thus, minimal institutional justice is not a threat to liberty, but an instrument for guaranteeing it.

The third principle, the criterion of efficiency as the limiter of the scope of the state, functions as the complement to the two previous principles. In the small state, public intervention is justified only when it is functionally necessary and, from a cost-benefit standpoint, the unique or least costly way of achieving an objective that cannot be achieved without state intervention. Nozick emphasizes that any expansion of state functions must pass the tests of "institutional necessity" and "minimum intervention" (Nozick, 1974). In the classical tradition of political economy, Smith also states that the state should undertake only those functions that civil society is unable to perform (Smith, 1981). Friedman, in analyzing the role of the state in the market economy, emphasizes that state intervention is justified only when it is necessary to preserve the rules of competition and prevent institutional market failures (Friedman, 1962). Public-choice theory has also shown that the unregulated expansion of state powers can lead to institutional inefficiency and domination by interest groups (Buchanan & Tullock, 1962). In Iranian public-law literature, the criterion of efficiency has likewise been considered an indicator for assessing the necessity of regulation (Farajiha, 2019; Niknazar, 2013; Saramad, 2018). Thus, efficiency is not merely a managerial indicator, but a legal and normative limit on state intervention and prevents the composite model from sliding toward the welfare state or extensive interventionism.

3.2. The Institutional Architecture of the Model

Developing a composite model of justice and liberty within the framework of the small state is impossible without designing a coherent institutional architecture. The essential issue here is how to keep the scope of state intervention limited while, through appropriate institutional mechanisms, providing the conditions for the practical realization of liberty and institutional justice. The answer to this question in the theoretical literature on liberal governance has mainly been formulated in terms of three institutional components: the institutional division of labor among the state, the market, and civil society; the reliance of the legal system on independent and specialized regulatory institutions; and the design of a model of "limited but targeted intervention" as the practical framework of public policymaking (Faqihi, 2021; Hayek, 1973; North, 1990; Sen, 1999).

The first component of this institutional architecture is the institutional division of labor among the small state, the market, and civil society. In the small-state model, the state is not regarded as the sole producer of social order, but as part of a network of institutions that regulate social relations. According to this approach, the state is responsible for guaranteeing the fundamental legal framework—including security, the rule of law, and the guarantee of property rights—while a major part of economic and social activities is organized through market mechanisms and civil-society institutions (Hayek, 1960; Smith, 1981). In such an order, the market plays the main role in resource allocation and wealth creation, while civil society, by creating social networks, associations, and voluntary institutions, helps strengthen social capital and reduce society's dependence on the state (Putnam, 1993; Tocqueville, 2000). This institutional division of labor is also fundamentally important from the perspective of public law, because the excessive concentration of power in the state can lead to the expansion of unnecessary interventions and the reduction of individual liberties. Public-choice theory has also shown that the concentration of regulatory power in state structures can create the conditions for the influence of interest groups and the formation of inefficient policies (Buchanan & Tullock, 1962; Olson, 1965). Therefore, in the small-state model, the role of the state is defined not as replacing the market and civil society, but as regulating general rules and guaranteeing the conditions of fair competition (Epstein, 1995; Friedman, 1962). Iranian public-law literature has also emphasized that the realization of efficient governance requires the distribution of social functions between the state and non-state institutions, and that state centralism can weaken the institutional capacities of society (Farajiha, 2019; Rahimi, 2017).

The second component of the institutional architecture of this model is the reliance of the governance system on independent regulatory institutions; institutions that, although organizationally small and limited in size, possess the necessary capacity to guarantee the fair functioning of the market in terms of specialized authority and institutional independence. In free-market economies, one of the most important challenges is preventing the formation of monopolies, abuse of economic power, and disruption of competition. Under such conditions, independent regulatory institutions, through specialized and non-political supervision of markets, can prevent structural deviations (Baldwin et al., 2012; Majone, 1996). The essential feature of these institutions in the small-state model is that, unlike broad state bureaucracies, they have an agile and limited structure, and their main function is not the direct management of the market, but the regulation of competition rules and supervision over their implementation. This kind of regulation relies on technical expertise and legal mechanisms rather than on the expansion of the state administrative apparatus (Ogus, 2004). For this reason, in many contemporary legal systems, areas such as economic competition, financial-market regulation, and consumer protection have been entrusted to independent regulatory institutions (Baldwin et al., 2012). Public-law literature has also emphasized that the institutional independence of these organizations can prevent the politicization of regulatory decisions and lead to the greater efficiency of public policies (Majone, 1996; Niknazar, 2013).

The third component of the institutional architecture of the model is the design of a model of "limited but targeted intervention." In this approach, the fundamental principle is that state intervention must be reduced to the necessary minimum, yet in areas where competitive order or institutional justice is disrupted without state intervention, intervention must be precise, targeted, and evidence-based. This approach is in fact an attempt to avoid two historical extremes in public policymaking: on the one hand, the expansive interventionist state, which leads to a large bureaucracy and the reduction of economic liberty; and, on the other hand, the passive state, which refrains even from performing its necessary regulatory roles (Hayek, 1973; Sen, 1999). Within this framework, state intervention must focus on areas described in economic literature as "institutional market failures," including monopoly, asymmetric information, or extensive externalities (Stiglitz, 2000). In such cases, the aim of state intervention is not to replace the market, but to reform institutional conditions in order to restore the competitive functioning of the market. This kind of intervention is usually exercised in the form of regulatory rules, competition policies, and limited institutional supports (Baldwin et al., 2012). Legal studies have also emphasized that targeted regulation can, without expanding the structure of the state, create the necessary corrective functions in the market through precise legal rules (Farajiha, 2019; Ogus, 2004).

3.3. The Internal Logic of the Model

The composite model of justice and liberty in the small state is normatively and institutionally defensible only when a coherent internal logic can be formulated for it; a logic that shows how compatibility can be established between liberty as the fundamental value of liberalism and justice as the condition for its social realization. This internal logic is based on the different levels at which these two values operate: liberty at the individual level, and justice at the level of rules and institutions. Through this analytical distinction, a compatible triad is formed in which negative liberty, procedural justice, and equality of opportunity stand alongside one another and collectively constitute the intellectual and structural foundation of the model (Faqihi, 2021; Hayek, 1960; Rawls, 2001; Sen, 1999).

First, liberty at the individual level—especially in its negative sense—is the guiding principle of the model. Negative liberty, in Berlin's words, refers to the "absence of coercion and intervention in the sphere of individual choice" (Berlin, 1969). From the perspective of small-state theory, all public actions must be assessed against this criterion: intervention is permissible when it is necessary to preserve the legal order and prevent domination (Nozick, 1974). At this level, liberty is not only a fundamental value but also the "presupposition" of the structure of governance; because the small-state model has no meaning without accepting the priority of individual liberty over public authority (Friedman, 1962; Locke, 2008). Public-law studies have also emphasized that individual liberty must play the role of a "controlling criterion" over the scope of regulation and prevent the expansion of state bureaucracy (Niknazar, 2013; Saramad, 2018). However, liberty at the individual level cannot be objectively realized without a just institutional framework. Therefore, the second level of the model—justice at the level of rules and institutions—plays a complementary role to liberty. Justice at this level does not mean redistributive intervention, but the design of mechanisms through which individuals are able to exercise their freedoms. This is precisely what contemporary theories of justice refer to as "procedural justice" and "equality of opportunity." Rawls states that basic liberties are meaningful for all only when legal institutions guarantee the possibility of exercising them (Rawls, 2001). Sen also emphasizes that real liberty requires a set of "capabilities" that must be supported by rules and institutions (Sen, 1999). From Hayek's perspective, procedural justice—in the sense of general, abstract, and impersonal rules—is a necessary condition for preventing both state arbitrariness and private domination (Hayek, 1960). Dworkin also shows that equality of opportunity does not mean equality of outcomes, but the provision of conditions in which individuals can compete on the basis of their personal choices (Dworkin, 2000). In this regard, domestic public-law literature has also emphasized that institutional justice—including equality of access, legal transparency, and the guarantee of competition—is a necessary condition for the realization of individual liberty in the system of governance (Faqihi, 2021; Farajiha, 2019; Mousavi Bojnourdi, 2014).

On the basis of this distinction between the individual level and the institutional level, the model is explained in the form of a compatible triad: negative liberty + procedural justice + equality of opportunity. This triad is compatible because each component performs a different but complementary function in the model:

• Negative liberty determines the normative objective of the model and defines the limits of state intervention (Berlin, 1969; Nozick, 1974).

• Procedural justice determines the form and structure of legal rules and prevents the small state from becoming an arbitrary state (Epstein, 1995; Hayek, 1960).

• Equality of opportunity guarantees the social and institutional conditions necessary for exercising liberty and prevents liberty from being emptied of content (Rawls, 1999; Sen, 1999).

In other words, liberty without procedural justice becomes vulnerable and unenforceable liberty, and equality of opportunity without negative liberty will lead to extensive interventionism and the restriction of individual liberty. By contrast, the combination of these three elements can simultaneously prevent the expansion of state authority and, at the same time, prevent private domination, monopoly, and institutional inequality (Buchanan, 1987; North, 1990). From the perspective of public law, this compatible triad leads to the creation of a "stable institutional balance": liberty at the individual level prevents unnecessary state interventions; procedural justice, through the design of general and impersonal rules, prevents arbitrariness and corruption; and equality of opportunity, through guaranteeing competition and equal access, makes the real exercise of liberty possible (Blaug, 1996; Farajiha, 2019). Taken together, these three components form the internal logic of the model and distinguish it from welfare-state models or wholly non-interventionist state models.

4. Transferring the Model to Legal Policymaking

4.1. The Logic of Legal Policymaking in the Small State

Transferring the composite model of justice and liberty to the sphere of legal policymaking requires the design of a particular logic of legislation and regulation that is compatible with the foundations of the small state. Within this framework, legal policymaking does not mean the increasing production of rules and regulations, but rather the design of the minimum rules necessary to guarantee individual liberty and institutional justice. From this perspective, the main objective of the legal system is to create a stable framework of general and transparent rules that make free interaction among social actors possible, without leading to the unnecessary expansion of the state's regulatory authority (Epstein, 1995; Sunstein, 1990).

The first principle in the logic of legal policymaking in the small state can be found in minimizing rules and maximizing transparency. In many contemporary legal systems, the expansion of regulatory interventions has led to the production of a large volume of detailed and complex regulations, which not only increases compliance costs but also reduces legal predictability. By contrast, liberal theories of public law emphasize that legal rules must be as simple, general, and predictable as possible so that they can guide the conduct of actors without the need for continuous state intervention (Fuller, 1969; Hayek, 1960). Legal transparency in this sense is not merely access to laws, but the clarity, stability, and intelligibility of rules for the general public. Such transparency enables economic and social actors to engage in rational planning and prevents the legal system from becoming an instrument for ad hoc and unpredictable interventions (North, 1990; Ogus, 2004). Iranian public-law literature has also emphasized that regulatory inflation and legal complexity can reduce the efficiency of the governance system and increase opportunities for rent-seeking (Farajiha, 2019; Rahimi, 2017).

The second principle in this logic of policymaking is principle-based regulation, as opposed to detail-based regulation and micro-rules. In the former model, instead of determining an extensive set of precise directives, the legislator establishes general principles and normative criteria and leaves their implementation to institutional interpretation and supervisory mechanisms (Baldwin et al., 2012). This approach is particularly important in complex economic and technological fields, because detailed rules often fail to keep pace with social and economic changes and quickly lose their efficiency (Baldwin et al., 2012). Principle-based regulation is compatible with the small-state model in two respects. First, it prevents the expansion of supervisory bureaucracy and increases institutional flexibility; second, by relying on general criteria such as fairness, transparency, and fair competition, it makes effective supervision of the conduct of economic actors possible without producing a large volume of regulations (Ogus, 2004; Sunstein, 1990). Domestic legal literature has also noted that principle-based legislation can prevent regulatory inflation while also providing the normative frameworks necessary for the exercise of institutional justice (Faqihi, 2021; Niknazar, 2013).

The third principle in the logic of legal policymaking in the small state is the use of the mechanism of regulatory impact assessment. This mechanism is an analytical instrument in public policymaking that enables the legislator and regulatory institutions to systematically assess the economic, social, and legal consequences of a regulation before its adoption (Baldwin et al., 2012; Oecd, 2012). Within the framework of the composite model of justice and liberty, this assessment must rest on two main normative indicators: liberty assessment and justice assessment. The first indicator, liberty assessment, concerns the extent to which each regulatory intervention limits the scope of individual choice. According to this criterion, the legislator must examine whether the intended objective can be achieved through less interventionist instruments. This approach is aligned with the principle of the "least necessary intervention" in public law and prevents the adoption of regulations that unnecessarily restrict economic and social liberties (Epstein, 1995; Sunstein, 1990). The second indicator, justice assessment, examines whether the proposed regulation can strengthen the conditions of fair competition and equal access to opportunities. From the perspective of institutional justice theory, regulation is justified only when it can prevent the formation of economic domination, monopoly, or structural discrimination (Rawls, 2001; Sen, 1999). In other words, legal intervention is justifiable when it works to strengthen procedural justice or improve access to opportunities, not merely to expand administrative control (Buchanan & Tullock, 1962; North, 1990).

4.2. Legal Instruments Compatible with the Composite Model

Transferring the composite model of justice and liberty to the level of implementation requires that the selected legal instruments, while preserving the logic of the small state, also respond to the fundamental needs of institutional justice and the guarantee of individual liberty. In this regard, four key categories of instruments can be identified that align the legal-political structure of the small state with the requirements of the composite model: framework legislation and legislative simplification, a limited but just tax system, antimonopoly policies and support for competition, and the design of a minimal social-support network based on the guarantee of subsistence.

A. Framework Legislation and Legislative Simplification

In the context of the small state, the adoption of framework laws and the avoidance of accumulated detailed regulations constitute the basis of efficiency and transparency in legal policymaking (Fuller, 1969; Niknazar, 2013; Ogus, 2004). Framework laws, by defining general principles and general legal rules, provide a foundation that both preserves individual liberty and enables attention to institutional justice—without the state falling into continuous detail-oriented regulation and an oversized bureaucracy (Faqihi, 2021; Hayek, 1960). This approach increases legal predictability and reduces compliance and enforcement costs (North, 1990), while minimizing opportunities for rent-seeking (Baldwin et al., 2012; Farajiha, 2019).

B. A Limited but Just Tax System

The tax system of the small state must avoid expanding tax bases and complex taxes; instead, it must be simple, transparent, and based on the principle of equality of opportunity (Buchanan & Tullock, 1962; Rahimi, 2017; Sen, 1999). The objective is to provide the minimum resources needed to preserve order and exercise procedural justice, not to reorganize wealth or increase state interventions (Friedman, 1962; Ogus, 2004). The design of a proportionate progressive tax or a consumption tax—instead of taxes on production and employment—rather than leading primarily to income distribution, contributes to the sustainability of basic resources for regulating general rules and guaranteeing a competitive environment (Blaug, 1996; Hayek, 1973).

C. Antimonopoly Policies and Support for Competition

One of the prerequisites for the realization of institutionalized justice and the prevention of private domination is the design of antimonopoly mechanisms and institutions supervising fair competition (Buchanan, 1987; Epstein, 1995; Farajiha, 2019). Without such a mechanism, market freedom will in practice end in domination and structural discrimination (Sunstein, 1990). Competition laws must prevent both natural monopoly and collusion and structural rent-seeking, and must also guarantee the possibility of free entry into and exit from the market (Baldwin et al., 2012; Mousavi Bojnourdi, 2014). In this context, the role of the state is merely supervision and limited intervention when competition is weakened, not broad management of the economy.

D. A Minimal Social-Support Network: Guaranteeing Subsistence, Not Welfare Dependency

In order to realize equality of opportunity, the small state must design a social-support network whose purpose is merely to guarantee a "minimum level of subsistence" for citizens (Rawls, 2001; Sen, 1999). Unlike the welfare-state model, which leads to broad obligations and extensive welfare supports, social-support policy here is defined only to the extent of preventing individuals from falling below the threshold of subsistence (Faqihi, 2021; Nozick, 1974; Ogus, 2004). This support is organized in the form of "basic income," minimum health services, or basic nutrition, without extensive bureaucratic support requirements (Blaug, 1996; Oecd, 2012). Such a policy, while preventing social collapse, avoids welfare dependency and the structural dependence of citizens on the state (Hayek, 1973; Mousavi Bojnourdi, 2014).

4.3. Three Sample Domains for Demonstrating the Function of the Model

To explain the practical functioning of the composite model of justice and liberty within the framework of the small state, it is necessary to examine its operation in several main domains of policymaking. This examination shows how the normative principles of the model—namely the preservation of individual liberty alongside the guarantee of institutional justice—can be realized at the level of public policies and legal instruments. In this regard, three important domains—social policymaking, economic policymaking, and constitutional law—can be considered as sample arenas for demonstrating the effectiveness of the model. In the domain of social policymaking, the small-state model emphasizes the principle of "equality of opportunity"; meaning that the state has a duty to provide initial conditions under which all individuals can enjoy relatively equal opportunities for participation in economic and social life (Rawls, 2001; Sen, 1999). However, achieving this objective must not lead to the unregulated expansion of welfare institutions and extensive state intervention in social life. Therefore, state intervention must be limited to creating essential infrastructure and guaranteeing universal access to certain basic services. Within this framework, the state plays more the role of regulator and guarantor of public standards than direct provider of social services. For example, in the field of education, the state can, by determining educational standards and supervising quality, alongside providing instruments such as educational vouchers or targeted subsidies, make access to appropriate education possible for low-income groups (Epstein, 1995; Friedman, 1962). These policies, on the one hand, prevent the stabilization of structural inequalities in social opportunities and, on the other hand, prevent the state from becoming the principal actor in the production of social services (Faqihi, 2021; Hayek, 1960).

In the domain of economic policymaking, the small state emphasizes the creation of an institutional framework for free and efficient competition. Within this framework, the main function of the state is not the direct direction of economic activities, but the guarantee of conditions under which the market can operate competitively and transparently (Nozick, 1974; Smith, 1981). One of the most important instruments for achieving this objective is antimonopoly policy and support for competition. The existence of economic monopolies or collusion among market actors can severely restrict economic liberty and ultimately lead to the concentration of economic power in the hands of limited groups (Buchanan, 1987; Sunstein, 1990). Therefore, competition laws and market-supervisory institutions must prevent the formation of such structures and enable the free entry of new actors into the market (Baldwin et al., 2012). The complementary principle in this domain is economic and institutional transparency. Transparency ensures that the information necessary for economic decision-making is available to all actors and reduces the possibility of abusing information asymmetry (North, 1990; Ogus, 2004). Alongside these elements, the guarantee of private property rights, as one of the foundations of the liberal economic system, plays a fundamental role in creating incentives for investment, innovation, and production (Hayek, 1973; Locke, 2008).

The third domain in which the function of the composite model of justice and liberty is fundamentally important is constitutional law. Even within the framework of the small state, the risk of concentration of power and expansion of political authority exists; therefore, the constitutional system must provide effective mechanisms for restraining and controlling state power (Barendt, 2011; Dicey, 1915). Within this framework, the first key element is guaranteeing the fundamental rights and liberties of citizens. Rights such as freedom of expression, freedom of property, freedom of contract, and the right to political participation must be explicitly recognized and protected in the constitution (Dworkin, 2000; Ghazi-Shariatpanahi, 2012). These rights not only define the domain of individual liberty but also act as a normative limit on state interventions. The second element is the separation of powers and the system of institutional control of power. The theory of the separation of powers, originating in Montesquieu's classical works, prevents the concentration of power by distributing power among the legislative, executive, and judicial branches (Montesquieu, 1989; Vile, 1998). Alongside this, mechanisms such as judicial review of legislation and administrative actions can ensure that state actions remain within the framework of the constitution (Tomkins, 2003). Moreover, principles such as the rule of law, institutional transparency, and public accountability play an important role in limiting state power and prevent even a small state from gradually turning into an interventionist structure (Baldwin et al., 2012; Katouzian, 2016).

5. Evaluation and Challenges of the Model

Although the composite model of justice and liberty within the framework of the small state theoretically seeks to establish a balance between preserving individual liberties and guaranteeing a minimum level of institutional justice, its practical realization is accompanied by a set of risks and challenges. These challenges relate both to the inherent limitations of the concept of the small state and to the institutional, cultural, and economic conditions of the societies in which such a model is implemented. Therefore, evaluating this model requires simultaneous attention to possible risks at the structural level, contextual obstacles at the social and institutional levels, and the conceptual and practical boundaries of the model in realizing certain justice-oriented objectives.

A. Possible Risks in Implementing the Model

The first risk in implementing the small-state model is the danger of excessively reducing the scope of the state. If the principle of state minimality is interpreted in an extreme manner, the ability of public institutions to provide certain basic services and social infrastructures may be weakened. Services such as public education, basic health, and economic infrastructure are among the areas in which the absence of a minimal state presence can lead to reduced public access and the intensification of social inequalities (Ghavam, 2021; Stiglitz, 2000). Under such conditions, the market alone will not be able to provide public interests, and vulnerable groups may be deprived of access to essential services (Faqihi, 2021; Sen, 1999). The second risk concerns the concentration of economic power in free markets. Although the competitive economy is one of the pillars of the small state, in the absence of appropriate regulatory rules, markets can move toward concentration and monopoly. The formation of economic monopolies not only restricts competition but can also concentrate economic power in the hands of limited groups and ultimately reduce the economic liberty of other actors (Olson, 1965; Stiglitz, 2000). From this perspective, even within the framework of the small state, the existence of limited supervisory mechanisms to preserve competition and prevent economic collusion is necessary (Baldwin et al., 2012). The third risk relates to structural inequality. In many societies, individuals do not begin from an equal starting point, and differences in access to economic capital, social capital, and educational resources can reproduce persistent inequalities. Since the small state usually lacks extensive redistributive instruments, its capacity to correct these inequalities will be more limited (Ghavam, 2021; Rawls, 1999). As a result, if policies guaranteeing equality of opportunity are not properly designed, the market structure may reinforce existing social and economic gaps (Ghavam, 2021; Sen, 1999).

B. Contextual and Cultural Challenges

The successful implementation of the small-state model depends, beyond theoretical considerations, on the institutional and cultural conditions of each society. In societies with a long history of state economy or extensive state intervention in economic and social spheres, reducing the scope of the state can face significant political and bureaucratic resistance. Extensive bureaucracies usually tend to preserve or even expand the scope of their authority; a phenomenon discussed in the political economy of the state through theories of bureaucratic expansion (Buchanan, 1987; Jessop, 2002). In addition, the institutional and organizational culture of public institutions may not be compatible with the logic of limited regulation based on general rules. In many administrative systems, legislation and policymaking have been shaped by detailed and ad hoc interventions, whereas the small-state model requires movement toward general, simple, and predictable rules (Jessop, 2002; Oecd, 2012). This transformation requires deep institutional reforms and a change in legal and administrative culture. On the other hand, social acceptance of this model also depends on the level of public trust in the market, legal institutions, and competitive mechanisms. In societies where institutional trust is low or where there have been negative experiences of privatization and economic liberalization, society may perceive the reduction of the state's role as a threat to social justice (Farajiha, 2019; Stiglitz, 2000). Under such conditions, implementing the small-state model without establishing transparent supervisory and legal frameworks can lead to social instability or political resistance.

C. The Boundaries of Model-Building in the Small State

Finally, it should be noted that the composite model of justice and liberty within the framework of the small state has specific boundaries and cannot realize all justice-oriented or welfare-oriented objectives. One of the most important limitations concerns distributive justice. This model mainly focuses on equality of opportunity and procedural justice, and therefore cannot guarantee complete equality in economic outcomes or a broad reduction of income inequality (Rawls, 2001; Sen, 1999). Another limitation concerns the state's capacity to confront large-scale crises. Crises such as deep economic recessions, pandemics, or natural disasters may require broad and coordinated state interventions, which to some extent conflict with the logic of limiting the scope of the state (Majone, 1996; Stiglitz, 2000). Under such conditions, even small states will inevitably have to temporarily expand their role in order to manage crises. Moreover, some social and cultural domains—such as cultural policies, support for collective identities, or the promotion of moral values—have a nature that cannot be managed merely through the guarantee of individual liberty and general rules. Many theorists of political philosophy believe that these domains sometimes require a form of normative intervention or active policymaking that is not fully compatible with the philosophy of the minimal state (Dworkin, 2000; Rawls, 2001).

6. Conclusion

The relationship between liberty and justice within the framework of the small state cannot be reduced to a simple opposition. What is decisive is not the value priority of one over the other, but the manner of their institutional formulation. Liberty, if reduced merely to the removal of state intervention, is at risk of becoming a privilege dependent on pre-existing positions of power; just as justice, if released from liberty-oriented constraints, can lead to the expandable logic of administrative authority. The main issue, therefore, occurs at the level of designing rules and institutions, not at the level of declaring allegiance to one value against another. The small state, in this horizon, is neither a passive state nor an interventionist state, but a rule-bound order that, by relying on general, transparent, and non-discriminatory rules, both preserves the field of negative liberty and prevents its structural blockage. Smallness is not a quantitative description of the size of the state, but a qualitative description of the manner in which power is exercised: limited, constrained, and accountable power that, instead of intervening in outcomes, focuses on regulating the conditions of competition, restraining monopoly, and guaranteeing equal access to opportunities. Within such a framework, justice appears not as extensive redistribution, but as procedural and opportunity-oriented justice; a justice whose function is to level the field of possibility, not to engineer equality of outcomes. From this perspective, liberty and justice stand in a co-sustainable relationship: liberty opens the horizon of choice, and institutional justice stabilizes the conditions for effective enjoyment of that horizon. The elimination of either renders the other fragile. Thus, the normative quality of the state is measured not by the breadth of its interventions, but by its principled architecture; an architecture in which the limitation of public power is accompanied by the restraint of concentrated private power, and the self-limitation of the state is regarded as the condition for the sustainability of liberty. Such an order shows that the possibility of combining negative liberty and institutional justice is realized not through political compromise, but through the subtlety of legal and institutional design.

Authors' Contributions

Authors contributed equally to this article.

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In order to correct and improve the academic writing of our paper, we have used the language model ChatGPT.

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