

# REASON PAPERS

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## Editorial

It is a great pleasure, first of all, to announce that Shawn E. Klein is now serving as a new Co-Editor-in-Chief of *Reason Papers*. He joins us in this endeavor as someone with valuable prior editing experience. Having expertly managed the editing of *Harry Potter and Philosophy* (Open Court, 2004) and *Steve Jobs and Philosophy* (Open Court, 2015), he now serves as the Editor of *Studies in the Philosophy of Sport*, a new book series from Lexington Books. Many people perhaps know him best as The Sports Ethicist. If you've not yet read his thoughtful commentary on a wide variety of issues about and controversies in sports, pay a visit to his blog at: <http://sportsethicist.com/>, or listen to his podcasts at: <http://sportsethicist.com/the-radio-show/>. Irfan Khawaja has taken on the task of Book Review Editor.

Now on to an overview of our latest (somewhat delayed) Fall 2015 issue. Several of the contributions to this issue of *Reason Papers* grapple with the difficult justificatory and methodological issues involved in ethics. A set of articles comprises a symposium on David Kaspar's book *Intuitionism*.<sup>1</sup> According to Kaspar, the only way successfully to fend off both moral skepticism and subjectivism is to *explain* "the intuitive principles" (e.g., "Murder is wrong," "Promises should be kept"). This is accomplished not by appeal to some "supreme principle of morality," such as those offered by utilitarianism or deontology. Kaspar argues that this is achieved only by intuitionism, which "holds that we know moral truths about moral facts in the world. Access to such truths, access to such facts, is not the product of any moral theory . . . . [M]oral truth is revealed by what we really think about morality" (p. 10). Irfan Khawaja, Moti Mizrahi, and Matthew Pianalto evaluate Kaspar's thesis from different directions. Khawaja critiques intuitionism from a foundationalist-empiricist perspective, which maintains that moral claims are justified only when they are properly "based on forms of experience that derive from sensory evidence" (p. 13). He ultimately argues that Kaspar's theory identifies moral beliefs (which, *contra* Kaspar, are not self-evident) rather than moral knowledge, and so fails to offer an adequate justificatory approach for moral claims. Mizrahi critiques Kaspar's theory not from an alternative theoretical basis as Khawaja does, but by reconstructing and challenging the main arguments that Kaspar offers for his account: "an inference to the best explanation, an argument from the analogy between mathematical knowledge and moral knowledge, and an argument from the epistemic preferability of the intuitive principles" (p. 26). He focuses especially on intuitionism's conflation of moral belief with moral knowledge,

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<sup>1</sup> The symposium on David Kaspar's *Intuitionism* was originally an Author-Meets-Critics session. It took place at the Jacques Marchais Museum of Tibetan Art, Staten Island, New York, on June 21, 2014, and was organized by David Kaspar and Irfan Khawaja with the assistance of Meg Ventrudo, the Museum's Executive Director.

arguing that beliefs are not necessarily truth-tracking. Pianalto challenges Kaspar's view that we have an intuitive grasp of "moral kinds" in an *a priori* way. This view is problematic, argues Pianalto, on two counts—the object of moral knowledge and the manner of knowing. He suggests, instead, that intuitionists should attend to the roles played by experience and particular, contextual judgments in forming moral beliefs.

In a review of Mark Murphy's *God and Moral Law*, Richard Burnor also emphasizes the crucial role that explanation plays in ethics—but from a religious perspective, with a special focus on examining natural law approaches. Issues of philosophical (including moral) methodology are taken up in Brendan Shea's review of Daniel Dennett's *Intuition Pumps*, which is largely devoted to examining the proper and improper place of "intuition pumps" and metaphors in reasoning as well as how philosophy relates to the sciences. Timothy Grisillo homes in on a specific form of moral reasoning—argument by analogy—when he challenges how Walter Block and Jakub Wisniewski use an analogy in a running debate over abortion.

Other contributions take up issues in political philosophy, including the legitimacy of the state, what kind of state is worth defending, and the place (if any) for religion in a liberal political society. Stephen R. C. Hicks muses about the fate of liberalism—that is, "the social system that makes foundational liberty of the individual in all areas of life" (p. 108). Here, he explains fifteen reasons why liberalism is valuable, inviting feedback from readers (as this first of a two-article series is part of a larger project on the topic). In "Politics After MacIntyre," Philip Devine examines the prospects for the survival of religious virtue communities—à la Alasdair MacIntyre—under a liberal political society. Although MacIntyre himself thoroughly rejects liberalism, Devine is wary but hopeful that liberal political principles would make possible the sustained existence of such communities. In a review of Michael Huemer's *The Problem of Political Authority*, Danny Frederick takes to task the arguments for Huemer's anarchic conclusion that "[n]o state is legitimate, and no individual has political obligations" (p. 178).

The proper relationship between political and economic institutions is perennially debated; this issue of *Reason Papers* provides a forum in which such a debate is continued. Richard M. Salsman tackles public choice economics in his "Common Caricatures of Self-Interest and Their Common Source." Although he lauds this school of economics in certain regards, he criticizes its proponents for accepting various false characterizations of the self (hence of self-interest) and for endorsing means-end rationality. Salsman urges public choice economists to integrate proper conceptions of self and self-interest as well as a substantive notion of rationality whereby we can reason about both ends and means. What's ultimately at stake, he argues, is the possibility for politicians—armed with the correct view of human nature—to become statesmen who work to protect individual rights and economic freedom. Alex Abbandonato reviews John Tomasi's *Free Market Fairness*, which challenges the market-friendly paradigm found in Salsman's article. Abbandonato is sympathetic to Tomasi's attempt to reconcile liberalism's

defense of economic freedom with socialism's concern for "social justice." Controversy can ensue, though, even when theorists agree that there should be little or no intersection between politics and economics. This can be seen in Brian Simpson's Objectivist-grounded rejection of Chris Leithner's Austrian approach to economics.

Continuing our practice of including contributions about art and culture, we have four that can broadly be considered cultural analyses and two film reviews. An important aspect of American culture is its veneration of heroes and heroism—especially the individualist variety where the underdog succeeds in the face of tremendous obstacles. In a book-ending of American history, we have, on the one hand, Robert Begley's analysis of Lin-Manuel Miranda's sensational Broadway hit *Hamilton: An American Musical*, and, on the other hand, Gregory Wolcott's review of Shawn Klein's edited collection *Steve Jobs and Philosophy*. Both reviewers (as well as the works they review) do justice to the complex greatness of Alexander Hamilton and Steve Jobs, real-life heroes who excelled in different domains.

Also part of American culture is a self-critical idealism, so there is an important role for the social critic to play. Two such works of social criticism are reviewed here. Peter Saint-Andre reviews Kurt Keefner's *Killing Cool: Fantasy vs. Reality in American Life*, which eschews fantasy-laden desires to be "cool" for a more satisfying reality-oriented way of life. Patrick Webb reviews Michelle Alexander's *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*, which places under a microscope thorny issues of race and criminal (in)justice in America. These cultural critics aim not to displace American values, but to encourage individuals and institutions to live up to them—to keep us grounded as we reach for the stars.

In the first of this issue's film reviews, Gary James Jason offers the final installment of his three-part series on the depiction of egoists and egoism in classic films. His previous pieces analyzed positive and negative portrayals of egoism in classic cinema. Here, he focuses on Nietzschean portrayals of egoism in the films *Compulsion* and *The Moon and Sixpence*. Finally, Matt Faherty critiques (from a free-market perspective) Andrew Morgan's 2015 documentary *The True Cost*, which blames the fashion industry, consumerism, and markets for environmental degradation and the oppression of Third-World workers.

We hope that you enjoy reading the thought-provoking ideas found in this issue of *Reason Papers*.

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**Symposium:**  
**David Kaspar's *Intuitionism***

*Intuitionism: A Précis*<sup>1</sup>

David Kaspar  
St. John's University

*Intuitionism* explains what is moral and what morality is. Moral intuitionism may most succinctly be defined as the view that (i) we intuitively know (ii) several fundamental moral truths (iii) which have plural grounds. *Intuitionism* is a synthesis of what I think are the best doctrines offered by intuitionists past and present, accompanied by some original claims of my own, most notably in the area of moral metaphysics. It may be considered a comprehensive outline of intuitionism, and I think may usefully be used to see where further work in moral theory is needed.

Explanation is the central task of moral theory. Explaining both what morality is (metaethics) and what is moral (normative ethics) is needed not only to satisfy our lack of understanding: Our central reason for doubting the objectivity of morality, I claim, is that we don't know how to explain what we believe about morality. This gives the task of moral explanation a special urgency.

Intuitionism has often been considered explanatorily impotent. I tackle this charge in Chapter 1, and identify the basics of what we ought to believe, such as "Lying is wrong" and "Keeping promises is required," two "intuitive principles." Intuitionism doesn't merely explain what we ought to believe, but also why we already hold these beliefs, and why they've been held for millennia. Objectivist ethicists of all stripes justify their principles and theories by their ability to justify the intuitive principles. Only intuitionists seem to recognize that it is the intuitive principles that carry the greatest moral epistemic weight.

The intuitive principles may be considered the foundations of morality. They are self-evidently true. Everything else in morality that needs to be discussed must be related to these two points. The crucial foundational

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<sup>1</sup> David Kaspar, *Intuitionism* (New York: Bloomsbury, 2012). All references to the book in this symposium are by page numbers in parentheses.

task of ethics is to determine what we know about morality. The supreme epistemic credibility of the intuitive principles such as “Murder is wrong” and “Rape is wrong” in the moral domain gives them a controlling role over all other aspects of moral inquiry.

Intuitionism holds that we know moral truths about moral facts in the world. Access to such truths, access to such facts, is not the product of any moral theory, not even of intuitionism. Since the moral truth is revealed by what we really think about morality, I invite the reader to take part in our moral inquiry. Being convinced of intuitionism requires more direct reflection on the content of morality than any other theory. Other theories, in contrast, begin with one theoretical construct or another, often in the form of a supreme principle of morality in normative ethics, or some factor external to morality, such as feelings or properties of the natural world in metaethics. We start with how moral matters appear to the reader. If readers do not directly engage with what they think to be moral, if anything other than moral content is the controlling element of their inquiry, then they cannot take on the intuitionist perspective, let alone see how it might be true.

To best understand intuitionism one must know its recent history, which is Chapter 2’s main topic. In the 1930s intuitionism was the dominant school of ethics. It faded from view with the rise of logical positivism, and only reemerged in the 1990s. Examining the most famous critiques of intuitionism reveals important commonalities. Often no intuitionist under critique is quoted, and often doctrines are attributed to intuitionists that are not held by any major twentieth-century intuitionist. Most importantly, however, is that the history of intuitionism is part of the positive case for it. For in a highly focused, highly competitive field of analytic ethics, there has been a general drift toward the intuitionist position, which recent history has borne out.

The controlling intuitionist consideration is, again, moral epistemology, the subject of Chapter 3. Why we should and why we do believe the intuitive principles is explained by the concept of self-evidence. Self-evidence is a property of propositions. A proposition  $p$  is self-evident if and only if  $p$  contains all of the evidence needed for one to be justified in believing that  $p$ .

Robert Audi’s two-condition account of self-evidence explains the connection between a believer and a self-evident proposition. A true proposition  $p$  is self-evident if (1) a subject  $S$  is justified in believing  $p$  in virtue of understanding it and (2) if  $S$  believes  $p$  on the basis of understanding it, then  $S$  knows it.<sup>1</sup> Understanding a self-evident proposition is how one grasps its evidence. I make the case that every normal adult knows what’s right (a first-order matter), even if they believe a second-order claim that excludes such a possibility.

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<sup>1</sup> See Robert Audi, *The Good in the Right: A Theory of Intuition and Intrinsic Value* (Princeton, NJ: Princeton University Press, 2004), pp. 48-49.

The metaphysical challenges to intuitionism are large. Chapter 4 grapples with some of them. The general metaphysical concern about intuitionism is its nonnaturalism. Intuitionism has held that properties such as “good” and “right” are nonnatural. What is most distinctive of nonnatural properties is that they cannot be observed, as visual properties are, or known by scientific means. Nihilism has directly attacked intuitionism on this basis, although it agrees that intuitionism captures what we really think about morality. Naturalism holds that we can observe moral properties as we can other properties in nature. The supervenience problem for intuitionism demands an explanation for how nonnatural moral properties are connected to natural properties. These challenges I respond to in turn.

The grounds of our duties is the neglected topic in intuitionism. Chapter 5 begins to remedy that. Most writing, both by proponents and opponents, has focused on intuitionism’s moral epistemology and its foundational pluralism. However, intuitionists such as H. A. Prichard and W. D. Ross include within their descriptions of duty reference to “moral kinds” and “moral relations.” Examples of a moral kind are “lie” and “promise.” An example of a moral relation is the relation Smith bears to Jones after he promises to repair her roof. The promise relation binds Smith to Jones as a promiser, and gives Jones a claim against Smith. Moral kinds, I hold, have necessary structures, including components that invariably are part of them. Smith only instantiates “promise” when all components are part of his act, and in doing so enters the promise relation to Jones.

Moral kinds are the main tools of moral explanation, I argue in Chapter 6. “Good” is not what explains “right,” nor does “right” explain “good.” In order to give moral explanations their greatest explanatory power, intuitionists must embrace the intrinsic moral good, a concept that both Prichard and Ross exclude. I consider their doing so their colossal blunder. A large part of the case I make for the intrinsic moral good draws from their own work. Explaining what is right has different levels. The mere fact that an act is a lie gives us a *prima facie* duty not to do it. Considering the internal structure of a moral kind allows us a deeper level of explanation. Considering the value statuses of the components of moral kinds, both singly and wholly, gives us fuller, more accurate explanations of why acts are right or wrong than any other theory. Moral facts are explained with this machinery. The supervenience problems that were discussed in Chapter 4 are settled.

Normative rivals to intuitionism have had an easy time of it. They have claimed that since they have action-guiding supreme principles, while intuitionism does not, they are superior normative theories. In Chapter 7, I examine four rivals to intuitionism, mainly by focusing on their supreme principles of morality. From a purely epistemic standpoint, none fares well. In actual moral situations, we are much more likely to think we know “Lying is wrong” than “Act only on that maxim that you can at the same time will as a universal law.” Also, no supreme-principle theorist seems to be aware that just because a supreme principle S implies, say, three intuitive principles, P, Q, and R, and P, Q, and R are true, does *not* imply that S is true. For false

propositions like “All numbers are even” imply true propositions such as “Two is even,” “Four is even,” and so on. Despite fundamental epistemic and logical weaknesses, the supreme principles I discuss do have great practical value that we should not neglect. And insofar as any of them are self-evidently true, we ought to incorporate them into intuitionism, as Ross recommends for the principle of utility, and Audi does for Immanuel Kant’s principle of humanity.

In Chapter 8, the final chapter, I bring matters down to earth and then to the widest possible perspective. The recent intuitionist focus on metaethics has meant that the actual content of the intuitive principles has been overlooked. Here I acknowledge that different intuitionists hold different intuitive principles, and I suggest how we might determine which intuitive principles are the fundamental ones. On the matter of action-guidance, I argue that although several theories promise to provide it through their supreme principles, they don’t really deliver action-guidance in any meaningful sense.

Turning to larger issues, I confront the perennial moral question: Why should we do what’s right? I argue that, given that we *know* what’s fundamentally right, we have a clear reason to do what’s right. Lastly, I argue that the existence of God is not logically necessary for the existence of morality. If God exists, then of course God is part of the explanation of why there are moral properties. If God does not exist, then moral reality is not necessarily undone by this, although other aspects of the moral life will arguably be altered.

## David Kaspar's *Intuitionism*: A Foundationalist-Empiricist Response

Irfan Khawaja  
Felician University

### 1. Introduction

In this article, I offer what I think of as a “foundationalist-empiricist” response to David Kaspar’s very clear and illuminating book *Intuitionism*.<sup>1</sup> By “foundationalism” I mean the doctrine that regresses of epistemic justification come to an end in a single determinate terminus (“foundation”) that asymmetrically confers justification on the items within it. By “empiricism” I mean the doctrine that all knowledge has its ultimate source in the evidence of the (five) senses. “Foundationalist-empiricism,” then, is the doctrine that all regresses of epistemic justification are ultimately justified by appeal to empirical evidence, where “empirical evidence” is understood to have its ultimate source in the evidence of the senses.

Applied to moral knowledge and belief, foundationalist-empiricism entails that all moral propositions are, as a matter of descriptive fact, based on forms of experience that derive from sensory evidence. As a matter of normative fact, the view holds that we’re warranted or justified in making moral claims insofar as we can trace the evidential basis of those claims back to that evidence. It follows that to the extent that we’re *unable* to trace our claims back, they lack warrant, and fall short of full-fledged claims to moral knowledge. So construed, a foundationalist-empiricist moral epistemology is not precisely skeptical, but has skeptical implications for moral claims whose warrant is wholly detached from sensory experience. It therefore has skeptical implications for the claims of a theory like intuitionism or divine-command theory, which radically bifurcate the experiential process by which we come to acquire moral knowledge from the norms by which we justify our claims to knowledge.

In what follows, I don’t pretend to defend or even adequately explicate foundationalist-empiricism.<sup>2</sup> I simply offer it as a foil for Kaspar’s

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<sup>1</sup> David Kaspar, *Intuitionism* (New York: Bloomsbury, 2012). All references to the book in this symposium are by page numbers in parentheses.

<sup>2</sup> Nor, I should add, do I think that the view itself has been adequately explicated or defended in the existing literature. In that respect, whichever doctrine ends up being true, intuitionism certainly has the advantage, to date, of having been more adequately

intuitionism, recording the reactions a foundationalist-empiricist would have to a view of the sort Kaspar so ably defends. My aim, then, is to sketch the points of affinity and contrast between the two views, and to indicate lines of further inquiry.

## 2. An Empiricist Objection in a Nutshell

Though I wasn't ultimately convinced by Kaspar's argument for intuitionism, I find a great deal in the book to admire. It's clear, well-written, well-argued, and very much lives up to its conception of philosophy as "the search for the whole truth" (p. 7).

I also agree with a lot of it. Like Kaspar, I'm a realist about ethics. Like Kaspar, I think that moral knowledge is possible. While I wouldn't go as far as to espouse Kaspar's stout (Moorean) nonnaturalism, I agree at least with the spirit of his rejection of physicalist forms of naturalism. I was also pleasantly surprised to agree with much of what he has to say about the right and the good, and with much that he says in criticism of utilitarianism, Kantianism, and virtue exemplarism, along with much of what he has to say about first-order moral judgments. Finally, I've come as a result of reading the book to agree that intuitions have an important role to play in moral inquiry, though not the expansive role they ultimately get in Kaspar's intuitionism.

My criticism of Kaspar's intuitionism is essentially what you'd expect of a moral realist of foundationalist and empiricist epistemological leanings. Central to Kaspar's account is the claim that there are moral facts and truths, and that these moral facts/truths are at least partly independent of our minds. Also central is Michael Huemer's principle of phenomenal conservatism: "Other things being equal, it is reasonable to assume that things are the way they appear" (p. 62). Intuitions, in turn, are ways things appear, and moral intuitions are ways things appear in the moral domain. Moral intuitions are thus truth-tracking. Our task as inquirers is to get clear on what we really think about morality. That in turn will put us in contact with our intuitions, which in turn enables us to track moral truth. Once we track it, we can act on it, and so be moral.

Suppose that one agrees, at least roughly, with Kaspar's account of the metaphysical "grounds of morality" described in Chapter 5 of the book, as (in broad outline) I do.<sup>3</sup> My objection is that "getting clear on what we really

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explicated and defended. For an account of the sort of foundationalist empiricism I have in mind, see David Kelley, *The Evidence of the Senses: A Realist Theory of Perception* (Baton Rouge, LA: Louisiana State University Press, 1986); Irfan Khawaja, *Foundationalism and the Foundations of Ethics* (University of Notre Dame PhD dissertation, 2008), chap. 2; and the first four articles in Allan Gotthelf and James G. Lennox, eds., *Concepts and Their Role in Knowledge: Reflections on Objectivist Epistemology* (Pittsburgh, PA: University of Pittsburgh Press, 2013).

<sup>3</sup> This formulation may overstate the agreement, but I lack the space to get at the details of agreement and disagreement here. My essential agreement with Kaspar is what I take to be our common ground over at least a "minimal moral realism," along

think” cannot be a discovery-procedure for accessing the mind-independent facts/truths described there, and its not being one is a defect of the theory. At best, “getting clear on what we think” clarifies our *thoughts*, but the knowledge we get by clarifying our thoughts is knowledge about our cognitive states, not knowledge about facts that exist independently of those cognitive states. Ultimately (as I see it), Kaspar gives us no reason for thinking that intuitions are *knowledge*, as opposed to being beliefs that we *take* to be self-evident, that we *take* to be true, that have a certain degree of *prima facie* plausibility, and that may very well end up being true. The problem is that a belief can have all of those features and yet fail to be knowledge, which is what I think turns out to be true of Kaspar’s moral intuitions (e.g., p. 12).

In telegraphic form, my argument is this:

- (1) None of the moral intuitions that Kaspar regards as self-evident truths is self-evident.
- (2) Since (or if or because) moral intuitions are not self-evident, they don’t qualify as knowledge.
- (3) So moral intuitions don’t qualify as knowledge, and their not qualifying as knowledge entails the falsity of intuitionism.
- (4) Moral intuitions’ failure to qualify as knowledge is what explains the so-called “disagreement problem,” and in particular explains what is problematic about it.

Claim (1) involves a complicated and difficult rationalist-empiricist dispute about the nature of self-evidence that I can only sketch here.

Once claim (1) is in place, claim (2) is relatively (but not totally) obvious. It involves disputing the epistemic utility of what Kaspar calls epistemic appraisal, along with the expression of a bit of skepticism about (the evidential value of) moral intuitions.

Claim (3) follows from (1) and (2), and from Kaspar’s definition of “intuitionism.”

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with his rejection of physicalism; along with most of what he says about moral relations, transactions, and kinds in chap. 5, secs. 3-7, and much of what he says about promises in chap. 5, secs. 8-9. I part company with his identification of naturalism with physicalism, with some of the specifically Moorean elements of his nonnaturalism, and with the metaphysically realist account of kinds. On minimal moral realism, see Geoffrey Sayre-McCord, “The Many Moral Realisms,” in Geoffrey Sayre-McCord, ed., *Essays on Moral Realism* (Ithaca, NY: Cornell University Press, 1988), pp. 1-23.

Claim (4) relies on the preceding and disputes Kaspar's response to A. J. Ayer's objection about intuitionism's failure to provide "some criterion by which one may decide between conflicting intuitions" (p. 44).

I discuss these claims below in turn, and end with what I take to be a qualified agreement with Kaspar about the utility of what he calls the "methods of intuitionism."

### 3. Moral Intuitions and Self-Evidence

Early in Chapter 3, Kaspar points out that the dispute between intuitionists and their critics is usefully seen as the moral exemplification of a broader epistemic dispute between rationalists and empiricists:

Empiricism holds that all of our knowledge has its source in our [sensory] experience of the world. Rationalism disagrees, claiming that though a great deal of our knowledge is gotten through experience, we have significant a priori knowledge about the world. (p. 51)

I agree with the characterization of both views and also with the claim that the rationalist-empiricist divide explains much (though not necessarily all) of the divide between intuitionists and anti-intuitionists. Intuitionists claim that moral intuitions qualify as knowledge because moral intuitions are self-evident truths, and when *S* understands a self-evident truth and affirms it, *S* has knowledge. Foundationalist empiricists like myself agree that some things are self-evident, and agree that what is self-evident is knowledge. What they dispute is that moral intuitions satisfy this description. They also dispute the rationalist conception of self-evidence and of knowledge itself. The dispute between the two sides is thus a complicated one. Kaspar admits that he lacks the space to make a proper case for rationalism (p. 51), and I myself lack the space to make a proper case for empiricism. My aim here, then, is to sketch the nature of the disagreement in order to clarify what's at issue.

I need to start with what may turn out to be a non-issue, but which nonetheless strikes me as a bit of a puzzle right at the start. Kaspar asserts that there is a set of moral intuitions that is self-evidently true, and that if we figure out what we really think about morality, we can discover its members (or many of them) (pp. 12-18). Occasionally, he offers examples of this set intended to illustrate their self-evident truth, for example, "harming others is wrong." Here is the puzzle: (a) All of Kaspar's examples of self-evident intuitions are examples of unqualified moral judgments (whether evaluative or prescriptive), like "harming others is wrong." (b) However, as Kaspar's discussion of Immanuel Kant makes clear, Kaspar is not a moral absolutist (p. 39); he thinks that many, if not most, moral claims are contextual or defeasible. (c) And yet, none of the claims he offers as candidate intuitions is described in its contextualized or defeasible form.

The problem here is that if (b) is the case, then none of the moral intuitions that Kaspar offers as examples of self-evident truths is in fact true as



stated. Surely, harming others is not wrong *per se*; what's wrong is harming them in some contexts rather than others. In fact, the principle that determines when it's legitimate to harm someone strikes me as very far from self-evident (in the technical sense) or even obvious or clear (in the colloquial sense). And the scope or definition of the concept "harm" is a notoriously difficult question. As it stands, then, "harming others is wrong" is neither always true (as Kaspar himself recognizes), nor even a claim of particularly clear content. Since (c) is the case, it's not clear whether the content of our moral intuitions maps onto the (vague or false) moral judgment in the text, or to the contextualized version that is not made explicit in the text.

The dilemma here is that every example of a self-evident moral truth that Kaspar offers in the book is vague, false, or inexplicit. When we combine this with the conflicting lists of moral intuitions given by W. D. Ross, Robert Audi, Russ Shafer-Landau, and Huemer near the end of the book (p. 172), we confront an initial difficulty: If moral intuitions are self-evident, and we all have knowledge of them, why is it so difficult to come up with a single uncontroversial case of one that guides action, even in the hands of intuitionists?

In fairness, Kaspar says that the duties he defends in the book are all *prima facie* duties in Ross's sense, where the "*prima facie*" proviso is omitted throughout the text of his book for brevity's sake (pp. 20-22). Fair enough, but in that case, I wonder whether Kaspar would agree that none of the following is self-evident:

- Our *actual* duties (p. 21)<sup>4</sup>;
- The *weights* of our *prima facie* duties (p. 22);
- The *fact* that moral duties take the form of "ineradicable but overridable *prima facie* duties" (p. 21).

If he *would* admit all of that, then it seems to me that intuitions end up doing relatively little of the work of guiding action, so that there is an element of truth in the common objection that intuitionism merely yields moral truisms (pp. 67-69). An enormous amount of our moral life, possibly the bulk of it, requires the epistemic and deliberative resources of something other than self-evident intuitions.

The more fundamental issue, however, concerns the nature of self-evidence itself. Kaspar quotes Audi as offering the following "two condition account of self-evident cognition":

A self-evident proposition is (roughly) a truth such that understanding it will meet two conditions: that understanding is (a)

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<sup>4</sup> In other words, the "moral discernment" required to determine which duty is our actual duty is *not* self-evident (p. 21).

sufficient for one's being justified in believing it . . . and (b) sufficient for knowing the proposition provided one believes it on the basis of understanding it. (p. 52)<sup>5</sup>

Kaspar adds that given the standard "justified true belief" (JTB) account of knowledge, the proposition has to be believed by *S* to count as knowledge for *S*. He later points out that Audi's account of self-evidence involves a "unary justification structure": "knowledge that has a unary justification structure involves the proposition that is known, or believed to be known, providing evidence for itself. So the knowledge content and the evidence for that knowledge are one and the same" (p. 57). The essential distinction is one between knowledge content and the evidence by which the knowledge content is known. Another important point is that what is self-evident is not, on Kaspar's account, evident in the way that the deliverances of the senses are evident (pp. 19-20). Something can be self-evident for *S*, but not evident to *S*. Its self-evidence may not be evident to *S*, either.

As a foundationalist, I agree that some things are self-evident. As an empiricist, however, my view is that what is self-evident (and the only thing that is) is the evidence of the senses on a direct-realist account of perception.<sup>6</sup> On a view like this, claims approximate self-evidence the closer they are to the perceptual level, and are both less evident and less clearly candidates for approximation to self-evidence the farther they are from the perceptual level. In other words, what is self-evident is what is *transparently evident* to cognition, and the only thing that fits the bill is sensory perception. Since moral knowledge is not literally perceptual, none of it is self-evident. In fact, since most of it is relatively distant from the perceptual level, very little of it (if any of it) even approximates self-evidence.

An empiricism of this variety has some radical implications. On a view like this, not even " $1 + 1 = 2$ " is as transparently evident to cognition as the fact that the equation is written there on the page. Where a rationalist would insist on the self-evidence of " $1 + 1 = 2$ ," an empiricist would insist (with John Stuart Mill) that the equation is a generalization from our perceptual experience with countable things, and that what is self-evident is our perceptual experience of such things. As for the rest of mathematics, it awaits the fortunes of a yet-to-be-worked-out empiricist theory of mathematics.<sup>7</sup> As for claims like "nothing is all red and all green all over," it's

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<sup>5</sup> Robert Audi, "Intuitionism, Pluralism, and the Foundations of Ethics," in Walter Sinnott-Armstrong and Mark Timmons, eds., *Moral Knowledge? New Readings in Moral Epistemology* (New York: Oxford University Press, 1996).

<sup>6</sup> See Kelley, *Evidence of the Senses*; and Gotthelf and Lennox, eds., *Concepts and Their Role in Knowledge*.

<sup>7</sup> For an overview, see Donald Gillies, "An Empiricist Philosophy of Mathematics and Its Implications for the History of Mathematics," in E. Grosholz and H. Breger, eds.,

a generalization from our experience with colored objects, and what is self-evident is experience of that kind. Anyway, even if mathematical or quasi-logical claims *were* self-evident, this would neither imply nor make plausible the claim that moral claims were.<sup>8</sup> We would need a further account explaining why the content of self-evident claims in the one case resembled that in the other.

This sketch makes clear where the empiricist differs with the Audi-Kaspar intuitionist on self-evidence. On the empiricist view, our perceptual contact with the world is self-evident, but that contact is non-doxastic and non-propositional. Yet it counts as knowledge if anything does. So the JTB analysis of knowledge is misleading: The most *evident* cases of knowledge are not a matter of *belief* at all, but of our perceptual connection to the world that presents itself to our senses. As far as belief is concerned, all justification is binary: When *S* believes that *p*, the evidence for *p* somehow ultimately reduces to perceptual evidence. Contrary to the implication of Audi's definition, merely believing that *p* and understanding its content can never be sufficient for being justified in the belief that *p*. What justifies the agent is tying the belief back to its basis in perception. Since all (or almost all) moral knowledge is doxastic, all justification about morality ends up being binary.

The contrast with intuitionism should be obvious. Take any of the intuitionist's candidates for self-evidence. None of them will satisfy, or even approximate, the empiricist's criteria for self-evidence. If the candidate is "harming others is wrong," the empiricist first begins by pointing out that there are qualified and unqualified versions of this proposition. Intuitively, the unqualified versions seem wrong, but the qualified versions seem far too complicated to be self-evident. Suppose that we fix on some candidate version of the principle, qualified or unqualified. In either case, the resulting principle will have a complex conceptual structure requiring a fair bit of analysis; in other words, we'll need to do serious analytic work just to clarify our concepts of "harm" and "wrongness." On an empiricist view, though, the serious analytic work in question consists in finding the *perceptual* basis of those concepts, an arduous (and, by rationalist lights, perhaps quixotic) task.<sup>9</sup>

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*The Growth of Mathematical Knowledge* (Dordrecht: Kluwer Publishing, 2000), pp. 41-57.

<sup>8</sup> I thus reject Kaspar's assumption that if intuitions have a role to play in metaphysics, epistemology, or science, the burden of proof lies with those who are skeptical about their use in ethics (p. 65). The burden of proof always lies with whoever makes an assertion in a given context. I see no reason to assume that if intuitions work in one domain, they must work in some other or every other domain, and there is in any case plenty of disagreement to be had about the kind of work they do in metaphysics, epistemology, or science. Since Kaspar himself insists that ethics is *sui generis*, he himself limits the sorts of inferences that one can legitimately make from non-ethical to ethical method.

<sup>9</sup> For one version of this project, see Jesse Prinz, *Furnishing the Mind: Concepts and*

Precisely because we can begin a regress of justification that demands this perceptual basis for an intuition like “harming others is wrong,” our understanding and avowal of the proposition cannot constitute its evidential basis or justification. The justification requires a further step.

Obviously, what I’ve done here is simply to assert what empiricism entails rather than argue for it, but I hope we can now see how and why a commitment to empiricism conflicts with a commitment to rationalist intuitionism (and also, I hope, how the two commitments resemble one another). Rationalists and empiricists disagree on the nature of self-evidence and on the cognitive items that qualify as self-evident. In order to resolve the disagreement, we’d need to adjudicate that issue at the outset.

#### 4. Skepticism about the Probative Value of Moral Intuitions

In the previous section, I contrasted the empiricist account of self-evidence with the intuitionist one and suggested why, by empiricist strictures, moral intuitions are not self-evident truths. Here, I want to suggest that if they’re not self-evident truths, they can’t be knowledge, and that merely believing them doesn’t make them knowledge.

Now, obviously, the central intuitionist claim is that moral intuitions *are* self-evident truths, so that the dispute over that claim is where the action is. It might therefore seem pointless to consider the probative value of moral intuitions while bracketing claims about their self-evidence; that seems like *Hamlet* without the prince. However, I think that doing so draws attention to ways in which, even apart from technical issues about self-evidence, like most intuitionists, Kaspar subtly upgrades the epistemic status of moral intuitions in the very act of describing them, thereby giving them a positive epistemic status that would strike the non-intuitionist reader as mysterious. In each of these cases, I think the stark questions arise: How is the epistemic agent doing any more than clarifying the content of his beliefs? And why think that doing so tracks the truth?

In an early characterization of intuitionism, Kaspar writes:

As we examine our moral beliefs some assumptions must be avoided . . . . [A]t several points we are likely to doubt that we know a particular moral proposition that seems correct to us. Doubting whether we know a given proposition is almost always salutary in philosophical inquiry. But the important thing now is merely what seems correct to us. So doubts should be registered, then let go. (pp. 15-16)

This procedure seems to me to stack the deck. Why can’t what seems correct to us *include* doubts? After all, it can seem correct to doubt, and doubt

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*Their Perceptual Basis* (Cambridge, MA: Massachusetts Institute of Technology Press, 2004).

can itself be part of the inquiry that tells us what, on reflection, one really believes. I don't see any *a priori* reason why doubt must be "let go" in moral inquiry when it arises. Doing so, it seems to me, gives the epistemic agent a false sense of certainty, and artificially upgrades what he takes himself to "know."

Later, in a discussion of epistemic appraisal, Kaspar discusses a similar issue at length:

The pioneers of analytic philosophy effectively used epistemic appraisal to route realism's adversaries. Why did it work? Epistemic appraisal helps us determine what we really think about any subject. In the process, it often brings into focus what we really know . . . . Often our best reason for believing something is simply that it is epistemically preferable to the alternatives. For any two beliefs about a given subject we will have different degrees of epistemic confidence. That we have more confidence that *p* than that *q*, after considering them, is itself a reason to believe *p* over *q*. It gives us strong *prima facie* justification for believing that *p*. So contrasting our options concerning lying in the proper context will justify our judgment. Likewise, by contrasting "It is wrong to harm others," with "It will not maximize the good," when harming someone is a real temptation, the intuitionist moral principle provides strong *prima facie* justification for why we should not harm them. The principle of utility does not.

Not everyone will accept this way of examining theories. Some will question the claim that just because we are more confident in one proposition *p* over another *q*, it constitutes evidence for the former over the latter. Merely being inclined to believe *p* over *q*, they will say, contributes absolutely no evidence for *p*. Rather it only informs us of our psychological bent at some time. Psychological confidence is not epistemic confidence, and epistemic appraisal seems based on confusing the two.

In response, I must stress that epistemic appraisal does not provide conclusive evidence for a proposition. Instead, it provides strong *prima facie* justification that can be overturned in a number of ways. (pp. 60-61, footnotes omitted)

First, I think it begs the question to say that determining what we really think about a subject "brings into focus what we really *know*": it merely brings into focus what we really *believe*. Second, the passage seems to equate degrees of epistemic confidence with degrees of epistemic preferability. Kaspar himself recognizes (at the end) that the conflation is problematic, but I'm unsatisfied by his response. In particular, I wonder: How does the "overturnability" of one intuition by another suggest that epistemic confidence can be equated with epistemic preferability in any sense at all?

Fundamentally, I don't see why the sheer *having* of a belief and/or the sheer regarding it as preferable to others (even all others) gives it "strong *prima facie* justification." I think it just gives the epistemic agent a strong propensity to believe it, which doesn't seem to me to be justificatory. Surely, the question is *why p* is preferable to the alternatives, but Kaspar's account implies that the confident believer need not ask why or have any answer in order to be justified (apart from regarding *p* as self-evident). Furthermore, if I were a utilitarian, I wouldn't grant that "It is wrong to harm others" provides strong *prima facie* justification that "It will not maximize the good" does not. It seems more obvious to me that that's a case of begging the question than that "It is wrong to harm others" is self-evident.

If we put the two preceding points together, I think we get a new objection to intuitionism. Intuitionism tells us that "biases, wishful thinking, hidden antipathies and affections all must be acknowledged and temporarily put aside as we proceed" (p. 15). As I see it, though, the suppression of doubt flouts this very advice. It expresses a bias in favor of (or affection for) confidence, an antipathy for uncertainty, and tolerance for the wishful thinking involved in conflating degrees of confidence with degrees of epistemic preferability.

### 5. Moral Disagreement

In the preceding sections, I've raised some doubts about Kaspar's account of the epistemic merits of moral intuitions, but hardly refuted it. Suppose *ex hypothesi* that I'm right: moral intuitions are neither self-evident nor knowledge. If that's so, I think we can see the point of A. J. Ayer's version of the argument from moral disagreement, an objection that I don't think Kaspar adequately characterizes in his discussions of moral disagreement. Ayer puts the point as follows. Intuitionism, he says,

makes statements of value unverifiable. For it is notorious that what seems intuitively certain to one person may seem doubtful, even false, to another. So that unless it is possible to provide some criterion by which one may decide between conflicting intuitions, a mere appeal to intuition is worthless as a test of a proposition's validity. (p. 44)<sup>10</sup>

In discussing Ayer's and J. L. Mackie's versions of the argument from disagreement, Kaspar focuses on the claim that if we have intuitive moral knowledge, there ought not to be moral disagreement, but I think this misconstrues the point of Ayer's criticism. As the first clause of the last sentence in the quotation makes clear, however, Ayer's criticism is not one about the *explanation* of moral disagreement, but a request for a procedure to *resolve* disagreement. Ayer's point is that intuitionists lack such a procedure,

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<sup>10</sup> Citing A. J. Ayer, *Language, Truth, and Logic* (Mineola, NY: Dover, 1952), p. 106.

and that lacking a procedure is a defect of the theory. I think that the objection is a good one, and is made plausible by Ayer's implicit (and my explicit) prior assumption that moral intuitions are not knowledge. If no moral intuitions were knowledge, then it's clear why intuitionists would lack a procedure for resolving disputes. Resolution of a dispute presupposes knowledge of the issues involved in the dispute (or so Ayer seems to be assuming, as I would). All that intuitionism does, however, is to induce us to clarify the intuitions we have. If no intuition counts as knowledge, intuitionism lacks the resources to resolve even the kinds of disputes that intuitionists have among themselves. If so, adoption of intuitionism would *itself* be among the factors explaining moral error. It would give the appearance of knowledge to epistemic agents who in fact lacked the resources of knowledge, and thereby yield interminable disagreement about how to resolve irresolvable conflicts of intuition.

There's another way of putting Ayer's point. Ayer thinks that we need a criterion to decide between conflicting intuitions. It might at first seem that the intuitionist should deny that we need this, but in fact Kaspar provides at least one criterion of his own. If two individuals have conflicting intuitions, Kaspar implies, the intuitions of the "normal adult" should be preferred to (or possibly trump) the intuitions of the non-normal non-adult (p. 72). At this point, I suspect that Ayer (or an Ayerian fellow traveler) would have two points to make in response.

The first is that it's not necessarily true that the intuitions of "normal" people are always to be preferred to those of the psychologically or psychiatrically abnormal. Counter-intuitive as it may seem, it could be that certifiably abnormal people at least sometimes have unique (and true) moral insights to offer the rest of us—a fact suggested in my view by the examples of Jesus, Friedrich Nietzsche, Fyodor Dostoevsky, Jean-Paul Sartre, and Ayn Rand, among others.<sup>11</sup> All five are, in my view, psychologically abnormal, but all five had profound moral insights.

The second is that even if we insist on a "normality criterion" for intuitions (so that only the intuitions of normal people count), intuitionism needs a criterion for normality itself. However, producing a criterion for normality is neither a trivial task, nor (as far as I can see) a matter of self-evident intuitions. This isn't a knock-down objection to intuitionism, but it does suggest (as I did in the previous section) that intuitions are less *fundamental* to moral inquiry than intuitionists want to suggest. The real

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<sup>11</sup> I mean the claim in the text literally, not facetiously: My point is that the named individuals all seem psychologically or psychiatrically abnormal, and yet have profoundly important philosophical insights to offer, despite their abnormality. For a systematic discussion of a similar issue (as regards autism), see Temple Grandin and Richard Panek, *The Autistic Brain: Helping Different Kinds of Mind Succeed* (New York: Mariner Books, 2014). Thanks to Kate Herrick for helpful discussion on this topic.

explanatory work is being done by a non-intuition-based criterion of normality.<sup>12</sup>

## 6. Intuitions and Moral Inquiry

I want to end on an agreement with Kaspar that came as something of a surprise to me. I've been focusing here on what I take to be the defects of intuitionism, which are in turn the epistemic defects of intuitions. The fundamental problem is that intuitionism involves a mismatch between mind and world. It insists on a world independent of mind, then saddles us with an epistemology that lacks the resources to access that world.

Although I finished the book unconvinced by the claims of intuitionism, I also left it with renewed respect for the power for the intuitionist method. Suppose that empiricism is true, and that all of my empiricist criticisms of Kaspar's intuitionism hit their mark. If that's so, Kaspar's intuitionism implicitly brings out a defect in empiricism that requires acknowledgement and confrontation: Empiricist strictures on knowledge are so severe as to leave all of moral knowledge in doubt, and leave all of it in abeyance, as we wait for empiricists to "put on their boots and jackets" and trace moral knowledge back to perception. Since we have to live our lives, and most of us aspire to live moral lives, we can hardly wait for the success of the empiricist project before we form moral beliefs or engage in moral deliberation or action. If so, then an austere empiricism of the sort I've described here threatens to make moral life unlivable, at least if moral life involves an aspiration to moral knowledge, as I think it does.

That suggests one or both of two possibilities. Either empiricists have to find an empiricist way of narrowing the gap between their sky-high epistemic strictures and the practical demands of everyday moral life, or they have to adopt a suitably empiricized version of something like Kaspar's intuitionism as an intermediate or stop-gap epistemology *en route* to the Grand Empiricist Project of reducing moral knowledge to its perceptual basis. (Or both.) What that suggests to me is that something like the "incorporation project" that Kaspar describes near the end of the book is very much on target (and incidentally, very well stated) not just for intuitionists, but also for non-intuitionists (pp. 167-69). Even foundationalist empiricists have to figure out how much of Kasparian intuitionism they ought to bring on board in order to remedy the lacunae in their own theorizing. Of course, they'd have to do this while making sure to avoid waking up in the Kafkaesque predicament of discovering that they have themselves become Kasparian intuitionists *tout court*. The disagreement, then, turns on the *specific* role that intuitions play in moral inquiry. I've now come more clearly to see that an empiricist has to grant that intuitions play some role, and has to specify that role compatibly with empiricist strictures.

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<sup>12</sup> See Alan Gewirth's interesting comments on mental health in *Reason and Morality* (Chicago, IL: University of Chicago Press, 1978), pp. 8-9.



You can't convince all of the philosophers all of the time, or even many of them any of the time, but convincing a hard-boiled foundationalist empiricist like me to befriend his inner intuitions is no mean feat. Intuitively speaking, it seems to deserve gratitude. I suppose we can agree to disagree about whether or not that particular intuition counts as knowledge.<sup>13</sup>

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<sup>13</sup> Many thanks to David Kaspar for suggesting that we hold the symposium on his book at the Jacques Marchais Museum of Tibetan Art, and to Meg Ventrudo, the Museum's Executive Director, for help in organizing the event. Thanks, of course, to both of my fellow symposium contributors, Moti Mizrahi and Matthew Pianalto, for their contributions to the symposium, and to Kate Herrick and Michael Young for valuable discussion.

## Comment on David Kaspar's *Intuitionism*

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### 1. Introduction

In his book *Intuitionism*,<sup>1</sup> David Kaspar is after the truth. That is to say, on his view, “philosophy is the search for the whole truth” (p. 7). *Intuitionism*, then, “reflects that standpoint” (p. 7). My comments are meant to reflect the same standpoint. More explicitly, my aim in these comments is to evaluate the arguments for intuitionism, as I understand them from reading Kaspar’s book. In what follows, I focus on three arguments in particular, which can be found in Chapters 1, 2, and 3 of *Intuitionism*: an inference to the best explanation, an argument from the analogy between mathematical knowledge and moral knowledge, and an argument from the epistemic preferability of the intuitive principles. I will discuss them in this order.

### 2. Intuitionism and Inference to the Best Explanation

What is intuitionism? According to Kaspar, “Intuitionism is the moral theory which claims that *you know what’s right*” (p. 2). More precisely, as I understand it, intuitionism consists of the following theses:

- (I1) We have moral knowledge in the form of fundamental moral principles, or “intuitive principles,” such as “Keeping promises is required” and “Harming others is wrong” (p. 16).
- (I2) The intuitive principles are self-evident, *a priori* truths (p. 36).
- (I3) The intuitive principles cannot be proved (p. 54); we know that they are true by intellectual intuition, that is, they intellectually appear true to us (p. 63).
- (I4) The intuitive principles are necessary truths (p. 63).

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<sup>1</sup> David Kaspar, *Intuitionism* (New York: Bloomsbury, 2012). All references to the book in the symposium are by page numbers in parentheses.

Given this characterization of intuitionism, in what follows I will be concerned with the following question: What are the arguments in support of (I1)-(I4)? (Henceforth, by “intuitionism” I mean theses [I1] through [I4].)

I think that the overall argument for intuitionism in Kaspar’s *Intuitionism* is supposed to be an Inference to the Best Explanation (IBE). As Kaspar writes:

[I]ntuitionism claims that *the best way to explain* both the convincingness and the persistence of certain moral beliefs, such as the promise principle, is to assert that they are self-evidently true. (p. 41, emphasis added)

That is to say, Kaspar lists what he takes to be common beliefs about morality (p. 3):

- (a) You know what’s right. (For instance, you know that “Depriving others of liberty is wrong,” that “Keeping promises is required,” and that “Harming others is wrong” [p. 16].)
- (b) Not everything is black and white.
- (c) Sometimes, in extreme cases, it is morally permissible to lie, steal, and so on.
- (d) We each feel more confident claiming that we have a duty to keep our promises, for example, than claiming that other people do.
- (e) There are emergencies in which a cold cost-benefit assessment makes the most moral sense.
- (f) There is no way to prove that, for instance, harming others is wrong.
- (g) Ethics is not a hard science.
- (h) Supreme principle moral theories, such as utilitarianism or Kantianism, are not initially convincing, and are often not ultimately convincing.
- (i) There is no satisfactory way to resolve some moral disagreements at certain times.
- (j) Most of our duties are based on particular relations we have to other people.

- (k) Moral absolutism was more plausible before the twentieth century, and less plausible during and after the twentieth century.
- (l) Moral disagreement is common.

He then argues that intuitionism explains why we have these common beliefs about morality better than its competitors do (p. 23). As he writes:

Both the persistence of moral beliefs across eras and the persistence of the primary data of ethics are *best explained* by the intuitive principles being self-evidently true. (p. 24, emphasis added)

For example, as far as (a) is concerned, in particular, knowing that “Harming others is wrong,” Kaspar says the following:

“Harming others is wrong” is a fundamental moral truth. We know this, and we are secure in our knowledge of this. We are not apt to disagree about moral propositions of this sort. The reason why, according to intuitionism, is that such propositions are self-evidently true. And the reason we know them is that our minds can adequately understand these propositions, and know them on that basis. (p. 17)

More generally, for any belief that  $p$  (where  $p$  is a fundamental moral statement, such as “Harming others is wrong” or “Keeping promises is required”), we believe that  $p$  because  $p$  is self-evidently true.

I think that there is a potential problem with this argumentative strategy, namely, arguing for intuitionism by IBE. In order to see the problem, take the first item on Kaspar’s list, which intuitionism is supposed to explain better than its competitors, namely, “(a) You know what’s right” (p. 3), for example, you know that keeping promises is required. The IBE would then go as follows:

- (1) You believe that you know that keeping promises is required.
- (2) The best explanation for (1) is that “keeping promises is required” is self-evidently true (i.e., [I2]).

Therefore, probably,

- (3) [I2] is true.

The key premise in this IBE, of course, is the second premise. To evaluate this IBE, then, we need to ask: Is the (self-evident) truth of a belief really the best explanation for the fact that you hold that belief? After all, we often believe falsehoods, and we often believe truths, but for the wrong reasons. Moreover,

sometimes the best explanation for why one holds a particular belief is *psychological*, in terms of the genesis of the belief, not *epistemic* or *semantic* (i.e., in terms of justification or truth). For example, the best explanation for why Sheena believes that God exists may be that she was raised in a religious household rather than that she carefully considered the arguments for and against theism. Likewise, the best explanation for why we have modal intuitions may be that essentialism is a reasoning heuristic or mental shortcut, not that objects have real essences.<sup>2</sup>

In other words, our beliefs are not always sensitive to the truth. If this is correct, then (I2) would best explain (a) only if our beliefs about morality track moral truth. To assume that our beliefs about morality track moral truth, however, is to assume that our beliefs about morality amount to knowledge, at least on some conceptions of knowledge,<sup>3</sup> which is precisely the question at hand. In other words, intuitionism is the view that we have moral knowledge. However, the aforementioned IBE for intuitionism works only if it is assumed that our beliefs about morality track the truth about morality, that is, that they amount to knowledge.

I think that a similar problem arises with respect to other items on Kaspar's list. Take, for example, "(f) There is no way to prove that, for instance, harming others is wrong" (p. 3). The IBE for intuitionism, then, would go as follows:

(1) We believe that there is no way to prove that harming others is wrong.

(2) The best explanation for (1) is that "'Harming others is wrong' cannot be proved" is self-evidently true (i.e., [I2]).

Therefore, probably,

(3) (I2) is true.

As in the case of the first IBE, the key premise of this IBE is the second premise. In order to evaluate this IBE, then, we need to ask again: Is the (self-evident) truth of a belief really the best explanation for the fact that you hold that belief? As mentioned above, our beliefs are not always sensitive to the truth. If this is correct, then "'Harming others is wrong' cannot be proved" would best explain the fact that we believe it only if our belief tracks the truth. But again, to assume that our beliefs about morality track the truth about morality is to assume that our beliefs about morality amount to knowledge, at

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<sup>2</sup> See Moti Mizrahi, "Essentialism: Metaphysical or Psychological," *Croatian Journal of Philosophy* 14, no. 40 (2014), pp. 65-72.

<sup>3</sup> Robert Nozick, *Philosophical Explanations* (Cambridge, MA: Harvard University Press, 1981), p. 179.

least on some conceptions of knowledge,<sup>4</sup> which is precisely the question at hand. In other words, intuitionism is the view that we have moral knowledge. However, the aforementioned IBE for intuitionism works only if it is assumed that our beliefs about morality track the truth about morality, that is, that they amount to knowledge.

This potential problem with the IBE for intuitionism does not amount to a decisive objection, but I think that it urges intuitionists to get clear on concepts like knowledge and about what counts as the best explanation for our moral beliefs. To be clear, I am not trying to saddle intuitionists with the difficult task of analyzing knowledge. However, insofar as the theory itself is stated in terms of *knowledge*—in particular, theses (I1) and (I3)—I think that it is important to get clear on the concept in question in order to make the IBE for intuitionism work.

### 3. An Argument from the Analogy of Moral and Mathematical Knowledge

Kaspar points out that intuitionists like H. A. Prichard and W. D. Ross compare moral knowledge to mathematical knowledge (pp. 25, 33, 35, 44-48, 66-67, and 71-72). For example:

When we learn the basic concepts and notations of arithmetic, we can apprehend the truth of  $2 + 2 = 4$ . Intuitionism claims that everyone can apprehend the truth of “Harming others is wrong” in a similar way. (p. 43)

Recall that, according to intuitionism, what we know are the intuitive principles. In that case, an analogical argument for moral knowledge can be made as follows:

- (1) Mathematical propositions (e.g.,  $2 + 2 = 4$ ) are self-evident and are known to be necessarily true *a priori*.
- (2) The intuitive principles (e.g., “Harming others is wrong”) are self-evident.

Therefore, probably,

- (3) The intuitive principles are known to be necessarily true *a priori* (i.e., [I4]).

The similarity between mathematical knowledge and moral knowledge, then, is that both are of self-evident propositions. Let us grant this similarity between mathematical knowledge and moral knowledge for the sake of argument. As far as analogical arguments are concerned, they can be stronger

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<sup>4</sup> Ibid.

or weaker depending on the strength of the analogy. If there are more similarities than dissimilarities between the things compared, the analogy is strong. Conversely, if there are more dissimilarities than similarities between the things compared, the analogy is weak. In this case, we have a point of similarity between mathematical and moral knowledge: the propositions known are self-evident. Are there any points of dissimilarity between mathematical and moral knowledge? I think there might be. Consider the following:

- (D1) Unlike mathematical propositions, moral propositions are subject to widespread disagreement.
- (D2) Unlike mathematical propositions, there are no proofs as far as moral propositions are concerned.
- (D3) Unlike moral propositions, intuitions about mathematical propositions cannot be “reset” by experience.

Let us consider each of these in turn. Kaspar considers (D1), but argues that “there is mathematical disagreement” just as there is moral disagreement (p. 45). He gives the following example:

$$\frac{1}{4} + \frac{1}{2} =$$

And then writes:

You might say the answer is obvious:  $\frac{3}{4}$ . If anything is self-evident, if there is any proposition on which we can all agree  $\frac{1}{4} + \frac{1}{2} = \frac{3}{4}$  would be it. But others disagree. Even if you give them time to think it through, they will claim that the answer is  $\frac{1}{3}$ . Ask any math teacher. Ask any university math teacher. There is a reason this is called a “common mistake” of adding fractions. So if mere disagreement is sufficient to demonstrate our ignorance concerning a certain subject matter, then we are ignorant that  $\frac{1}{4} + \frac{1}{2} = \frac{3}{4}$ . Since we know this equation with certainty, and since our certainty about elementary mathematical propositions cannot exclude disagreement about them, that means that “If we have intuitive knowledge of self-evidence mathematical propositions, there ought to be no mathematical disagreement” is false. (p. 46)

I think that this is an example of *error*, not disagreement. First, it can be shown why  $\frac{1}{3}$  is not the correct answer. Second, it can be demonstrated that  $\frac{3}{4}$  is the correct answer. Finally, the error, or “common mistake,” can be diagnosed as a failure to make sure that the fractions have a common denominator before adding them up. Arguably, no such demonstrations and

diagnoses can be had as far as moral propositions are concerned, which leads me to (D2).

As mentioned above, intuitionists are committed to (I3), that is, the claim that the intuitive principles cannot be proved (p. 54). However, there are proofs in mathematics. On the face of it, then, it looks like moral knowledge and mathematical knowledge are not analogous in that respect. Intuitionists might try to account for this apparent dissimilarity by saying that the intuitive principles are analogous to axioms in mathematics. An axiom is a mathematical proposition that is taken to be self-evidently true but that cannot be proven. For example, one of the axioms of arithmetic is that addition is commutative. Hardly any mathematician doubts that addition is commutative even though it cannot be proven for all integers. Perhaps the intuitive principles are the axioms of ethics. The problem with this, however, is that there are legitimate doubts about the intuitive principles. Take, for example, "Harming others is wrong." What about harming others in self-defense? Is that wrong? What about harming others in war? Is that wrong? What about harming others to save the lives of many (e.g., torturing a suspect believed to have information about a dirty bomb that is about to explode in a densely populated area)? Is that wrong? Arguably, no such doubts arise as far as the axioms of arithmetic are concerned. This, then, brings us back to the issue of disagreement in (D1).

Regarding (D3), suppose that every time you take two apples and two more apples you end up with five apples. Suppose further that you do this several times. Would the fact that you have somehow ended up with five apples rather than four, as you might have expected, make you revise your intuitions about  $2 + 2 = 4$ ? Arguably not; rather than think that  $2 + 2 = 4$  is now false, and  $2 + 2 = 5$  is now true, you would probably think that something goes wrong whenever you count the apples. In fact, any explanation for why you end up with five apples (e.g., someone is playing a trick on you) would be more likely than that  $2 + 2$  now equals 5. But intuitionists want to claim that this sort of thing happens with moral intuitions. As Kaspar writes:

Witnessing two world wars, governments exterminating millions of their own people, justified instances of intentional civilian bombing, have *reset our intuitions*, making them in several ways more accurate. (p. 24, emphasis added)

Take Jones, a young woman raised as a moral nihilist by her parents. She believes that there is nothing wrong with harming others, and her intuitions accord with that belief. But then Jones witnesses someone being severely beaten. She thinks about it, continues to believe there is nothing wrong with what happened, but then she considers "It is wrong to harm others" [and] it seems to her to be true. (p. 64)



On the face of it, then, it looks like moral intuitions and mathematical intuitions are not analogous in that respect. The former can be “reset” by experience, whereas the latter cannot be “reset” by experience.

If this is correct, then given these dissimilarities between mathematical knowledge and moral knowledge, namely, (D1)-(D3), I think that the analogy between the two needs to be reevaluated.

#### **4. An Argument from the Epistemic Preferability of the Intuitive Principles**

According to Kaspar, “Intuitionism holds that we recognize that lying is wrong, and that is our best reason not to lie” (p. 18). This is supposed to hold for any intuitive principle. As Kaspar writes, “any intuitive principle will be found to be epistemically preferable to the principle of utility” (or any other “supreme principle of morality,” such as Kantianism or Contractarianism) (p. 60). For example, as a reason not to lie, “Lying is wrong” is “epistemically preferable” to “Lying will not maximize good.” The way we find this out, according to Kaspar, is by *direct epistemic appraisal*. That is to say, when we compare an intuitive principle, such as “Lying is wrong” with what a supreme principle of morality dictates in an *actual moral situation*, such as “Lying will not maximize good,” we find that the former is epistemically preferable to the latter (p. 60).

As an argument for intuitionism, then, the argument from the epistemic preferability of the intuitive principles can be stated as follows:

- (1) If  $p$  is epistemically preferable to  $q$ , then we know that  $p$ .
- (2) The intuitive principles (e.g., “Lying is wrong,” “Keeping promises is required,” “Harming others is wrong”) are epistemically preferable to supreme principles of morality (e.g., Utilitarianism, Kantianism, Contractarianism).

Therefore,

- (3) We have moral knowledge in the form of intuitive principles (e.g., “Lying is wrong,” “Keeping promises is required,” “Harming others is wrong”) (i.e., [I1]).

The key to evaluating this argument, I think, is getting clear on what “epistemically preferable” means.

One reading of “epistemically preferable” is the following:  $p$  is epistemically preferable to  $q$  when  $p$  provides a stronger reason to do (or not do)  $A$  than  $q$  does. Suppose that I am considering harming a person. One reason not to do it is that harming others is wrong. Another reason is that acting in ways that bring about more bad consequences (pain) than good consequences (pleasure) is wrong. If intuitionism is true, then the former

provides a stronger reason to refrain from harming a person than the latter does. But is that really the case? Consider the following:

(P1) Harming others is wrong.

Therefore,

(C1) If I harm this person, I would be doing something wrong. (from P1)

Therefore,

(C2) I should not harm this person. (from C1)

Contrast the above argument with this one:

(P2) Producing less than maximal pleasure (versus pain) is wrong.

Therefore,

(C3) If I inflict pain on this person, I would be doing something wrong. (from P2)

Therefore,

(C4) I should not inflict pain on this person. (from C3)

These two arguments look very similar in structure. In both arguments, the intermediate conclusion necessarily follows from the first premise. That is, C1 follows necessarily from P1, and C3 follows necessarily from P2. Likewise, in both arguments, the final conclusion necessarily follows from the intermediate conclusion by assuming that one should not do what is morally wrong. That is, C2 follows necessarily from C1, and C4 follows necessarily from C3. If this is correct, then it is not clear to me that P1 provides a *stronger* reason to refrain from harming a person than P2 does.

Since Kaspar stresses that “epistemic appraisal does not provide *conclusive evidence* for a proposition” (p. 61, emphasis added), perhaps this is not an adequate reading of “epistemically preferable.” Another reading of “epistemically preferable,” then, is the following: *p* is epistemically preferable to *q* when *p* occurs to us first in thought before *q* does. In other words, *p* is epistemically preferable to *q* just in case *p* is prior to *q* in the order of thought but not necessarily in the order of justification. This reading is suggested by the distinction between epistemic confidence (or certainty) and psychological confidence (or certainty) (p. 61). If this is correct, then “Harming others is wrong” is epistemically preferable to “Maximizing pain is wrong” because it is the first reason that comes to mind when we think about harming someone.

The problem with this reading of “epistemically preferable,” however, is that the fact that one reason occurs to us prior to another may be due to factors that have nothing to do with the quality of that reason (i.e., with whether it is a good reason or not). “Biases, wishful thinking, hidden antipathies and affections” (p. 15), as well as other factors, may explain why one reason comes to mind prior to another. The good news, I think, is that empirical research can help us figure out when some reasons occur to us first because of biases. For example, Robert Nozick’s intuitive reaction to his own “experience machine” thought experiment is that he would not want to be plugged into the machine.<sup>5</sup> Many philosophers, as well as non-philosophers, share this intuitive reaction. A recent study, however, suggests that people have this intuitive reaction to Nozick’s thought experiment not because they value reality over virtual experience, but because “people are averse to abandon the life they have been experiencing so far, regardless of whether such life is virtual or real.”<sup>6</sup> Social scientists call this the “status quo bias.” Felipe De Brigard shows that the status quo bias explains why people intuitively react to the “experience machine” thought experiment the way they do by presenting subjects with a “reverse experience machine,” in which they are told that they are already plugged into the machine and now have the opportunity to be unplugged and go back to their real lives. In response to the “reverse experience machine” thought experiment, most subjects say that they would like to remain in the machine.<sup>7</sup> This study suggests that what occurs to most people first upon considering the “experience machine” thought experiment is not some deep moral truth but a reflection of the status quo bias.

## 5. Conclusion

There is a lot more in Kaspar’s *Intuitionism* than I can discuss in this brief comment. Here I have considered only three arguments, which can be found in Chapters 1, 2, and 3 of *Intuitionism*: an inference to the best explanation, an argument from the analogy between mathematical knowledge and moral knowledge, and an argument from the epistemic preferability of the intuitive principles. I have pointed out what I take to be some potential problems with these arguments. I do not think that any of these problems amounts to a decisive objection against intuitionism. Rather, these comments are meant to be taken as an invitation to refine these arguments, not abandon them.<sup>8</sup>

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<sup>5</sup> Robert Nozick, *Anarchy, State, and Utopia* (New York: Basic Books, 1974), p. 44.

<sup>6</sup> Felipe De Brigard, “If You Like It, Does It Matter If It’s Real?” *Philosophical Psychology* 23, no. 1 (2010), pp. 43-57.

<sup>7</sup> *Ibid.*, p. 49.

<sup>8</sup> I am grateful to Irfan Khawaja for inviting me to participate in this symposium and to David Kaspar for discussions about his book.

## Intuitions, Experience, and Moral Concepts: A Critique of Kaspar's *Intuitionism*

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### 1. Introduction

In *Intuitionism*,<sup>1</sup> David Kaspar contends that if we reflect on what we really think about morality when faced with the need to make judgments in and about actual moral situations, we will discover—or perhaps re-discover—that we do indeed know what is right and what is wrong. That is, we know what is right and what is wrong at a general level, with respect to some basic kinds of actions, in a way that Kaspar admits is often difficult to apply to specific situations. Although Kaspar allows that we can have intuitive moral knowledge about particulars, he focuses on the idea that we have intuitive moral knowledge of general moral principles and of *prima facie* duties. We know in the abstract that promises are to be kept, that lying is to be avoided, and that harming others is wrong. This knowledge does not derive from any particular normative ethical principle such as the principle of utility or the Categorical Imperative. Rather, we know these things intuitively. They are self-evident, substantive moral facts—synthetic *a priori* truths—that we grasp in virtue of understanding what lying, promising, harming, and so forth are, which includes understanding the relations that are instantiated between agents when these kinds of actions are performed. They are “moral constants” that have withstood critical scrutiny and the test of time, and yet remain with us (pp. 13 and 23-24).

In this critical study, I will focus on Kaspar's contention that the moral truths we really know are substantive (synthetic) *a priori* truths (Section 2), his account of moral kinds and how we grasp them (Section 3), and his discussion of moral relations between agents (Section 4). In these sections, I will argue that Kaspar needs to pay more attention to the role of experience in our grasp of moral concepts and to the open-textured nature of the moral concepts that show up in many of his examples of self-evident moral propositions. I conclude (Section 5) by considering whether it is really a problem for intuitionism if the moral claims that we *really* know intuitively turn out to be “mere truisms,” and by again considering the relationship

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<sup>1</sup> David Kaspar, *Intuitionism* (New York: Bloomsbury, 2012). All references to the book in this symposium are by page numbers in parentheses.

between experience and “bedrock” intuitions, suggesting that our substantive basic moral certainties might be about particulars and paradigms rather than universals and essential kinds.

## 2. Synthetic *A Priori* Moral Knowledge?

A crucial feature of Kaspar’s intuitionist account of moral knowledge is that this knowledge is both (1) acquired *a priori* because the relevant known proposition is self-evident and (2) is substantive—or, as he puts it, is synthetic rather than analytic. This means that when we come to understand that lying is wrong, we understand something about the moral nature of lying that is not simply part of the *definition* of lying. For if its being wrong were part of the definition of lying, then “lying is wrong” would be analytic, and Kaspar appears to assume implicitly that analytic truths are never substantive but are only “mere truisms.”

Now, for some, this business about analytic and synthetic propositions will sound immediate alarms, but as I have just suggested, Kaspar seems to use the distinction to draw a line between trivial or tautological claims and substantive claims that tell us something about the world, which includes, for Kaspar, moral reality and what our moral duties are. The important idea for Kaspar, then, is really that we are able to have *a priori* knowledge of substantive moral propositions simply in virtue of understanding the meaning of those propositions and accepting them. At any rate, if there is no tenable analytic/synthetic distinction—contrary to Kaspar’s own contentions (pp. 69-70)—then it would turn out to be uninformative to hold that moral knowledge is synthetic. The real question is whether we should buy into the intuitionist idea that at least some moral propositions are known *a priori* and count as knowledge of some objective moral reality rather than as a grasp of mere conventions or our own feelings.

In order to answer that question, Kaspar has us consider whether the intuitions we have and accept about moral matters are at least sometimes the result of grasping the essential structure of what Kaspar calls a “moral kind” and understanding that certain normative and evaluative propositions are necessarily linked to that moral kind. If these moral propositions are necessary, then what we know intuitively is not reducible to convention or subjective feeling. We know how things really are with respect to the core of morality, and not just what the conventions of our society are or how we happen to feel about things. Indeed, according to Kaspar, the self-evident (hence intuitively knowable) rightness and wrongness of some kinds of acts would be well-positioned to explain the pervasiveness of many basic moral conventions and feelings (e.g., pp. 68-69), as well as to explain the many disagreements that arise about more complicated moral issues and situations (pp. 93-97). In the latter case of moral disagreement, Kaspar suggests that many moral disagreements arise because different people seize upon different and conflicting *prima facie* duties that are present in the contested case. The disagreement is thus over an issue about which we cannot have intuitive knowledge, since the intuitive moral principles do not give us all of the

answers to specific cases (pp. 16-18 and 93-97). There are limits to what we can know by intuition about morality, but there is also no single moral criterion or decision procedure to bridge the gap between fundamental moral knowledge and its application (pp. 4 and 148-69). Intuitionism holds that there is a plurality of moral principles. This means that moral theory—at least intuitionist theory—does not relieve us of the need in many cases simply to use our best judgment, given what we do know about morality and what we know about the details of the situation itself.

In his defense of intuitionist knowledge, Kaspar confronts the charge that the sort of moral propositions he puts forth as examples of self-evident knowledge are in fact little more than “mere truisms” that have this trivial status because of social and linguistic convention. He considers Richard Posner’s claim that “murder is wrong” is trivially true because “murder” is simply defined as wrongful killing—wrongness is part of the conventional definition and understanding of murder (p. 68). On this view we “know” *a priori* that murder is wrong because it is an analytic truth, but this is not substantive knowledge. Kaspar finds this conventionalist account of the wrongness of *murder* unsatisfying because it fails to explain *why* murder is taken to be wrong, that is, *why* we have this convention. Kaspar claims that “the reason why societies believe [murder is wrong] is because people understand that murder, by its very nature, is wrong. So the social convention is based on common moral knowledge” (p. 68). Even if “murder is wrong” seems trivial as a matter of convention, the convention gets its impetus, according to Kaspar, from a substantive moral fact about murder that we all intuitively grasp.

### 3. Grasping Moral Kinds

In order to motivate further this intuitionist account, Kaspar must provide us with reasons to accept that there are “moral kinds”—that is, general moral concepts that pick out types of actions that are inherently (*prima facie*) right or wrong, good or bad—about which we can have this intuitive knowledge. That is, there must be some forms of action that we refer to as murdering, lying, promising, harming others, helping someone in need, expressing gratitude, and so forth, about which we can achieve an *a priori* understanding, and in doing so, also come to understand their inherent moral status. To understand that murder is wrong and that promises are to be kept is to understand something about the essence of murder and of promising.

Kaspar argues that each moral kind involves a “transaction” between two “agents” that brings into existence one or more “moral relations” (pp. 101-9). Promising creates a relation between individuals A and B such that A has created an obligation for herself to keep the promise and B has a claim against A that she keep her promise. Lying creates a relation between A and B such that if B lies to A, B puts himself in the position of attempting to manipulate A to believe something that B thinks is false. Once we grasp the essential relations involved in a moral kind—something that Kaspar contends we understand *a priori*—we are able to understand the essential moral nature

of that moral kind. It becomes self-evident that promises should be kept, that lying is intrinsically bad (and so we have a *prima facie* duty not to lie), and so on.

The important thing to notice here is that Kaspar's position that we have intuitive knowledge of moral propositions is derived from the argument that we have an *a priori* grasp of moral kinds. Since moral kinds are (or correspond to) moral concepts, it appears that Kaspar's position is that our understanding of (the essence of) moral concepts is *a priori*. However, how in the world, one might ask, can we achieve an *a priori* understanding of moral concepts? How can we grasp what promising is through reason alone? Kaspar isn't claiming that these are native concepts, so there must be some process of learning involved in their acquisition. We must then ask: Exactly what is it about our understanding of promises and the other moral kinds that is not derived from experience, but rather through intellectual insight that transcends experience?

Kaspar insists that "[r]eflection on morality must begin in our moral experience" (p. 4), and "the order of our coming to understand each moral kind is by first encountering its instances in actual moral situations" (p. 114). From here, though, the conventionalist can point out that we all come to "know" that lying is wrong because our formative encounters with lies involve learning not only that a lie is telling someone else what you take to be false while intending that she believe it, but also that lying is wrong, that it hurts other people, that other people will stop trusting you if you tell lots of lies and get found out, that honest people are good, that we need to be able to trust each other in order to get along with each other, and so on. We come to associate lying with wrongness, and in this way we arrive at a thick concept of lying which seems to possess wrongness as part of its nature. As we grow and encounter various complex situations, we recognize that there might be exceptional situations in which lying is the lesser evil, but given all of the things that generally count against lying, we adopt a general position on lying that looks basically like the idea that we have a *prima facie* duty not to do it.

According to Kaspar, the problem with the conventionalist account is that we were never *taught* the *essential* structure of promising and yet we all intuitively grasp what it is and can tell the difference between a promise and similar speech-acts that are nevertheless not promises. Kaspar says, "I certainly was never taught the essential rules of promising. And I cannot imagine in what kind of teaching environment I could be taught them. So I possess the concept of the promise *a priori*" (p. 115). I am not sure what to make of this. It may be that Kaspar means that our understanding of moral kinds (universals) like promising is stimulated by our encounters with actual promises (and promise-breakings), but that the mature understanding that we have of the concept goes beyond experience in that what we come to grasp are the general features and conditions of promising as a kind of action. This would be similar to the idea that we come to have *a priori* knowledge about arithmetic by first learning to add and subtract with blocks: the blocks serve as a way of modeling abstract arithmetical ideas so that we can come to

understand general relations between numbers and the various arithmetical operations (cf. pp. 70-73).

However, if the analogy is on track, then it is unclear what sense we can make of Kaspar's claim that he "cannot imagine in what kind of teaching environment" he could be taught about the rules of promising. Although young children do not take ethics courses *per se*, they do learn about promising and lying from their parents, their school teachers and Sunday school teachers, and more broadly in the "school of life." As I mentioned above, in the process of learning about such things, we are presented with many different sorts of reasons why we should keep our promises and avoid lying, among other things.

Kaspar allows that various considerations can be ushered forth that may help someone to understand why promises are to be kept and why lying is wrong, but contends that none of these elucidations constitutes a *proof* of the moral proposition at issue (pp. 54-62). Kaspar devotes a great deal of attention to arguing that intuitive principles like "lying is (*prima facie*) wrong" and "promises are to be kept" cannot be proven to be true by deriving them from any supreme moral principle such as the principle of utility or the Categorical Imperative. This is because these supreme principles and the monism assumed by each of them are more contentious than the more specific principles about the *prima facie* moral status of particular kinds of acts. However, this is more of an argument against moral monism, and in favor of moral pluralism, than a direct argument for intuitionism. Moral pluralism (which I accept) does not entail intuitionism (though perhaps accepting pluralism will make intuitionism seem more plausible). For the intuitionist, the key question here should not be whether values are one or many, but rather why it is that certain fundamental moral principles or value claims are "beyond proof." The intuitionist answer must be that they are self-evident necessary truths. The conventionalist might counter that they are better regarded as bedrock conventions. As we have already seen, Kaspar will then ask, but *why* do we have these conventions? Why are they our bedrock?

Recall above that I suggested that there are various things we might say about why lying is wrong or why promises should be kept. For each of those considerations, a question might arise about what makes *it* a good reason, and at some point, it seems likely that we will run out of things to say. When reasons and justifications and elucidations have run out, the Wittgensteinian will say, "My spade is turned . . . 'This is simply what I do'."<sup>2</sup> However, we should not let the "simply" here mislead us. "Simply" is not necessarily a confession that one's bedrock judgments or values are merely contingent—certainly not that one could go around acting and thinking as if they are contingent. These convictions go deep in our "form of life." Ludwig Wittgenstein does not say that "This is simply what I do" is *all* that could be said in justification of his practice, for he has already offered his justifications,

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<sup>2</sup> Ludwig Wittgenstein, *Philosophical Investigations*, trans. G. E. M. Anscombe (London: Blackwell, 2001), sec. 217.



to no avail. If the whole set, or web, of reasons and justifications he has available fail to produce understanding (or agreement) in another, then there just isn't much else to say. Claiming that we have arrived at an intuitive, self-evident, bedrock principle might in practice be little better than saying, "This is simply what I do," while reminding the other about our whole web of concepts, reasons, and practices. The person who fails to understand that lying is wrong is not simply failing to understand a free-floating moral universal, but is failing to understand how the practice of truthfulness is an inextricable part of a "form of life." Indeed, we will be tempted to say that it is an inextricable part of a *human* form of life insofar as we think that any intelligible human society requires some standard of truthfulness of its members.

Kaspar might reply that these considerations are beside the point. For if we think that any intelligible society requires some standard of truthfulness, then that means that we find it self-evident that, necessarily, lying is *prima facie* wrong. The value of truthfulness and the disvalue of lying are two sides of a single intuitive coin, and here we have found some of the basic currency of moral knowledge. However, what I have tried to indicate by alluding to Wittgenstein's upturned spade is that these moral concepts and propositions of which we are certain both constitute and are constituted by our "form of life": We are educated into the practice of thinking and acting with these moral concepts, but we also shape these practices and concepts by determining their scope and extension.

Kaspar must claim that the moral concepts about which we have intuitive knowledge have a clear shape that can be grasped. His allusions to such things as "the essential rules of promising" and the "very nature" of murder indicate that Kaspar accepts an essentialist view of whatever the fundamental moral kinds are. But trouble lurks here.

One sort of trouble involves borderline and contentious cases, where competent speakers of a language disagree about the extension of a concept. For example, some hold that abortion is murder and others don't. Some claim that "meat is murder" and others see the slaughter of other animals for food as permissible. Kaspar asserts that such cases involve "applied" issues about which we cannot have intuitive knowledge because there are "material facts" that cannot be settled *a priori* about whether a fetus is a person and whether an animal is an appropriate subject of moral concern (pp. 17-18). Then it seems, however, that one could object that if we can't settle whether abortion is murder except by appealing to non-intuitive considerations, then we can't grasp the essential nature of the concept of murder intuitively either, since there is no *a priori* rule that settles whether it extends to the case of abortion or killing animals for food. Kaspar would need to explain the difference between grasping the essential nature of a moral kind and understanding its boundaries and applications. I will return to this issue below.

Another sort of trouble is that while Kaspar says that his analysis of moral kinds will focus on "thick" moral concepts rather than on "thin" concepts (like right and good) (p. 106), he fails to take note of the various

controversies about the status of thick moral concepts. The idea was originally introduced by Bernard Williams to describe concepts that appear to have both descriptive and evaluative content that cannot be separated.<sup>3</sup> “Courageous,” for example, describes a particular kind of character (able to face danger when necessary, etc.) and to indicate moral praiseworthiness. However, much ink has been spilled over whether the “thickness” of such concepts is essential or conventional. Although terms like “courageous” may conversationally imply moral praiseworthiness, some have doubted that this positive moral status is part of the essence of “courage.”<sup>4</sup> In the analysis of virtues, some adopt the traditional approach found in the ancient Greek thinkers, who take the virtue terms to refer by definition to excellent (and thus praiseworthy) states of character, but in recent virtue theory, some have proceeded first to supply an evaluatively neutral account of character traits that leaves it an open question as to whether and to what extent traits such as courage are praiseworthy. However, if courage and the other virtues are essentially thick concepts, this latter approach seems confused. In whatever way we resolve these matters, the facts on the ground indicate that there are problems of vagueness and perhaps also ambiguity in our collective understanding of the virtues.<sup>5</sup> The specific trouble for Kaspar is that if the moral kinds *can* be vindicated as thick concepts, then it may be tempting to see the moral status of those kinds as analytic or “true by definition,” just as “courage is a virtue” might seem to be true by definition for the ancients because, for them, courage picks out not just any facing of danger, but facing danger in the right way and for the right reasons. Other ways of facing danger don’t count as—and should not be called—courage.<sup>6</sup>

To both of these related troubles, Kaspar could respond that we should not be distracted by the difficult cases, for we all still understand *paradigm* cases of promising, lying, and courageous action, and it is our intuitions about prototypical instances of the kind that are understood *a priori*. We can apply these intuitions without difficulty, in thought, to an indefinite number of instances that involve paradigm cases of promising, lying, and so forth, while at the same time acknowledging the possibility of cases that test the limits of these concepts and produce disagreements.<sup>7</sup> The difficult cases

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<sup>3</sup> Bernard Williams, *Ethics and the Limits of Philosophy* (London: Routledge, 2011), pp. 143ff.

<sup>4</sup> See, e.g., Pekka Väyrynen, “Thick Concepts: Where’s Evaluation?” in Russ Shafer-Landau, ed., *Oxford Studies in Metaethics*, vol. 7 (New York: Oxford University Press, 2012), pp. 235-70.

<sup>5</sup> See, e.g., Gary Watson, “Virtues in Excess,” *Philosophical Studies* 46 (1984), pp. 57-74.

<sup>6</sup> See, e.g., Aristotle, *Nicomachean Ethics*, Book III, chaps. 6-9.

<sup>7</sup> See Elizabeth Tropman’s account of how prototype theory might be used to provide

won't unsettle our core convictions about murder, promising, lying, and the like.<sup>8</sup> However, it remains unclear whether we should chalk that up to substantive moral insight or to implicit and deep commitment to a form of life in which these moral truths are true by definition and the point and application of these "truisms" are learned through practice and visceral experience (e.g., of suffering a lie, being helped by others, etc.).

#### 4. Relations and Agents

I suggested above that Kaspar needs to explain the difference between grasping the essential nature of a moral kind and understanding its boundaries and applications, but I also worry that there *isn't* the kind of difference that Kaspar needs. We can see this by examining one key concept in his account of moral relations and transactions.

Kaspar tells us that every moral kind, and thereby every moral duty, involves a transaction between two agents (p. 102). An immediate stumbling block is that this would imply that there are no duties to oneself, unless perhaps we think of duties to self as a transaction between one's present and future self. However, even if there is some solution to that puzzle, there are more significant questions about what Kaspar means by "agent." Sometimes he uses the term "moral agent" and sometimes the term "person," but it is well known that there are deep problems with the view that we only have duties to other moral agents, since children and individuals with significant cognitive impairments are not yet, and may never become, moral agents.<sup>9</sup> Others may *lose* their moral agency with the onset of degenerative cognitive illnesses. Such individuals remain "moral patients"—who can be harmed or benefitted by us—even though they are not moral agents. Charitably, since Kaspar does not explicitly insist that moral transactions exist only between moral agents, we might take him to include moral patients within the scope of the moral. Indeed, such individuals retain many marks of intentional agency even if their grasp of moral concepts is lacking. This charitable inclusion, however, leaves us with a broad concept—"agent"—that plays an essential role in our

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an empirically plausible psychological backstory to the intuitionist idea that there are, as she puts it, "independently credible moral beliefs," in Elizabeth Tropman, "Renewing Moral Intuitionism," *Journal of Moral Philosophy* 6 (2009), pp. 440-63. Prototype theory provides the intuitionist with a way of dispensing with talk of conceptual essences that can be characterized in terms of necessary and sufficient conditions.

<sup>8</sup> See Judith Lichtenberg, "Moral Certainty," *Philosophy* 69, no. 268 (1994), pp. 181-204.

<sup>9</sup> If it turned out that Kaspar really did mean to say that moral transactions are restricted to transactions between moral agents, then it would seem that his attempt to provide something of a general metaphysical and metaethical analysis of moral relations will have become "tainted" by substantive moral presuppositions that conflict with the moral intuitions and commitments of many people.

understanding of moral kinds, on Kaspar's view. Since many non-humans are agents in the relevant sense, it becomes clear, to me at least, that even if we cannot know intuitively that animals have a right to life (the contrary of a proposition that Kaspar says we cannot know intuitively [pp.16-18]), we can understand that we have some general *prima facie* duties to (some) animals that flow from the principle that "Harming others is wrong." This is controversial, though. Immanuel Kant and others say that we only have duties *regarding* animals, not *to* them directly. They aren't the right sort of other. Anyone who isn't a Cartesian will also allow that there is *some* sense in which we can harm sentient animals, and so "harming others is wrong" seems to apply.

Now consider this: A child takes delight in slowly dismembering a live butterfly. Is this wrong? My immediate response is that it is because I think we should respect life—which is to say that I think, in intuitionist terminology, that we have a *prima facie* duty to respect life. I have my doubts about whether a butterfly is an agent in the relevant sense, but perhaps it is. If so, then the considerations above would apply. Suppose, though, that the butterfly isn't such an agent. My own sense is that this wouldn't matter. To destroy a butterfly for mere amusement is still awful. A Kantian might say that the awfulness can be understood as a violation of a duty to self not to render oneself morally insensitive, and one who is hard in his dealings with animals (sentient or not) is more likely to be hard in his dealings with humans. This may be true, but I would still insist that the primary wrong has to do with whatever harm is done to the life that is destroyed, the life that would otherwise flourish, and which presented no threat to the child who dismembered it, and whose death did not serve some vital need. Now we could come to accept the view that all living beings are agents, since any living being can be harmed in some sense (albeit, not in a manner that thinkers like Peter Singer would accept, since he claims that harm always involves the frustration of a subjective preference). Now we are left wondering not only who counts as an "agent" and what relevant sense of agency is involved in moral transactions, but also about what "harm" is. It then becomes unclear exactly how much we know in knowing, in the abstract, that "harming others is wrong," given the contestable boundaries of these concepts. Notice, too, that our views about what counts as a harm may inform our views about who counts in the relevant sense as an other, but likewise that our views about who is to be counted as an other might inform our sense of what can be understood as a harm. Because of all of this, I am left unsure what could count as a substantive *a priori* understanding of the *essential structure* of either moral concept.<sup>10</sup>

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<sup>10</sup> One way to make sense of this lack of complete fixity would be to adopt the position that moral concepts are "family resemblance" concepts (à la Wittgenstein); another would be to hold that moral concepts are "essentially contested concepts" that have an inherently open character (see W. B. Gallie, "Essentially Contested Concepts," *Proceedings of the Aristotelian Society* 56 [1955-1956], pp. 167-98).

### 5. Intuitions, Truisms, and Experience

I will end by first asking what might come as a surprising question: *So what* if the basic moral principles are “truisms”? Would that render them entirely unimportant or uninteresting? Wittgenstein claimed, “The purpose of philosophy consists in assembling reminders for a particular purpose.”<sup>11</sup> A well-placed truism may often serve that function, for example, to get someone to put aside his or her theoretical skepticism or sophomoric relativism so as to take a practically serious perspective on some live issue. Wittgenstein then added, provocatively, “If one tried to advance *theses* in philosophy, it would never be possible to debate them, because everyone would agree to them.”<sup>12</sup> Many, perhaps most, of the *prima facie* principles suggested by intuitionists seem to be such that, once we understand that they are being presented as *prima facie* principles rather than as absolutes, any person with a mature moral sensibility would accept them (cf. Kaspar, pp. 171-74). Rejecting such principles and failing to respond in certain ways to particular kinds of cases would raise questions about one’s competence as a moral agent.<sup>13</sup> Whether these principles are “truisms” or not is perhaps irrelevant, if they are the basic stuff of any subsequent moral thought. The basic stuff of moral thought must be the stuff which we take to be *obvious*, and any general claim that is obvious can be labeled a “truism.”

This brings us back fairly close to the position that Kaspar endorses (a view clearly articulated by Judith Lichtenberg):

[O]ur bedrock intuitions are more than simply fixed points of which moral reasoning must not run afoul. They are in many cases the stuff out of which we reason; without them we could not find our way. Our responses to examples fix our sense of right and wrong, good and evil; in reflecting on them we discover the principles and refine the skills that guide our judgment in other cases. (p. 202)

I doubt that there is any way around what Lichtenberg says here. However, her account of our moral certainty about bedrock intuitions differs from Kaspar’s in an important way. She suggests that although moral bedrock *looks* like knowledge because these convictions can be stated as propositions, there is a sense in which our certainty about them is so deep—and so bound up with what it means to live a life with moral concepts at all—that to say “I know” them is “pointless or redundant or understated” (p. 186). She claims that these

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<sup>11</sup> Wittgenstein, *Philosophical Investigations*, sec. 127.

<sup>12</sup> *Ibid.*, sec. 128.

<sup>13</sup> See Lichtenberg, “Moral Certainty,” esp. pp. 186-87.

convictions are “felt as much as believed.” That is, our deepest moral convictions are not best understood simply as rational intuitions apprehended through reflection, because they also have a strong visceral element and often emerge in immediate (and non-inferential) response to a situation rather than as a result of reflection.<sup>14</sup> Her point is not a mere endorsement of non-cognitivism or sentimentalism, but rather, an account of our actual experience in confronting paradigm cases.<sup>15</sup> Such cases, and our responses to them, don’t seem to *require* that our moral concepts have essential structures that we grasp *a priori* as opposed to being open-textured concepts with contestable boundaries that we acquire and then refine through experience—not only through reason, but also by means of attentive and empathic imagination and feeling.

Given this, I am left with the thought that our moral experiences play a different role in moral thought—in getting us beyond abstract moral truisms—than Kaspar thinks they do. In one way, the role is more fundamental: Some of our moral bedrock concerns particular judgments and reactions to particular cases, unmediated by inference and moral abstraction. In another way, the role is more constrained: Our actual moral experiences do not put us into contact with the essences of moral kinds, but rather and more simply with paradigms and prototypes of open-textured concepts with contestable boundaries.

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<sup>14</sup> Ibid., p. 186. This is in tension with Kaspar’s position that our knowledge of particular moral facts is the result of an *inference* from our more fundamental knowledge about moral kinds and general moral propositions (e.g., p. 139).

<sup>15</sup> Lichtenberg begins her article with the following concrete cases, taken from the news: “A man has sexual intercourse with his three-year-old niece. Teenagers standing beside a highway throw large rocks through the windshields of passing cars. A woman intentionally drives her car into a child on a bicycle. Cabdrivers cut off ambulances rushing to hospitals”; see Lichtenberg, “Moral Certainty,” p. 181.

## Explaining Intuitionism

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### 1. Introduction

*Intuitionism* is an attempt at a comprehensive outline of moral intuitionism.<sup>1</sup> It provides the basics of the theory and shows that intuitionism has great, and largely untapped, potential for explanatory power. Reflecting on the comments and criticisms offered by Irfan Khawaja, Moti Mizrahi, and Matthew Pianalto has given me a much better understanding of my theory and its aims than when I wrote *Intuitionism*. The wide range of topics covered in their criticisms is such that responding to them provides me an opportunity both to explain what intuitionism is and to show that, indeed, intuitionism is quite capable of explaining morality.

Intuitionism is the theory that claims that *you know what's right*. We know that lying is wrong, murder is wrong, keeping promises is required, and so on. I call these "the intuitive principles," which is the set of principles that are most intuitively convincing and are really the possession of all moral theories. It has been claimed that the most vulnerable point of intuitionism is its epistemology. This is exactly backward. Intuitionism's epistemology is its strongest point. It is so strong, in fact, that no other theory comes close to it when comparing the epistemic credibility of their moral propositions against the intuitive principles.

Moral inquiry involves extensive reflection. All moral propositions must regularly be scrutinized. Which propositions survive the process most intact, have high epistemic credibility. The intuitive principles have very high epistemic credibility. Extensive reflection makes one aware of the persistence of certain moral propositions. This persistence must be explained. Say that you scrutinize (*l*) "Lying is wrong" repeatedly. You notice that it persists in seeming true to you, no matter how you take it apart, doubt it, question it. Call this phenomenon "intuitive persistence." The intuitive persistence of *l* is not confined to the mental lives of individual ethicists. It has been shared by humanity for ages. Intuitive persistence is to be differentiated from "doxastic persistence," where you continue to believe a proposition, whether or not it seems true to you. Clearly, however, with the intuitive principles both intuitive and doxastic persistence are in effect.

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<sup>1</sup> David Kaspar, *Intuitionism* (New York: Bloomsbury, 2012). All references to the book in this symposium are by page numbers in parentheses.

Despite all of my critics' criticisms, none has claimed that it is false that rape is wrong or that it is true that stealing is permitted—so they, too, seem to know what's right. What they disagree with, then, is intuitionism's theory, not its fundamental moral content. The question is: Can any alternative theory provide a better explanation for the intuitive and doxastic persistence of the moral thoughts we share?

## 2. Intuitionist Methodology

The major matters of ethics are decided by *what we really think* about morality. What we really think determines our initial inquiry in ethics, and also serves as the ultimate touchstone of what is correct. Moral intuitions, the intellectual appearances of moral content, or of content related to moral content in some way, are the materials of moral inquiry. W. D. Ross's brilliant phrase "what we really think" about morality,<sup>2</sup> if properly broken down, will enable us better to understand intuitionist methodology. Thought is how we determine what is right. "We" covers not only all ethicists, but all reflective humans. Lastly, not just any moral thought we have is to be considered plausible, solid, or true. Only what we *really* think after extensive reflection can determine which moral propositions have the utmost epistemic credibility.

This is all wrong, according to Irfan Khawaja. He states that, "getting clear on what we really think" cannot be a discovery-procedure for accessing the mind-independent facts/truths described there."<sup>3</sup> Although doing so clarifies our thoughts, he claims, it is knowledge of our cognitive states, "not knowledge about facts that exist independently of those cognitive states."<sup>4</sup> "I think it begs the question to say that determining what we really think about a subject 'brings into focus what we really *know*': it merely brings into focus what we really *believe*."<sup>5</sup>

Reflection can lead to the discovery of substantive truths not inferred from other propositions, but Khawaja excludes the possibility *a priori*. In math, I believe, reflection can lead us to discover a new principle. In ethics, I hold, reflection can lead us to discover a new moral truth. In both disciplines we can start off doubting some proposition *p*, then come to believe it. Conversely, we can believe *p*, then come to doubt it. Intuitionism, as I view it, makes no *a priori* commitment to a certain set of moral propositions, not even the "common sense" ones. Rather, one can try as many ethical positions as one likes, but after even years of extensive reflection the moral propositions

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<sup>2</sup> See, e.g., W. D. Ross, *The Right and the Good* (Oxford: Oxford University Press, 1930), *passim*.

<sup>3</sup> Irfan Khawaja, "David Kaspar's *Intuitionism*: A Foundationalist-Empiricist Response," *Reason Papers* 37, no. 2 (Fall 2015), pp. 14-15.

<sup>4</sup> *Ibid.*, p. 15.

<sup>5</sup> *Ibid.*, p. 21.



with the greatest epistemic credibility will continue to be the intuitive principles (p. 22).

*Intuitionism* invites readers to take up moral reflection anew. In the process of moral inquiry we find that our thoughts cannot roam freely in every direction and elicit from us uniform cognitive responses. We are not cognitively free, for example, really to think that rape is by its very nature permitted. Something restricts or limits our moral thoughts, and it does not seem merely to be our psychology. Ethics must explain why this is so. The first step in moral inquiry, however, is determining how the content of substantive moral propositions initially seems to us.

A number of psychological factors can skew what we think in ethics. A special hazard for ethicists is that a particular theoretical commitment can often interfere with our determining what we really think. As I say, “Since we are initially unsure which of our moral beliefs is true, or even which moral beliefs we really hold, we cannot make any assumptions about the ultimate results of our moral reflections” (p. 15). That is one reason why it is recommended that we first determine how intuitive principles seem to us. As I state, “Doubting whether we know a given proposition is almost always salutary *in philosophical inquiry*. But the important thing now is merely what seems correct to us. So doubts should be registered, then let go” (p. 16, emphasis added). Khawaja responds to this suggestion by claiming that this amounts to a “suppression of doubt” and that I am “stacking the deck.”<sup>6</sup> Suppose that “Lying is wrong” seems true to me, but then I come to doubt it because of my previous philosophical commitments. My recommendation is that we initially give more attention to how moral propositions seem *in themselves* than to anything else.

### 3. Self-Evidence

Stealing seems to me to be wrong. The intuitionist explanation of why we are justified in believing it is that the stealing proposition is self-evident. However, most propositions in ethics are not self-evident. Almost only the intuitive principles are confidently claimed to be. This qualification is crucial, for, on my account, it is precisely because metaethical propositions and applied moral propositions are *not* self-evident that explains why disagreement about them is ongoing.

Khawaja doesn’t think there’s much to this idea. He flatly states, “None of the moral intuitions that Kaspar regards as self-evident truths is self-evident.”<sup>7</sup> I agree with Khawaja unreservedly. None of the *intuitions* I discuss are self-evident. Intuitions are not the sort of entity that can be self-evidently true. The best account of the matter separates the tangle of entities involved in moral cognition into three parts: (1) Intuitions are intellectual appearances: the

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<sup>6</sup> Ibid., pp. 22 and 20.

<sup>7</sup> Ibid., p. 15.

seeming true to me of a given proposition  $p$ . (2) The objects of such intuitions are propositions. Only propositions can be self-evidently true. (3) Our doxastic attitudes toward such propositions are influenced by how they seem to us. We can believe or disbelieve a proposition  $p$ , whether it is self-evident (p. 63).

The claim that no moral propositions are self-evident is something with which I would disagree. But what is self-evidence? Khawaja holds: “Intuitionists claim that moral intuitions qualify as knowledge because moral intuitions are self-evident truths, and when  $S$  understands a self-evident truth and affirms it,  $S$  has knowledge.”<sup>8</sup> Robert Audi’s two-condition account of self-evidence, with which I agree, is a little different from what Khawaja claims it is. A true proposition  $p$  is self-evident if (1) a subject  $S$ ’s understanding  $p$  justifies  $S$  in believing it and (2)  $S$ ’s believing  $p$  *on the basis* of understanding it suffices for  $S$  knowing it. What is distinctive about a self-evident proposition in itself is that it contains all of the evidence needed to be justified in believing it. This property helps us to see why understanding the self-evident proposition would confer justification on one’s understanding. Merely understanding a proposition  $q$  and affirming  $q$  would not amount to knowledge of it. The world would be most different than it is if that were so.

If it is not propositions that are self-evident, what entities are? Khawaja says: “As a foundationalist, I agree that some things are self-evident. As an empiricist, however, my view is that what is self-evident (and the only thing that is) is the evidence of the senses on a direct-realist account of perception.” Later he states, “[W]hat is self-evident is what is *transparently evident* to cognition, and the only thing that fits the bill is sensory perception.”<sup>9</sup> The question is, then, can sensory perceptions even possibly be self-evident? I’ll show that they cannot.

Divide propositions evident to us into two classes: the self-evident and the other-evident. A proposition is evident to me if and only if it appears true to me beyond all reasonable doubt. Take an obvious candidate for a self-evident proposition:  $2 + 3 = 5$ . It is self-evident, once more, because all of the evidence for this proposition is in the proposition. It is also the source of what makes it evident to us. Take an other-evident proposition: ( $h$ ) I have a hand. The proposition  $h$  is evident to me. The proposition  $h$  is evident to me not because of  $h$  itself, but instead because of something other than the proposition  $h$ : namely, the sensory perception of my hand. The difference between these two categories of propositions is that one has the source of its evidence in itself, while the other has the source of its evidence in something else—here, a sensory perception.

What might self-evident sensory perceptions be like? We have an initial problem in saying, as on Khawaja’s account, that sensory perceptions

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<sup>8</sup> Ibid., p. 16.

<sup>9</sup> Ibid., p. 18.

must be the bearers of truth. It is self-evident truth we are speaking of, after all, when we talk about propositions being self-evident. It seems odd to say that a sensory perception is true. But let's try. Suppose that a sensory perception has the content "A red bird is flying," and that it provides the evidence for itself and thereby justifies it. We must say that the perception is true because of itself. This is an unattractive feature of the view, for how do we tell the self-evident perceptions from the ones that are not? Might a sensory perception of a bent stick in water, on this view, be true in itself, no matter the shape of the corresponding stick?

Khawaja could claim that some *sentences* are self-evident and that others are other-evident. Concerning the latter category, the sentence "A red bird is flying" could be made evident by the perception of a red bird flying. But what would it mean to say that some sentences are self-evident? Sentences are marks on paper, on the board, or utterances that we can aurally be aware of. It is difficult to see how mere marks or sounds could give evidence for themselves in any way. The problem with Khawaja's account of self-evidence is that it has no plausible truth-bearer.

#### 4. *The Intuitive Principles?*

Since the revival of intuitionism in the 1990s, most of the focus has been on metaethics. This makes sense because most of the attacks against intuitionism have been metaethical. A lingering question about intuitionism, though, is: What list of intuitive principles is the correct one? As Khawaja asks, "[I]f moral intuitions are self-evident, and we all have knowledge of them, why is it so difficult to come up with a single uncontroversial case of one that guides action, even in the hands of intuitionists?"<sup>10</sup>

This is an important question, and one that should receive a greater share of attention as more and more of the building blocks of intuitionism are established. In order to grapple with the matter, I provide the lists of self-evident or evident principles of Ross, Robert Audi, Russ Shafer-Landau, and Michael Huemer in Chapter 8. I then propose ways we can figure out which principles are correct, based on the work done in the rest of the book. First, Shafer-Landau and Huemer don't attempt to provide a list of fundamental moral principles, just examples of self-evident or evident moral propositions. Ross's and Audi's lists of intuitive principles are more closely related. They are intended to be fundamental.

So as to address the different-lists concern, consider my favored way of stating the intuitive principles next to Audi's. Where Audi favors "should," I favor "right." Where he favors "should not," I favor "wrong." One item on Audi's list is: "We should not lie." Khawaja would be right to point out that I instead hold "Lying is wrong." There is that difference, but the difference is not that Audi disagrees that lying is wrong and I deny that we should not lie. I wholly agree that we should not lie. And Ross would disagree with both of us

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<sup>10</sup> Ibid., p. 17.

in that he formulates his principle as: We have a duty not to lie. He would completely agree, though, that lying is wrong and that we should not lie. What we have is a theoretical disagreement. We disagree in our theories, so the term in question will be different. This disagreement is not like three zoologists spying an animal in the distance and, in their respective attempts to identify it, saying: "That animal is a tiger," "No, it is a giraffe," and "No, it's a hippopotamus." Which fundamental formulations are correct will be determined by which intuitionist theory is ultimately correct.

##### 5. The Search for a Criterion

The search for a criterion of moral acts continues. Adherents of supreme-principle theories disagree about which criterion is correct. Does the principle of utility inform us of what is right? Or is it the Categorical Imperative? Despite over two hundred years of dispute, the matter remains unresolved. However, utilitarians and Kantians agree on one thing: The mere fact that intuitionists do not assume with them that a single principle is necessary and sufficient for determining what is right, that intuitionists are not single mindedly adhering to a single principle supposed supreme, come what may, alone shows that intuitionism is mistaken. Khawaja continues their tradition by arguing that an objection of A. J. Ayer's to intuitionism is much stronger than I think it is.

Khawaja states that Ayer makes "a request for a procedure to *resolve* disagreement. Ayer's point is that intuitionists lack such a procedure, and that lacking a procedure is a defect for the theory. I think that the objection is a good one."<sup>11</sup> One of the main aims of *Intuitionism* is to show how weak are the reasons for believing that there is a supreme principle of morality (p. 4). What I say against supreme principles, throughout the book, goes also for any moral criterion. One point is epistemic. Take "Lying is wrong" and "Act only on that maxim that you can at the same time will as a universal law." Between these two propositions, which one is more convincing? Most will say that "Lying is wrong" has much greater epistemic credibility. In fact, part of Immanuel Kant's case for his supreme principle of morality is that the intuitive principles such as "Lying is wrong" are derived from it. So the intuitive principles are, so to speak, wearing the epistemic trousers in the attempted relationship between them and the Categorical Imperative. The same is true of any other supreme principle. Now we'll move on to disagreement. If degree of disagreement is a sign of epistemic weakness, then the much higher degree of disagreement about the utility principle indicates that it is epistemically much weaker than the lying principle. The same goes for any other supreme principle.

In order to assess Ayer's demand, it would be helpful for Khawaja to state why he believes that such a demand can possibly be met. I believe that it cannot, for requesting a criterion to resolve disagreements in itself has self-

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<sup>11</sup> Ibid., pp. 22-23.

defeating complications. Suppose we say that you must have a criterion for resolving disagreements between two propositions,  $p$  and  $q$ . Suppose also that Jones proposes  $C$  as a criterion that will do the job. Smith, however, has a different idea.  $D$ , she claims, is what will really resolve the disagreement between  $p$  and  $q$ . If a request for a criterion is a good objection, as Khawaja claims, then it seems that one can request to know by what criterion we can decide which is correct: criterion  $C$  or criterion  $D$ . And we're off and regressing infinitely.

## 6. Epistemic Appraisal

Demonstrating the truth of self-evident intuitive principles comes with special challenges. Certainly, the ones we know and discuss are quite obvious, but the fundamental nature of such principles makes proof impossible. Consider the principle "Lying is wrong." There are white lies. There are grave lies. But there is no act of either kind which is more fundamental than being a "lie." It may be called a generic, or primitive, concept. There are minor wrongs. There are serious wrongs. But "wrongness" is fundamental. Therefore, there is no more fundamental, true, and informative proposition that can imply that "Lying is wrong." We all believe and know such intuitive principles, but their nature excludes proof of them.<sup>12</sup>

Intuitionism has one way to persuade doubters of the high epistemic credibility of the intuitive principles. It is through "epistemic appraisal." Epistemic appraisal is a direct comparison of two propositions in a given context. In the context of sense perception, the appraisal would be conducted with two propositions about some visible object. In the process of the comparison the agent would find in most cases one of the two propositions to be epistemically preferable—meaning, one proposition would be the one he *should* believe. He would *prima facie* be justified in believing it. For example, a person in a well-lit room with a table might be asked: Is that table brown? Or is that table green? If the agent was in doubt before, comparing the two color options should focus his thinking. This procedure of epistemic appraisal is widely found in philosophy. As I point out in *Intuitionism*, a careful reading of the early texts of G. E. Moore and Bertrand Russell reveals that their comparisons of common-sense propositions with the abstract theoretical propositions of the absolute idealists was key to their persuading others to abandon absolute idealism. H. A. Prichard and Ross use epistemic appraisal equally effectively against utilitarianism.

Moti Mizrahi casts doubt on the effectiveness of epistemic appraisal, but he does not claim that Moore and Russell were mistaken for using it. Nor does he say that a person in a well-lit room who determines that he is seeing a

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<sup>12</sup> Although I disagreed with it at the time (pp. 54-55), I've come to see that Audi's claim that there is nothing *per se* about self-evident propositions that excludes their being proved is correct. However, I continue to hold that fundamental self-evident propositions cannot be proved because of their fundamentality.

brown table and not a green one should believe that he is really seeing a green one. It seems that his claim is that epistemic appraisal only falls flat where moral propositions are concerned. One interpretation Mizrahi provides of what I might mean by claiming one proposition to be epistemically preferable to another is based on the temporal order in which the thoughts occur to us. As he puts it: “ $p$  is epistemically preferable to  $q$  when  $p$  occurs to us first in thought before  $q$  does.”<sup>13</sup> He then points out that simply because one thought occurs to us before another does not provide justification for the first. In order to bolster this point he draws on the empirically tested concept of “status quo bias” which explains why, in effect, what we’re used to biases us toward it.

I agree with Mizrahi that the mere fact that a thought is first confers no justification on it, but what might have prompted this interpretation? It’s quite possible that Mizrahi is working from the common idea that intuitionism is a theory favoring common-sense moral principles. In response, I believe that I’ve guarded against that way of seeing things from the beginning. As I state:

Intuitionism is committed to moral reflection as much as any moral theory. It makes no prior commitment to any moral beliefs, not even the commonsense ones. However, the results of moral reflection on what we really think are often articles of common sense. But the explanation for this result is that people commonly believe ‘Keeping promises is required’ and ‘Harming others is wrong’ because these truths are self-evident, rather than intuitionists declaring that they are self-evident just because they are popularly believed. That means that one can reflect endlessly on what moral beliefs are true, and end up believing the intuitive principles. (p. 22)

Mizrahi’s other interpretation of epistemic preferability is somewhat closer to the target. He states, “ $p$  is epistemically preferable to  $q$  when  $p$  provides a stronger reason to do (or not do)  $A$  than  $q$  does.”<sup>14</sup> Moving from the epistemic matter of justification to the matter of reason for action, to me, moves too fast. I would alter Mizrahi’s formulation to read, “ $p$  is epistemically preferable to  $q$  when we have a stronger reason to believe  $p$  than  $q$ .” I believe I understand why Mizrahi would say that a proposition  $p$  gives a reason to act, since the self-evidence of the intuitive principles is in discussion. However, the formulation I’ve just given better meets the requirement of a general statement about epistemic preferability. Nonetheless, his “stronger reason” interpretation of epistemic preferability is close enough.

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<sup>13</sup> Moti Mizrahi, “Comment on David Kaspar’s *Intuitionism*,” *Reason Papers* 37, no. 2 (Fall 2015), p. 34.

<sup>14</sup> *Ibid.*, p. 33.

In order to point out the problem with epistemic appraisal and the consequent problem for the intuitive principles, Mizrahi sets up an epistemic appraisal of his own. The first argument reflects the intuitionist position:

(P1) Harming others is wrong. (Intuitionism)

(C1) If I harm this person, I would be doing something wrong. (from P1)

(C2) I should not harm this person. (from C1)

In contrast, the utilitarian would offer this:

(P2) Producing less than maximal pleasure is wrong. (Utilitarianism)

(C3) If I inflict pain on this person, I would be doing something wrong. (from P2)

(C4) I should not inflict pain on this person. (from C3)

He goes on to state that it “is not clear to me that P1 provides a *stronger* reason to refrain from harming a person than P2 does.”<sup>15</sup> Now we can see why what is at issue is really what we have a stronger reason to believe. Agents can readily understand and see that it is evident that harming others is wrong. Can they see that it is evident that producing less than maximal pleasure is wrong? I doubt it. Even if they do, consider C3. In order to avoid any moral connotations “cause” should be used rather than “inflict,” which often suggests cruelty or brutality. A direct comparison of C3, “If I cause this person pain, I would be doing something wrong” with C1, “If I harm this person, I would be doing something wrong” seems only to show C1 to be epistemically stronger. For unless one imports the content of “harm” into one’s understanding of “pain,” pain is largely understood to be morally neutral. The common saying, “No pain, no gain,” is not a moral warning, but an encouragement to embrace pain where it is necessary in order to produce good results. Also, C1 seems to be true on its own. In contrast, C3 uncoupled from P2 is not that convincing at all.

### **7. Explaining All of Morality**

The theoretical framework of intuitionism is explanatorily powerful. It can explain why we are justified in believing fundamental moral propositions, but I don’t believe a viable moral theory can stop with that. That’s why I argue that intuitionism can explain what we *do*, in fact, believe, an issue that is widely overlooked by ethicists today. But even that doesn’t

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<sup>15</sup> Ibid., p. 34.

expand the explanatory net of a moral theory enough. I hold that the true moral theory will explain *everything* having to do with morality, either directly or indirectly, when coupled with the relevant disciplines. It is really only by widely expanding our explanatory nets that we can begin to see which moral theories are viable and which are not. I'm confident that intuitionism explains best all of the moral phenomena.

Many of the explanations I offer contribute to an inference to best explanation (IBE) argument for intuitionism, as Mizrahi claims. Certainly, though, for intuitionism to be shown to be the best, its explanations must usefully be compared with those of other theories. *Intuitionism* only initiates the first step for such a comparison to take place. Expanding the explanatory net of intuitionism only makes sense once the foundational basics are in place, a topic I've covered so far. In my introduction I offer a list of points that I think intuitionism better explains than any other theory. All of the items cover what people commonly believe. Some of the items might be surprising. Most surprising perhaps are items that help to explain beliefs that might be thought to be used *against* intuitionism, such as items (f), (i), and (l) in the list below. I think that the list overall shows the breadth and depth of intuitionism:

- (a) You know what's right.
- (b) Not everything is black and white.
- (c) Sometimes, in extreme cases, it's morally permissible to lie, steal, etc.
- (d) We each feel more confident claiming that *we* have a duty to keep our promises, for example, than claiming that other people do.
- (e) There are emergencies in which a cold cost-benefit assessment makes the most moral sense.
- (f) There is no way to prove that, for instance, harming others is wrong.
- (g) Ethics is not a hard science.
- (h) Supreme principle moral theories, such as utilitarianism or Kantianism, are not initially convincing, and are often not ultimately convincing.
- (i) There is no satisfactory way to resolve some ethical disagreements at certain times.
- (j) Most of our duties are based on particular relations we have to other people.



(k) Moral absolutism was more plausible before the twentieth century, and less plausible during and after the twentieth century.

(l) Moral disagreement is common. (p. 3)

Mizrahi's critique of the IBE argument that is embedded throughout my book raises an important question. When I say that intuitionism explains (a) through (l) better than any other moral theory does, in what sense do I mean "all"? "All" can either be used distributively (each one) or collectively (as a body). The best overall theory is not necessarily the best theory on every point. It would be remarkable if that were the case. For example, we all are aware that Newtonian mechanics is better suited to explaining macroscopic events than quantum mechanics is. However, it is not the better explanatory theory overall. Likewise, I don't think that anyone would doubt that utilitarianism can explain (e), the cold cost-benefit point, better than intuitionism does, for it is a more direct explanation, and intuitionism raises the prospect of a competing *prima facie* duty.

How do I employ IBE to make the case for intuitionism? Quite simply, I present the basics of intuitionism; then, when I've shown how it explains one of the points listed above, I make note of it. Mizrahi thinks that it is helpful to break my IBE approach down, item by item. He sets up the following argument:

(1) You believe that you know that keeping promises is required.

(2) The best explanation for (1) is that "keeping promises is required" is self-evidently true (i.e., [I2]).

Therefore, probably,

(3) (I2) ("The intuitive principles are self-evident, synthetic a priori truths") is true.<sup>16</sup>

I wouldn't analyze my approach this way. If we're going to break things down, let's really break them down.

Given my approach of anchoring IBE in the foundations of morality, and given the points I've made above, what I would put in place of Mizrahi's reconstruction of this point is the following:

(1) (k) "Keeping promises is required" is evident to me.

(2) Because *k* is evident to me, I am inclined to believe it.

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<sup>16</sup> Ibid., p. 28.

- (3) The explanation for (1) is that the proposition  $k$  is self-evident.
- (4)  $K$ 's being self-evident means that all of the evidence needed to be justified in believing that  $k$  is contained in  $k$ .
- (5) My understanding  $k$  justifies me in believing that  $k$ .
- (6) My believing  $k$  on the basis of understanding  $k$  means that I know that  $k$ .
- (7) The best explanation for why I believe that I know that  $k$  is because  $k$  is self-evident.

Therefore, probably:

- (8) The intuitive principle "Keeping promises is required" is self-evident.

Some comments are needed here. Claim (8) above is like Mizrahi's (I2). Intuitive principles are self-evident, synthetic *a priori* truths. The difference is I would only claim that  $k$  is self-evident at this point. It would be hasty to claim that it is synthetic or necessary on the basis of (1) through (8) alone. It would also be too much to claim just by extensively reflecting on  $k$  that *all* intuitive substantive moral principles are self-evident. We have to be more systematic and take one step at a time. Additionally, I know that the argument above is not air-tight. I'm aware that a patient philosopher would hold off on believing  $k$  just because she is merely inclined to believe it. The difference, in my view, between an intuitionist and a moral skeptic is this. A moral skeptic would get stuck at (2). She would notice that she keeps being inclined to believe  $k$  even though she has scrutinized it thoroughly. Instead of attempting to find an illuminating explanation for the intuitive persistence of  $k$ 's content, she would announce that *some other* philosopher must prove *to her* that  $k$ . Rather than waiting for someone else to take charge of the constructive philosophical work, the intuitionist takes the initiative and attempts to explain the intuitive persistence of  $k$ .

### 8. Morality and Mathematics

Intuitionism has a special—if easily and often misunderstood—relationship to math. Intuitionists compare the intuitive principles with mathematical truths for three reasons: (1) to indicate that it is *possible* that *a priori* moral truths capture moral realities, as *a priori* mathematical truths might capture mathematical realities; (2) to indicate that an inclination to believe mathematical propositions are self-evidently true recommends a similar belief for moral propositions; and (3) to show that opponents of intuitionism unjustifiably have one standard for math and a separate standard

for morality, despite the intuitive persistence of certain substantive moral truths. That is, they have a double standard that places morality in the worse position. There is no claim, suggestion, or hint by any intuitionist that morality is like mathematics in *all* respects.

Mizrahi takes me to task for my analogical use of mathematics on behalf of intuitionism. Unlike mathematical propositions, he states, moral propositions are subject to widespread disagreement, and moral intuitions can be “reset” by experience.<sup>17</sup> There is a commonplace saying that is used to criticize analogies: “That analogy breaks down at some point.” That is true, and necessarily so. For *every* analogy breaks down at *some* point. Otherwise, it would not be analogy. Analogies essentially compare two distinct things, say, *a* and *b*. If *a* and *b* were identical, then they could not be involved in an argument from analogy. Analogies work first by establishing some properties the two distinct things *a* and *b* have in common, say, *F*, *G*, and *H*. Once these common properties are established, the inference is made to an additional property, say, *J*.

An argument from analogy is not deductive. That is, that *a* has the property *J* does *not necessarily* follow from the fact that both *a* and *b* have properties *F*, *G*, and *H* and *b* has *J*. Since all analogies necessarily break down at some point, what is crucial to consider are two things: first, the point of the analogy and, secondly, just where the analogy breaks down. The reader of the passages in Chapter 3, and elsewhere, in which I compare moral propositions with mathematical ones should consider whether I have adequately supported the three points stated above.

Mizrahi thinks I haven’t. He claims that “[u]nlike mathematical propositions, moral propositions are subject to widespread disagreement.”<sup>18</sup> It depends on what moral propositions we’re discussing. Again, applied ethical propositions and metaethical propositions are widely disputed. Since they are not self-evident, however, intuitionism explains (and is not undermined by) that fact. There is no widespread disagreement about intuitive principles. As I point out, since even self-evident mathematical propositions are disputed, *even if* some intuitive principles were disputed, it would not show they are false. I use the “common mistake” of adding fractions to illustrate this. Mizrahi responds by stating that, “I think that this is an example of *error*, not disagreement,” suggesting that error about math propositions indicates the possibility for correctness.<sup>19</sup> In contrast, he seems to suggest, moral propositions invite mere disagreement, with no possibility for correctness. Let’s see. Suppose that a teenage boy tells his father he believes that rape is

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<sup>17</sup> Ibid., p. 33.

<sup>18</sup> Ibid., p. 31.

<sup>19</sup> Ibid.

morally permissible. Should the father regard his son as being in error? Or is it simply a disagreement? I would say that the son is wrong.

Historical events have moved us to reset our moral intuitions. The twentieth century unleashed numerous challenges that have made us think differently about morality. After two world wars, multiple genocidal campaigns by governments, and justified civilian bombings, we can no longer be absolutists. Mizrahi thinks that this sets morality apart from mathematics, but I wonder. The advent of non-Euclidean geometry was a resetting of our mathematical intuitions. It occurred when there were unprecedented, incredible technological advances in transportation, communication, and manufacturing. This, I claim, was no coincidence. Even advances in higher mathematics take place within a wider framework of human endeavor and experience.

### **9. Intuitionism and Moral Experience**

Intuitionism is a theory about the foundations of morality. It has an epistemology, a metaphysics, and a semantics. It is also a normative ethics without needing to add any elements. Although it is meant to cover and explain a wide range of things, it has inherent limitations. There are some moral phenomena that it doesn't explicitly address. Some of the concerns that Matthew Pianalto raises are, I think, addressed to such phenomena. He states, "Kaspar needs to pay more attention to the role of experience in our grasp of moral concepts and to the open-textured nature of the moral concepts that show up in many of his examples of self-evident moral propositions."<sup>20</sup> Intuitionism isn't primarily a theory of moral experience, but rather of moral knowledge. Nor is it a theory of how we learn what is right. Neither is it a theory of moral emotion. For each of these points, though, intuitionism, coupled with psychology, can be used to help explain such matters. Intuitionism is not a theory about how morality is actually situated in a given society. When coupled with history, social psychology, and economic principles, intuitionism can give some useful insights into how morality fits into society. In a much fuller account of morality, I would agree that much of what Pianalto says I should include should be included. Intuitionism proper, however, has a narrower focus.

### **10. Substantive Moral Truth**

"Murder is wrong," I hold, is a substantive proposition. Many ethicists deny this. They claim that it is analytic, that it is a mere truism. I don't deny that our sense of the wrongness of murder, our association of "murder" with "wrong" in our minds, partly comes from the society in which we are reared. How could it be otherwise? What I do deny, however, is that the sentence "Murder is wrong" is unambiguous. After conceding that it

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<sup>20</sup> Matthew Pianalto, "Intuitions, Experience, and Moral Concepts: A Critique of Kaspar's *Intuitionism*," *Reason Papers* 37, no. 2 (Fall 2015), p. 36.

expresses an analytic proposition, I argue that it also expresses a synthetic proposition. That “Murder is wrong” expresses a synthetic proposition is grounded in the fact that murder by its very nature is wrong. What I call a “moral kind” is a universal that is the moral nature of numerous acts.

Pianalto states that the “basic stuff of moral thought must be the stuff which we take to be *obvious*, and any general claim that is obvious can be labeled a ‘truism’.”<sup>21</sup> I dispute this label for the fundamental moral truths. The term “truism,” as it is often used in philosophy, indicates a proposition that has no information. The intuitive principles do. Might “Murder is wrong” *only* express an analytic truth? The proponent of this view is saying, in effect, that what makes murder wrong is a semantic property. If Jones murders Robinson, we would agree that it is wrong. I hold that it is the nature of the act that makes it wrong. Those who hold that “Murder is wrong” is only analytic claim that what makes Jones’s murdering Robinson wrong is the sort of proposition we apply to the case. That murder is wrong simply because of a property of a semantic truth-bearer we express by a certain declarative sentence would not be among the most compelling claims offered by an ethicist.

### 11. Moral Kinds

*Intuitionism* introduces the theory of moral kinds. Moral kinds are complex universals. The moral kind “murder” is an example of one. Moral kinds have necessary components. These components may be understood as necessary instantiation conditions of the kind. One component of the kind “murder” is that the act is intentionally performed. If Wilson kills Johnson, but it is not intentionally done, then that alone is sufficient for “murder” to fail to be instantiated, with perhaps the moral kind “manslaughter” being instantiated.

Moral kinds are the key to moral explanation. What makes some actions right and others wrong? Some acts instantiate a moral kind that has the property “wrongness.” Other acts instantiate a moral kind that has the property “rightness.” Suppose that the moral kind *K* necessarily has the property “wrongness.” Every instantiation of *K* by human action determines the act it is. How do we know what we ought to do in moral situations? We consider options and we recognize different moral kinds in our different options. That is often sufficient to justify one in deciding what to do. Recognizing that an act one is about to perform is of a kind *K* gives a reason not to do it. The explanatory power of moral kinds extends beyond that, though. With each component of a moral kind, we can determine its value status, whether it is good, bad, or indifferent. Then we can determine the value status of the whole act. Take “murder,” and just two of its components, the victim’s death and the agent’s intention to cause it. Death is a bad state. By

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<sup>21</sup> Ibid., p. 45.

murdering one brings about the death of the victim. Intentionally bringing about such a state makes the action much worse.

*A priori* knowledge is controversial. Hence, we must speak about it with care. The way Pianalto talks about *a priori* knowledge might suggest that the notion is more suspect than it is. He says that in my view the knowledge of the intuitive principles is “acquired *a priori*.”<sup>22</sup> This suggests that humans *acquire* knowledge independently of experience, which would certainly be puzzling. I would rather say that the *acquisition* is within our experience, but the source of the evidence for our knowledge is independent of sense-experience-based information. He also uses language of gaining knowledge “through intellectual insight that transcends experience.”<sup>23</sup> This, in a different way, suggests a power that is quite unusual. If we’ve witnessed someone lying, “lie” has been instantiated. We recognize this, but all of this takes place within our experience. That “lie” is a universal raises very challenging metaphysical and epistemological issues. However, I would reject a theory that claims or implies that we have other than normal powers, which we nonetheless employ in everyday scenarios.

Moral kinds have necessary components. When we understand a moral kind like “lie,” we implicitly understand their components, and can be quite adroit in determining whether someone actually lied or merely performed a speech-act that fell short of lying. We were never *taught* these essential conditions of lying, which may be described as the essential rules of moral kinds. This is an indication that our understanding of them is *a priori*. Put differently, we know more things about moral kinds than learning them through instruction or experience could have provided. Pianalto expresses his doubts: “Although young children do not take ethics courses *per se*, they do learn about promising and lying from their parents, their school teachers and Sunday school teachers, and more broadly in the ‘school of life’.”<sup>24</sup> This is one point at which we are discussing matters beyond the primary theoretical range of intuitionism. I would never deny that we were taught about what’s right and wrong in broad outline in such ways. But I would deny that our *understanding* of the several essential rules of lying or promising was taught to us. If one asks lay people how they know such things, they would be unsure. I’m confident that they would be sure that they were not taught such things point-by-point by their parents.

Intuitionism, critics charge, assumes that the intuitive principles are luminous. All that is needed, it is imagined, is a mental glance of an intuitive principle and it is so luminous that it is evident to one immediately. Surely, that is a position that can be offered, but no major intuitionist in the twentieth

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<sup>22</sup> Ibid., p. 37.

<sup>23</sup> Ibid., p. 39.

<sup>24</sup> Ibid., p. 40.

or twenty-first centuries holds it. Incorporating moral kinds into intuitionism invites a new luminosity objection. As Pianalto states, “Kaspar must claim that the moral concepts about which we have intuitive knowledge have a clear shape that can be grasped. His allusions to such things as ‘the essential rules of promising’ and the ‘very nature’ of murder indicate that Kaspar accepts an essentialist view of whatever the fundamental moral kinds are.”<sup>25</sup>

Essentialism is crucial to intuitionism. Consider what Ross says about lying: “When we consider a particular act as a lie, or as the breaking of a promise, or as a gratuitous infliction of pain, we do not need to, and do not, fall back on a remembered general principle; we see the individual act to be *by its very nature* wrong.”<sup>26</sup> I am certainly open to explaining moral essences in a different way. Right now, however, it seems to me promising to consider moral kinds as the moral essences. I’m not exactly sure why I *must* claim that moral kinds have a clear shape that can be grasped. The very fact that our knowledge of essential rules of moral kinds is implicit, and the sort of thing we must reflect on to grasp, suggests that their shape is not entirely clear to us. Yes, the core components of “theft,” “lie,” and “promise” are there for us with some clarity. However, there are often well-justified philosophical disputes about such concepts around their edges.

Pianalto claims that moral kinds face trouble for “borderline and contentious cases.”<sup>27</sup> As already pointed out, applied moral propositions like “Abortion is permissible” and “Abortion is impermissible” invite dispute because they are not self-evident. In relation to moral kinds, this is partly due to it being unclear whether the kind “murder” applies to fetuses. All I claim is that reflection, discussion, and *a posteriori* evidence of what is a fetus is, are capable of shifting the debate in favor of one side.

Pianalto is unsatisfied with this way of understanding how moral kinds relate to contentious issues. He expects much more of moral kinds than that. He states:

[I]t seems, however, that one could object that if we can’t settle whether abortion is murder except by appealing to non-intuitive considerations, then we can’t grasp the essential nature of the concept of murder intuitively either, since there is no *a priori* rule that settles whether it extends to the case of abortion.<sup>28</sup>

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<sup>25</sup> Ibid., p. 41.

<sup>26</sup> W. D. Ross, *Foundations of Ethics* (Oxford: Clarendon Press, 1939), p. 173 (emphasis added).

<sup>27</sup> Pianalto, “Intuitions, Experience, and Moral Concepts,” p. 41.

<sup>28</sup> Ibid.

If I read him right, Pianalto is claiming that there cannot be a universal moral kind *K* and I cannot grasp *K* unless it has an *a priori* rule that settles to what it extends. It would certainly be a welcome feature of moral kinds if they came with rules for their application, but what concepts are so equipped? If we stipulate that for something to be a concept, it must contain its own rule of application so as to enable us to deal with the trickiest of cases, then that would mean we have no concepts at all.

Moral kinds are determinate. They have necessary structures that don't vary from case to case. In themselves they have, as I would say, a definite shape. But due to the nature of moral kinds, and due to our limited cognitive capacity, it would be incorrect to say that their shapes are clear to us. Responding to Pianalto, moral kinds, at least as we apply them, are "open-textured." There are some clear core cases in which their application is not reasonably contestable, but there are also cases in which people can legitimately disagree about whether they apply. A good example of this is "harm." My critics have raised questions about harming others. Some of these concerns have to do with conflicting obligations, such as when someone is harming another in self-defense.<sup>29</sup> The theory of *prima facie* duty helps explain why harming another in self-defense is permissible. Pianalto raises questions simply because we are unsure whether harm is legitimately being applied to a case. None claims, though, that it is false that harming others is wrong. Moral kinds being characterized as having determinate shape (in themselves) but sometimes also having unclear shape (to us) explains how we can go from ignorance that a practice is harmful to people, to knowing it with a high degree of confidence.

## 12. Objective Explanation

Stating the intuitive principles and removing errors of thought that might convince people that they are false are important aims of ethics, but they are not the only ones. Complete understanding is the ultimate aim. Prichard and Ross convincingly show that intuitive principles have epistemic credibility far higher than utilitarianism or egoism do. They carefully describe what is involved in our duties, including conflicts between them. At certain points, though, they unhelpfully limit the range of moral explanation. They kept their analysis largely within the bounds of moral consciousness and shy away from the epistemic explanations and speculative metaphysics that might round out the theory of intuitionism.<sup>30</sup>

Pianalto seems closer to Prichard and Ross than I do in this respect. There are several points at which his alternative analyses of morality seem to

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<sup>29</sup> Ibid., p. 44; also see Mizrahi, "Comment on David Kaspar's *Intuitionism*," p. 32.

<sup>30</sup> To be fair to Prichard and Ross, epistemology and metaphysics today are much more sophisticated than in their day, with each discipline having a history of numerous conjectures, missteps, false starts, and successes to draw from.



say, “That’s far enough. Reasons and justifications have run out.” Pianalto holds that conventions, or our feelings, the “form of life” we occupy, or some combination of them might somehow explain moral phenomena. He states that “[o]ur actual moral experiences do not put us into contact with the essences of moral kinds, but rather and more simply with paradigms and prototypes of open-textured concepts with contestable boundaries.”<sup>31</sup>

There are epistemic reasons for hesitancy about moral kinds. Such entities are highly speculative. As I’ve claimed, though, with the intuitive principles secure, we can venture forth as far as needed to explain their high epistemic credibility, to explain their intuitive persistence, and so on. At one point, Pianalto recognizes that the main reason I reject the conventionalist account of a social prohibition against murder is that it doesn’t explain *why* there is such a prohibition.<sup>32</sup> I don’t accept his alternative explanatory framework because it does not seem to illuminate the moral phenomena; it is not explanatorily strong; and it doesn’t bear within it the promise of explanatory completeness. Some of these features may be seen at a single point, at which Pianalto has us consider this: “A child takes delight in slowly dismembering a live butterfly. Is this wrong? My immediate response is that it is because I think we should respect life.”<sup>33</sup> I share his immediate response. It’s at the explanatory level that I disagree. Conventions are such that some societies encourage destroying lives. Feelings are such that some, such as the child, feel that dismembering butterflies is a joy. Moving toward the ultimate entities of moral explanation is highly speculative, but it has some chance of explaining why there are objective rights and wrongs.

### 13. Conclusion

Intuitionism faces a unique set of opportunities and obstacles. Here is one major obstacle. Focusing on the propositions with the greatest epistemic credibility would seem a natural place at which to start a moral theory. According to today’s received view, it’s not. Although other branches of philosophy have abandoned the Cartesian project of finding a single supreme principle from which all information can be derived, many ethicists are unwilling to take that step. Supreme-principle theorists, moral skeptics, and others typically share this assumption:

(A) If any person *S* is ever justified in believing any moral claim that *p*, then *S* must be able to infer *p* from some other beliefs of *S*.<sup>34</sup>

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<sup>31</sup> Pianalto, “Intuitions, Experience, and Moral Concepts,” p. 46.

<sup>32</sup> *Ibid.*, p. 38.

<sup>33</sup> *Ibid.*, p. 44.

<sup>34</sup> Walter Sinnott-Armstrong, *Moral Skepticisms* (Oxford: Oxford University Press, 2006), p. 74.

By their own lights, neither moral skeptics nor supreme-principle theorists are justified in believing (A). For they haven't supplied premises that even appear to have strong support for it. Intuitionism disagrees with both by stating that there are substantive moral propositions that are so evident, that the best explanation of this comes from their built-in evidence for themselves.

Not all of the challenges that these theories face are stated. I believe that the attraction of theories like utilitarianism or moral nihilism is that they are novel. Doing the right thing is often mundane. We are seldom congratulated for doing our duty. A theory like intuitionism that focuses solely on what is convincing to our moral consciousness, leaving all that is morally extraneous out, risks inheriting the perceived dullness of morality itself. If, on the other hand, you can create a theory that gives people the idea that they can do what is normally thought to be wrong, it makes moral inquiry thrilling. It remains to be seen whether intuitionists can persuade other ethicists to stay within the often unglamorous bounds of morality.

The opportunities for intuitionist research are wide open. This article has indicated a number of fronts upon which such research can be carried out. Here is one. The theory of moral kinds affords a number of distinct challenges: determining the essential components of each moral kind, determining the exact metaphysical status of moral kinds, and determining how we can know them. I've indicated some of the explanatory roles moral kinds have. The better the account of them, the better it will explain morality.<sup>35</sup>

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<sup>35</sup> I am most grateful to Irfan Khawaja for proposing to publish the symposium on *Intuitionism* in *Reason Papers*, and to *Reason Papers*'s current editors, Carrie-Ann Biondi and Shawn Klein, for all of their work on this issue. Many thanks to my three critics, Irfan Khawaja, Moti Mizrahi, and Matthew Pianalto, for their quite instructive comments. I greatly appreciate The Jacques Marchais Museum of Tibetan Art in Staten Island, New York for hosting our symposium event, with special thanks to the museum's Executive Director, Meg Ventrudo. Lastly, thank you to the philosophers and friends who attended the event and thereby made it a special evening.

## Discussion Notes

### Another Response to Chris Leithner: Some Differences between Austrian Economics and Objectivism

Brian P. Simpson  
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A debate between Chris Leithner and me has been raging at *The Journal of Peace, Prosperity, and Freedom*. It started with his review of my recent book *Money, Banking, and the Business Cycle*.<sup>1</sup> The essence of his claim in the review is that he supports much of my economics but rejects my method of analysis. That journal allowed me to submit a response in the same volume defending my positions.<sup>2</sup> It also allowed Leithner to submit a rejoinder.<sup>3</sup> This article constitutes my response to Leithner's rejoinder.

This debate is useful in helping to illustrate the fundamental philosophical differences between Austrian economics and Objectivism. It will give readers a chance to see the errors in the philosophical arguments made by Austrians and some of the logical fallacies they commit in attempting to defend their position. In fact, one can even learn some economics from the debate.

The first error I address is the only economic error that Leithner commits in his rejoinder. It pertains to his discussion of electronic fund transfers. In his original review, he claims that money market mutual funds (MMMFs) are not money because one cannot use them in payment at, for instance, a grocery store without the use of a check.<sup>4</sup> In order to show that this does not support the claim that MMMFs are not money, I challenged him to use the funds in his checking account without the use of a check.<sup>5</sup> He retorts in his rejoinder that

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<sup>1</sup> Chris Leithner, "Book Reviews: *Money, Banking, and the Business Cycle* (Vol. 1: *Integrating Theory and Practice*; Vol. 2: *Remedies and Alternative Theories*)," *The Journal of Peace, Prosperity, and Freedom* 3 (2014), pp. 137-42.

<sup>2</sup> Brian P. Simpson, "Response to Chris Leithner's review of *Money, Banking, and the Business Cycle*," *The Journal of Peace, Prosperity, and Freedom* 3 (2014), pp. 121-26.

<sup>3</sup> Chris Leithner, "Rejoinder to Brian Simpson's Comment on *Money, Banking, and the Business Cycle*," *The Journal of Peace, Prosperity, and Freedom* 3 (2014), pp. 127-36.

<sup>4</sup> Leithner, "Book Reviews," p. 141.

<sup>5</sup> Simpson, "Response," p. 124.

my criticism is not valid because he, in fact, *can* access the funds in his checking account without writing a check, since he can gain access to them with a debit card.<sup>6</sup>

There is no fundamental difference between a check and a debit card, and because of this the same criticism applies: Leithner should try using his checking-account funds without a debit card. The point I was making with this criticism was that some mechanism must be used to access the funds, so the claim that I could not use MMMF funds without a check does not show that they are not money. Whether one uses a check, debit card, or something else is irrelevant. The funds in MMMFs are capable of being used as a medium of exchange and thus are money. Moreover, the minor differences Leithner discusses in his rejoinder regarding whether funds are pulled out of an account (as with a check) or pushed (as with a debit card) do not deny that the arguments I make in my response show that MMMFs are money despite not being a final means of payment (which Leithner says money must be and which he uses as his main argument in his review to claim that MMMFs are not money).<sup>7</sup> He ignores the essential points of my arguments and chooses to discuss something irrelevant to the issue under consideration.

Leithner's subsequent errors are philosophical ones. The first such error occurs in his attempt to describe why the senses are "fallible." He states in his rejoinder, "Everybody's senses are fallible in the sense that nobody can see (or smell, taste, know [sic], etc.) everything."<sup>8</sup> Here he confuses being infallible with being omniscient. Saying that the senses do not deceive us does not say that the senses tell us everything about the world. He is presenting a false alternative. It is either omniscience and infallibility or non-omniscience and fallibility. Since the senses are not omniscient, they must be fallible, according to his view. The senses certainly do not perceive everything; nothing could. However, there is no deception involved regarding the aspects of reality that they do perceive.

The next error relates to his view that the brain would have to be "infallible" for the senses to be "infallible."<sup>9</sup> This reveals that he does not understand the difference between sensory perception and thinking at the conceptual level. Sensory perception is an automatic physical process that occurs through the impingement of physical stimuli on sensory organs. There is no act of volition involved. One can see this using hearing as an example. From the impingement of sound waves on our ear drums to the nerve impulses transmitted to our brains to the percepts retained by our brains, the entire

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<sup>6</sup> Leithner, "Rejoinder," p. 128.

<sup>7</sup> *Ibid.*, pp. 128-29 n. 180; and Leithner, "Book Reviews," pp. 139 and 141.

<sup>8</sup> Leithner, "Rejoinder," p. 129.

<sup>9</sup> *Ibid.*, p. 134 n. 193.

process is automatic. That is why the senses are infallible. There is no chance for volitional error to be introduced.

The possibility of error exists only at the conceptual level. Thinking at the conceptual level is an act of choice. The choice (i.e., free will) consists of how one chooses to use his conceptual faculty. Does one focus one's mind and try to understand the world or not? Does one choose to be rational or not? Both our perceptual and conceptual faculties are attributes of our brain, but the infallibility applies only to the senses. When we analyze, at the conceptual level, the information provided by our senses, we can make mistakes because of the volitional element that is introduced.<sup>10</sup>

Another error of Leithner's pertains to his characterization of my view of economics as an empirical science.<sup>11</sup> In my response to his review, I clearly state otherwise. Leithner may have ignored what I said because he believes (and Austrians in general believe) that economics is an *a priori* science. This means that knowledge about economics is allegedly obtained independently from experience.

In my response I state that "economic analysis primarily involves the deductive application of fundamental principles."<sup>12</sup> However, I also note that the fundamental principles must ultimately be grounded in the facts if they are to help us understand some aspect of reality. This means that they must be capable of being reduced to the perceptual level. Reduction involves the process of logically linking advanced knowledge to the perceptual level. Much knowledge is abstract—that is, it is not based directly on sense perception and, in fact, is several levels removed from knowledge based on direct perception. In order for such knowledge to be valid, it must be capable of being indirectly linked to the perceptual level. If one does not directly or indirectly link one's claims to the perceptual level, one opens the door to embracing arbitrary assertions (i.e., assertions devoid of evidence).

As an abbreviated example of reduction, let me reduce the concept "living organism." We do not directly perceive living organisms. Living organisms consist of animals and plants. However, we do not directly perceive animals and plants either. Animals and plants consist of dogs, bears, flies, flowers, trees, etc. Now we have reduced "living organism" to perceptual concretes. This concept consists of plants and animals, which consist of specific organisms—perceptual concretes—that we can point to.<sup>13</sup> While economic laws are not directly derived from sense perception, they must be

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<sup>10</sup> On volition and the "infallibility" of the senses, see Leonard Peikoff, *Objectivism: The Philosophy of Ayn Rand* (New York: Meridian, 1991), pp. 38-44 and 55-72.

<sup>11</sup> Leithner, "Rejoinder," p. 130.

<sup>12</sup> Simpson, "Response," p. 125.

<sup>13</sup> See Peikoff, *Objectivism*, pp. 132-33 and 138-39 on reduction.

capable of being reduced to the perceptual level in a similar manner so as to be valid.

Leithner also says that economics is based on an everyday, common-sense understanding of the world.<sup>14</sup> This is true in the sense that he refers to in his rejoinder. In addition, it confirms that economics is based on the facts we observe, not an *a priori* means to knowledge. People tend not to explicitly link in their minds common-sense knowledge to perceptual reality because such knowledge is very basic. However, it is basic because it is easily observable, and explicitly linking this knowledge to the perceptual level provides the ultimate validation for such knowledge. It also helps to show that economics is not a rationalistic fantasy.

For example, one everyday, common-sense idea that Leithner says economics is based on is the fact that people trade when they expect to benefit.<sup>15</sup> We can readily observe this occurring in the purchases we make on a daily basis. We could also observe it in others by, for instance, going to the grocery store and asking customers why they make purchases and asking the grocer why he is willing to sell his products. Of course, we do not need to do this *because* it is so readily observable. The fact that it is so readily observable is why, as Leithner states, it is inconceivable that it could be otherwise.

Based on his rejoinder, Leithner would claim in response to the above argument that we cannot observe purposeful human action. He would claim that we can only observe bodily movements and sounds. We need introspection to recognize that movements and sounds are purposeful, and introspection does not occur through observation, according to Leithner.<sup>16</sup> Nonetheless, I show below that introspection is, in fact, a form of observation.

Leithner also believes that mathematics is *a priori*.<sup>17</sup> He says that it cannot be proven through observation. However, the concepts and principles used in mathematics are reducible to the perceptual level. All concepts (not just mathematical concepts) are formed by a process of differentiation and integration. We differentiate certain concretes in reality from other concretes based on their observed similarities with each other and their observed differences with the other concretes. We then integrate them into a new mental unit (i.e., a concept) by selectively focusing on the aspect of the similar concretes that is the same in all of them.

For example, we differentiate tables from other household objects (chairs, beds, etc.) and integrate different tables together (coffee, dinner, end, etc.) to form the concept “table” by focusing on the fact that they all have flat surfaces

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<sup>14</sup> Leithner, “Rejoinder,” p. 130.

<sup>15</sup> Ibid.

<sup>16</sup> Ibid., pp. 131-32.

<sup>17</sup> Ibid., pp. 129, 130, and 134.

with supports and that smaller objects can be placed on them. As another example, the concept “one” is formed by selectively focusing on the specific number of objects (one stick, rock, gazelle, etc.) and differentiating it from different numbers of the same objects (two, three, etc. sticks, rocks, and so forth) to form the concept “one.” Basic concepts of arithmetic (adding, subtracting, etc.) can also be formed directly from perceptual-level data. All of mathematics is capable of being reduced to the perceptual level by linking it to first-level concepts that serve as its base. The first-level concepts are the ones that are formed directly by integrating perceptual-level data.<sup>18</sup>

In addition, Leithner equivocates between acquiring knowledge through observation and acquiring knowledge through perceptual association. I say this because he says in his rejoinder that a dog has better senses than man and yet it cannot understand mathematics.<sup>19</sup> He then wonders why a dog cannot understand mathematics if our understanding of it is based on observation. There are a couple of problems here. First, mathematics, and all human knowledge, is conceptual. Dogs, and all of the lower animals, do not possess reason and thus cannot think conceptually. That is why they cannot understand mathematics. They cannot advance past the perceptual level because of their lack of possession of reason.

Leithner not only ignores the difference between conceptual knowledge and perceptual-level knowledge (the latter being what a dog, lion, zebra, etc. can obtain), but he also ignores the fact that knowledge of mathematics (and all *abstract* knowledge) is not gained based on *direct* perception. It is *indirectly* linked to the perceptual level through the logical process of reduction. Mathematics also encompasses deductive applications of inductively validated fundamental principles. Moreover, mathematical claims can be verified directly in many cases through observation, such as the observation of the orbits of spacecraft and planets (which confirms the predictions of their orbits by mathematical models).

I will now address Leithner’s view that introspection is not consistent with observation. Introspection is the means by which we directly observe actions of consciousness, such as thinking and feeling. It is a part of observing the facts of reality. While we do not directly perceive the actions of consciousness, directly or indirectly actions of consciousness are based on the external facts. That is, thinking, feeling, etc. consist of thinking and feeling something about the external world (such as thinking about an apple or feeling happy when one sees one’s wife) or engaging in a process of consciousness that is indirectly linked to the external world (such as imagining bizarre worlds by rearranging elements observed in reality or fantasizing about

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<sup>18</sup> This is a *very* abbreviated discussion of concept formation. See Ayn Rand, *Introduction to Objectivist Epistemology*, expanded 2<sup>nd</sup> ed. (New York: Meridian, 1990), pp. 10-18, for a thorough discussion.

<sup>19</sup> Leithner, “Rejoinder,” p. 134.

scoring the winning goal in the big game). So when Leithner talks about knowledge of something being based on introspection, he unknowingly links his thinking to the perceptual level (so long as his ideas are valid). The link here, as with other abstract knowledge, is just an indirect one.<sup>20</sup>

Much of the confusion on the part of Leithner and the Austrians is caused by accepting the primacy of consciousness over the primacy of existence. The primacy of consciousness says that consciousness has metaphysical power over existence. The nature of existence can be controlled or affected by consciousness, according to this view. The primacy of existence says that existence exists independently of consciousness and that the nature of things cannot be controlled by consciousness. The latter view rejects Kantian notions of innate structures or categories of the mind that impose order on the world that Leithner and the Austrians embrace.<sup>21</sup> Consciousness does not create its own reality or control reality. It can only observe reality. Furthermore, understanding that existence (existence being that which is) has primacy over consciousness (consciousness being the faculty of being aware of that which exists), as well as the fact that knowledge is not based on the use of logic apart from experience or experience apart from logic but is based on the application of logic to experience, provides the fundamental basis to reject false dichotomies such as the analytic/synthetic dichotomy and the *a priori/a posteriori* dichotomy that Leithner and the Austrians embrace.<sup>22</sup>

A few other errors of Leithner's are worth considering. For example, he attempts to rationalize his mystical beliefs (in religion) by ridiculing one of my arguments. He says that my argument that denies the validity of Holy Scripture is "laughably inept."<sup>23</sup> However, he makes no attempt to address the arguments I make against mystical beliefs. He hopes the reader will ignore this fact and be intimidated into not challenging the Bible (for fear of being branded "laughably inept"). This is known as the argument from intimidation and is an invalid method of arguing because it does not actually make any argument.<sup>24</sup> If Leithner thinks that my argument is wrong, he must show how

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<sup>20</sup> On introspection, see Rand, *Introduction to Objectivist Epistemology*, pp. 29-31.

<sup>21</sup> Leithner, "Rejoinder," pp. 130-31 and 136.

<sup>22</sup> See *ibid.*, p. 131, on Leithner's and the Austrians' embracement of these dichotomies. Also, see Peikoff, *Objectivism*, pp. 18-23, on the primacy of existence and primacy of consciousness; and Leonard Peikoff, "The Analytic-Synthetic Dichotomy," in Rand, *Introduction to Objectivist Epistemology*, pp. 88-124, on the analytic/synthetic dichotomy.

<sup>23</sup> Leithner, "Rejoinder," p. 134 n. 193.

<sup>24</sup> On the argument from intimidation, see Ayn Rand, *The Virtue of Selfishness* (New York: Signet, 1964), pp. 162-68.



it is logically and/or factually flawed, not ridicule it in an attempt to silence opposition to his ideas.

Resorting to the argument from intimidation does reveal a great deal, but not about the arguments of the people at whom it is directed. It reveals a great deal about those who use such a method of argumentation. It provides further evidence that their position is intellectually bankrupt because those are the only “arguments” they have left to make.

Leithner also attempts to rationalize his mystical beliefs by claiming that I worship Ayn Rand as a god.<sup>25</sup> In essence, this argument says that it is okay to believe in God because the intellectual adversaries of the mystics believe in a god too. He is hoping the reader will not notice that nowhere did I ever say Ayn Rand is a god or that I worship her as a god. It is true that I agree with her philosophical system, known as Objectivism. However, I agree with it because it is right, not because I view her as a god. Her philosophy is valid logically and factually. That is something that certainly cannot be claimed about any mystical ideas, whether religious or otherwise. As a result of the great advances in knowledge for which she is responsible, I have great respect and admiration for her. But that is not the same as worshipping a god. It would be irrational to do that.

Leithner also claims that Ayn Rand engaged in *a priori* reasoning when she defined capitalism as “a social system based on the recognition of individual rights, including property rights, in which all property is privately owned.”<sup>26</sup> His claim is that no one could directly observe a capitalist society because one has never existed. Therefore, how was she able to establish this definition of capitalism based on experience if no one, including her, has ever experienced it?<sup>27</sup>

Leithner’s error here is that he confuses the argument that there is no knowledge independent from experience with the argument that no knowledge can be obtained beyond that derived *directly* from experience. I make the former argument, not the latter. The latter argument ignores knowledge that can be *indirectly* tied to the perceptual level. For example, it ignores, as discussed above, the deductive application of principles that can be reduced to ideas and concepts formed from direct perception. It also ignores abstractions from abstractions: concepts—such as “furniture” and “entity”—that are one or more levels removed from the concepts that identify perceptual concretes.<sup>28</sup> One must understand that there is a conceptual hierarchy of knowledge that

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<sup>25</sup> Leithner, “Rejoinder,” p. 134 n. 193.

<sup>26</sup> For this definition, see Ayn Rand, *Capitalism: The Unknown Ideal* (New York: Signet, 1967), p. 19.

<sup>27</sup> Leithner, “Rejoinder,” p. 135.

<sup>28</sup> See Rand, *Introduction to Objectivist Epistemology*, pp. 19-28, on abstractions from abstractions.

extends from the concepts and ideas established by integrating information obtained directly from perceptual observation up to the widest abstractions that are several levels removed from first-level concepts and ideas.

This is how one forms a concept that identifies a political system that has yet to exist. It also helps that enough variation in political systems has existed—from socialism and other forms of totalitarianism to systems that have come close to laissez-faire capitalism—to allow one to abstract the fundamental principles governing political systems (i.e., freedom vs. slavery) and apply those to form concepts that identify them. So an abstract concept such as capitalism is tied to the perceptual level through reduction and the variation in political systems that has been witnessed.

Leithner's last argument in his rejoinder shows that Austrian economics and Objectivism might not be as far apart as appears at first glance on the issue of whether knowledge is *a priori*. It may be that the Austrians believe that knowledge *is* grounded in experience. However, they appear to have a poor conception of what experience is. I say this because Leithner quotes Murray Rothbard as saying, "My view is that the fundamental axiom and subsidiary axioms are derived from the experience of reality . . ." That sounds good so far. But then Leithner goes on to say, "Rothbard calls such axioms *a priori* because, although they're grounded in reality, they're prior to 'the complex historical events to which modern empiricism confines the concept of 'experience'."<sup>29</sup> See the error? If we ignore all aspects of experience beyond "complex historical events," then we can call the axioms "*a priori*." But that is not what *a priori* refers to. It refers to alleged knowledge apart from *any* experience, not just the part of experience we choose to focus on.

Leithner and, apparently, Rothbard have a poor understanding of "experience," and it is based on this poor understanding that they believe that the axioms come prior to experience. Their understanding of experience is poor because it ignores a lot of experience—namely, everything other than "complex historical events." This means that it ignores, for instance, everyday events we have knowledge of that do not make it into the history books or documentaries. This includes most of the experiences people have in their lives—their own personal experiences. Such experiences are extremely important to the knowledge people gain because they include what individuals directly perceive. If we choose not to ignore events we personally witness—or any other part of experience—we can see that the axioms are not *a priori* knowledge. However, for the Austrians to understand this, it appears that, at a minimum, they must adjust their concept of "experience" to include all aspects of experience.

In conclusion, we have seen why the senses are "infallible." I use the term "infallible" to address the specific claim made by Leithner, since he claims that the senses are "fallible." However, I put the term in quotation marks

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<sup>29</sup> Leithner, "Rejoinder," p. 136.

because the senses are, in fact, neither fallible nor infallible. The senses merely use inputs to generate output. They have no power to distort or deceive.<sup>30</sup> The potential for error comes into play only at the conceptual level, in our interpretation of sensory data.

We also discussed some other differences between perceptual and conceptual knowledge and addressed why knowledge in economics, mathematics, and any field is not *a priori*, but must be grounded either directly or indirectly in the facts of reality. We have seen that introspection is a form of observation and why Ayn Rand was not engaging in *a priori* reasoning in her identification of the fundamental characteristics of capitalism. In addition, we have seen that the Austrians have a poor understanding of the concept “experience,” which may largely be responsible for the error they commit in believing that knowledge is *a priori*. Embracing a sound concept of “experience” would help them move closer to sound epistemological ideas, but there are a number of other errors the Austrians would need to correct as well. A discussion of those errors will have to be the subject of another article.

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<sup>30</sup> Peikoff, *Objectivism*, p. 40.

## Block versus Wisniewski: Not Over Yet

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There was a very insightful and entertaining exchange between Walter Block and Jakub Wisniewski regarding Block's theory of evictionism that spanned several years.<sup>1</sup> While I neither attempt to refute Block's theory of evictionism nor attack Wisniewski's opposition to it, I do put forth an observation that invalidates an analogy discussed extensively by both authors. My hope is that both Block and Wisniewski will acknowledge this flaw and renew their spirited debate.

Block's theory of evictionism distinguishes the act of ejecting a fetus from a mother's womb from the act of ejecting a fetus from a mother's womb and then killing it.<sup>2</sup> The former is evictionism, the latter is abortion. Wisniewski offers his creative "airplane ride" analogy to illustrate what he believes to be an inconsistency between evictionism and libertarianism. Wisniewski's hypothetical assumes that "X gets Y drunk to the point of the latter's passing out and drags him onboard the plane, and then, as soon as Y

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<sup>1</sup> See Walter E. Block, "Rejoinder to Wisniewski on Abortion," *Libertarian Papers* 2, no. 32 (2010), accessed online at: <http://libertarianpapers.org/articles/2010/lp-2-32.pdf>; Walter E. Block, "Response to Wisniewski on Abortion, Round Two," *Libertarian Papers* 3, no. 4 (2011), accessed online at: <http://libertarianpapers.org/articles/2011/lp-3-4.pdf>; Walter E. Block, "Response to Wisniewski on Abortion, Round Three," *Libertarian Papers* 3, no. 37 (2011), accessed online at: <http://libertarianpapers.org/articles/2011/lp-3-37.pdf>; Jakub Wisniewski, "A Critique of Block on Abortion and Child Abandonment," *Libertarian Papers* 2, no. 16 (2010), accessed online at: <http://libertarianpapers.org/articles/2010/lp-2-16.pdf>; Jakub Wisniewski, "Response to Block's Defense of Evictionism," *Libertarian Papers* 2, no. 37 (2010), accessed online at: <http://libertarianpapers.org/articles/2010/lp-2-37.pdf>; Jakub Wisniewski, "Response to Block on Abortion, Round 3," *Libertarian Papers* 3, no. 6 (2011), accessed online at: <http://libertarianpapers.org/articles/2011/lp-3-6.pdf>; and Jakub Wisniewski, "Abortion, Libertarianism, and Evictionism: A Last Word," *Libertarian Papers* 5, no. 1 (2013), accessed online at: <http://libertarianpapers.org/wp-content/uploads/article/2013/lp-5-1-6.pdf>.

<sup>2</sup> For more on evictionism, see Walter E. Block, "Toward a Libertarian Theory of Abortion," *The Libertarian Forum* 10, no. 9 (September 1977), pp. 6–8, accessed online at: [www.mises.org/journals/lf/1977/1977\\_09.pdf](http://www.mises.org/journals/lf/1977/1977_09.pdf).

regains consciousness, asks him to jump.”<sup>3</sup> Wisniewski contends that this is perfectly analogous to the act of a mother intentionally getting pregnant and then “evicting” the fetus from her womb, ultimately causing its death. This is because in both cases we have someone putting a nonconsenting person in an environment and then “kicking them out.”

Block attacks Wisniewski’s analogy by suggesting that a pregnant mother “improves” the position of the fetus by giving it life, as opposed to a man who does not improve his friend’s position by kidnapping him and placing him in an environment without his consent.<sup>4</sup> Block’s main criticism of this analogy, on which much of his discourse with Wisniewski is predicated, is flawed, however. Block’s position here is ironically flawed in a way similar to Wisniewski’s “semantically” incorrect statement that Block himself highlights prior to his critique of Wisniewski’s analogy:

Wisniewski (2010, 1) ascribes to me [Block] the view that: ‘a fetus can be aborted only if it is not killed as a result.’ That is hardly my [Block’s] own theory. Indeed, it can scarcely be denied [sic] that this can happen. Perhaps what this author [Wisniewski] meant to attribute to me was ‘a fetus *may* [emphasis Block’s] be aborted only if it is not killed as a result.’ This is an improvement, in that we are now in the realm of ethics, not science, and, certainly, the propriety, or legality, of abortion rests with the former, not the latter.<sup>5</sup>

Block admits that he should not be “too snarky” about Wisniewski’s mistake of using “can” instead of “may” for ethical, and not scientific, discussions since Block acknowledges that he, too, has made a similar mistake in the past.<sup>6</sup> Unfortunately for Block, his error this time is not just one of semantics, but one of logic. Block does not explain how a mother *can* improve the welfare of a fetus simply by getting pregnant (and if she *cannot*, she necessarily *may* not either). In Block’s own words: “Does she improve or worsen the condition of the fetus she is now ‘housing,’ compared to the situation in which she is not pregnant at all? Clearly, she improves it, since were she not expecting, the fetus would not exist at all.”<sup>7</sup>

Certainly, a mother helps to create the fetus in the first place. This may be an improvement to *her* life, but cannot be one to the fetus’s, because the acts of creation and improvement are necessarily mutually exclusive. An

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<sup>3</sup> Wisniewski, “A Critique of Block on Abortion and Child Abandonment,” p. 2.

<sup>4</sup> Block, “Rejoinder to Wisniewski on Abortion,” p. 5.

<sup>5</sup> *Ibid.*, p. 1.

<sup>6</sup> *Ibid.*

<sup>7</sup> *Ibid.*, p. 5.

improvement can only be made to something (or that something's welfare) *after* it has already been created. A mother can improve the welfare of a fetus after becoming pregnant by, for example, eating healthily, etc., but not simply by becoming pregnant in the first place. Block's position implies that a fetus somehow exists prior to its creation in the womb. How else *can* its creation within the womb be an improvement to its welfare? In fact, it *cannot*. It has no welfare before its creation. Rather, its welfare is *established* and perhaps *apparent* when it is created, but only after that moment can it then be *improved*.

I can imagine only one explanation Block might offer as support for his claim: that he is actually referring to the constant act of keeping the fetus alive inside the mother as an improvement to its welfare. This would be entirely appropriate, if Block were comparing staying pregnant to staying on the airplane, but the dispute focuses on how Y got there in the first place. Therefore, if Block's suggestion of improvement in a fetus's welfare is actually intended to apply to *staying* pregnant, and not *getting* pregnant, then it is not at all analogous to Wisniewski's hypothetical.

But Wisniewski, too, misses this error. Wisniewski defends his analogy on the grounds that unconscious Y's position should not be seen as being worsened.<sup>8</sup> This defense is entirely futile since, even if sound, I have shown the improvement point to be moot.

While the validity of evictionism's consistency with libertarian principles does not depend on Block's successful dismantling of Wisniewski's analogy, his position is certainly weakened. To the contrary, Wisniewski's argument depends heavily on this analogy. I contend that both Block and Wisniewski ought to recognize this flaw and renew their debate accordingly.

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<sup>8</sup> Wisniewski, "Response to Block's Defense of Evictionism," p. 3.

## Articles

### Common Caricatures of Self-Interest and Their Common Source

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#### 1. Introduction

There exists in the social sciences no widely established, non-trivial definition or conception of self-interest; worse, numerous misconceptions permeate assessments of this crucial motive. Below I identify the most common caricatures of self-interest: that it is automatic, myopic, atomistic, materialistic, hedonistic, antagonistic, and/or sadistic. I assess the use of such caricatures in economic and political theory. I further suggest its source: the assumption that persons, whether acting in the economic or political realm, are *substantively* non-rational. I next relate my taxonomy to a specific case: the “public choice” paradigm. To its credit, public choice theory provides a unified conception of self-interest, insisting that it is the key motive driving economic and political actors alike, albeit dissimilarly (mostly a positive factor in markets, but mostly a negative one in politics). Yet this paradigm, not unlike its competitors, is weakened when it accepts the caricatures and endorses the notion that rationality can apply only to a means-ends nexus and not also to ends.

A caricature is an intentional exaggeration or distortion of some person, thing, or idea for purposes of ridicule, debasement, and dismissal. It’s akin to creating, then destroying, a “straw man,” which, however entertaining or satirical, does not constitute a scientific endeavor. Those seeking to advance genuine science in the social sciences should be careful to eschew caricature.

A realistic conception of self-interest is needed in the social sciences generally and public choice theory specifically; if widely adopted, this realist conception could boost explanatory power and perhaps even elevate what’s possible in our polity. A significant result of the spread of public choice theory in the past half-century is a widening distrust and disdain of government, politicians, and policymaking; by now each is suspected of being “contaminated” by self-interest, no less than are markets. Paraphrasing Shakespeare, there is now “a plague on both their houses.” Accounts of “government failure” now routinely accompany those of “market failure,” so failure now appears ubiquitous, in markets and politics alike. Some theorists

insist that “markets fail” due mainly to self-interest but that governments can “fix” such failure, because they are public-interested; detractors (public choice theorists) insist that government officials are no less self-interested than are market operators, so political “fixes” can make matters worse, which implies that markets indeed are mistake-prone and precarious, due to self-interest. Thus the sides nearly converge, because each embraces the usual caricatures of self-interest; each assumes that where unchecked egoism rules, there is ruin. Yet in the political realm, have leaders no rational self-interest in pledging to deliver good government, and then doing so? Can that not command an electoral edge? If there can be rational *private* interest with good results, perhaps this could also hold for rational *public* interest. If so, political scientists can model not merely myopic, expedient politicians, but also prescient, principled statesmen.<sup>1</sup>

## 2. Common Caricatures of Self-Interest

The founding of classical political economy, with Adam Smith, was accompanied by a mere half-hearted defense of self-interest, drawn from the “moral sense theory” of Scottish Enlightenment thinkers. Scholars like Milton Myers have documented how long-held medieval suspicions of self-interest gradually gave way, during the Renaissance and Enlightenment, to more worldly and sympathetic interpretations.<sup>2</sup> Pierre Force has explained how such revisionist views paved the way for Smith’s famous treatment of self-interest.<sup>3</sup> Yet Smith’s account is equivocal, to say the least. Self-interest is the operative motive in the market place, he argues, and when given free play, helps create the wealth of nations. But for Smith self-interest is neither a moral nor ubiquitous motive; outside the marketplace, human life is far better when motivated by sympathy for others, by “fellow feeling,” and even by painful self-sacrifice. “Howsoever selfish man may be supposed,” Smith writes in *The Theory of Moral Sentiments* (1759), “there are evidently some principles in his nature, which interest him in the fortune of others, and render their happiness necessary to him, though he derives nothing from it, except the pleasure of seeing it.”<sup>4</sup> In this view, selfish people aren’t interested in the

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<sup>1</sup> For an earlier treatment of this question, see James M. Buchanan, “How Can Constitutions Be Designed So That Politicians Who Seek to Serve ‘Public Interest’ Can Survive and Prosper?” *Constitutional Political Economy* 4, no. 1 (December 1993), pp. 1-6. By “public interest” Buchanan means not *selfless* public servants but those who foster the *general* or shared interests (and liberties) of all and eschew favors to sub-groups (which necessarily harm others’ liberties).

<sup>2</sup> Milton L. Myers, *The Soul of Modern Economic Man: Ideas of Self-Interest from Thomas Hobbes to Adam Smith* (Chicago, IL: University of Chicago Press, 1993).

<sup>3</sup> Pierre Force, *Self-Interest Before Adam Smith: A Genealogy of Economic Science* (Cambridge, MA: Cambridge University Press, 2007).

<sup>4</sup> Adam Smith, *The Theory of Moral Sentiments* (1759), Part I, sec. I, chap. I, “Of



fortunes of others—unless they’re merely trying to bargain in the marketplace, where concerns are narrow and fleeting—so only other (non-self-interested) motives (“pity and compassion”) can explain our concern for others. “To feel much for others, and little for ourselves,” “to restrain our selfish, and to indulge our benevolent, affections,” Smith insists, “constitutes the perfection of human nature.”<sup>5</sup> Morally speaking, we’re imperfect to the extent we are selfish, but perfect to the extent we are selfless.

Oddly, for Smith the supposedly inherent social passions “render their happiness necessary to him,” although “he derives nothing from it”—not even his own happiness. Genuine morality, Smith implies, must not be tainted with any kind of personal payoff such as happiness. This is closer to Immanuel Kant’s (subsequent) deontological theory<sup>6</sup> than to Scottish moral sense theory.

For Smith, self-interest isn’t truly humane. In *The Wealth of Nations* (1776) he famously contends that “in civilized society [a man] stands at all times in need of the co-operation and assistance of great multitudes” and “almost constant occasion for the help of his brethren,” but “it is in vain for him to expect it from their benevolence only”; “he will be more likely to prevail if he can interest their self-love in his favor, and show them that it is for their own advantage to do for him what he requires of them.” Thus, “it is not from the benevolence of the butcher, the brewer, or the baker, that we expect our dinner, but from their regard to their own interest. We address ourselves, not to their humanity but to their self-love, and never talk to them of our own necessities but of their advantages.”<sup>7</sup> For Smith, self-interest is a prudent, practical, and necessary motive in the *marketplace*, if one seeks opulence, but it’s contrary to benevolence and has little to do with “humanity.” Egoism boosts living standards and fosters peace, but such results don’t really count as humane, for Smith, and cannot elevate egoism morally. That Smith’s normative ideal is the exact opposite of egoism—namely, self-sacrifice—is clear:

The wise and virtuous man is at all times willing that his own private interest should be sacrificed to the public interest of his

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Sympathy,” accessed online at: [http://oll.libertyfund.org/titles/2620#lf1648\\_label\\_098](http://oll.libertyfund.org/titles/2620#lf1648_label_098).

<sup>5</sup> Adam Smith, *The Theory of Moral Sentiments* (1759), Part I, sec. I, chap. V, “Of the Amiable and Respectable Virtues,” accessed online at: [http://oll.libertyfund.org/titles/2620#Smith\\_1648\\_196](http://oll.libertyfund.org/titles/2620#Smith_1648_196).

<sup>6</sup> Immanuel Kant, *Grounding for the Metaphysics of Morals*, trans. James Ellington, 3<sup>rd</sup> ed. (Indianapolis, IN: Hackett Publishing, Inc., 1993).

<sup>7</sup> Adam Smith, *An Inquiry Into the Nature and Causes of the Wealth of Nations* (1776), Book I, chap. II, “Of the Principle Which Gives Occasion to the Division of Labor,” accessed online at: [http://oll.libertyfund.org/titles/237#Smith\\_0206-01\\_151](http://oll.libertyfund.org/titles/237#Smith_0206-01_151).

own particular order or society. He is at all times willing, too, that the interest of this order or society should be sacrificed to the greater interest of the state or sovereignty, of which it is only a subordinate part. He should, therefore, be equally willing that all those inferior interests should be sacrificed to the greater interest of the universe, to the interest of that great society of all sensible and intelligent beings, of which God himself is the immediate administrator and director.<sup>8</sup>

This is the profound moral-practical dichotomy in Smith, for although he concedes that self-interest is a practical motive—that is, it delivers the goods—nonetheless he interprets it as either amoral or immoral, compared to the supposed nobility of self-sacrifice. For Smith moral persons are “generous,” “benevolent” and “noble,” exhibit “humanity,” are those most capable of “counteracting the strongest impulses of self-love,” and most willing “upon all occasions” to “sacrifice their own interests to the greater interests of others.” Note that he says, “upon *all* occasions” (emphasis added).

Karl Marx, the pro-socialist counterpart to the pro-capitalist Smith, nevertheless embraces a similar moral-practical dichotomy. Just as both believe in the labor theory of value, so both believe in the basic immorality of egoism, and in examining the wealth of nations, both also embrace a moral-practical dichotomy. The *Manifesto of the Communist Party* (1848) first recounts how bourgeois capitalism’s productive prowess overthrew feudalism:

The bourgeoisie, during its rule of scarce one hundred years, has created more massive and more colossal productive forces than have all preceding generations together. Subjection of nature’s forces to man, machinery, application of chemistry to industry and agriculture, steam-navigation, railways, electric telegraphs, clearing of whole continents for cultivation, canalization of rivers, whole populations conjured out of the ground—what earlier century had even a presentiment that such productive forces slumbered in the lap of social labor? . . . [The] feudal relations of property became no longer compatible with the already developed productive forces; they became so many fetters. They had to be burst asunder; they were burst asunder. Into their place stepped free competition, accompanied by a social and political constitution adapted in it, and the economic and political sway of the bourgeois class.<sup>9</sup>

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<sup>8</sup> Adam Smith, *The Theory of Moral Sentiments* (1759), Part VI, sec. II, chap. III, “Of Universal Benevolence,” accessed online at: [http://oll.libertyfund.org/titles/2620#Smith\\_1648\\_594](http://oll.libertyfund.org/titles/2620#Smith_1648_594).

<sup>9</sup> Karl Marx and Frederick Engels, *Manifesto of the Communist Party* (1848), accessed online at: <https://www.marxists.org/archive/marx/works/1848/communist->

Marx, while conceding capitalism's practical, productive superiority, nevertheless assails it for its alleged immorality, because it displaces pastoralism, paternalism, provincialism, and religion, while enshrining and rewarding base, egoistic motives for gain by trade and profit:

The bourgeoisie, wherever it has got the upper hand, has put an end to all feudal, patriarchal, idyllic relations. It has pitilessly torn asunder the motley feudal ties that bound man to his "natural superiors" and has left remaining no other nexus between man and man than naked self-interest, than callous "cash payment." It has drowned the most heavenly ecstasies of religious fervor, of chivalrous enthusiasm, of philistine sentimentalism, in the icy water of egotistical calculation. It has resolved personal worth into exchange value, and in place of the numberless indefeasible chartered freedoms, has set up that single, unconscionable freedom—Free Trade. In one word, for exploitation, veiled by religious and political illusions, it has substituted naked, shameless, direct, brutal exploitation.<sup>10</sup>

Marx saw the basic economic motive for what it is, but damned it as immoral and inhumane: "The motive of those who engage in exchange is not humanity but egoism," he wrote. Self-interest, he added, brings all manner of vice: "The intention of plundering, of deception, is necessarily present in the background, for since our exchange is a selfish one, on your side as on mine, and since the selfishness of each seeks to get the better of that of the other, we necessarily seek to deceive each other." The greater the extent of market exchange and the wider the division of labor, he says, "the more egoistic and asocial man becomes," "the more he becomes alienated from his own nature"—"an abstract being, an automaton"—"a spiritual and physical monster."<sup>11</sup>

Marx also glimpsed the link between self-interest and human rights, including property rights, so by opposing egoism, he also necessarily opposes property rights. "The right of man to property," he wrote, "is the right to enjoy his possessions and dispose of the same arbitrarily, without regard for other men, independently from society, the right of selfishness."<sup>12</sup> In critiquing egoism, rights, and capitalism Marx is, at least, consistent. He also had

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manifesto/ch01.htm.

<sup>10</sup> Ibid.

<sup>11</sup> Karl Marx & Frederick Engels, *Collected Works, Volume 3: 1843-1844* (London: Lawrence & Wishart, 1975), pp. 320, 226, and 220.

<sup>12</sup> Karl Marx, "On the Jewish Question," in *Karl Marx: Selected Writings*, ed. David McLellan, 2<sup>nd</sup> ed. (Oxford: Oxford University Press, 2000), p. 60.

precursors besides Smith on such premises. One in particular, German political economist C. W. Schüz, writing just prior to the release of the *Manifesto*, complained that political economy was being dominated, even endangered, by those who condoned self-interest: “In conceding the right of unconditional domination in economic life to egoism—attaching to it the virtue of a patriotic pursuit—and at least indirectly exonerating the acquisitive impulse from the observation of any higher moral precepts, our science appears to lead us down a path to very dangerous consequences.”<sup>13</sup> For Smith, Marx, and Schüz, capitalism’s prosperity cannot reflect morality.

John Maynard Keynes holds an opinion of capitalism somewhat in conflict with Smith and Marx, in that he denies that it delivers the goods, yet he agrees with them that capitalism is morally suspect: “The decadent international but individualistic capitalism, in the hands of which we found ourselves after the war, is not a success. It is not intelligent, it is not beautiful, it is not just, it is not virtuous—and it doesn’t deliver the goods. In short, we dislike it, and we are beginning to despise it. But when we wonder what to put in its place, we are extremely perplexed.”<sup>14</sup> Even as Keynes wrote those words in 1933, and over the next decade, the pre-war economic system *was* being replaced—by a Keynesian-inspired, deficit-spending, welfare-regulatory state. A few years earlier, Keynes had hoped for such a change, while expressing disdain for what he called “distasteful,” “pathological,” and “unjust” accumulations of wealth:

When the accumulation of wealth is no longer of high social importance, there will be great changes in the code of morals. We shall be able to rid ourselves of many of the pseudo-moral principles which have hag-ridden us for two hundred years, by which we have exalted some of the most distasteful of human qualities into the position of the highest virtues. We shall be able to afford to dare to assess the money-motive at its true value. The love of money as a possession—as distinguished from the love of money as a means to the enjoyments and realities of life—will be recognized for what it is, a somewhat disgusting morbidity, one of those semi-criminal, semi-pathological propensities which one hands over with a shudder to the specialists in mental disease. All kinds of social customs and economic practices, affecting the distribution of wealth and of

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<sup>13</sup> C. W. Schüz, “The Moral Factor in the National Economy,” *Journal of Institutional and Theoretical Economics* (1844), p. 133, cited in Marynel Ryan Van Zee, “Self-Interest Ennobled: The Family in German Political Economy,” *History of Political Economy* 46, no. 4 (2014), p. 642.

<sup>14</sup> John Maynard Keynes, “National Self-Sufficiency,” *The Yale Review* 22, no. 4 (1933), pp. 755-69.

economic rewards and penalties, which we now maintain at all costs, however distasteful and unjust they may be in themselves, because they are tremendously useful in promoting the accumulation of capital, we shall then be free, at last, to discard.<sup>15</sup>

If intellectual giants like Smith, Marx, and Keynes were prone to adopting prejudicial caricatures of self-interest, perhaps it should not be surprising to find contemporary writers doing likewise. In summarizing the low status of egoism in contemporary philosophy, an ethicist explains that

[e]goism is a much-maligned and neglected doctrine respecting the justification of one's conduct. By various strategies it is alleged to fall outside the pale of ethically relevant theories, though what the defining conditions of admissible theories might be is often unmentioned or, if mentioned, indecisive or prejudicial; it is also sometimes thought to be inherently self-defeating or self-contradictory since the rational egoist cannot promote his doctrine among other men, though why he must or ought to do so or why the defensibility of egoism needs to be taken up only by egoists is ignored.<sup>16</sup>

Elsewhere, one can find initial respect for the many inroads made by rational choice theory in the social sciences in recent decades. Eventually, though, naked disdain of the trend appears, because, as noted, the theory incorporates a self-interest axiom, and self-interest somehow “perpetuates a political life which is antithetical” to “normative democratic theory”:

In just three decades rational choice theory has emerged as one of the most active, influential, and ambitious subfields in the discipline of political science. Rational choice theory contends that political behavior is best explained through the application of its supposedly “value-neutral” assumptions which posit man as a self-interested, purposeful, maximizing being. Through the logic of methodological individualism, assumptions about human nature are treated as empirical discoveries. My central argument is that by assuming that self-interest is an empirically established component of human nature, rational choice theory supports and perpetuates a political life which is antithetical to important tenets

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<sup>15</sup> John Maynard Keynes, “Economic Possibilities for our Grandchildren, Part II,” *The Nation and Athenaeum* 48, no. 3 (October 18, 1930), pp. 96-98.

<sup>16</sup> Joseph Margolis, “Egoism and the Confirmation of Metamoral Theories,” *American Philosophical Quarterly* 7, no. 3 (July 1970), p. 260.

of normative democratic theory. Rational choice theory offers an incoherent account of democratic citizenship and produces a political system which shows a constant bias against political change and pursuit of the public interest. This article concludes by discussing the merits of democratic deliberation for achieving these transformative ends.<sup>17</sup>

Many influential proponents of rational choice theory deny that egoism can be rational. Philosopher David Gauthier, author of the widely cited book *Morals by Agreement*, insists that rational egoism is “impossible,” “inconsistent,” and “self-defeating.”<sup>18</sup> The egoist may get his way with (that is, exploit) unsuspecting non-egoists, but he’ll be stymied by other (cynical) egoists who will easily suspect and thus repel any intended rapacity. Gauthier can find no reason for mutually beneficial gains and strategic interactions among gain-seeking egoists.

When such notions are not merely idiosyncratic to a handful of social theorists but instead become emblematic for most, they typically enter textbooks for still wider dissemination. Thus a modern-day text on political economy explains how the egoistic, calculative premises which are so foundational for neo-classical economics nevertheless clash with religious premises and the more communal, less individualistic premises inherent in the other social sciences:

Models that allocate scarce resources on the basis of narrow self-interest require agents to have a certain mind-set. The economics student is taught to see the social benefits of a kind of selfishness inconsistent with the values of caring and kindness that the religions of the world teach, which has long brought opprobrium upon the profession. Economics is taught as an alternative socialization to such “naïve” viewpoints. Teaching students to think like economists is a very different enterprise to the moral philosophy that was once the profession’s starting point, and

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<sup>17</sup> Mark P. Petracca, “The Rational Choice Approach to Politics: A Challenge to Democratic Theory,” *The Review of Politics* 53, no. 2 (Spring 1991), p. 289.

<sup>18</sup> See David Gauthier, *Morals by Agreement* (Oxford: Clarendon Press, 1986); David Gauthier, “The Impossibility of Rational Egoism,” *Journal of Philosophy* 71, no. 4 (1974), pp. 439-56; and David Gauthier, “The Incomplete Egoist” (The Tanner Lectures on Human Values, Delivered at Stanford University, May 10, 1983). In “The Incomplete Egoist,” he writes: “Although the lone egoist will pass rational scrutiny, yet when put with others of his persuasion, in interaction in which each seeks to maximize his own happiness, grounds for challenging the rationality of egoism appear. And these grounds concern, not so much the egoist’s concern with his own happiness, but rather his maximizing principle of choice.” For Gauthier, mutual egoistic maximization is contradictory.

different again from the sort of practical knowledge that the business world expects. It is a turn of mind that is often puzzling at best to outsiders. Mainstream economics has been criticized in the wider society for not offering what it once did: guidance to those for whom decency, generosity of spirit, and an inclusive sense of community are valued.<sup>19</sup>

This textbook writer, much like Smith and his successors, presumes that self-interest is in tension with caring, kindness, decency, generosity, or inclusiveness—and furthermore, that there exists an inherent dichotomy between “moral philosophy” and the “practical knowledge” of business. Economic activity, hence economic science, becomes morally suspect, precisely because it is grounded in a despised ethic (egoism, exemplified in business by the profit motive, and by the admonition that profits be not muted but maximized). One possible resolution to this false dichotomy would entail a defense of egoism as both moral and practical, or alternatively, an insistence that business motives truly are, or at least ought to be, unselfish. For those concerned to resolve this dichotomy, the latter path has been the one most taken, yet least plausible.

To better grasp the source of the moral/practical dichotomy in political economy and more easily detect distortions of self-interest, scholars may benefit by a comprehensive taxonomy. I contend that there are at least seven common caricatures of self-interest that arise repeatedly in philosophy, political science, economics, and psychology: the notion of self-interest as automatic, myopic, atomistic, materialistic, hedonistic, antagonistic, and sadistic.

*a. Self-interest as automatic*

The presumption that self-interest is “automatic” is the essence of “psychological egoism,” which holds that everyone is effectively selfish, at all times, regardless of will or choice, and irrespective of what they might otherwise ostensibly claim about their motives. In contrast, “ethical egoism” holds that the pursuit of self-interest is chosen, not automatic, that it takes wisdom and judgment to know what our self-interest entails, some forward-looking plan to effectuate it, and above all, the that we *ought* to pursue our self-interest. Psychological egoism assumes that people do whatever they wish and thus needn’t be counseled or encouraged to pursue their own interests. Adam Smith captures this premise of automaticity when he declares in *The Wealth of Nations* that in all men there exists an innate “propensity to truck barter and trade,” although, as we know, he also says we possess countervailing (anti-egoistic) propensities or “principles.”

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<sup>19</sup> William K. Tabb, *Reconstructing Political Economy: The Great Divide in Economic Thought* (London: Routledge, 1999), pp. 7-8.

The fact that since the dawn of time people have engaged in acts of self-sacrifice, self-immolation, self-destruction, and suicide seems not to deter those who insist that self-interest somehow is an inbred, automatic, and unavoidable motive; ironically, such overtly self-destructive behavior is occasionally attributed to the self-interest motive itself, in the guise of other caricatures, such as that self-interest is inherently myopic, antagonistic, or sadistic.

The view that the self-interest motive is automatic also may contribute to the premise, foundational in public choice theory, that it is more accurate and justifiable, scientifically, to postulate a uniform model of human behavior applicable to both the economic and political realms; after all, if self-interest is truly engrained in all men, politicians cannot be exempt.

If indeed self-interest were “automatic” in the sense of being inbred—that is, an engrained, instinctual, metaphysically “hard-wired” feature of man—it would be like a heartbeat, not something open to choice and thus, by definition, exogenous to morality. It is illogical to speak of a heartbeat as “good or evil.” It just is. Yet egoism is simultaneously interpreted as unchosen (automatic) and normatively suspect. Similarly, if all men at all times and places truly possessed some innate “propensity” to produce, trade, and create the wealth of nations, surely they would have begun doing so a few millennia ago, not merely since the Industrial Revolution.

***b. Self-interest as myopic***

The presumption that self-interest is “myopic” is the notion that the egoist acts in a short-range, concrete-bound manner, equivalent to the “fly-by-night” operator heedless of the deleterious, longer-term consequences of his arbitrary approach, and ignorant of the harm he inflicts on his social reputation and self-esteem. The traditional admonition that “honesty is the best policy” is seen as appropriate and applicable to all except the scheming egoist, who supposedly sees dishonesty as the best policy. Egoists are typically modeled as prone to lying, cheating, and stealing their way through life, if they can get away with it (and in some game-theoretic set-ups, even when they can’t). Such “egoists” are allegedly keen to exploit others and “defect,” not trade or cooperate by a long-range view and mutual consent, to mutual advantage. Of course, some people (such as criminals) act in precisely this way, but the question is: Why is this self-defeating approach to life so readily interpreted as being in favor of one’s interests?

***c. Self-interest as atomistic***

The view that self-interest is “atomistic” is the notion that the truly selfish individual lives as a hermit, or at least wishes he could do so. In this way the egoist is portrayed as solitary, isolated, and solipsistic—whether by choice or hope. Given the enormous potential benefits to be gained by interacting with others whom one finds of value—whether in the commercial, romantic, cultural, artistic, or political realms—and given the fact that so few people actually live alone, cut apart completely from the outer world, it is a



wonder that this particular caricature survives in any form. Again, a small fraction of society (recluses) may live and act in this way, but it seems indisputably at odds with the basic requirements of a minimal quality of human life, in a modern world (division-of-labor societies), and incompatible with well-being. Even if some people live this way, it seems more accurate to characterize them as self-depriving ascetics.

**d. *Self-interest as materialistic***

The belief that the self-interested person is “materialistic”—that is, obsessed with all things commercial and monetary—is perhaps the most common of the seven caricatures. Of course Adam Smith, among other political economists, holds that self-interest, although not moral, nevertheless dominates the commercial sphere, but not the non-commercial sphere. Likewise, Marx sees selfishness as manifested largely in the so-called “cash-nexus,” and indeed sees such relations cascading into previously non-pecuniary realms. Pertinent, too, is the way in which the profit motive exemplifies self-interest, since it is a motive for gain, not loss. Thus the businessman and banker are seen (and derided) as quintessentially selfish (or “greedy”). Such associations no doubt contribute to the belief that self-interest *ipso facto* pertains exclusively to matters commercial and monetary. Stories of those engaged personally in “conspicuous consumption” or “keeping up with the Joneses” also seem to involve a money motive, although such behavior seems less selfishly secure or prideful than it does other-oriented and insecure.

Yet self-interest surely pertains, in no small degree, to non-commercial realms of life also—to family, friendship, romance, leisure time, and the like. Gary Becker, late professor of economics at the University of Chicago, became prominent by insisting that the self-interest motive is both operative and appropriate in such non-commercial relations and activities,<sup>20</sup> thus advancing an economic “imperialism” which elicited sharp criticism from those insisting that egoism already exerts a sufficiently dangerous and corrupting influence in the commercial realm.

**e. *Self-interest as hedonistic***

Closely associated with the notion that the typical egoist is myopic—that is, acts in a short-range, concrete-bound manner—is the notion that he mainly pursues pleasures and abjures pain, where pleasure is commonly conflated with that which is licentious. Thus Bernard de Mandeville’s famous formulation that supposedly “egoistic” desires—for drunkenness, reckless gambling, and prostitution—are “private vices” that are transformed, magically, into “public virtues.”<sup>21</sup> Yet vices they remain. The caricature of

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<sup>20</sup> See, for example, Gary S. Becker, “Altruism, Egoism and Genetic Fitness: Economics and Sociobiology,” *Journal of Economic Literature* 14, no. 3 (September 1976), pp. 817-27.

<sup>21</sup> Bernard de Mandeville, *The Fable of the Bees or Private Vices, Publick Benefits*, 2

egoist-as-hedonist portrays men as unable or unwilling to foresee a longer run pain (such as a hangover or liver disease) resulting from a perpetual pursuit of short-run pleasure (inebriation), and equally unable or unwilling to endure short-term pain (such as dental work) to achieve a longer-run benefit (sound, pain-free teeth). Lost in this caricature is an Aristotelian conception of the individual who flourishes not only in a polity, but also through rational judgment, self-love, and the realization of potential for a long-term, enduring happiness.

*f. Self-interest as antagonistic*

Critics of egoism insist that it necessarily entails a state of near-perpetual conflict among men and their various interests—especially in head-to-head competitions where none can gain without others losing—in a “dog-eat-dog” or “zero-sum” society. The caricature is common in sports settings, where, obviously, only one team can win and those players observed as most helpful to their team winning are heralded as “unselfish,” with the odd implication that were they instead selfish, they would prefer that their team lose. Competition is always seen as inimical to cooperation, and yet should cooperation arise among competitors, it is typically denounced as a detrimental “collusion” and a conspiracy against the public. For plausibility, this caricature counts on belief in other caricatures, including that egoism is automatic (so inter-personal conflict is unavoidable), myopic (so potential ways of cooperating aren’t visible), atomistic (resentment over having to act in a social setting in the first place), or hedonistic (some take pleasure in the suffering or misfortune of others, as with *schadenfreude*).

*g. Self-interest as sadistic*

The harshest criticisms of egoism portray it as overtly sadistic, even sociopathic or psychotic. This caricature subsumes others in a summary, condemnatory judgment. Burglars, rapists, and murderers, we know, are commonly described, especially by those unaware of a perpetrator’s character, as “selfish” and sadistic loners. According to Robert Hare, a criminal psychologist, a common trait of psychopaths is “egocentricity,” which is “closely associated with a profound lack of empathy [and] an inability to construct a mental and emotional ‘facsimile’ of another person.”<sup>22</sup> Another notable medical study concludes that sociopathic traits exist more in corporate executives than in the general public: “psychopathy was positively associated with in-house ratings of charisma/presentation style,” such as “creativity, good strategic thinking and communication skills,” but “negatively associated

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vols. (Indianapolis, IN: Liberty Fund, 1988), accessed online at: <http://oll.libertyfund.org/titles/1863>.

<sup>22</sup> Robert D. Hare, *Without Conscience: The Disturbing World of the Psychopaths among Us* (New York: Guilford Press, 1999), p. 44.

with ratings of responsibility/performance,” including “being a team player” and “management skills.”<sup>23</sup>

According to Henry Aaron, writing when he was director of economic studies at the Brookings Institution, “a critically important human characteristic is the capacity for self-reference” and “actions of all kinds—consumption, work, leisure, social interactions—help each of us to form images of ourselves as part of our effort to achieve self-respect.” Yet humans also “derive satisfaction” from “hurting others who hurt them,” Aaron contends, and people also use others “as means to their own egoistic pleasure,” and “indeed, the substantial absence of others’ utilities from one’s own [utility function] is a passable definition of a sociopath.”<sup>24</sup>

### 3. Egoism in Two Realms

Egoism not only is frequently caricatured, but also deeply reviled, especially by ethicists. According to James Rachels, author of a widely used university textbook on moral philosophy, ethical egoism is “simply a wicked view” and “incompatible with a principle which expresses the social-political ideal of human freedom.”<sup>25</sup> Elsewhere, he declares that “anyone who accepts ethical egoism will be forced to abandon that principle.” His loaded definition of ethical egoism has it saying that “the right thing for anyone to do, on any occasion, is whatever would promote his own interest, no matter how [detrimentally] other people’s interest would be affected,” and has it advising that “each of us should take the attitude that other people simply don’t matter, except insofar as they are useful to us.” No wonder, then, Rachels can assert egoism to be “a pernicious doctrine which goes against some of our most central moral beliefs.”<sup>26</sup> He employs the caricature that selfish persons are atomistic or care nothing even for others whom they might value.

The *Oxford English Dictionary* defines “caricature” as a “grotesque or ludicrous representation of persons or things by exaggeration of their most characteristic and striking features . . . . An exaggerated or debased likeness, imitation, or copy, naturally or unintentionally ludicrous.”<sup>27</sup> What purpose could animate the knowing distortion of a key concept in a discipline of such

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<sup>23</sup> S. Babiak, C. S. Neumann, and Robert D. Hare, “Corporate Psychopathy: Talking the Walk,” *Behavioral Science Law* 28, no. 2 (2010), p. 174-93.

<sup>24</sup> Henry J. Aaron, “Public Policy, Values, and Consciousness,” *Journal of Economic Perspectives* 8, no. 2 (Spring 1994), p. 15.

<sup>25</sup> James Rachels, “Ethical Egoism,” in James Rachels, *The Elements of Moral Philosophy*, 4<sup>th</sup> ed. (New York: McGraw-Hill, 2002), chap. 6, pp. 76-90.

<sup>26</sup> James Rachels, “Two Arguments Against Ethical Egoism,” *Philosophia* 4, nos. 2-3 (April-July 1974), pp. 297-98.

<sup>27</sup> *The Compact Oxford English Dictionary*, 2<sup>nd</sup> ed. (Oxford: Oxford University Press, 2002), p. 214.

great potential consequence as normative theory? Science, in its basic assumptions and methods, necessarily must abstract essential and relevant features from the innumerable details of reality, in order to build simplifying models that can illuminate otherwise obscured phenomena. But there is little science or objectivity in the practice—common in conventional treatments of ethical egoism—of resorting to grotesque caricature, exaggeration, ridicule, and name-calling. A resort to caricature in a case like this is akin to attacking a straw man, which is not an advanced scientific method, but instead an elementary logical fallacy.

Although ethical egoism has been almost universally and loudly disdained for centuries, more often than not it has been assumed to be the dominant motive in the economic rather than political realm. Despite the influence of the public choice paradigm on political science since the 1960s, the discipline continues to model private sector actors as selfish and motivated by an unsavory private interest, and to model public sector actors as selfless servants motivated by a moral public interest. The rise of behavioral economics in recent decades reflects a desire to weaken or overthrow any remaining model of the rational, self-interested actor, and seems driven by an eagerness to revive standard critiques of self-interest, if not as immoral *per se*, then at least as a motive prone to cognitive dissonance, personal bias, and incorrigible error.

The persistence of asymmetric behavioral assumptions for the economic realm (private interest, egoism) and political realm (public interest, altruism) may be attributable to the fact that many public choice theorists share the suspicions of self-interest felt by those who insist on interpreting it by grotesque caricature. Self-interest, public choice theorists often imply, corrupts the economic realm and engenders “market failures” which necessitate government restraint, but they explicitly claim that it equally corrupts the political realm and thus engenders “government failures” which necessitate constitutional restraint. Here exists a contradiction to their typical view that self-interest has positive effects in the economic realm. An “invisible hand” is occasionally invoked by public choice theorists, to sanitize allegedly dirty, vice-pursuing private hands; some contend that a “curious alchemy” transforms dispersed, self-interested acts into a general and common good.<sup>28</sup> Recall that the aim of alchemists was to transform *base* metals into precious metals; used here, the metaphor portrays egoism as a base (low, crude, dirty) morality. Rent-seeking—the exploitative pursuit of special favors from corrupt politicians—also is modeled as “selfish” behavior, which brings “market failure,” whereas in fact such activity is invited by un-statesman-like government failure (inequality before the law). Regardless, so long as anti-egoist caricatures are condoned, honor will be considered impossible, in

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<sup>28</sup> See Geoffrey Brennan and James M. Buchanan, “The Normative Purpose of Economic ‘Science’: Rediscovery of an Eighteenth Century Method,” *International Review of Law and Economics* 1, no. 2 (December 1981), p. 160.

markets or in politics; morally productive icons become as impossible in the economic realm as ethically worthy statesmen in the political realm. A pox is cast on both houses, causing a polemical stasis, while egoism (and markets) are still left morally undefended.

Public choice theory mostly agrees with the conventional interpretation that self-interest is either amoral or immoral, and rarely questions its caricatures; it only insists that *all* actors, in all realms, be modeled, equally, as egoists. By this polemical strategy an anti-egoist animus against markets persists, even in the otherwise market-friendly paradigm of public choice, but worse, there is added a special, perhaps even fully justified insight that political actors today also cannot be admirable or trustworthy; there is permitted, then, a modeling of opportunistic politicians wedded to myopic expediency, but no modeling of a principled statesman (unless rendered as a rare and selfless hero). Yet it could be in the rational self-interest of political actors to be statesmen-like—at least *outside* the context of democracy or of any system in which self-interest is distrusted and punished, while demagoguery is applauded and rewarded. Unwilling to abandon the explanatory power of the self-interest axiom, public choice theorists nevertheless seem to feel guilty about using it, and try to mask its meaning or restrict its applicability. Taken far enough, such guilt and deflection can sap the vitality of public choice research programs.

#### 4. Altruism

Adding to the conceptual confusion stemming from grotesque caricatures of self-interest is the misrepresentation that has occurred over the decades of the meaning of its antonym: altruism. Today the connotation of altruism is “benevolence,” “kindliness,” or “regard for others.” The term is now commonly interpreted as the antonym of egoism, if only because of the caricature of egoism as atomistic. If the egoist is to be the loner who cares not for others and doesn’t even interact with them, a concept is necessarily required to describe, in contrast, the behavior of most (normal) people—that is, those concerned for other people, who care deeply for some of them (loved ones) and superficially for others of them (potential trading partners in a *quid pro quo*), even while caring little or not at all for many others besides (total strangers).

“Altruism” has become the main concept used to characterize merely “other-regarding” perspectives and behaviors, so that by now it might be said, for example, that “he is an egoist, but he *also* cares about others, so he *also* has altruistic motives.” Some behavioral theorists stress, quite rightly, that it is “unrealistic” to suggest that men are *only* egoistic, for men, they observe, *also* care about others (thus are also “altruistic”)—or it is “unrealistic” to insist that men are always selfish and hurtful toward others, for they are *also* benevolent and kindly (thus also “altruistic”). But this approach, ostensibly more “balanced” and “nuanced” in its assessment of the “full range” of human behaviors and motives, in no way questions or refutes the prejudicial caricatures of egoism; indeed, the approach uses those caricatures, for

otherwise it would be unnecessary to insist that egoists may feel for others, if by egoist it is meant, quite innocently, one who merely seeks to be the primary (though not always the sole) beneficiary of his own actions.

That such a misrepresentation of the meaning of altruism has evolved over the decades is readily apparent when one consults the relevant writings of Auguste Comte, who coined the term “altruism” (as well as “sociology”). Theorizing in the mid-nineteenth century, Comte was a positivist who sought to bring science to bear on all of the social sciences, including ethics and politics. Specifically, he sought a secular basis for ethics, but without abandoning the essence of Christian preachments, especially regarding the supposed evils of egoism and the love of money-making.

In coining “altruism”—literally, “other-ism”—Comte was not seeking some extraneous synonym for benevolence or kindness, but rather an antonym for a certain caricature of egoism (as latent antagonism toward others). If, as Comte misconceives it, egoism were to mean *a primary concern for oneself at the expense of others*, altruism could be coined and promulgated to mean, conversely, *a primary concern for others at the expense of oneself*. Altruism, for Comte, does not mean benevolence toward others, but *self-sacrifice*—effectively, malevolence toward oneself. According to Comte, we all have a “constant duty” (i.e., unchosen obligation) “to live for others” and we should all be “servants of Humanity, whose we are entirely.” To live for others, not for self, Comte asserts, is “the definitive formula of human morality,” and from that it follows that “all honest and sensible men, of whatever party, should agree, by a common consent, to eliminate the doctrine of rights.” Altruism “cannot tolerate the notion of rights, for such a notion rests on individualism.” For Comte “[rights] are as absurd as they are immoral,” so “the whole notion [of rights] must be completely put away.”<sup>29</sup>

Comte recognizes crucial links among egoism, individualism, and rights—links that few theorists, before or since, have been able (or willing) to acknowledge—but of course Comte *opposes* each concept and counsels, instead, altruism, collectivism, and duties. Philosopher Tara Smith, in contrast, explicates the egoism-individualism-rights linkage while *endorsing* its three elements.<sup>30</sup>

It is arguable that important theoretic relevance attaches to the etymology of the term “altruism.” This is not mere semantics. Altruism is a valid concept that captures a real (and in medieval times, widely practiced) human motive: self-sacrifice. In modern times religious “suicide bombers” are similarly motivated, albeit also inflicting collateral damage on others. It should be obvious that in Comte’s sense, self-sacrifice differs substantially

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<sup>29</sup> Auguste Comte, *The Catechism of Positive Religion*, trans. Richard Congreve (London: John Chapman, 1852), pp. 309, 313, 332, and 333.

<sup>30</sup> Tara Smith, “The Egoism of Rights,” in Tara Smith, *Moral Rights and Political Freedom* (Lanham, MD: Rowman & Littlefield Publishers, 1995), pp. 61-84.

and in kind not only from egoism—whether caricatured as a motive inherently antagonistic toward others, or instead portrayed reasonably as an innocent, primary concern for one’s own well-being—but also from benevolence and kindness, since self-sacrifice bespeaks a malevolence toward self, and rarely conveys real benefits to collectors of sacrifices. Comte seems to glimpse this crucial difference, and it likely motivated his effort to coin a new term which, until then, had not existed to capture fully the essence of self-sacrifice, let alone as a devoted way of life (the “ism” in altruism).

This is not to suggest that altruism constitutes a proper (i.e., life-promoting) ethic; at minimum, it is a valid antonym for egoism. To the extent that egoism is caricatured as involving the sacrifice of others to oneself, altruism in Comte’s sense definitely (and accurately) involves the opposite: the sacrifice of oneself to others. Even if egoism is construed *legitimately* as having a superior concern for one’s own well-being without harming or sacrificing others, Comte’s altruism entails an opposite, abiding motive: perpetual sacrifice of oneself to others. In Comte’s sense, “sacrifice” means surrendering or renouncing a higher value for a lesser one.

In the decades after Comte coined the term altruism, theorists transformed it into the less severe, less selfless motive we know it to connote today; in time, Comte’s original intent of altruism as self-sacrifice came to mean, merely, “caring for others.” Something was lost in the process not only because it is plausible and reasonable for a self-interested individual to care about others—and selfishly so, if such others are “loved ones” (and “non-loved others” are left free and unmolested)—but also because self-sacrifice is not truly an act of benevolence or kindness, least of all to the person (self) being sacrificed. A conflation of two terms that denote opposite motives risks a misinterpretation of human behavior, and hence also of social science. No economist today assumes that market-makers are altruistic in Comte’s sense; they know that even the elementary law of supply and demand is nonsensical if self-sacrificing, loss-seeking market participants buy high and sell low, if firms seek to minimize profit (or maximize loss), or if households try to minimize their utility (or maximize their disutility). Yet social scientists generally, perhaps feeling the need to deploy the term “altruism” in its non-sacrificial sense, implicitly deride egoism, while eliding the cultural role played by altruism in Comte’s sense.

Perhaps the most egregious portrayal of egoism is that which reads it out of the realm of possible moral codes altogether, by claiming that it is “amoral.” Thus it is often written that “one acts egoistically or *instead*, morally.” Here is one account of this stipulation:

In the moral philosophy of the last two centuries, altruism of one kind or another has typically been regarded as identical with moral concern. When self-regarding duties have been recognized, motivation by duty has been sharply distinguished from motivation by self-interest. Accordingly, from Kant, Mill, and Sidgwick to Rawls, Nagel, and Gauthier, concern for our own

interests, whether long-term or short-term, has typically been regarded as intrinsically non-moral. So, for example, although Thomas Nagel regards both prudence and altruism as structural features of practical reason, he identifies only the latter as a moral capacity, prudence being merely rational, long-term egoism. Similarly, John Rawls and David Gauthier contrast self-interest and other non-tuistic interests—interests that are independent of others' interests—with moral interest. We are morally permitted, no doubt, to act out of self-interest within certain constraints, but such acts can have no intrinsic moral worth. Pursuit of our own interests out of duty (if there is such a duty) does have intrinsic moral worth, but such pursuit, by hypothesis, cannot be motivated by self-interest. Self-interested pursuit of our own interests as such, no matter how realistic, farsighted, temperate, honest, or courageous, cannot be intrinsically moral. And this remains the case even if self-interest motivates us to perform other-regarding acts: only those other-regarding acts that are (appropriately) motivated by others' interests count as moral, because only such acts are altruistic.<sup>31</sup>

This approach necessarily also conflates morality with altruism: the good is said to consist only in living for and serving others, even, if necessary, sacrificially. This erroneous stipulation—that egoism is no part of ethics, while altruism is its essence—was systematically adopted by Kant, and as such has had lasting power and influence. Today the premise runs throughout a widely used textbook that seeks to synthesize moral theory, economic analysis, and public policy.<sup>32</sup> Notably, *The Oxford English Dictionary* avoids this error; it not only classifies egoism as a type of morality, but defines it neutrally as “the theory which regards self-interest as the foundation of morality. Also, in practical sense: Regard to one's own interest, as the supreme guiding principle of action; systematic selfishness. In recent use opposed to altruism.”<sup>33</sup> Nothing in this definition implies that egoism is automatic, atomistic, or antagonistic; that primacy for one's own interests necessarily invades or degrades the interests of others; that egoism entails sacrificing others to oneself; or that it is incompatible with benevolence, humanity, or kindness to strangers.

## 5. The Missing Link: Substantive Rationality

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<sup>31</sup> Neera Kapur Badhwar, “Altruism versus Self-Interest: Sometimes a False Dichotomy,” *Social Philosophy and Policy* 14, no. 1 (1993), pp. 226-63.

<sup>32</sup> See Daniel M. Hausman and Michael S. McPherson, *Economic Analysis, Moral Philosophy and Public Policy* (Cambridge, MA: Cambridge University Press, 2006).

<sup>33</sup> *The Compact Oxford English Dictionary*, 2<sup>nd</sup> ed., p. 498.



Having examined seven common caricatures of self-interest, the asymmetry by which they are applied (or not) in the private and public sectors, the long-term transformation (and misrepresentation) of the term “altruism” to the point of obscuring behavioral analysis, we next hypothesize a likely cause of the caricatures: the presumption that actors, whether in the economic or political realm, are generally non-rational in a substantive sense. If so, rational choice theory, which stresses rationality only in its instrumental-procedural (not substantive) sense, can provide little in the way of counter-argument.

Rationality, according to neo-classical economics, entails a bare minimum requirement of procedural consistency. Reason is modeled as purely *instrumental*, as a faculty that assists us merely in deciding which *means* are necessary or optimal for the achievement of preferred *ends*, but ends themselves are not to be questioned, least of all by any appeal to *substantive* reason. Most social science theorists deny the possibility of substantive rationality, which is the idea that certain broad ends are objectively rational for every human to pursue and achieve, if they wish to survive and flourish, while other ends are irrational and demonstrably detrimental to well-being.

Instrumental rationality is said to “work” for purposes of explaining and predicting behavior, as long as preferences are complete and transitive. As in the caricature of egoism-as-hedonism, this conception of rationality insists that desires be taken, if necessary, as arbitrary, subjective primaries, not amenable to the test or sanction of any rule of (substantive) reason. On this view, preference-satisfaction is assumed to be equivalent to personal well-being, even if preferences might include sloth, free-riding, self-immolation, masochism, or a life of crime. Likewise, a political actor’s occupational well-being is presumably advanced by preferences for dishonesty, power-lust, seizures of power, and even tyrannical rule. Tastes, desires, and preferences are to be taken seriously, yet as inexplicable and exogenous, with the minimal requirement that at least they be held consistently and deployed efficiently as means to any ends whatsoever.

In contrast, Ayn Rand defends rational egoism and sees reason as both instrumental *and* substantive. She defines rationality as “man’s basic virtue, the source of all his other virtues,” while “man’s basic vice, the source of all his evils, is the act of un-focusing his mind, the suspension of his consciousness, which is not blindness, but the refusal to see, not ignorance, but the refusal to know. Irrationality is the rejection of man’s means of survival and, therefore, a commitment to a course of blind destruction; that which is anti-mind, is anti-life.” As for morality, she argues that “just as man cannot survive by any random means, but must discover and practice the principles which his survival requires, so man’s self-interest cannot be determined by blind desires or random whims, but must be discovered and achieved by the guidance of rational principles.” This is “a morality of

rational self-interest—or of rational selfishness.”<sup>34</sup> In Rand’s view, “rational self-interest” actually expresses a redundancy, but a necessary one given widespread caricatures of self-interest; objectively, there is no way of acting in one’s genuine self-interest other than rationally, with respect to both means and ends. The intuitions (perhaps, secret wishes?) of egoism’s caricaturists notwithstanding, it is not in one’s rational self-interest to lie, cheat, steal, free-ride, rape, or murder (as I shall argue below). Nor is this a matter of a cost-benefit calculus, but a matter of principle, especially to the consistent egoist—namely, the one who cares deeply about maximizing his own self-esteem, an esteem not borrowed from what others might witness. For Rand creating values by “rational selfishness” entails “the values required for man’s survival qua man—which means: the values required for human survival—not the values produced by the desires, the emotions, the ‘aspirations,’ the feelings, the whims or the needs of irrational brutes, who have never outgrown the primordial practice of human sacrifices, have never discovered an industrial society and can conceive of no self-interest but that of grabbing the loot of the moment.”<sup>35</sup> Rand contends that “human good does not require human sacrifices and cannot be achieved by the sacrifice of anyone to anyone. It holds that the rational interests of men do not clash—that there is no conflict of interests among men who do not desire the unearned, who do not make sacrifices nor accept them, who deal with one another as traders, giving value for value.”<sup>36</sup> Unlike those who ignored or softened Comte’s meaning of altruism, Rand took it as he presented it,<sup>37</sup> and thus interpreted it as incompatible with liberty and rights.

The conventional, popular view of self-interest, itself a mere echo of what intellectuals have been claiming for centuries, is both wrong and misleading, according to Rand:

The meaning ascribed in popular usage to the word “selfishness” is not merely wrong: it represents a devastating intellectual “package-deal,” which is responsible, more than any other single factor, for the arrested moral development of mankind. In popular usage, the word “selfishness” is a synonym of evil; the image it conjures is of a murderous brute who tramples over piles of corpses to achieve his own ends, who cares for no living being and pursues nothing but the gratification of the mindless whims

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<sup>34</sup> Ayn Rand, *The Virtue of Selfishness: A New Concept of Egoism* (New York: Signet/New American Library, 1964), p. 25.

<sup>35</sup> *Ibid.*, p. 31.

<sup>36</sup> *Ibid.*

<sup>37</sup> Robert L. Campbell, “Altruism in Auguste Comte and Ayn Rand,” *The Journal of Ayn Rand Studies* 7, no. 2 (2006), pp. 357-69.

of any immediate moment. Yet the exact meaning and dictionary definition of the word “selfishness” is: concern with one’s own interests. This concept does not include a moral evaluation; it does not tell us whether concern with one’s own interests is good or evil; nor does it tell us what constitutes man’s actual interests. It is the task of ethics to answer such questions.<sup>38</sup>

Returning to the seven common caricatures of egoism—that it is automatic, myopic, atomistic, materialistic, hedonistic, antagonistic, or sadistic—it is now perhaps easier to recognize how and why none is plausible if reason (both instrumental and substantive) guides self-interest—that is, if self-interest is *enlightened*, and if what is under examination is not some grotesque distortion of reality, but what some have referred to as “self-interest properly understood.” Perhaps not surprisingly, even critics of egoism have found it necessary, on occasion, to concede that they are speaking of “self-interest narrowly understood,” which means “understanding” by the dropping of context (the context of reason), or a failure to tell the *truth*, the *whole* truth, and nothing *but* the truth. To drop context is both to misunderstand and to misrepresent. At root, caricatures of self-interest constitute what is *improperly* understood about human motives; as such they fail to provide an objective, satisfactory base for social science.

The caricature which asserts that self-interest is *automatic* is perhaps the most obvious example of the exclusion of reason from the account; if egoistic motives are automatic, they are innate, instinctual, engrained, impulsive, and unchosen—on the level of the animalistic, not the humanistic. The caricature which posits self-interest as *atomistic* denies the rational value individuals may obtain by living, interacting, and trading with others in society (so long as it is, largely, a just and peaceful society). The caricature which sees self-interest as *myopic* sees not very far at all, for it fails to recognize that the truly rational individual thinks, plans, and acts with a long-range view, taking into account as best he can not only the immediate but also the intermediate and ultimate consequences of his approach to life.

The caricature which assumes that self-interest is exclusively *materialistic* ignores the rational and mutual benefits that individuals enjoy from non-material, “spiritual” relations with others, such as in families, friendships, romances, the arts, and recreation. The caricature which assumes that self-interest must be *hedonistic* also assumes that individuals lack the reason and foresight to know that short-term pleasures (say, inebriation) can yield longer-term pains, or that short-term pains (say, dental work) can yield longer-term gains. The caricature which claims that self-interest is *antagonistic* fails to realize that no genuine conflicts are possible among truly rational individuals. Such individuals are those who are aware of the existential inescapability of competition in any society, of the fact that in more advanced, division-of-labor societies there are greater, not fewer opportunities

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<sup>38</sup> Rand, *The Virtue of Selfishness*, p. vii.

for trade by mutual consent to mutual advantage, and aware also that if some individuals cannot on occasion abide or cooperate with others, at least in an open society none is compelled to do so and thus each may freely and peacefully “go their separate ways.” Ironically, such anti-egoists as the communitarians or the proponents of “deliberative democracy,” who insist that successful societies somehow must dovetail toward a “shared community of interests” or a unitary voice, may foster the same type of antagonisms which they routinely attribute to egoistic wrangling.

Perhaps the most cartoonish caricature—that self-interest is *sadistic* or pathological—evades a deeper truth that the harming of innocents is detrimental to the perpetrator not only because it eliminates a potential value and trading-spiritual partner, but more deeply because it is detrimental to a perpetrator’s self-esteem. As Rand once argued, “Self-esteem is reliance on one’s power to think. It cannot be replaced by one’s power to deceive. The self-confidence of a scientist and the self-confidence of a con man are not interchangeable states, and do not come from the same psychological universe. The success of a man who deals with reality augments his self-confidence. The success of a con man augments his panic.”<sup>39</sup> Those who believe that sadism, whether practiced interpersonally or politically, benefits the perpetrators, also fail to acknowledge that self-interest, by definition, entails a right to self-defense, and that sadists of every type (but especially political tyrants) are typically repelled, deposed, jailed, or killed.

## 6. “Homo Economicus”

*Homo economicus*, or “economic man,” has a lengthy lineage in political economy, beginning with John Stuart Mill in the mid-nineteenth century. As a stylized construct or “ideal type,” it depicts the average man or representative economic actor as being both rational and self-interested, yet with the term “rational” conceived in purely instrumental terms and the term “self-interest” caricatured. To the extent that *homo economicus*—or for that matter *homo politicus* (“political man”)—provides an indispensable cornerstone for the edifice of modern economics, public choice, or rational choice theory, those sciences stand or fall not only based on their perceived realism (or lack thereof), but also on their perceived morality (or lack thereof).

Beginning with Mill, “economic man” has been presented as an essentially unreal character, thus rendering it prone to dismissal and criticism not only by theorists predisposed to disdain reason and egoism, but also by those sympathetic to reason and egoism and who insist that theory be grounded in facts, not fantasies. In Mill’s construct,

[w]hat is now commonly understood by the term Political Economy is not the science of speculative politics, but a branch of

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<sup>39</sup> Ayn Rand, “Honesty,” in Harry Binswanger, ed., *The Ayn Rand Lexicon: Objectivism from A to Z* (New York: New American Library, 1986), accessed online at: <http://aynrandlexicon.com/lexicon/honesty.html>.

that science. *It does not treat of the whole of man's nature as modified by the social state, nor of the whole conduct of man in society. It is concerned with him solely as a being who desires to possess wealth, and who is capable of judging of the comparative efficacy of means for obtaining that end. It predicts only such of the phenomena of the social state as take place in consequence of the pursuit of wealth. It makes entire abstraction of every other human passion or motive. . . . All these [market] operations, though many of them are really the result of a plurality of motives, are considered by Political Economy as flowing solely from the desire of wealth. The science then proceeds to investigate the laws which govern these several operations, under the supposition that man is a being who is determined, by the necessity of his nature, to prefer a greater portion of wealth to a smaller in all cases, without any other exception than that constituted by the two counter-motives [time preference and aversion to labor] already specified. Not that any political economist was ever so absurd as to suppose that mankind are really thus constituted, but because this is the mode in which science must necessarily proceed. . . . With respect to those parts of human conduct of which wealth is not even the principal object, to these Political Economy does not pretend that its conclusions are applicable. But there are also certain departments of human affairs, in which the acquisition of wealth is the main and acknowledged end. It is only of these that Political Economy takes notice. The manner in which it necessarily proceeds is that of treating the main and acknowledged end as if it were the sole end.* (emphases added)<sup>40</sup>

Successors to Mill who dared to deploy the suspect construct of *homo economicus* faced increasing criticism and ridicule—initially, in the late-nineteenth century by the German Historicists; next, in the early-twentieth century, by their close intellectual cousins, the American Institutionalists; and finally, beginning in the late-twentieth century, by behavioral economics.<sup>41</sup> As mentioned, the rise of behavioral economics in recent decades entails attempts to weaken the model of the rational, self-interested actor, in part by suggesting that egoism is immoral, but also that its practitioners are prone to cognitive

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<sup>40</sup> John Stuart Mill, "On the Definition of Political Economy; and on the Method of Investigation Proper to It," Essay V, in his *Essays on Some Unsettled Questions of Political Economy* (London: Longmans, 1844), accessed online at: <http://www.econlib.org/library/Mill/mIUQP5.html#V.38>.

<sup>41</sup> Jeffrey Sklansky, *From Economic Man to Social Self: Market Society and Selfhood in American Thought, 1820–1920* (Chapel Hill, NC: University of North Carolina Press, 2002).

dissonance, bias, and error. Critics of the *homo economicus* postulate have complained of its unrealism, a positive complaint which seems both fair and understandable, yet they further complain that the postulate relies upon and enshrines vice (self-interest), a normative complaint which seems both unfair and prejudicial.

*Homo economicus* has been under assault from anti-egoism critics for more than a century, yet has survived in some (no doubt weakened) form, because as a model it has been able to explain far more than possibly can be explained by the opposite assumption, which insists that a substantial number of people are irrational and selfless souls who seek to serve society. While *homo economicus* has survived, it cannot be said that he has flourished. Perhaps this is for the reason that advocates and critics alike remain either suspicious or hostile to egoism in morality, and suspicious or hostile also to the efficacy of reason in epistemology. When the two features of a theoretical base are deemed unworthy and dispensable, the edifice atop that base is at risk.

### **7. Egoism, Altruism, and Public Choice**

As discussed, most public choice theorists seem to share the suspicions of self-interest felt by those who insist on presenting it in grotesque caricature. Public choice theorists imply that just as egoism corrupts the economic realm and causes “market failures” necessitating government restraint, it also corrupts the political realm and engenders “government failures” necessitating constitutional restraint. If so, public interest advocates can continue, with intellectual consistency, to condemn markets on both moral (egoistic) and practical (inefficiency) grounds, and to insist that since public officials also are corrupted by egoism (according to public choice theorists), they are necessarily unfit to police themselves, and thus ineligible for playing any role in developing constitutional restraints of the kind advocated by public choice theorists.

An early critic of the public choice paradigm, reviewing a book by James Buchanan, its leading light, argued that “Buchanan’s reasoning eschews any moral considerations of duty or obligation.”<sup>42</sup> The presumption here is that there’s no rational self-interest in meeting one’s obligations, no benefit or personal payoff from reciprocal promise-keeping. Another critic, chagrined that Buchanan had just won the Nobel prize in economics, conceded that the prize was “richly deserved,” since Buchanan had “pioneered a new way of thinking about the political process” that “made important converts among political scientists.” Nevertheless, the critic complains, public choice theory “ignores the ability of ideas to defeat [personal] interests, and the role that public spirit plays in motivating the behavior of participants in the political process.” “One of the roles of government,” he asserts, is to

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<sup>42</sup> Scott Gordon, “The New Contractarians,” *Journal of Political Economy* 84, no. 3 (June 1976), p. 585.

provide citizens “a forum where they may display a concern that they want to show for others”<sup>43</sup>—that is, altruism—for example, by redistributing wealth from earners to favored “others.” The problem is that public choice spoils the pretty picture of selfless, saintly servants of the “public spirit” and exposes politicians as greedy redistributors seeking not some angelic, heavenly status from on high, but perpetual political incumbency from on low.

Other critics of public choice theory contend not merely that it is methodologically impotent and can’t explain certain political phenomena (e.g., voting, public-interested politicians),<sup>44</sup> but that public choice theorists themselves must be selfish, by their own model; if so, they too must be rent-seekers, effectively guns for hire living from the pockets of rich, egoistic businessmen and pro-capitalist foundations. This clever critique borders on *ad hominem*:

First . . . the act of voting could not be considered rational, self-interested behavior. Second, we saw that politicians sometimes do not act in their own selfish interest; they often operate for the common good and the public interest as they see it. Finally, we saw that the growth of government cannot be explained by public choice principles, and that the growth of government does not cause any economic harm as public choice theory predicts. Thus, on all major counts, public choice fails to establish its main contentions. How and why did public choice go wrong? At bottom, the problem is that public choice begins with an ideological aversion to government and a religious worship of the market. This anti-government ideology has blinded the entire public choice school. It has become the study of government failure, a set of assertions that governments are too big, and a criticism of all political decision-making. These biases keep public choice advocates from seeing the self-refuting and self-contradictory nature of its arguments. If public choice were correct, a similar analysis must hold for public choice itself. By its own assumptions, its advocates must be rent-seeking scholars who believe in and espouse the paradigm of self-interested, rational economic man because it is in their own self-interest to do so. They seek out business firms and conservative institutions that hate the government and are hurt by government regulations.

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<sup>43</sup> Steven Kelman, “‘Public Choice’ and Public Spirit,” *Public Interest* 80 (Spring 1987), p. 81.

<sup>44</sup> Lars Udehn, *The Limits of Public Choice* (London: Routledge, 1996). Udehn criticizes the use of the self-interest axiom in politics and insists that political actors care about the public interest as well as group interests. He also assumes that altruism means not self-sacrifice but concern for others.

These institutions, naturally, will support any research demonstrating the ill effects of government policy. But the result of this self-serving behavior on the part of public choice economists is bad for everyone. There is little understanding of how governments can affect the economy for good and for bad. There is worse economic policy. And there is less respect for all economists, including those with public choice inclinations. Caught in the web of its ideological blinders, and supported by a cadre of wealthy benefactors who hate government, public choice can never provide us with a good analysis of political behavior. The sooner we reject rent-seeking public choice economists and the public choice approach, the better off we will all be.<sup>45</sup>

Critics of public choice aside, leading public choice advocates themselves often eschew theoretical allegiance to rational egoism and advise instead a reliance on the many non-rational human biases and motives highlighted in “behavioral economics.” Dennis Mueller, in his presidential address to the 1986 Public Choice Society Meeting, “made a case for replacing what he calls the ‘rational egoism postulate’ of economics by a behavioral theory that, while maintaining the assumption of self-interested, payoff-oriented behavior, puts less emphasis on *rational choice* than on *adaptive learning*. Specifically, Mueller advocates ‘starting with behaviorist psychology’.”<sup>46</sup> Some public choice scholars elide any association with rational self-interest by simply repeating one or more of its caricatures; the entry for “self-interest” in the preeminent encyclopedia of public choice declares:

[S]elf-interest postulates that individuals, in making economic choices, take into account only their own well-being and ignore the welfare of others. The proviso that individuals act in this way simplifies and clarifies arguments wonderfully. . . . By cutting out consideration of others’ welfare from the economic agent’s calculus, the self-interest assumption allows the theorist to focus solely on the effects of choice on the chooser. It allows for a theory of choice in which each individual’s preferences are separable from those of others: the interactions of individuals’ preferences need not be considered.<sup>47</sup>

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<sup>45</sup> Steven Pressman, “What Is Wrong with Public Choice,” *Journal of Post Keynesian Economics* 27, no. 1 (2004), pp. 15-16.

<sup>46</sup> Cited in Charles K. Rowley and Friedrich Schneider, eds, *The Encyclopedia of Public Choice*, Volume 1 (New York: Kluwer Academic Publishers, 2004), p. 249.

<sup>47</sup> Norman Frohlich and Joe Oppenheimer, “Self-Interest,” in Charles K. Rowley and Friedrich Schneider, eds., *The Encyclopedia of Public Choice*, vol. 2 (New York: Kluwer Academic Publishers, 2004), p. 517.



How then do public choice theorists explain mutually beneficial exchanges among egoists? A mysterious, non-empirically verifiable “invisible hand” is occasionally invoked, to sanitize what public choice theorists presume to be dirty, profit-maximizing, vice-pursuing private-sector hands. As mentioned, some claim that a “curious alchemy” works to transform otherwise dispersed, self-interested acts into an outcome that advances the public interest.<sup>48</sup> But there remains far too much common ground on moral premises (altruistic) and the caricatures of egoism; as such, there’s a defensiveness to the debate which saps the paradigm of its vigor.<sup>49</sup> As long as anti-egoist caricatures are condoned or left unchallenged, honor will remain impossible, in markets and politics alike. Morally productive icons will be as impossible to find in the economic realm as are ethically worthy statesmen in the political realm. A plague remains on both houses, resulting in polemical stasis, while egoism in markets and politics is left morally undefended.

Public choice theory generally agrees with the conventional interpretation that self-interest is either amoral or immoral, rarely questions its caricatures, and only insists that *all* actors, in all realms, be modeled, equally, as egoists. By this polemical strategy an anti-egoist animus against markets necessarily persists, even in the otherwise market-friendly paradigm of public choice. Worse still, there is allowed no possibility of a principled statesman, since, for leading public choice theorists, self-interest is *antithetical* to moral principle.<sup>50</sup>

## 8. Conclusion

More work is needed on normative public choice theory. Some scholars have made a start; unfortunately, they’ve equated the “moral” with non-egoism. Karen Vaughn, for example, explains the limits of using *homo economicus* in public choice or in political philosophy.<sup>51</sup> Steven Brams purports to find a supposed “normative turn” in public choice scholarship yet neglects to identify it (or even cite) its sources; regardless, by “normative” he means not an effort to provide a moral grounding for public choice or to

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<sup>48</sup> See Brennan and Buchanan, “The Normative Purpose of Economic ‘Science,’” p. 160.

<sup>49</sup> Geoffrey Brennan and James M. Buchanan, “Is Public Choice Immoral? The Case for the ‘Noble’ Lie,” *Virginia Law Review* 74, no. 2 (March 1988), pp. 179-89.

<sup>50</sup> James M. Buchanan and Roger B. Congleton, *Politics by Principle, Not Interest: Towards Nondiscriminatory Democracy* (Cambridge, MA: Cambridge University Press, 1998).

<sup>51</sup> Karen I. Vaughn, “The Limits of Homo Economicus in Public Choice and in Political Philosophy,” *Analyse und Kritik* 10 (1988), pp. 161-80.

ensure greater consistency in its treatment of egoism and altruism, but efforts to provide policy advice.<sup>52</sup> Serge-Christophe Kolm goes deeper and contends:

Public choice should now integrate systematically considerations of ethics and justice for two kinds of reasons. First, moral principles can be implemented by self-centered individuals who, however, care for others' judgments, and these others can thus have these principles implemented at no cost to themselves. Furthermore, direct moral motivations may be less negligible than it was assumed, and at any rate it may be time to focus on them. Second, the theory of justice has reached an integrated, rational maturity which makes it suitable for this purpose, whereas the "Social Choice" approach is plagued by serious problems of meaning.<sup>53</sup>

Common caricatures of self-interest not only elicit a defensive posture by public choice and rational choice theorists, but also attenuate the explanatory power of their joint paradigm. More realistic and rational conceptions of self-interest could elevate the confidence of its adherents and bolster its explanatory-predictive power. If there can be *rational private interest*, there might also exist the possibility of *rational public interest*, such that the public choice and rational choice paradigm can, for once, include a model of statesmen, not solely of politicians. Buchanan hinted at this possibility more than two decades ago:

Distributional politics in modern democracy involves the exploitation of minorities by majorities, and as persons rotate membership, all parties in the "game" lose. This result emerges only because *differences* in treatment are permissible. If the principle of *generality* (analogous to that present in an idealized version of the rule of law) could, somehow, be introduced into politics, mutual exploitation could be avoided.<sup>54</sup>

Buchanan acknowledges that even public officials can lose out in a welfare state; their self-interest, rightly understood, is best served in a constitutional setting that preserves and extends the rule of law while

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<sup>52</sup> See Steven J. Brams, "The Normative Turn in Public Choice," *Public Choice* 127, nos. 3-4 (2006), pp. 245-50.

<sup>53</sup> Serge-Christophe Kolm, "Moral Public Choice," *Public Choice* 87, nos. 1/2 (1996), p. 117.

<sup>54</sup> James M. Buchanan, "How Can Constitutions Be Designed So That Politicians Who Seek to Serve 'Public Interest' Can Survive and Prosper?" *Constitutional Political Economy* 4, no. 4 (1993), pp. 1-6.

restraining democratic license. As long ago as 1870, one-time British Prime Minister Benjamin Disraeli noted that “the world is wearied of statesmen whom democracy has degraded into politicians, and of orators who have become what they call debaters.”<sup>55</sup> Buchanan might well agree. His principle of “generality” would entail *equal treatment before the law* for all citizens, a principle distinct from equality of result or even equality of opportunity (which necessarily infringes on the rights of those compelled to provide opportunities). It is an echo of the view of the Framers of the U.S. Constitution. The inference is clear: If today we observe only opportunistic politicians instead of principled statesmen, it is because we lack constitutionally limited government, and we lack such government because we lack a realistic conception of rational self-interest for political economy. A crucial step toward that conception should entail a rejection of the caricatures of self-interest.

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<sup>55</sup> Benjamin Disraeli, from his novel *Lothair*, chap. 17 (Monsignore Berwick, 1870).

## Liberalism: The Fifteen Best Arguments<sup>1</sup>

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### 1. Introduction: The Stakes and the Method

#### *a. What liberalism is*

The key political issue of the modern era is the fate of liberalism. Liberalism is a newcomer to human history, after millennia of tribalism, feudalism, and many types of dictatorship. Liberalism had a few short-lived successes in classical Greece and Rome and more recently in some Renaissance Italian and Baltic states. Only in the past few centuries has liberalism become a prevailing theory and practice, and only in some parts of the world. It is a work in progress and, aside from resistance from traditional forms of politics, it faces formidable practical and theoretical opposition from other political newcomers, such as modern communalism, fascism, updated military dictatorship, and systems that try to mix them in some combination.

Whether liberalism is viable is an open question. By “liberalism” I mean the social system that makes foundational liberty of the individual in all areas of life—artistic, religious, economic, sexual, political, and so on.<sup>2</sup>

The question of the proper role of government within a social system is central to any political theory. A government is a social institution distinguished by two traits: its principles apply to the whole of society and they are enacted by physical force or its threat. Governments claim and practice universality and compulsion.

In these two respects government is distinguished from other social institutions, such as businesses, religious associations, sports teams, and so on, which are particular and voluntary. Not everyone in a society does business with a given company; joins a given church, temple, or mosque; or plays a

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<sup>1</sup> This is the first of a two-part series on this topic, with the first part being an overview of fifteen arguments for liberalism and the second part being an overview of fifteen arguments against it. As I plan to develop this into a larger project, I welcome substantive feedback on either (or both) parts of this series. All feedback can be directed to: [shicks@rockford.edu](mailto:shicks@rockford.edu).

<sup>2</sup> I use “liberal” philosophically and not journalistically to report how it is used in different parts of the world. Language evolves, sometimes for peculiarly local or tendentiously ideological reasons. When a term strays from its cognitive roots, it is important to clarify and re-establish its useful meaning.

given sport. When a member disagrees with or breaks from one of those institutions' rules, the most that the institution can do is dissociate itself from that member.

A government, by contrast, claims and enacts the authority to apply its rules to everyone in a society, and it claims and enacts the authority to use physical force against those who break its rules. It is a universal institution of compulsion.

Consequently, the two key questions to answer when defining the proper, principled role of government are: What principles are so important that everyone in society should respect and live by them? What principles are so important that physical force may be used against those who violate them?

The liberal answer to both of those questions is, of course, liberty. All individuals are entitled to liberty and all individuals should respect each other's freedoms. That is the universality element. Any individual who violates the liberty of another can properly be subject to physical force. That is the compulsion element.

In order to protect freedoms, liberal societies devise a network of institutional elements. They specify religious liberties, property rights, free-speech rights, liberties to engage in commercial activities, and more. They set up police, courts, and prisons to investigate those who violate others' freedoms and to restrain those guilty of doing so. They place limitations on the scope and power of government in order to lessen the risk that government itself will violate liberties. They articulate a commitment to the rule of law by making their general principles explicit in a constitution and devising their particular rules by reference to those general principles.

All of that follows from making liberty the foundational political value. Advocates of other systems disagree, and the debate is engaged. Is liberty really the most important social value? What about security, equality, justice, peace, efficiency, prosperity, or spiritual purity? Is liberty compatible with them, and if so, how? Or if it is in tension with them, why prioritize liberty?

### ***b. Taking up the strongest arguments***

My method starts by taking up the fifteen best arguments for (and, in Part II of this series, against) liberalism. These are not exhaustive lists, but they include the arguments that have had the most staying power in the debates. The reason they have had that staying power is that each identifies and stresses a genuinely important value at stake in politics.

John Stuart Mill, in his *On Liberty*, best expresses the reason for using such a method.<sup>3</sup> No one is educated who knows only one side of an argument. No one should commit to a position without knowing the competition. Especially in complicated matters like politics, where a huge

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<sup>3</sup> John Stuart Mill, *On Liberty* (London: Penguin, 1974 [1859]), chap. 2, "Of the Liberty of Thought and Discussion."

number of facts about the world must be integrated into a theory, a critical test for any theory is how well it compares with other theories. Does it overlook key facts? Does it make leaps of logic? The best way to answer for oneself those questions is to put the contender theories, with reference to their strongest defenders, in explicit competition with each other.

An advocate of liberalism has to know not only the best arguments for liberalism, but also the best arguments against liberalism—and how to respond to them. While I ultimately advocate liberalism, warts and all, my first goal will be to rise to Mill's challenge. Liberalism has many intelligent, decent, and articulate enemies; their qualms and fears about liberalism must be taken seriously.

We make progress as individuals only when we know the most powerful arguments for and against what we judge to be true, and we can best judge the truth of a position by testing it against its worthy competitors. We often want shortcuts, perhaps out of intellectual laziness, an unwillingness to admit error, or to protect some belief we feel is core to our identity. There are no shortcuts, however, on complicated matters.

We make progress socially only when we are able to articulate our views clearly to others who are trying to understand—and when we ourselves genuinely understand—what others think and why. We tend to talk past each other, and discussion degenerates when one party senses that the other isn't really listening or is addressing a weaker, easily attackable version of one's position.

The test of my method will be this: Could a reader tell, if he or she read only my presentation of the arguments for and against liberalism, which side of the debate I am on?

The next step is to compare the two sets of arguments. Where are the sharpest and most persistent disagreements between liberals and their opponents? Some disagreements turn on issues within economics (e.g., Do free markets lead to monopoly?), within politics (e.g., Was the American Revolution ideologically conservative or libertarian?), or about history (e.g., Were the British Acts of Toleration primarily about religion?), and so on.

My claim will be that the most significant differences between liberals and their opponents are driven by disagreements in philosophy. That is, disagreements about values, human nature, metaphysics, and epistemology drive our deepest and most protracted arguments.

Consider this claim, for example: "Free societies may be practically efficient at generating wealth, but they are not moral." That raises issues of ethics: What conception of morality is at work here, and why is it opposed to the practical? Or consider the opposite claim: "Liberalism is a fine ideal, but it's unrealistic to expect it actually to work in the real world." That raises a set of metaphysical concerns: What is the real world, where do ideals come from, and why are fine ideals not realistic?

Or one can challenge my method sketched above: "This arguments-back-and-forth procedure—isn't that pointless given human psychology? Don't studies show that people reject or accept empirical data for or against a

policy depending on their prior commitments? So what is the point of reasoning?” This challenge illustrates the importance of epistemology. Political arguments often turn on philosophical assumptions about cognition: Are humans rational or irrational? Or if a mix, what level of rational competency can we expect from them? If we are devising a set of political principles for human beings, then they must be based on an accurate understanding of human nature, which must include an accurate understanding of our cognitive powers. Those with dramatically different epistemologies are almost always led to very different politics, and they advocate them by very different methods.

Historically, philosophy is the mother discipline, giving birth to the specific sciences and nurturing them to maturity. The point about the importance of philosophy, though, is not to assert a professional monopoly on philosophy by professional philosophers. Everyone is philosophical to some extent; we are necessarily philosophical when we think about social theory, whether we do so as professional economists, political scientists, historians, or voting citizens. Philosophy is a practice common to all thinking human beings.

Explicit attention to the philosophical issues embedded within any political theory is necessary for understanding, defending, or attacking that theory competently. The value-added by professional philosophers is part of an overall intellectual division of labor. Economists, political theorists, historians, and others all have specialties that contribute the knowledge necessary to a comprehensive social theory, but labor that has been divided also must be coordinated again. The coordinating work of integrating knowledge from various disciplines is a task that each of us must perform individually. No one can do social theory adequately without being also an economist, a political theorist, a historian—and, especially, a philosopher.

I will initially present arguments for (and against) liberalism in qualitative form only and save relevant quantitative data for later. I will also keep the scholarly apparatus to a minimum by putting in the footnotes relevant quotations from major thinkers who make points supporting or illustrating the argument in question. The footnotes may be useful for those interested in the historically important thinkers who have contributed to the debate. But they can be ignored, however, by those interested primarily in focusing quickly on the arguments’ essential points and putting them in collision with each other.

## **2. Fifteen Arguments for Liberalism**

### ***a. Liberalism increases freedom***

Liberalism dramatically increases the amount of freedom that individuals enjoy relative to any other kind of society that can be devised: monarchy, socialism, fascism, tribalism, and the rest. Under the liberal set of institutions—the specification of individual rights, limited government, rule of law—individuals enjoy more freedom because those institutions expressly make liberty their core purpose.

Most of us like the exercise of freedom. We like to do things our own way, to formulate our own tastes, to dream our dreams, and to be able to put them into practice. Liberals also argue that freedom is not only something that we happen to like. There is a deep need within human nature to be who we are by our own making.<sup>4</sup> To live a fully human life, we each need to decide our own careers, choose our own romantic partners, formulate our own musical tastes, and chart our own courses in the world. We are each unique as individuals in our specific traits and needs, but we are also the same in needing the freedom to discover and create our individuality. Liberty is a fundamental human value.

Therefore, a society that respects and augments the amount of freedom that individuals enjoy is, by that criterion alone, a good society. Human beings are not slaves; they are not even servants. Every human is by nature a free, autonomous individual, and one proper purpose of society is to protect individuals' freedom.

***b. People work harder in liberal systems***

Suppose that we have a society in which the freedom of thought and action, property rights, and so forth are protected. Economists and psychologists argue that in such a liberal system individuals' incentive to work hard changes for the positive.

If I am able to do what I want, choose who I want to be, and make a living the way that I want to—and if I know that I will be able to keep the fruits of my labor—then I am more likely to exert myself to achieve my goals. Most individuals in a liberal society will work hard and, as a result, they will produce a lot of economic value. Consequently, that society will prosper economically.

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<sup>4</sup> Aristotle holds: "It is the mark of a free man not to live at another's beck and call"; see Aristotle, *Rhetoric*, trans. W. Rhys Roberts, in *The Complete Works of Aristotle*, ed. Jonathan Barnes (Princeton, NJ: Princeton University Press, 1984), 1367a31.

John Locke says about freedom of choice: "We naturally, as I said, even from our cradles, love liberty, and have therefore an aversion to many things, for no other reason, but because they are enjoin'd us"; see John Locke, *Some Thoughts concerning Education* (1692), sec. 148, accessed online at: <http://legacy.fordham.edu/halsall/mod/1692locke-education.asp>.

John Stuart Mill says about freedom of movement: "Many a person remains in the same town, street, or house from January to December, without a wish or thought tending towards removal, who, if confined to that same place by the mandate of authority, would find the imprisonment absolutely intolerable"; see John Stuart Mill, *Principles of Political Economy* (Indianapolis, IN: Liberty Fund, 2006), II.i.4, p. 213.

Ayn Rand maintains: "for every individual, a right is the moral sanction of a positive—of his freedom to act on his own judgment, for his own goals, by his own voluntary, uncoerced choice"; see Ayn Rand, "Man's Rights," in Ayn Rand, *The Virtue of Selfishness* (New York: Signet, 1963), p. 93.



Compare liberalism to other political systems. Under tribalism, I am supposed to work primarily for the good of the tribe. If I am raised in that tribe, I will have some incentive, of course, to work for its advancement. Under feudalism, I am required to work for the aristocrats, the clergy, and the other castes; even if I am a serf, I will likely feel some motivation to support the lifestyle of my betters. Another possibility is socialism, where I am supposed to work selflessly for the collective good of society. To the extent that I value those institutions—tribal, feudal, socialist—I will have an incentive to exert myself on their behalf.

However, liberals argue, to the extent that I am able to work for myself and keep the fruits of my own labor, I will consistently work harder. I will become a carpenter or an artist or a scientist because I want to, not because I have been ordered or pressured into that career by social regulation. I will know that the rewards, both material and psychological, for being an excellent carpenter, artist, or scientist will be mine to keep. Liberal societies, therefore, will be more prosperous than other kinds of societies.<sup>5</sup>

***c. People work smarter under liberalism***

A complementary argument is that under liberalism not only do people work harder, they also work smarter. The most important asset in any economy is knowledge, and liberalism makes the best use of the knowledge available in a society. In any society, knowledge is dispersed among the minds of its many individuals—thousands, millions, or billions of individuals know uncountably many things. Liberalism enables those individuals to act on their knowledge, instead of having to follow orders or wait for permission.

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<sup>5</sup> Adam Smith comments on the self-interested profit motive leading to mutually beneficial trade: “It is not from the benevolence of the butcher, the brewer, or the baker that we expect our dinner, but from their regard to their own interest. We address ourselves, not to their humanity but to their self-love”; see Adam Smith, *On the Wealth of Nations* (Chicago, IL: University of Chicago Press, 1976), I.2.2, p.18.

Alexis de Tocqueville, in his 1830s travel through the young United States, contrasted fields and buildings on the Ohio and Kentucky sides of the Ohio River. Ohio was a free state and Kentucky was a slave state. The Ohio fields were better cultivated, and the structures were built more quickly and of higher quality than those on the Kentucky side. For the Ohio farmers and the hired contractors and laborers, self-interested profit-seeking was incentivized. Kentucky’s slaves, by contrast, had no liberty rights, no property rights, and no profit motive. See Alexis de Tocqueville, *Democracy in America* (New York: Alfred A. Knopf, 1972), 1.18.4, p. 362.

Milton Friedman compares the profit motive with compulsion: “Given sufficient knowledge, it might be that compulsion could be substituted for the incentive of reward, though I doubt that it could. One can shuffle inanimate objects around; one can compel individuals to be at certain places at certain times; but one can hardly compel individuals to put forward their best efforts. Put another way, the substitution of compulsion for co-operation changes the amount of resources available”; see Milton Friedman, *Capitalism and Freedom* (Chicago, IL: University of Chicago Press, 1962), p. 166.

Liberalism's free market develops institutions (such as markets with their supply-and-demand price systems) that enable those individuals to mobilize and coordinate their knowledge in a way better than in any other society.

Contrast a monarchy, for example. Suppose that we have a king trying to organize and run a whole economy. The king might be hard-working and he might be very smart. (How many kings possess both of those traits, though?<sup>6</sup>) Nonetheless, there is a limit to how much one person can know, and the king can necessarily make only crude, top-down decisions in a centralized fashion. How much corn should be raised? How many soldiers should be recruited? How many musical concerts organized? What should the price of cloth be? And so on, for thousands of other economic matters. There is a severe limit to how much one king can know about these matters and, consequently, there is a severe limit to how productive a monarchy's economy can be.

Consider a socialist planning board, for another example. The socialist central-planning committee might be made up of ten or twenty well-meaning, intelligent individuals who jointly make decisions for an economy as a whole. Nonetheless, there is a limit to how much even ten or twenty people can know, and there is a limit to the quantity and quality of the decisions they can make for society as a whole. If each major decision is allotted, say, an hour's worth of investigation and thought, then only a dozen or so major decisions can be made in a day. How many other important and semi-important decisions simply will not be made? And how many of the actual decisions will be best, given that they were reached after only an hour's deliberation?

By contrast, liberalism is characterized by decentralized decision-making. Liberalism enables each individual to think and act as he or she judges best. In a society of millions of individuals, there are millions who are free to make their own decisions in their own life. Each of those decision-makers is much more likely to know his or her needs and circumstances better than a king or a central-planning committee does. Thus, free individuals are better positioned to decide what they need to do and to decide what relationships with other people will work best to satisfy their needs.

That is to say, free, decentralized systems better utilize the knowledge available in society. Millions of people know more than a few do, and the local knowledge of each of those millions is usually more accurate. So liberalism's freedom enables individuals to act on their knowledge of what is

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<sup>6</sup> John Stuart Mill observes: "Since European life assumed a settled aspect, anything above mediocrity in a hereditary king has become extremely rare, while the general level has been even below mediocrity, both in talent and in vigour of character"; see John Stuart Mill, "Of the Infirmities and Dangers to which Representative Government is Liable," in *Essays on Politics and Society*, ed. J. M. Robson (Toronto: University of Toronto Press, 1977), p. 437.

necessary for their particular circumstances in a more productive way than any other kind of system.<sup>7</sup>

The better use of knowledge extends to the more impersonal markets that liberalism develops. In stock, commodity, and financial markets, prices capture information about what each individual, from his or her unique situation, is willing to sell or buy for. Those supply-and-demand prices send signals to other individuals around the world, enabling them to decide better how to use the resources available to them. If there is a greater need for iron in Brazil than in Finland, for example, then that will be communicated by Brazilians' willingness to pay more for iron. If there is a greater supply of iron available in Canada than in Japan, then that will be reflected in Canadians' willingness to sell their iron for less. The prevailing prices will lead Canadians and Brazilians to be more likely to buy and sell iron with each other, and that will be the most optimal result. The price system thus efficiently coordinates the decision-making of all participants.<sup>8</sup> Free-market systems thus work smarter and, as a result of working smarter, they become more prosperous.

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<sup>7</sup> Friedrich Hayek says about the epistemic basis of the liberal individualist position: "It merely starts from the indisputable fact that the limits of our powers of imagination make it impossible to include in our scale of values more than a sector of the needs of our whole society, and that, strictly speaking, scales of values can exist only in individual minds, nothing but partial scales of values exist—scales which are inevitably different and often inconsistent with each other. From this the individualist concludes that the individuals should be allowed, within defined limits, to follow their own values and preferences rather than somebody else's; that within these spheres the individual's system of ends should be supreme and not subject to any dictation by others. It is this recognition of the individual as the ultimate judge of his own ends, the belief that as far as possible his own views ought to govern his actions, that forms the essence of the individualist position"; see Friedrich Hayek, *The Road to Serfdom* (Chicago, IL: University of Chicago Press, 1944), p. 59.

<sup>8</sup> An early version of this point is Adam Smith's identifications of the division of labor into specialties and the coordination of that specialized labor by the "invisible hand" of the market: "The greatest improvements in the productive powers of labour, and the greater part of the skill, dexterity, and judgment with which it is any where directed, or applied, seem to have been the effects of the division of labour"; see Smith, *Wealth of Nations*, I.1. The coordinating invisible hand line appears in *ibid.*, IV.2.

Hayek explicates Smith's metaphor of the invisible hand, in part, in terms of the price system as a signaling mechanism enabling market participants to know best how to use resources: "The price system is just one of those formations which man has learned to use (though he is still very far from having learned to make the best use of it) after he had stumbled upon it without understanding it. Through it not only a division of labor but also a coordinated utilization of resources based on an equally divided knowledge has become possible"; see Friedrich Hayek, "The Use of Knowledge in Society," *American Economic Review* 35, no. 4 (1945), pp. 519-30.

***d. Liberalism increases individuality and creativity***

Another complementary argument about the greater economic productivity of liberalism is that, in a liberal society, people have more freedom to live their lives as they want. Liberal societies are therefore characterized by an increased amount of individuality—that is, a greater number of people who do their own thing in their own way. They are free to adopt the lifestyles they want, to think the thoughts that they want, to experiment however they want.

As a result, liberal societies are more creative societies. Creativity is a function of free thinking, experimentalism, a willingness to take risks, and a social system that protects and encourages individuals who do so.<sup>9</sup> As a result of that increased creativity, there will be more innovation in liberal societies compared to other kinds of societies. Other societies, by contrast—if they prize everybody doing the same thing in the same way, or if they prize everybody following orders—will not cultivate the creativity and innovation that happens in liberal societies.

As a result of liberalism's creativity and innovation, such societies will be dynamic and progressive. They will produce more free-thinking scientists, more experimental engineers, and more creative business professionals trying to satisfy the demands of more customers who want unique goods and services to fit their individual lifestyles. Consequently, liberal societies will be more prosperous.<sup>10</sup>

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<sup>9</sup> Mill states: “[T]he same reasons which show that opinion should be free, prove also that he should be allowed, without molestation, to carry his opinions into practice at his own cost. That mankind are not infallible; that their truths, for the most part, are only half-truths; that unity of opinion, unless resulting from the fullest and freest comparison of opposite opinions, is not desirable, and diversity not an evil, but a good, until mankind are much more capable than at present of recognizing all sides of the truth, are principles applicable to men's modes of action, not less than to their opinions. As it is useful that while mankind are imperfect there should be different opinions, so is it that there should be different experiments of living; that free scope should be given to varieties of character, short of injury to others; and that the worth of different modes of life should be proved practically, when any one thinks fit to try them”; see Mill, “Of Individuality, as One of the Elements of Well-Being,” in Mill, *On Liberty*, chap. 3, p. 120.

<sup>10</sup> This is Joseph Schumpeter's thesis of “the perennial gale of creative destruction,” as presented in Joseph Schumpeter, *Capitalism, Democracy, and Socialism* (New York: Harper and Row, 1950), pp. 83-84.

Professors Yuriy Gorodnichenko and Gerard Roland hold: “We construct an endogenous growth model that includes a cultural variable along the dimension of individualism-collectivism. The model predicts that more individualism leads to more innovation because of the social rewards associated with innovation in an individualist culture”; see Yuriy Gorodnichenko and Gerard Roland, “Culture, Institutions and the Wealth of Nations,” NBER Working Paper No. 16368 (September 2010), accessed online at: <http://www.nber.org/papers/w16368>.

To integrate the previous three arguments: Under liberalism—which increases the amount of freedom that people have in that society—people will work harder, smarter, and more creatively. That is why liberal societies produce much more wealth than any other kind of society can.

*e. Liberalism increases the average standard of living*

The next arguments focus not on liberalism’s productive ability or how much wealth it creates, but instead on the distribution of wealth in a society.

One characteristic of liberalism in the modern world, after the Industrial Revolution especially, was the mass production of goods: mass-produced clothing, food, houses, cars, televisions, and more. By dramatically increasing the quantity of goods produced, the cost to consumers of those goods correspondingly declined dramatically. More people became able to enjoy more goods at lower cost. Consequently, the average standard of living increased.

Compare the more free-market societies to monarchies, socialist societies, fascist societies, and tribal societies. All of them have demonstrably lower average standards of living, and the majority of their people live less well than in liberal societies.

A closely related argument is that the quality of goods increased after the Industrial Revolution. Humans get tired, they can be unmotivated and sloppy, and they have physical limits—their visual acuity and their manual dexterity, for example. However, ingenious science and engineering can devise machines that work more precisely and consistently, so the overall quality of goods increases. Machines are often able to operate at a larger or smaller physical scale than humans can, so the quality of very large and very small goods increases.

As a result, in liberal societies, consumers enjoy more goods, better-quality goods, and at lower prices. So, if one’s measure of a good society is increasing the average standard of living or increasing the standard of living enjoyed by the majority of people in the society, then liberalism performs better than any other society.<sup>11</sup>

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<sup>11</sup> Ludwig von Mises says: “The characteristic feature of modern capitalism is mass production of goods destined for consumption by the masses. The result is a tendency towards a continuous improvement in the average standard of living, a progressing enrichment of the many”; see Ludwig von Mises, *The Anti-Capitalist Mentality* (South Holland, IL: Libertarian Press, 1972), p. 1. Mises later notes “the marvelous achievements of the last two hundred years: the unprecedented improvement of the average standard of living for a continually increasing population” (p. 39). In another work, Mises states: “Liberalism has always had in view the good of the whole, not that of any special group. It was this that the English utilitarians meant to express—although, it is true, not very aptly—in their famous formula, ‘the greatest happiness of the greatest number.’ Historically, liberalism was the first political movement that aimed at promoting the welfare of all, not that of special groups”; see Ludwig von Mises, *Liberalism* (Kansas City, MO: Sheed Andrews and McMeel, 1978 [1927]), p. 7.

***f. The poor are better off under liberalism***

Rather than focusing on the middle class, the average, or the majority of people in a society—we can focus on the poorest people in society and consider liberalism’s effects on them. The liberal argument here is that because free-market societies produce a great deal of wealth, those societies are best able to help the least well-off economically.<sup>12</sup> In prosperous societies, a significant amount of the wealth generated will be reinvested in new productive enterprises, and that reinvestment will create more jobs. Additionally, those jobs will typically be better paid as a result of the increase in overall standard of living in that society.

Also, with liberalism, poor individuals have more freedom to become entrepreneurs so as to improve their condition and, hopefully, work their way out of poverty. They are not prevented from doing so by tribal restrictions, by their place in the feudal hierarchy, or by the mandates of a socialist planning committee.

The argument of the previous section also carries over here. As the quantity, cost, and quality of goods in liberal societies improve, the poor—as consumers—also have access to more goods, at lower cost, and of higher quality. Liberalism thus improves the lot of poorer people by encouraging entrepreneurial effort for those who wish to do so, by increasing the number of job opportunities for those who prefer to work for an existing business, and by improving their lot as consumers.

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Schumpeter claims: “Queen Elizabeth owned silk stockings. The capitalist achievement does not typically consist in providing more silk stockings for queens but in bringing them within reach of factory girls in return for steadily decreasing amounts of effort”; see Schumpeter, *Capitalism, Democracy, and Socialism*, p. 67.

Economic historian Lawrence White notes that most debates among economists are “not a clash over whose interests the economy should serve, but over how best to foster the prosperity of the economy’s average participant”; see Lawrence White, *The Clash of Economic Ideas* (Boston, MA: Cambridge University Press, 2012), p. 11. Note the word “average” as indicative that this is the standard of value appealed to by most economists.

<sup>12</sup> Edmund Phelps holds: “I broadly subscribe to the conception of economic justice in the work by John Rawls,” namely, that the moral justification of any system is its effect on the least well-off. He further claims: “So if the increased dynamism created by liberating private entrepreneurs and financiers tends to raise productivity, as I argue—and if that in turn pulls up those bottom wages, or at any rate does not lower them—it is not unjust. Does anyone doubt that the past two centuries of commercial innovations have pulled up wage rates at the low end and everywhere else in the distribution?” See Edmund Phelps, “Dynamic Capitalism: Entrepreneurship is lucrative—and just,” *The Wall Street Journal* (October 10, 2006), accessed online at: [www.wsj.com/articles/sb116043974857287568](http://www.wsj.com/articles/sb116043974857287568). See also John Tomasi, *Free Market Fairness* (Princeton, NJ: Princeton University Press, 2012).

This argument is borne out historically by looking at the number of people living under the poverty line. If we keep the poverty line consistent, the vast majority of people who lived in poverty were lifted out of poverty as liberalism developed, until poverty in the advanced liberal societies became a relatively minor issue.<sup>13</sup> To put the argument pointedly: One would prefer being poor in a liberal society to being poor in any other kind of society.

***g. Liberalism generates more philanthropy***

Another, related argument focuses on the philanthropic sector under liberalism. Liberal societies produce much wealth, and much of that wealth is spent directly on consumer goods or reinvested in new productive enterprises.

Much of that wealth, though, will be directed to philanthropic organizations, including research institutions that are devoted to studying cures for new diseases, charity hospitals, disaster-response organizations, cultural associations, education programs, and agencies that support the handicapped who cannot support themselves. Liberalism, in other words, generates a more robust civil society compared to any other kind of society.

The argument is partly that the material prosperity of liberal societies means that more wealth is available for philanthropy. It is also partly that prosperity increases and extends our natural benevolence. Once one's own material needs are looked after—once life is no longer a desperate matter of day-to-day survival—one is both materially able and psychologically freer to expand the range of one's thinking and action. One can think of individuals in more distant places and one has the resources available to reach them. One can think longer-term about the future and invest in it. Benevolence is more possible and more easily extended to others in prosperous societies.

Furthermore, liberalism encourages a do-it-yourself society. Its cultural ethos emphasizes self-responsibility and expects that individuals will show initiative in solving problems, marshaling the necessary resources, and developing social institutions. It does not, as other systems do, shift that responsibility to aristocrats or government agencies and expect citizens more passively to follow their lead. Consequently, for any type of social goal, including philanthropic goals, under liberalism more initiatives are undertaken in more directions, and the energies of more people are mobilized.<sup>14</sup>

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<sup>13</sup> Mises claims: "It is precisely want and misery that liberalism seems to abolish," and: "In order to appreciate what liberalism and capitalism have accomplished, one should compare conditions as they are at present with those of the Middle Ages or of the first centuries of the modern era"; see Mises, *Liberalism*, pp. 9-10.

<sup>14</sup> Tocqueville contrasts the liberal individualism of early America with the long cultural traditions of aristocratic and government patronage in Europe: "Wherever at the head of some new undertaking you see the government in France, or a man of rank in England, in the United States you will be sure to find an association." He also says: "The citizen of the United States is taught from infancy to rely upon his own exertions in order to resist the evils and the difficulties of life . . . . This habit may be traced even in the schools, where the children in their games are wont to submit to rules which they

Liberal societies, therefore, are more philanthropic and often at a higher rate. To put the argument pointedly: If you're a sick person who has no resources, or if you're a handicapped person and not able to support yourself, then you want to be in a liberal society because that will most increase your chances of getting the resources you need to deal with your difficult situation.

***h. More outstanding individuals flourish under liberalism***

Here is another complementary argument in the area of distribution. Rather than focusing on the average person, the poor person, or the person who is so weak and handicapped that he or she can't support himself, we also consider the effects of liberalism's wealth on the most able people, the most intelligent people, the people who are the creative geniuses in the arts, the outstanding athletes, and the people who are the innovative intellectuals or scientists.

Most of those individuals need huge amounts of resources. The sciences, for example, are wealth-intensive disciplines, given the high cost of educating a scientist to the forefront of his or her area of expertise and the cost of equipping and stocking a research laboratory. Great artists need much leisure time, education, and often travel in order to be able to do what they do. The production of a first-rate movie, for example, requires the talent of hundreds of creative professionals. Symphony orchestras, as another example, are obviously very wealth-intensive; to be able to put together a whole orchestra costs a lot of money. Or even to take a four-member rock-and-roll band on the road requires considerable resources. The best athletes need practice time, coaches, equipment, specialized nutrition and medical care, and often the ability to travel abroad to compete against the world's best.

All such people—those who are the most outstanding in the sciences, the arts, athletics, and so forth—will flourish more in a liberal society. There will be more individuals enabled to reach their highest potential. The rest of us will be able to enjoy more of what they are able to accomplish, precisely because liberalism is able to generate the wealth to empower them to do the awesome things that they do.<sup>15</sup>

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have themselves established, and to punish misdemeanors which they have themselves defined. The same spirit pervades every act of social life. If a stoppage occurs in a thoroughfare and the circulation of vehicles is hindered, the neighbors immediately form themselves into a deliberative body; and this extemporaneous assembly gives rise to an executive power which remedies the inconvenience before anybody has thought of recurring to a pre-existing authority superior to that of the persons immediately concerned. If some public pleasure is concerned, an association is formed to give more splendor and regularity to the entertainment. Societies are formed to resist evils that are exclusively of a moral nature"; see Tocqueville, *Democracy in America*, 1.12, p. 191.

<sup>15</sup> Bertrand de Jouvenel argues that a turn away from liberalism would cause the decline of high standards and quality: "The production of all first-quality goods would cease. The skill they demand would be lost and the taste they shape would be coarsened. The production of artistic and intellectual goods would be affected first and



Such individuals also need the freedom to think and feel independently and to experiment. Any system, by contrast, that encourages conformity or obedience and enforces such traits by fear undercuts human development. By recognizing the need for freedom as fundamental to being human, liberalism establishes the conditions necessary for more individuals to reach their fullest potentials.<sup>16</sup>

***i. Liberalism's individualism increases happiness***

By protecting the amount of freedom that individuals enjoy, liberal societies cultivate and encourage individuality—and that means we will have more happy people in society. Individuals are happiest when they do their own things in their own way. Most of us resent being told what to do, being made to do things that we don't want to do, and not being able to enjoy the fruits of our labor. Those are all affronts to our individuality.

More formally, the argument is that happiness is conditional. That is, individuals must (1) define their own values and goals, (2) show initiative and exert themselves, and, of course, (3) achieve their goals. Life is also complicated; happiness typically requires success in a wide range of life activities—career, friendships, romance, family, leisure activities, self-assessment, and wisdom. And happiness is most fully experienced when an individual is able to say, with the given emphases: I chose that goal. I made it happen. And I succeeded.

Liberals encourage people to define their own major life goals and to develop their own tastes rather than, as other systems do, expect or require them to live as others have decided.<sup>17</sup> Liberal systems do not assign

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foremost. Who could buy paintings? Who even could buy books other than pulp? . . . Can we reconcile ourselves to the loss suffered by civilization if creative intellectual and artistic activities fail to find a market?" See Bertrand de Jouvenal, *The Ethics of Redistribution* (Indianapolis, IN: Liberty Fund, 1990 [1952]), pp. 41-42.

<sup>16</sup> Mill explains: "Persons of genius, it is true, are, and are always likely to be, a small minority; but in order to have them, it is necessary to preserve the soil in which they grow. Genius can only breathe freely in an atmosphere of freedom. Persons of genius are, *ex vi termini*, by definition, more individual than any other people"; see Mill, *On Liberty*, p. 129.

<sup>17</sup> Thomas Jefferson's formulation in the *Declaration of Independence* of 1776 explicitly links life, liberty, and happiness.

Mill states: "Where, not the person's own character, but the traditions of customs of other people are the rule of conduct, there is wanting one of the principal ingredients of human happiness," and: "He who lets the world, or his own portion of it, choose his plan of life for him, has no need of any other faculty than the ape-like one of imitation. He who chooses his plan for himself, employs all his faculties. He must use observation to see, reasoning and judgment to foresee, activity to gather materials for decision, discrimination to decide, and when he has decided, firmness and self-control to hold to his deliberate decision"; see Mill, *On Liberty*, p. 120.

individuals to jobs; they let them choose whatever career they want to go into. Liberals do not select others' marriage partners for them or tell them how many children they may have—or even make them get married. Beyond career and marriage, liberals encourage people to cultivate their own musical likes, develop their own fashion style, and watch whatever movies and read whatever books they want. People can, of course, sometimes find satisfaction in doing work they are ordered to do, in arranged marriages, and in the books chosen for them by others. However, more people will find more pleasures in values they've chosen for themselves.

Furthermore, happiness is earned and not given to anyone.<sup>18</sup> A dollar earned is more satisfying than a dollar received as allowance from one's parents. A student who works hard for a grade feels more happiness than a student who cheats. A recorded win in sports is more rewarding if it results from sweaty effort than if it results from one's opponent having defaulted. A house brings pleasure, but a house you designed or furnished yourself brings more. Liberalism emphasizes individual initiative and the expectation that accomplishment in life is primarily up to each individual. Liberalism thus argues that other social systems undermine happiness by teaching them that life's needs and wants are to be provided for by the tribe; the reciprocal fulfillment of the duties of feudal castes to each other; or the obligatory, collective exertions of society as a whole.

Happiness also requires actual success. It is difficult to be happy when your career is in the toilet, your marriage is failing, you have a serious disease, your children despise you, and/or you are bored by life in general. Any one of those challenges can put one in a depressive state. And certainly, in a liberal society that emphasizes freedom and self-responsibility, there are many risks. Some books make you sad, some romances end in disaster, some careers reach dead-ends, and some family members make us miserable. Liberalism argues, though, that success is more likely in life endeavors that you have chosen yourself and when you believe that success or failure is primarily up to you.

All of this ties into liberalism's argument that liberalism is more productive and so leads to a wealthier society. Money, contrary to cliché, does buy many of the ingredients of happiness. The preconditions of successful action—education, health, resources for starting a business, and so on—can be expensive. Prosperity also makes it easier for parents to encourage their children to define themselves and their own goals. It makes it easier for individuals to embrace riskier choices if they have a financial cushion in case of failure. Prosperity of course provides the material resources for people to try a wider range of happiness-generating activities.

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<sup>18</sup> Rand claims that happiness is self-responsibly earned: "Just as I support my life, neither by robbery nor alms, but by my own effort, so I do not seek to derive my happiness from the injury or the favor of others, but earn it by my own achievement"; see Ayn Rand, *Atlas Shrugged* (New York: Random House, 1957), p. 939.

Liberal societies encourage individuality in all areas of life. It is precisely through being our own person, living our own lives our own way, meeting challenges, and accomplishing our goals that we become happy and fulfilled individuals.<sup>19</sup> By contrast, non-liberal societies—either by ordering people to live a certain way, not allowing them to do what they want, assigning them to jobs, taking the fruits of their labor away from them, or simply not enabling them to reach their economic potential—undercut or actively discourage happiness and increase the amount of misery.

***j. Liberal societies are more interesting***

By encouraging individuality in society, the next argument is that liberal societies are more interesting societies. This is an aesthetic criterion of value.

Consider what makes going to parties interesting, or what makes travelling to new parts of the world interesting. We are interested in people doing things differently, people being unique and authentic in their own way.

What we find in liberal societies, precisely because of their liberality, is more people doing their own thing and pursuing their own life adventures. Liberal societies will have many eccentric people, of course, some charming and some not, but many of those eccentrics will be intriguing in their own right and many will do interesting things in the arts, sciences, philosophy, business, and other walks of life.<sup>20</sup>

Other societies, by contrast, place other values above liberty and thus direct the character of their cultures in different directions. In monarchies, aristocracies, dictatorships, and other sorts of authoritarian societies, the top political value is obedience to those further up the hierarchy. Obedient people are not those who think and act for themselves; they follow the rules. In socialism, communism, fascism, and other collectivistic societies, the top

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<sup>19</sup> Hayek comments on self-responsibility and success: “Free societies have always been societies in which the belief in individual responsibility has been strong. They have allowed individuals to act on their knowledge and beliefs and have treated the results achieved as due to them. The aim was to make it worth while for people to act rationally and reasonably and to persuade them that what they would achieve depended chiefly on them. This last belief is undoubtedly not entirely correct, but it certainly had a wonderful effect in developing both initiative and circumspection”; see Friedrich Hayek, “The Moral Element in Free Enterprise,” *Studies in Philosophy, Politics, and Economics* (London: Routledge and Kegan Paul, 1967), p. 232.

<sup>20</sup> Mill argues this in *On Liberty*, stressing the dangers of conformity and the benefits of cultivating individuality: “It is not by wearing down into uniformity all that is individual in themselves, but by cultivating it and calling it forth, within the limits imposed by the rights and interests of others, that human beings become a noble and beautiful object of contemplation,” and: “[I]t is essential that different persons should be allowed to lead different lives. In proportion as this latitude has been exercised in any age, has that age been noteworthy to posterity” (pp. 127-28).

political value is communalism. Communal people do not think and act independently; rather, they strive for sameness of purpose and action.

Liberalism enables and encourages lifestyle diversity, and such diversity gives all of us more social options. We can choose to live among people who share our tastes and styles, of course, or we can choose to seek out the exotic and unique.

The argument about the greater wealth of liberal societies works with this aesthetic criterion. Liberalism encourages individuality and its consequent diversity, but it also generates the wealth to enable individualized pursuits. A liberal society will be able to support a wider diversity of restaurants catering to different food tastes, more musical types of experimental and traditional music, more museums of art and history, and more travel to exotic places. By increasing mass production, it will enable more people to enjoy more diverse goods and services. By supporting smaller niche markets, it will enable those with specialized tastes to satisfy their preferences.

Liberal societies, then, will have more interesting people and more varied activities, with more individuals pursuing their own unique life adventures, and they will be a lot more fun to live in. This contrasts with many societies that are more conformist or driven by hierarchy or obedience.

***k. Tolerance increases under liberalism***

Liberal societies are tolerant societies. Consider religious intolerance, for example, a social ill that has plagued human beings for as long as there has been religion. It is precisely in societies that have encouraged individual freedom—that is, that believe that individuals should be free to live their lives as they see fit, encourage individuality, emphasize the importance of each individual deciding for himself or herself what he or she thinks is true or important, and what he or she is going to do with respect to religious matters<sup>21</sup>—that we see the rise of religious tolerance.<sup>22</sup>

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<sup>21</sup> Locke says about tolerance's basis in individual freedom: "[N]o man can, if he would, conform his faith to the dictates of another. All the life and power of true religion consist in the inward and full persuasion of the mind; and faith is not faith without believing. Whatever profession we make, to whatever outward worship we conform, if we are not fully satisfied in our own mind that the one is true and the other well pleasing unto God, such profession and such practice, far from being any furtherance, are indeed great obstacles to our salvation"; see John Locke, *A Letter concerning Toleration* (Indianapolis, IN: Hackett, 1983), p. 26.

<sup>22</sup> Those cultures—classical Athens, Renaissance Florence, the Dutch Golden Age, and others—historically that encouraged individuality were at the same time cultures with a wider diversity of religion and relative tolerance. Historic free ports such as Tangier, Beirut, New Orleans, and Hong Kong are further examples of places where individuals from many different nations were at wide liberty to engage in commerce. One significant feature of such ports was the then-rare phenomenon of individuals of different religions trading peacefully with each other, tolerating each other's religious differences, and sometimes even becoming friends.

If you and I both believe, as a matter of principle, that people should be free to live their lives as they see fit, including in their religious practices, then I will respect your liberty to practice religion as you choose, I will jealously guard my right to live my religious life as I choose, and you will do the same. To the extent that we also have liberal political institutions protecting religious freedoms, a more tolerant society will result.

Under liberalism, the principle of toleration of individuals' free choices in religious matters also extends to government actions, meaning that government officers are prohibited from using their political power either to endorse or suppress religion. The principle of the separation of church and state, as it is colloquially called, is more generally a separation of religion from politics.<sup>23</sup> Contrary to the doctrines of theocratic political theories such as Islamism, the state's mandating of particular religious beliefs or practices is not allowed under liberalism. Contrary to the doctrines of atheistic political theories such as Marxism, the state's abolishing of religious belief or practice is not allowed. Consequently, by keeping the state's great power out of religion, liberalism tames one traditionally powerful source of religious intolerance.

#### ***1. Sexism and racism decrease under liberalism***

Liberalism leads to a decrease in racism and sexism. Since the general principles of life, liberty, and property rights are human rights, and

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Voltaire says about the London Stock Exchange: "Go into the London Stock Exchange—a more respectable place than many a court—and you will see representatives from all nations gathered together for the utility of men. Here Jew, Mohammedan and Christian deal with each other as though they were all of the same faith, and only apply the word infidel to people who go bankrupt. Here the Presbyterian trusts the Anabaptist and the Anglican accepts a promise from the Quaker. On leaving these peaceful assemblies some go to the Synagogue and others for a drink, this one goes to be baptized in a great bath in the name of the Father, Son and Holy Ghost, that one has his son's foreskin cut and has some Hebrew words he doesn't understand mumbled over the child, others go to their church and await the inspiration of God with their hats on, and everybody is happy"; see Voltaire, "On Presbyterians," in Voltaire, *Letters from England* (London: Penguin Books, 1980), p. 41.

<sup>23</sup> Locke holds: "This only I say, that, whencesoever their authority be sprung, since it is ecclesiastical, it ought to be confined within the bounds of the Church, nor can it in any manner be extended to civil affairs, because the Church itself is a thing absolutely separate and distinct from the commonwealth. The boundaries on both sides are fixed and immovable. He jumbles heaven and earth together, the things most remote and opposite, who mixes these two societies, which are in their original, end, business, and in everything perfectly distinct and infinitely different from each other"; see Locke, *A Letter concerning Toleration*, p. 33.

The first clause of the First Amendment to the U.S. Constitution states: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof" (1791).

individuals of both sexes and all races are human beings, liberalism argues that traditional sexism and racism are affronts to liberal individualism.

Racism and sexism have been prominent features of cultures all over the world for millennia. It is not coincidental, liberals argue, that for the first time in history racism and sexism were challenged and put on the defensive precisely in those societies that took individuality and liberty seriously. Liberal societies were and will be at the forefront of eliminating traditional racism and sexism.<sup>24</sup>

Liberalism's free market provides further incentives against sexism and racism. We can see this with respect to profit motive, for example, which is a prominent feature of a free-market economy. Suppose that I am in business and I want to make a lot of money. That is the profit motive. Suppose also, though, that I am a traditional sexist, and I am hiring. I have two candidates available. One is a young woman, who just graduated from university with A grades; the other is a young man who just graduated from university with C grades.

Whom will I hire? The sexist in me will say: "I want to hire the male, not the female." But the profit-seeking liberal in me will say, "Definitely, I will hire the female, because she is smarter and works harder, and she is the one who is going to enable me to make more money."

So, this argument concludes, liberalism's encouragement of the profit motive will lead people to be more likely to set aside traditional sexist attitudes. As a result, more men and women will work with each other and the sexist attitudes will decline.

The same pattern holds for racism. Suppose that I am a profit-seeker in a free market, but I am also a traditional racist. I am, say, a white person who does not like to work with brown people. But suppose that I have a brown customer who comes to me and says that he wants to buy \$100,000 worth of goods from me. The profit-seeker in me will say, "I want that \$100,000 in sales." The traditional racist in me will say, "I don't like dealing with brown people." Which desire will override? How high a price am I willing to pay for my racism?

The argument is that the profit motive gives everyone an incentive to set aside racial differences and to deal peacefully in a win-win fashion with people of other races. Once people start to do that, traditional racial attitudes

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<sup>24</sup> The first anti-slavery societies were in the liberal Enlightenment nations: the American Society for Abolition of Slavery (1784), the British Society for Abolition of Slave Trade (1787), and the French Soci t  des Amis des Noirs (1788). The first feminist manifestos were Condorcet's essay, "On the Admission of Women to the Rights of Citizenship" (1790), which argued for full equality of rights of women with men; Olympe de Gouges's *The Declaration of the Rights of Woman* (1791); and Mary Wollstonecraft's *A Vindication of the Rights of Women* (1792). All explicitly apply the ideals of the Enlightenment in general and the life, liberty, and pursuit of happiness principles articulated in the U.S. *Declaration of Independence*.

decline.<sup>25</sup> The same pattern of argument applies to ethnic differences. Liberals argue that traditional national or cultural enemies will come to at least tolerate each other as the principles of respect for individual liberty and the prospects for win-win trade become prevalent.

***m. Liberalism leads to international peace***

Liberalism makes fundamental respect for other individuals' freedoms and their property rights. Many wars in history have been motivated, though, by the desire to control others' lives or to confiscate their wealth. Liberalism argues that those two motives are illegitimate, and so it offers a principled opposition to them as reasons for war.

Beyond that, the profit motive also powerfully incentivizes peace. Liberalism leads to much trade, including free trade across regional and international borders. Globalization is one of the major trends of the liberal era. If I am dealing with people in other countries, they are my suppliers and my customers, so I do not want to go to war with them. If foreigners are buying millions of dollars' worth of my goods each year, then I do not want them killed. I do not want disrupted the trade networks that are putting money in my pocket.

The same reasoning holds if my suppliers are from another country. I want them to continue to send the raw materials that I need to make whatever I am producing. I do not want my country to go to war with their country, because I do not want my suppliers killed or have their factories bombed or have them forbidden to trade with me. Doing so would undermine my ability to make money.<sup>26</sup> Liberalism fosters trading relationships among nations, and

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<sup>25</sup> Milton Friedman states: "The great virtue of a free market system is that it does not care what color people are; it does not care what their religion is; it only cares whether they can produce something you want to buy. It is the most effective system we have discovered to enable people who hate one another to deal with one another and help one another"; see Milton Friedman, "Why Government Is the Problem," *Essays in Public Policy*, no. 39 (1993), p. 19, accessed online at: <http://www.hoover.org/sites/default/files/uploads/documents/friedman-government-problem-1993.pdf>.

<sup>26</sup> Hugh of Saint Victor says: "The pursuit of commerce reconciles nations, calms wars, strengthens peace, and commutes the private good of individuals into the common benefit of all"; accessed online at: [www.acton.org/pub/religion-liberty/volume-2-number-1/hugh-st-victor](http://www.acton.org/pub/religion-liberty/volume-2-number-1/hugh-st-victor). Gustave de Molinari holds: "Just as war is the natural consequence of monopoly, peace is the natural consequence of freedom"; see "The Production of Security," accessed online at: [www.praxeology.net/gm-ps.htm](http://www.praxeology.net/gm-ps.htm). Mill claims: "It is commerce which is rapidly rendering war obsolete, by strengthening and multiplying the personal interests which are in natural opposition to it"; see Mill, *Principles of Political Economy*, p. 594. Steven Pinker states: "The theory of the Liberal Peace embraces as well the doctrine of gentle commerce, according to which trade is a form of reciprocal altruism which offers positive-sum benefits for both parties and gives each a selfish stake in the well-being of the other"; see Steven Pinker, *The Better Angels of Our Nature* (London: Penguin Books, 2011), p. 211. The Liberal

those trading relationships give people an incentive to remain at peace with each other.

*n. Liberalism is the most just system*

Justice is the application of a moral standard to our individual practices and social institutions and their outcomes.<sup>27</sup> The claim of liberalism as a political system is based on a unique and prior moral claim about what individuals deserve. That prior claim is that, fundamentally, individuals make or break their own lives. The good things in life—the material means of survival, a satisfying career, a rewarding inner life, meaningful friendships—must be achieved. Value, in other words, has to be created, and those who create value should be rewarded in proportion to the value they create.

In yet more abstract words, justice is the principle of cause and effect applied to human action. If by my actions I cause good, then the consequential effect should be that I am rewarded. If I produce something of economic value (e.g., knitting a hat or building a house), then I deserve the use of it. If by trade I bring value to others (e.g., by bringing wheat or software to market), then I deserve the wealth that I receive from my customers. If I develop my intellect and emotions, then I deserve the rewards of a cultivated psychological life. If by my personality and character I add richness to others' lives, then I deserve the rewards of friendship and love.<sup>28</sup>

The negatives of cause and effect also hold. If I simply fail to produce or trade or develop myself, then it is sadly appropriate that I will be poor, lonely, and not even like my own company. And if I actively cause destruction in my life or in others', then I deserve to bear the costs—the self-loathing and the active dislike and punishment that others will inflict upon me.

Injustice is the opposite—the severing of cause and effect in human action. If you bake bread and I throw it in the trash, if you write an essay and I plagiarize it, or if you commit a good deed and I withhold praise, then all of those are acts of injustice. In each case I sever the enjoyment of the effect from its enabling cause. If you steal from others, assault them, or spread malicious gossip about them—and I praise you for doing so—then I commit injustice by failing to judge you negatively for your destructive actions.

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or Capitalist Peace thesis is sometimes casually called the “no two countries with a McDonald’s have ever gone to war” theory.

<sup>27</sup> Mises states: “The notion of justice makes sense only when referring to a definite system of norms which in itself is assumed to be uncontested and safe against any criticism”; see Ludwig von Mises, *Human Action* (New Haven, CT: Yale University Press, 1949), p. 720.

<sup>28</sup> Rand claims: “one must never seek or grant the unearned and undeserved, neither in matter nor in spirit (which is the virtue of Justice)”; see Ayn Rand, “The Objectivist Ethics,” in Rand, *The Virtue of Selfishness*, p. 28.



Individuals and institutions are just to the extent that they evaluate themselves and others according to what they deserve and act on those evaluations. Liberals then argue that liberal institutions are most just in four respects.

(1) In a society based on self-responsibility and freedom, more individuals will end up in life circumstances that are the result of their own choices and efforts. Most people will get what they deserve.

(2) Socially, individuals in a liberal society are taught to evaluate themselves and others according to their character and accomplishments as individuals. Liberal culture, therefore, is more respectful and admiring of achievement and, correspondingly, more disrespectful of laziness and destruction.

(3) Economically, the wealth that individuals acquire will only be from production and voluntary trade or gifts from others. In a system of property rights, individuals get to keep the fruits of their labor and of their trade with others. In a free market, trade occurs according to the value that each participant thinks others are providing to them. In any trade, the individuals involved are the best judges of the value that each is offering the other. Thus, the amount of wealth that individuals acquire as a result of free actions is the best estimate possible of the value they have added to their own lives and the lives of others.

(4) Legally, a liberal system is committed to making laws that protect individual freedoms. It creates the largest social space possible for its citizens to make their own choices and to live with the consequences. A liberal legal system also dedicates itself to handling those who do not respect others' freedoms. It exerts itself to prevent injustices, and, when injustices occur, it attempts to measure accurately the degree of destructiveness they caused and the appropriate amount of compensation owed.<sup>29</sup> It does so by explicit, constitutionally specified procedures that limit the power of government to prevent government itself from becoming a source of injustice.<sup>30</sup>

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<sup>29</sup> Smith maintains: "The most sacred laws of justice, therefore, those whose violation seems to call loudest for vengeance and punishment, are the laws which guard the life and person of our neighbour; the next are those which guard his property and possessions; and last of all come those which guard what are called his personal rights, or what is due to him from the promises of others"; see Adam Smith, *Theory of Moral Sentiments* (Indianapolis, IN: Liberty Fund, 1969), II.ii.2.3.

<sup>30</sup> Locke states: "The legislative, or supreme authority, cannot assume to its self a power to rule by extemporary arbitrary decrees, but is bound to dispense justice, and

Other political systems, by contrast, undercut justice by wanting causes without effects and effects without causes. In feudal institutions, for example, individuals do not earn their social status by their own productive efforts. Rather, their place in the hierarchy is acquired by irrelevant-to-justice considerations such as conquest or accident of birth. Once the hierarchy is established, individuals within it receive goods out of proportion to the value they add. The peasants, for example, receive a fraction of the economic value of the goods they produce, while the aristocrats receive far more. Thus, feudalism institutionalizes unjust initial status and unjust consequent distribution.

The same is true of socialism. Socialist governments assert ownership over all of their citizens and require them to work on government-approved projects. Individuals have their uniqueness and energy taken from them by an irrelevant-to-justice consideration—the desire of some people to control the lives of others. According to socialism’s principle of equality-of-outcome, goods are to be distributed equally among the citizens. Those who are more productive will receive the same amount as those who are less productive. Thus, socialism also institutionalizes unjust initial status and unjust consequent distribution.

***o. Liberalism is more moral in its political practice***

Under liberalism, political power is granted only for the purpose of protecting individuals’ rights to live their own lives freely, make their own livings, interact with others voluntarily, and to keep the rewards of their efforts.

Other political systems, by contrast, increase the scope of government power. Some want the government to regulate the economy, people’s diets, sex lives, religious practices, or artistic pursuits. All such systems, accordingly, increase the potential for the corrupt use of political power. If the government regulates business practice, then that puts large amounts of money under government control, which increases incentives and opportunities for bribery, nepotism, kickbacks, and other forms of financial corruption. If government has power over legitimate artistic, sexual, or religious activities, then all of those powers are political weapons that can be used against some and in favor of others. Also, more individuals are attracted to government offices who want to have power over others and who are willing to use that power for the corrupt opportunities it makes possible.

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decide the rights of the subject by promulgated standing laws, and known authorized judges: for the law of nature being unwritten, and so no where to be found but in the minds of men, they who through passion or interest shall miscite, or misapply it”; see John Locke, *Second Treatise of Government* (Indianapolis, IN: Hackett, 1980), sec. 136.

Liberals argue, by contrast, that the responsibility for our economic, sex, dietary, religious, and artistic affairs lies with each individual, so it does not grant government officials power over them. It therefore advocates a series of principled separations—the separation of state from religion, the economy, sex lives, artistic pursuits, and so on. Such limitations on the proper scope of political power thus lessen the scope of political corruption. The political power that government officials have under liberalism will of course sometimes be abused, but abuse is less possible than in other systems.

Governments have more power than any other social institution, because they have the power of the police and the military at their direct disposal and the authority to apply that power to every member of society. Consequently, the worst abuses in history—wars, democide,<sup>31</sup> the legalizing and enforcing of slavery, the confiscation of property, and more—have been caused by governments. Private individuals and organizations can of course kill, kidnap, and steal from each other, but their power to do so is much less than that of a government. So a political system that places explicit limits on the power of government and enforces those limits vigilantly, as liberalism strives to do, is in practice a more moral system.

### 3. Conclusion

Liberalism is the best system because it enables, encourages, and/or achieves fifteen major values:

- Freedom
- Hard work
- Smart work
- Creative work
- Improving the average standard of living
- Improving the lot of the poor
- Improving the prospects of the outstanding
- More philanthropy
- More social diversity and interestingness

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<sup>31</sup> Democide is the killing of citizens by their own government. For the twentieth-century death count, see R. J. Rummel, *Death by Government* (Piscataway, NJ: Transaction Publishing, 1993).

- Happiness
- More religious tolerance
- The decline of sexism and racism
- Peace
- Justice
- The decline of government corruption

In this first part of a two-part series, I have presented arguments for liberalism based on a wide variety of premises—economic, psychological, historical, moral, and political. While the arguments can be assessed independently on their own merits, it is also instructive to compare them to arguments that are based on very different premises and reach opposed conclusions. To that end, in Part II, I will turn to fifteen influential arguments against liberalism.

## Politics After MacIntyre

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“I give my political loyalty to no program.”  
—Alasdair MacIntyre (K p. 265)<sup>1</sup>

### 1. Introduction

Alasdair MacIntyre is known for his root-and-branch rejection of liberalism (which includes many of the political philosophies called conservative).<sup>2</sup> Neatly synthesizing Left and Right critiques of liberalism, he has observed:

Liberalism, while imposing through state power regimes that declare everybody free to pursue whatever they take to be their own good, deprives most people of the possibility of understanding their lives as a quest for the discovery and achievement of the good, especially by the way in which it attempts to discredit those traditional forms of human community within which the project has to be embodied. (K p. 258)

It is the poor and the ill-educated, as well as marginal groups such as Native Americans,<sup>3</sup> who have the greatest need for tradition in the guidance of their lives. In one sense at least MacIntyre is a radical; he is not concerned only with questions of distribution of acknowledged goods, but also with challenges to prevailing understandings of well-being that condition what are thought to be benefits and burdens.

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<sup>1</sup> K = Kelvin Knight, ed., *The MacIntyre Reader* (Notre Dame, IN: University of Notre Dame Press, 1998).

<sup>2</sup> I use “liberal” to refer to the political tradition that begins with John Locke; “Liberal” refers to the Left wing of the American Democratic Party.

<sup>3</sup> Jeffery L. Nichols, *Reason, Tradition, and the Good* (Notre Dame, IN: University of Notre Dame Press, 2012), esp. pp. 14-15, 146-47, 155-56, 162-63, and 207-10, fills a gap in MacIntyre’s account of tradition by appeal to the Lakota Sioux. Unfortunately, institutions designed to protect Native American traditions have been cynically exploited to support casino gambling.

In this essay I will accept MacIntyre's Aristotelianism and the critique of liberal society he uses it to support, and examine how his views can be translated into practice. It is true that American liberalism is often hegemonic: It devotes itself to achieving by indirect means the de-Christianizing aims of the French Enlightenment revolutionaries, which corrupts our understanding of human well-being by the resulting commercial society.<sup>4</sup> It is also true, though, that our tradition of religious freedom is strong and can accommodate MacIntyrean communities of virtue—at least if they define themselves as religious. It is my contention that, despite MacIntyre's trenchant critique of liberalism, a liberal political system and only a liberal political system, has the resources needed for nonstate communities of virtue to survive and flourish. Since MacIntyre rightly holds that understanding a philosophical problem requires examining its history, the first step in my inquiry will be a look at his Marxist past.<sup>5</sup>

## 2. MacIntyre as Marxist

MacIntyre's present position as a Catholic both preserves important features of and attempts to correct perceived inadequacies in his Marxist past. His Marxism had the following features:

- (1) A constant theme in the development of MacIntyre's philosophy, both in his Marxist and his post-Marxist periods, is that it is not a mere theoretical reflection, but requires translation into practice (see, e.g., E pp. 103, 422, and 424).<sup>6</sup>
- (2) MacIntyre's Marxism was democratic, regarding the bureaucratic collectivism that prevailed in the former Soviet Union as a profound betrayal of the Marxist cause.
- (3) It was international, opposed to any version of "socialism in one country" (E chap. 26).
- (4) It was anti-reformist, arguing that the capitalist system had the power to absorb and pervert any change (E chaps. 19, 23, 30, and 32).
- (5) It rejected the construction of utopian enclaves, whether socialist (E chap. 9) or Christian (E chap. 18) in inspiration.

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<sup>4</sup> See Robert Skidelsky and Edward Skidelsky, *How Much Is Enough?* (New York: Other Press, 2012).

<sup>5</sup> I am indebted to the editors of *Reason Papers* for pointing out my need to explain this point.

<sup>6</sup> E = Paul Blackledge and Neil Davidson, eds., *Alasdair MacIntyre's Engagement with Marxism* (Chicago, IL: Haymarket, 2009).

(6) Putting the previous three points together, it was committed both to transforming the whole world and to transforming it wholly. In jargon, his was a “maximalist” version of Marxism; in this, he followed Leon Trotsky.

(7) He regarded the socialist project as a historical failure. He concluded: “The central question about socialism is whether the tragedy sprang merely from local circumstances . . . or from deeper and more permanent factors in the life of the working class and of socialist parties and groups” (E p. 393).

(8) His evaluation of the historical situation led to some difficult moral and political judgments (see, e.g., E pp. 43, 52, 61-62, and 67). For example, exactly what was wrong with the political justice employed by the victorious Soviets after the Hungarian Revolution, and right about that of Fidel Castro (K p. 48)?

(9) The upshot of his argument was that “those who make the conquest of state power their aim are always, in the end, conquered by it” (E p. 416).

Nonetheless, phenomena such as wealth polarization; the shameless marketing of expensive, unneeded goods<sup>7</sup>; the disproportionate political power of the top one percent; the collapse of law into the use of judicial power in defense of the privileges of the rich<sup>8</sup>; the extrajudicial killing of foes of the regime, even of an American citizen<sup>9</sup>; and anti-terrorist measures that go beyond what the (admittedly chaotic) laws of war can be stretched to justify<sup>10</sup>—all suggest that Marxism retains its relevance. The recent best-

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<sup>7</sup> See Pamela Danziger, *Why People Buy Things They Don't Need* (Chicago, IL: Dearborn Trade, 2004).

<sup>8</sup> The controversial case of *Citizens United v. FCC*, 558 U.S. 310 (2010), seems to me worse than its critics suppose. Neither the majority nor the dissenters understood the, to me, elementary distinction between a group of citizens supporting a common cause and a business corporation donating to both sides of an election so as to have friends in office whoever wins.

<sup>9</sup> On the killing of U.S. citizen Anwar al-Awlaki, see Tom Leonard, “Barack Obama Orders Killing of US Cleric Anwar al-Awlaki,” *Telegraph* (April 7, 2010), accessed online at: <http://www.telegraph.co.uk/news/worldnews/barackobama/7564581/Barack-Obama-orders-killing-of-US-cleric-Anwar-al-Awlaki.html>.

<sup>10</sup> Chris Woods and Christina Lamb, “Obama Terror Drones: CIA Tactics in Pakistan Include Targeting Rescuers and Funerals,” *Bureau of Investigative Journalism* (February 4, 2012), accessed online at: <http://www.thebureauinvestigates.com/2012/02/04/obama-terror-drones-cia-tactics-in-pakistan-include-targeting-rescuers-and-funerals/>; Chris Woods, “Over 160 Children

selling work by Thomas Piketty is not in the strict sense Marxist; it insists that economics be done in conjunction with the other social sciences rather than controlling their results,<sup>11</sup> and finds a useful and possibly irreplaceable role for private property and the market.<sup>12</sup> Yet it is close enough to Karl Marx in its central argument to preclude a requiem for Marxism. In Piketty's own words, "the primary purpose of the capital tax is not to finance the social state but to regulate capitalism."<sup>13</sup>

Moreover, Trotskyists have sometimes proved politically significant. Venezuelan President Hugo Chávez described himself as a Trotskyist.<sup>14</sup> Chávez's claim met with a mixed reception among the faithful,<sup>15</sup> however, and in characteristic Latin fashion he returned to the Church before his death.<sup>16</sup> On the other hand, his followers continue the tradition of replacing God with a political movement, at the risk of emperor worship.<sup>17</sup>

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Reported among Drone Deaths," *Bureau of Investigative Journalism* (April 11, 2011), accessed online at: <http://www.thebureauinvestigates.com/2011/08/11/more-than-160-children-killed-in-us-strikes/>; Chris Woods, "Drone War Exposed—the Complete Picture of CIA Strikes in Pakistan," *Bureau of Investigative Journalism* (August 10, 2011), accessed online at: <http://www.thebureauinvestigates.com/2011/08/10/most-complete-picture-yet-of-cia-drone-strikes/>. On the legal issues, see David Kretzmer, "Targeted Killing of Suspected Terrorists," *European Journal of International Law* 16, no. 2 (2005), pp. 171-212. On the efforts of the United States to evade accountability for such actions, see Philip Alston, Jason Morgan-Foster, and William Abreach, "The Competence of the UN Human Rights Council and Its Special Procedures in Relation to Armed Conflicts," *European Journal of International Law* 19, no. 1 (2008), pp. 183-209.

<sup>11</sup> Thomas Piketty, *Capital in the Twenty-First Century*, trans. Arthur Goldhammer (Cambridge, MA: Harvard University Press, 2014), p. 32. He writes, "I see economics as a subdiscipline of the social sciences, alongside history, sociology, anthropology and political science" (p. 573). Celia Wolf-Devine pointed out to me the importance of this departure from Marx.

<sup>12</sup> *Ibid.*, pp. 531-32.

<sup>13</sup> *Ibid.*, p. 518.

<sup>14</sup> Nathalie Malinarich, "Chavez Accelerates on Path to Socialism," *BBC News* (January 10, 2007).

<sup>15</sup> See Jorge Martin, "'What is the problem? I am also a Trotskyist!' Chavez Is Sworn in as President of Venezuela," *In Defense of Marxism* (January 12, 2007), accessed online at: <http://www.marxist.com/chavez-trotskyist-president120107.htm>; and "Venezuela's President Hugo Chavez Calls for Fifth International," *League for the Fifth International* (November 25, 2009), accessed online at: <http://www.fifthinternational.org/content/venezuelas-president-hugo-chavez-calls-fifth-international>.

<sup>16</sup> "Hugo Chavez Died 'within the Church'," *ACI Prensa* (March 6, 2013), accessed online at: <https://www.aciprensa.com/noticiaf.php?url=hugo-chavez-murio-en-el-seno->



In any event, the number of Marxist true believers falls far below their aspirations, for their insistence on doctrinal purity keeps Marxist groups small. No one has explained, except by an appeal to Providence smuggled in through G. W. F. Hegel, how if capitalism collapses, anything but Stalinist (or other) barbarism will ensue. The question of the legitimacy of social power, manifested among other places in the rivalry between political and economic elites, is in any event crucial.

The key theoretical text here is the third of Marx's *Theses on Feuerbach*:

The materialist doctrine that men are the products of circumstances and upbringing, and that, therefore, changed men are products of other circumstances and changed upbringing, forgets that it is men who change circumstances and that the educator himself needs educating. Hence the doctrine necessarily arrives at dividing society into two parts, one of which is superior to society.<sup>18</sup>

The word "men" here is generic; there are many women who take a fiercely elitist approach, especially concerning issues such as sexuality, sexual difference, and family structure.

Workingmen and women have understandably preferred the relief of present distress to long-term goals; they have also preferred national or other sectional solidarities to solidarity with all workingmen and women everywhere. Thus arises the dilemma of socialist leadership: whether the socialist elite should regard itself as above the working class and manipulate them or immerse themselves in the working class and attempt to give voice to their interests as workingmen and women themselves understand them. In neither case will the perspective of Marxist intellectuals and their working class constituency be identical. In either case they will water down or betray the socialist project.

For those Marxists who could not swallow Stalinist orthodoxy, it turned out that "Marxism is only a theory, only an idea, it lacks any material incarnation" (E p. 320). Yet from his Marxist past MacIntyre retains both a critique of liberalism (hence also a critique of capitalism) and a demand for a

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<sup>17</sup> See "Venezuela: Catholic Church Denounces Lord's Prayer to Hugo Chavez," *Euronews* (September 7, 2014), accessed online at: <https://www.youtube.com/watch?v=a5qMvtjKNhA>.

<sup>18</sup> Karl Marx and Friedrich Engels, *Basic Writings on Politics and Philosophy*, ed. Lewis S. Feuer (New York: Anchor Books, 1959), p. 244. For MacIntyre's comments on this thesis, see K pp. 229-30; for further discussion see Christopher Stephen Lutz, "MacIntyre's Tradition-Constituted Inquiry," *American Catholic Philosophical Quarterly* 85, no. 3 (Summer 2011), pp. 396-97.

philosophy capable of guiding political practice. However frustrated it may be in practice, or even in theory, his radicalism is an important element of his outlook.<sup>19</sup>

### 3. The Social Contract

MacIntyre's argument against liberalism can be explicated in terms of the perennial problem of the transmission of the social contract. Liberalism—which vaunts consent—can maintain itself as a socially embodied tradition, persisting from generation to generation, only by methods that are by liberal criteria questionable. The rising generation needs to be attached to liberal society before its members can make up their own minds about the merits of liberalism and “sign” a metaphorical contract binding them to adhere to its rules. The resulting contract is constantly renegotiated as the relationship between politically active groups changes. Out-groups have to struggle for acceptance; when they succeed, they are transformed in the process—sometimes becoming oppressors in their turn. Children, the elderly, and future generations lack bargaining power independent of the conventions of liberal society and thus are always at a disadvantage.

In his response to this situation, MacIntyre looks for virtuous communities governed by their own traditions of excellence, though not, as we shall see, completely isolated from other communities. In my evaluation, I shall neither ignore nor be bound by MacIntyre's political positions; though MacIntyre may know his own thought better than anyone else does, he is not infallible concerning its interpretation and application. The key issue is what the relationship is between such communities and a larger society whose standards are defined by contract among people who may share little or nothing in their concept of the good.

### 4. Catholic Separatism

Benjamin Smith and Thaddeus Kozinski respond to MacIntyre's argument by using his philosophy to revive the political theology or theological politics defended by St. Thomas Aquinas in a different historical context.<sup>20</sup> In practice, this appears to mean, in Smith's words:

Contemporary Christians should advocate radical political decentralization, so that practical political life can be relocated onto

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<sup>19</sup> I am indebted to Celia Wolf-Devine for pointing out the need to clarify my line of argument here.

<sup>20</sup> Benjamin Smith, “Political Theology and Thomas Aquinas,” *Proceedings of the American Catholic Philosophical Association* 84 (2010), pp. 99-112; Thaddeus J. Kozinski, *The Political Problem of Religious Pluralism* (Lanham, MD: Lexington Books, 2011). For a contrary view, see John Finnis, *Natural Law and Natural Rights* (Oxford: Clarendon Press, 1980); and John Finnis, *Aquinas* (Oxford: Oxford University Press, 1998).

the local level where it is more likely that we will find—or be able to create—communities of organic Christian solidarity capable of naturally developing and supporting forms of Christian politics.<sup>21</sup>

In other words, Christians should secede from a pluralistic society, or form autonomous enclaves, and develop Christian laws and institutions within its autonomous sphere. We thus encounter the question of secession, which has received a great deal of contemporary discussion,<sup>22</sup> but which I will not pursue further here. In practice, there will have to be some standards governing the relationship between Catholic communities and the non-Catholic world (and likewise for intentional communities founded on other principles).

In any case, MacIntyre does not accept Thomistic restorationism and its counsel to separate Catholic communities from the larger society. In a recent article, he has written:

Newman as a historian remarked on the fact that political establishment of the church has been bad for the church, often very bad indeed. [If so,] . . . then we have strong theistic reasons for holding that in political society [no religious association] . . . should be established. So, although for a very different reason from the secularizers, theists can and should be in favor of political forums in which a variety of theistic and other voices can be heard.<sup>23</sup>

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<sup>21</sup> Smith, “Political Theology,” p. 111 n. 33.

<sup>22</sup> The most important theoretical discussion is Allen Buchanan, *Secession* (Boulder, CO: Westview, 1991). For discussion from a variety of contemporary perspectives, see David Gordon, ed., *Secession, State, and Liberty* (New Brunswick, NJ: Transaction Publishers, 1998); Margaret Moore, “The Ethics of Secession and Postinvasion Iraq,” *Ethics & International Affairs* 20, no. 1 (March 1, 2006), pp. 55ff.; Don H. Doyle, ed., *Secession as an International Phenomenon* (Athens, GA: University of Georgia Press, 2010); Brion McClanahan, “Is Secession Legal?” *American Conservative* (December 7, 2012), accessed online at: <http://www.theamericanconservative.com/articles/is-secession-legal/>; Scott Malone, “Exclusive: Angry with Washington, 1 in 4 Americans Open to Secession,” *Reuters* (September 20, 2014), accessed online at: <http://www.reuters.com/article/us-usa-secession-exclusive-idUSKBN0HE19U20140920>; Susan Eaton, “How a ‘New Secessionist’ Movement Is Threatening to Worsen School Segregation and Widen Inequalities,” *The Nation* (May 15, 2014), accessed online at: <http://www.thenation.com/article/179870/how-new-secessionist-movement-threatening-worsen-school-segregation-and-widen-inequal#>; and Jonathan Rauch, “The Great Secession,” *The Atlantic* (July/August 2014), accessed online at: <http://www.theatlantic.com/magazine/archive/2014/07/the-great-secession/372288/>.

<sup>23</sup> Alasdair MacIntyre, “On Being a Theistic Philosopher in a Secularized Culture,” *Proceedings of the American Catholic Philosophical Association* 84 (2010), p. 25.

In other words, the situation of a church which dominates a mini-state will be spiritually unhealthy; awareness of, and interaction with, communities founded on different principles will help the community pursue its understanding of the good life. We here have an analogue of a standard liberal point about the individual: we define ourselves by sometimes learning from and sometimes resisting the influence of others, including those of whose way of life we deeply disapprove. This doctrine is not, however, as tolerant as it appears.<sup>24</sup> One's initial response to the Other is likely to be hostile, and further acquaintance may either refine or intensify this response. Americans of my generation were taught to define our national identity in contrast with Nazis. Though Protestants and Catholics have lived together for centuries in Ulster, as late as 1988 Ian Paisley denounced the Pope as the anti-Christ in the European Parliament.<sup>25</sup> Of course, not all examples involve such stark hostility. I can exist on friendly terms with representatives of the Other, but some distance is still implied. Familiarity with members of an alien group may lead a person to view them as individuals, but not necessarily to liking them more when they act together as a group.<sup>26</sup>

### 5. Communities of Virtue

MacIntyre's solution is at least to modify his earlier anti-utopianism and to call for the creation of virtuous—or as I sometimes call them, “intentional”—communities. Each such community is founded on what John Rawls has called a comprehensive view,<sup>27</sup> and each has its accompanying tradition and array of virtues and practices. These communities, though, will inevitably interact with other communities and with the larger society. MacIntyre goes further to argue that some such interaction is necessary to their health. Some jurists suggest a “rizomorphic” process of interaction among these communities.<sup>28</sup> (The word “rizomorphic” is taken from Gilles

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<sup>24</sup> For an example of confusion on this point, see Andrew Sullivan, “Alone Again, Naturally,” in Eugene F. Rogers, ed., *Theology and Sexuality* (Malden, MA: Blackwell, 2002), p. 286: “Extinguishing—or prohibiting—homosexuality is . . . not a virtuous necessity, but the real crime against nature, a refusal to accept the pied beauty of God's creation, a denial of the way in which the other need not threaten, but may even give depth and contrast to the self.”

<sup>25</sup> “Ian Paisley Heckles the Pope” (March 31, 2012), accessed online at: <https://www.youtube.com/watch?v=JlbmIMbKZa4>.

<sup>26</sup> I am here indebted to Celia Wolf-Devine.

<sup>27</sup> See John Rawls, *Political Liberalism* (New York: Columbia University Press, 1996).

<sup>28</sup> Andreas Fischer-Lescano and Guenther Tuebner, “Regime Collisions: The Vain Search for Legal Unity in the Fragmentation of Global Law,” *Michigan Journal of*

Deleuze and Felix Guattari, and refers originally to the branching roots of certain fungi.<sup>29</sup>) Outsiders will not consider all of them virtuous; some of them will be considered cults or criminal conspiracies, and some of these rightly so.<sup>30</sup> Sometimes, the relationship between an intentional community and the larger society has ended in blood. While virtuous communities need not be religious in the usual sense, I shall discuss faith-based communities here, since they represent most of Americans' relevant experience.

MacIntyre has recommended that a virtuous community should be "wary and antagonistic in all its dealings with the state and the market economy" (K p. 252), but he has not explored the necessities of a politics of self-defense. Even if the members of an intentional community were to gain control of a nation-state or some part of one, they would still have to deal with the pressures of the European Union on its constituent states,<sup>31</sup> American imperial power on all states other than the "hyperpower," and the global market economy on everyone.

In America, the ways in which the larger society impinges on a virtuous community go well beyond the Health and Human Services mandates and prohibitions on sexual-orientation discrimination that have received a great deal of press. Limiting ourselves to state action for the time being, the federal privacy regulations for health care have a serious impact on religious communities' access to their seriously ill members. In order to fend off threats from the larger society without bloodshed, virtuous communities will have to develop a constitutional apologetics, invoking such stock liberal ideas as freedom of association and freedom of religion and conscience. It will also be necessary to support the rule of law: If controversial religious and political figures can be executed or detained indefinitely without trial, let alone tortured, the most scrupulous constitutional protections will be futile.<sup>32</sup> One issue that needs to be considered is the rights of dissident members. It seems that they must have at least a right to exit, and there are those who question

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*International Law* 25, no. 4 (2004), pp. 999-1046.

<sup>29</sup> Gilles Deleuze and Felix Guattari, *A Thousand Plateaus: Capitalism and Schizophrenia*, trans. Brian Massumi (Minneapolis, MN: University of Minnesota Press, 1987), pp. 3-25.

<sup>30</sup> For a relatively unknown example, see Bruce Falconer, "The Torture Colony," *American Scholar* (September 1, 2008), accessed online at: [http://theamericanscholar.org/the-torture-colony/?gclid=CNvEmKGgnq8CFScTNAodlyV\\_6w](http://theamericanscholar.org/the-torture-colony/?gclid=CNvEmKGgnq8CFScTNAodlyV_6w).

<sup>31</sup> See my "The Concept of Europe," delivered at the 2010 meeting of the International Society for MacIntyrean Enquiry (Vilnius, Lithuania), accessed online at: <https://philipdevine.wordpress.com/2010/08/09/europe/>.

<sup>32</sup> Pilate, as judge, acquitted Jesus; as governor, he ordered his crucifixion.

whether even this is sufficient.<sup>33</sup> The chief problems are two: (1) whether the departing member will have sufficient resources to live elsewhere, and if not, whether he or she has a right to a share of the community's collective property; and (2) whether it is possible to escape one's cultural formation. An ex-Catholic, an ex-Fundamentalist, and an ex-Mormon remain distinctive sorts of people.

Even if the state is scrupulously respectful and the problem of the dissident member is satisfactorily resolved, the economic and psychological pressures of the larger society will bear on the dissident community generation after generation. Hence, there is a constant need to persuade the rising generation that the enterprise is worth continuing, which will mean continuing to persuade the adult adherents also (since children can scent latent skepticism in their elders). Moreover, as MacIntyre has acknowledged, children require both stable family structures and enough to eat if they are to learn, both of which require a community to forsake virtuous poverty and secure adequate economic resources.<sup>34</sup>

In brief, a community of virtue is doubly precarious, especially if it attempts to withstand not only permissive sexual *mores*, but also the all-pervasive solicitations of the consumer society. The larger society will persistently put formal and informal pressures on it. Its younger members will have to be taught to believe in the community's understanding of virtue and resist the ever-present allure of what the community considers vice.

There is a great need for dialogue between MacIntyre's admirers and those Jewish spokesmen who take their tradition seriously and can reflect on long experience as a minority culture. However, the one avowedly Jewish spokesman I know of who has addressed MacIntyre falsely accuses him of devotion to the status quo.<sup>35</sup> MacIntyre unfortunately feeds Jewish suspicions by his use of the Soviet Russian expression "rootless cosmopolitans" (K p. 135), which originated in a Slavophile campaign against Western influence but whose target was subsequently narrowed to Jews.<sup>36</sup> The same reasons that

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<sup>33</sup> For example, see Kwame Anthony Appiah, *The Ethics of Identity* (Princeton, NJ: Princeton University Press, 2005), pp. 77-79.

<sup>34</sup> See Alasdair MacIntyre, "How Aristotelianism Can Become Revolutionary," in Paul Blackledge and Kelvin Knight, eds., *Virtue and Politics* (Notre Dame, IN: University of Notre Dame Press, 2011), pp. 15ff.

<sup>35</sup> Hilary Putnam, *Renewing Philosophy* (Cambridge, MA: Harvard University Press, 1992), pp. 185-86; for MacIntyre's reply, see K p. 25. For a Jewish spokesman open to dialogue with Catholics, though not specifically with MacIntyre, see Matthew Berke, "A Jewish Appreciation of Catholic Social Teaching," in Kenneth L. Grasso, Gerard V. Bradley, and Robert P. Hunt, eds., *Catholicism, Liberalism, and Communitarianism* (Lanham, MD: Rowman and Littlefield, 1995), chap. 13.

<sup>36</sup> See Konstantin Azadovski and Boris Eगतov, "From Anti-Westernism to Anti-Semitism," *Journal of Cold War Studies* 4, no. 1 (Winter 2002), pp. 66-80.

dictate dialogue with Jews also dictate dialogue with Muslims and Latter Day Saints. In every case, the communities face the same problem: maintaining and transmitting a cultural tradition in an uncomprehending and sometimes hostile social environment. All face the same temptations: capitulation or a repellent form of sectarian rigidity.

#### **6. *Modus Vivendi* Liberal or Civic Republican?**

So far we have politics as usual, though viewed from the angle of the ideal more than the material interests of competing groups. Politics as usual contains various forms of coalition, from single-purpose alliances to the sort of robust alliance needed to support core liberal institutions (free expression, regular elections, and the rule of law)—the sort of thing Rawls calls an overlapping consensus. It also contains more or less stable forms of enmity. In technical language, MacIntyre's argument ends up supporting *modus vivendi* liberalism, for which "civil peace" is not preceded by the adjective 'mere'.<sup>37</sup> Intentional communities will have to live together; though they are likely strongly to advocate their views, they are unlikely to convert all of the others. Even the seemingly narrow differences between Roman Catholicism and Eastern Orthodoxy persist. The alternative to dialogue is endless war.

Yet MacIntyre goes beyond *modus vivendi* liberalism, or in other words beyond the requirements of civil peace, to value dialogue among rival traditions. He favors a society that "will ask what is to be learned from . . . dissenters. It will therefore not only tolerate dissent, but enter into rational conversation with it and cultivate as political virtue not merely a passive tolerance, but an active and enquiring attitude toward radically dissenting views" (K p. 251). This remark balances the defensive drift of the argument so far and provides a useful counterweight to demands, which sometimes claim MacIntyre's authority, for universities dominated by their theology departments and in which intellectual rigor is subordinated to piety.<sup>38</sup>

Such an approach does not help much, however, in dealing with the intellectual battles to which the culture wars give birth. What is lacking is training in argument of a sort that will not be instantly rejected by outsiders to one's political or metaphysical perspective.<sup>39</sup> Such dialogue is not merely part of MacIntyre's intellectual program; it is also a practical necessity.

I do not assume that tradition-transcending intellectual standards are available, only that there is some overlap between the standards of adherents

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<sup>37</sup> Patrick Neal, "Vulgar Liberalism," *Political Theory* 21, no. 4 (November 1993), p. 638. See also John Gray, *Two Faces of Liberalism* (New York: New Press, 2000).

<sup>38</sup> A possible representative of this tradition is Reinhard Hütter, "The University's Cutting Edge—Sources of Its Flatness," *Logos* 15, no 4 (Fall 2012), pp. 36-56.

<sup>39</sup> See Alasdair MacIntyre, *Three Rival Versions of Moral Enquiry: Encyclopaedia, Genealogy, and Tradition* (Notre Dame, IN: University of Notre Dame Press, 1990).

of one tradition and those of adherents of another. Some believers and some unbelievers can agree, for example, that one should engage an opponent as charitably as possible, at least until his bad faith is proved beyond reasonable doubt.<sup>40</sup>

Some intentional communities will endeavor to transform the larger society in accordance with its conceptions of justice and the good for human beings. Since a MacIntyrean community is on all accounts very small, a “city on the hill” strategy—inducing others to imitate one’s community by one’s success in achieving one’s ideal—seems the only way of so doing.<sup>41</sup> This will be especially true in marriage and family life, especially insofar as successful child-rearing will require grandparents, aunts and uncles, and celibate orders with a teaching mission (or their functional equivalent).<sup>42</sup>

We therefore need a communitarian form of Civic Republicanism in which representatives of various intentional communities agree to co-exist under shared laws, provide at least for mutual non-aggression, and concur in valuing a free society so understood.<sup>43</sup> The core of Civic Republicanism is a shared understanding of reason that is thicker than Rawls’s “public reason,” but thinner than those embodied in his “comprehensive views.” Likewise, it includes an understanding of virtue more demanding than ethical minimalism, but not so rich as the ideals of sanctity to which adherents of religions and religion-like movements aspire. The usual liberal apparatus of courts will also be necessary in order to adjudicate boundary conflicts between various sorts of community. There is some reason to hope that the American judiciary can be moved in the desired direction, though the battle will have to be fought.<sup>44</sup>

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<sup>40</sup> Readers tempted to despair about the possibility of dialogue across ideological boundaries should read Thomas Nagel’s recent review of Alvin Plantinga. See Thomas Nagel, “A Philosopher Defends Religion,” *New York Review of Books* (September 27, 2012), accessed online at: [www.nybooks.com/articles/archives2012/sep/27/philosopher-defends-religion/?pagination=false#fnr-2](http://www.nybooks.com/articles/archives2012/sep/27/philosopher-defends-religion/?pagination=false#fnr-2). I am indebted to J. S. Ryshpan for this reference.

<sup>41</sup> Frances Fitzgerald, *Cities on a Hill* (New York: Simon and Schuster, 1986), provides thick descriptions of four radically different contemporary American communities, each of them in its own way disturbing.

<sup>42</sup> For an account of education that emphasizes the extended family, see John O’Neill, *The Missing Child in Liberal Theory* (Toronto: University of Toronto Press, 1994).

<sup>43</sup> On Civic Republicanism, see Philip Pettit, “Liberal/Communitarian: MacIntyre’s Mesmeric Dichotomy,” in John Horton and Susan Mendus, eds., *After MacIntyre* (Notre Dame, IN: University of Notre Dame Press, 1994).

<sup>44</sup> The recent unanimous decision in *Hosanna-Tabor Evangelical Lutheran Church*, 138 S.Ct. 694 (2012) and the narrowly decided *Hobby Lobby* decision, 134 S.Ct. 2751 (2014), are from a MacIntyrean perspective hopeful. A constitutional lawyer who supports a broadly MacIntyrean approach to religious freedom is Steven D. Smith, *The Rise and Decline of American Religious Freedom* (Cambridge, MA: Harvard



For the American tradition of religious freedom is strong and has shown itself willing to accommodate the wide range of different forms of religion that have always existed within its borders. Even the Mormons, who were at one time systematically persecuted, have done well eventually, in important part because they have had large numbers of healthy children. What needs to be emphasized is the communal dimension of religious freedom: the right to form, join, and maintain communities whose views may in important ways be different from the larger society. According to its own spokesmen, what first spurred the Religious New Right was governmental threats to Christian schools and, more broadly, “the realization that there are no enclaves in this society.”<sup>45</sup>

The Christian Right appeals to the idea of Christian America. Some critics have emphasized America’s religious diversity, to the point where they find a chaos on which neither tolerance nor anything else can be built.<sup>46</sup> Others point to the Deism of many of the founding generation (in the process confusing Deism, pantheism, and atheism) and claim that the Declaration of Independence’s appeal to “Nature’s God” “really stands for the emancipation of the political order from God,” as if the British Empire were a theocracy.<sup>47</sup> That people in the eighteenth century were frequently guilty of confusing Deism, pantheism, and atheism, is no excuse for doing so ourselves.

Although relations between Catholics and conservative Bible Christians<sup>48</sup> have recently become friendlier, Fundamentalism is not in favor in the Vatican.<sup>49</sup> There are politically important tensions among

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University Press, 2014), though he limits himself to the claims of the church, broadly understood (pp. 163-66).

<sup>45</sup> Edward G. Dobson, “Comments on Robert Wuthnow: ‘The Future of the Religious Right,’” in Michael Cromartie, ed., *No Longer Exiles* (Washington, DC: Ethics and Public Policy Center, 1993), p. 51; likewise Paul Weyrich, “Comments on George Marsden, ‘An Overview,’” in *ibid.*, p. 26.

<sup>46</sup> Peter Manseau, *One Nation under Gods* (New York: Little, Brown, 2015), makes this case; he writes at length of events in Latin America and elsewhere, which are not properly a part of the history of the United States; see *ibid.*, esp. chap. 2.

<sup>47</sup> Matthew Stewart, *Nature’s God* (New York: Norton, 2014), esp. pp. 5-7.

<sup>48</sup> I use “Conservative Bible Christians” to refer to Evangelicals, Fundamentalists, and Pentecostals; and “Religious New Right” and “Religious Conservatives” to refer to the political movement some such people have launched, which some Roman Catholics and Jews have also joined.

<sup>49</sup> Pope Francis has said: “In ideologies there is not Jesus: in his tenderness, his love, his meekness. And ideologies are rigid, always . . . . And when a Christian becomes a disciple of the ideology, he has lost the faith: he is no longer a disciple of Jesus, he is a disciple of this attitude of thought . . . . For this reason Jesus said to them: ‘You have taken away the key of knowledge.’ The knowledge of Jesus is transformed into an

Fundamentalists, Pentecostals, and Evangelicals—and Baptists cover the political, theological, and cultural waterfront. In brief, American history and demographics do not support a claim by Southern Baptists to be the legitimate rulers of the country. Nonetheless, American religion has been predominantly Christian, if often unorthodox.<sup>50</sup> The Deists among the Founding Fathers kept quiet for that reason. The alternative to Christianity for most Americans has been not some other faith, but hedonism and acquisitiveness.

Speaking as an American rather than as a philosopher, I hope that Christian, Jewish, Islamic, Hindu, and Buddhist communities of virtue are entitled to a welcome on these shores. As for those eccentric groups called “cults,” the problems they pose need to be addressed case by case. The bloody climax of the drama of the Branch Davidians, including the deaths of many children whom the government was supposedly protecting against abuse, presents an exemplar of what must at all costs be avoided.<sup>51</sup> Groups that refuse to be called religious, such as the Trotskyists with whom MacIntyre was once associated, can claim the substantial (but not necessarily identical) protections provided by freedom of speech and the press, provided that the government does not circumvent these protections by acting against them outside the law. (We are then talking not politics, but war.)

The framework that makes such mutual accommodation possible can expect wide though not universal support. (New Atheists and extreme Fundamentalists would not sign on.) Even America’s debilitated civil religion might lend support to freedom of conscience. For what distinguishes conscientious objection to war or abortion from emotional aversion is that it is either the voice of God in the soul or else that of some Reality that serves the function of God in the conscientious person’s life, even if the nature of this moral source has not received clear articulation. (There is no doubt that some atheists have powerful consciences.)

MacIntyre and his admirers need to choose between *modus vivendi* liberalism (which differs from the philosophy of Thomas Hobbes only in that the danger feared is not the war of each against all, but the even more destructive war of tribe against tribe) and Civic Republicanism. The form that

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ideological and also moralistic knowledge, because these close the door with many requirements. The faith becomes ideology and ideology frightens, ideology chases away the people, distances, distances the people and distances of the Church of the people”; see Stephen D. Foster, Jr., “Pope Francis Takes Aim at Ideologically Obsessed Christians,” *Addicting Info* (October 21, 2013), accessed online at: <http://www.addictinginfo.org/2013/10/21/pope-francis-right-wing-christians/>.

<sup>50</sup> See Ross Douthat, *Bad Religion* (New York: Free Press, 2012).

<sup>51</sup> See James W. Tabor and Eugene V. Gallagher, *Why Waco?* (Berkeley, CA: University of California Press, 1995); Stuart A. Wright, ed., *Armageddon in Waco* (Chicago, IL: University of Chicago Press, 1995); and, in a more secular vein, David Kopel, *No More Wacos* (Amherst, NY: Prometheus, 1997).

such Civic Republicanism would need to take is one in which dialogue across communal boundaries supports a form of public reason that legitimates liberal institutions and enables us to discuss their implications in practice.<sup>52</sup> A shared belief in our need to discover what is for our good, rather than follow our present impulses whatever they may be, can unite people whose understandings of the good life are very different.

### 7. Rights-Talk

Some writers have attempted to reach an accommodation between MacIntyre's philosophy and the liberal language of rights.<sup>53</sup> Even MacIntyre, though notorious for his rights-skepticism, has moderated his position to allow for communally based claims of right.<sup>54</sup> Virtually any normative framework can support claims of right, though rights-skeptics are right to protest the habit of taking such claims as self-evident deliverances of moral consciousness.

The appropriate frame of reference for the resulting debates is a minimum-claim pragmatism, which sedulously refrains from asserting that practice-transcending claims of truth are impossible, while abstaining from such claims as well. It also argues for certain rights on this basis.<sup>55</sup> Yet this policy of abstinence will come to an inevitable end; metaphysical and religious issues can arise anywhere, though they need not arise everywhere. The greater the diversity of outlooks admitted to the conversation, the less reason we will have to expect convergence.

My argument has implications for the contested concept of the common good. The common good of an intentional community will be defined by its comprehensive view, which may contain elements derived from revelation as well as reason; if it does so, the community will find it easier to find protection from the pressures of the larger society in the American tradition of religious freedom. The common good of a pluralistic society will include the avoidance of civil war—of tribe against tribe rather than of individual against individual—that happens when civil conversation breaks down. MacIntyre offers something richer: He has observed that “the good life for man is the life spent in seeking the good life for man” (K p. 91).

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<sup>52</sup> This is a more latitudinarian version of Rawls's overlapping consensus.

<sup>53</sup> For example, Michael Baur, “The Language of Rights: An Aristotelian-Thomistic Analysis,” *Proceedings of the American Catholic Philosophical Association* 84 (2011), pp. 89-98.

<sup>54</sup> See the passage from Alasdair MacIntyre, “The Return to Virtue Ethics,” in Russell E. Smith, ed., *The Twentieth Anniversary of Vatican II* (Braintree, MA: Pope John Center, 1990), pp. 247-48, quoted in Baur, “The Language of Rights,” p. 90.

<sup>55</sup> For a defense of pragmatic liberalism, see Jeffrey Stout, *Ethics after Babel* (Boston, MA: Beacon Press, 1988); and Jeffrey Stout, *Democracy and Tradition* (Princeton, NJ: Princeton University Press, 2004).

Analogously, the common good of a pluralistic society includes a shared search for the common good.

Although these issues will require detailed discussion, MacIntyrean liberalism will fall closer to the Libertarian than to the Social Democratic end of the spectrum. Though MacIntyre shows no interest in either liberated morals or an alliance with the plutocracy, it is difficult to see how he could support a state powerful enough to engage in significant wealth redistribution or to limit economic inequality. His Marxist writings (E passim) are even pervaded by hostility toward the British Labour Party.

A MacIntyrean Social Democrat would have to find ways of circumventing deep moral disagreement, and of combating MacIntyre's pessimism about public deliberation in pluralistic societies. Our understanding of public reason will have to be purged of any suggestion that religious spokesmen should be told to "sit down and shut up," even when they attempt to frame their arguments in secular terms.<sup>56</sup> Even in the absence of such prescriptive secularism, the arguments made by religious spokesmen often fail to persuade.

### 8. God and Hope

Politics takes place among human beings, whose lives are always larger than their spiritual beliefs. The material basis of social life is the bare existence of human beings. However, since we are mortal, we need to reproduce ourselves culturally as well as biologically. Communities of virtue, with the exception of celibate communities not rooted in a larger breeding community, will do well by this standard, at least for a broad range of understandings of virtue.

As a theistic philosopher, MacIntyre is entitled to believe in a transcendent source of help and hope. But what should we hope *for*? That God will re-activate the world proletarian revolution? That He will rapture us from a decaying world at natural death or, as excitable Christians have supposed, at some earlier time, so that we will escape the wrath to come? That He will intervene and put an end to the human comedy? That we will be able to fight the wars of the Lord in small or large ways, without knowledge of the results? All of these answers and others as well have precedents in the history of theological politics, but the "Marxist, ex-Marxist, and post-Marxist audience"<sup>57</sup> that is looking for a way to revive their old belief or fill a Marxism-shaped gap in their thought and practice, are certain to be disappointed.

In sum, we are back to politics as usual. The very real limitations of liberalism as a political tradition do not release us from the central task

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<sup>56</sup> See, e.g., Philip Kitcher, *The Ethical Project* (Cambridge, MA: Harvard University Press, 2012).

<sup>57</sup> Lutz, "MacIntyre's Tradition-Constituted Enquiry," p. 407.

liberalism set itself in the breakup of Christendom: namely, creating and defending institutions that allow persons of a wide variety of religious, quasi-religious, and non-religious outlooks to live together on terms of peace and, so far as possible, mutual respect.<sup>58</sup>

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<sup>58</sup> This article is a sequel to my “The Concept of Tradition,” *Reason Papers* 35, no. 1 (July 2013), pp. 107-12, and was delivered at the July 2011 meeting of the International Society for MacIntyrean Enquiry, the Philosophy Department at Providence College in March 2012, and the July 2014 meeting of the International Society for MacIntyrean Enquiry. I am indebted to the participants in those discussions, as well as to the editors of *Reason Papers*, for their comments on earlier versions of this article, and in particular to Michael Murray for putting his observations in writing. I am also indebted to Celia Wolf-Devine for her comments on the final draft.

## Portraits of Egoism in Classic Cinema III: Nietzschean Portrayals

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### 1. Conceptual Review

In the first of the trio of reviews,<sup>1</sup> we distinguished varieties of egoism from each other. “Psychological egoism” is the view that all people (or animals) act solely to maximize their self-interest. “Default egoism” is the view that while occasionally people can act in an ultimately other-regarding fashion (usually toward family and friends), they mainly act to maximize their self-interest.

In the second of the trio,<sup>2</sup> we defined the psychological traits of egotism and cynicism, and the personality disorders of narcissism and psychopathology. I won’t rehearse the definitions of these concepts again, as they are not important in this review.

What is important to recall here is the crucial point that egoistic theories presuppose a view of what is ultimately desirable (or non-morally good). Any philosophy holding that what is morally right (or rational) to do for any person is what maximizes the best results for that person, needs to tell us what “good results” means. A great nineteenth-century philosopher who advances egoism, Friedrich Nietzsche, maintains a striking view about this. Nietzsche believes that power in some sense—perhaps creative power—is the most important ultimately desirable thing. The Nietzschean egoist seeks to exercise his or her will to power. I shall examine how filmmakers have dealt with this view by analyzing the films *Compulsion* and *The Moon and Sixpence*.<sup>3</sup>

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<sup>1</sup> Gary James Jason, “Portraits of Egoism in Classic Cinema I: Sympathetic Portrayals,” *Reason Papers* 36, no. 1 (July 2014), pp. 107-21.

<sup>2</sup> Gary James Jason, “Portraits of Egoism in Classic Cinema II: Negative Portrayals,” *Reason Papers* 37, no. 1 (Spring 2015), pp. 119-36.

<sup>3</sup> *Compulsion*, directed by Richard Fleischer (Twentieth Century Fox, 1959); *The Moon and Sixpence*, directed by Albert Lewin (United Artists, 1942).

## 2. The Nietzschean Egoist in Film

I will not attempt to summarize fully Nietzsche's complex ethical egoist philosophy.<sup>4</sup> Suffice it to say that his egoist theory is significantly different from others, in several ways.

First, while Nietzsche holds that we are all egoistic (i.e., he was a psychological egoist), he believes that people are quite different in their natures, and his sort of egoism thus varies by person type. He believes that the most important division is between the base, ordinary people—the lowest people, the herd, or “under-men”—and the superior ones, the “over-men” or “supermen.” He rejects Christian and Kantian ethics as the disguised egoism of the weak under-men (i.e., herd morality). The over-men require a different egoism, involving the instinctive need to dominate (i.e., the will to power).

Second, unlike the consequentialist British philosophers, Nietzsche rejects hedonism. He holds that the over-men, who seek power, are willing to endure suffering so as to achieve great results (or highest excellence). It is not that suffering (as opposed to pleasure) is ultimately desirable, but that it is necessary for the achievement of excellence.

Nietzsche is not fully clear on what the supermen are exactly. Are they the profoundly creative or the physically beautiful or strong (as in conquering, heroic warriors)? While he typically calls these people the supermen, must they be men, or could women be supermen? How does his egoistic philosophy deal with women?

The pair of films under review here are two “takes” on or interpretations of Nietzsche's brand of egoism, specifically, his notion of the “Overman” or “Superman” (*Übermensch*). As some commentators on Nietzsche note, “Interpreting the Overman as a superhero or a superhuman being would be wrong. This misinterpretation was developed by those who have linked Nietzsche's thought to Nazi propaganda. Their misrepresentation was caused partly by the ambiguity of this concept.”<sup>5</sup> After all, passages from Nietzsche, such as the following, are anything but clear and well-defined:

I teach you the superman. Man is something that is to be surpassed. What have ye done to surpass man? All beings hitherto have created something beyond themselves: and ye want to be the ebb of that great tide, and would rather go back to the beast than surpass man?<sup>6</sup>

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<sup>4</sup> The clearest brief exposition of it I have found is in the *Stanford Encyclopedia of Philosophy*; see the entry for “Nietzsche's Moral and Political Philosophy,” accessed online at: <http://plato.stanford.edu/entries/nietzsche-moral-political/>.

<sup>5</sup> See *New World Encyclopedia*, s.v. “Friedrich Nietzsche,” accessed online at: [http://www.newworldencyclopedia.org/entry/Friedrich\\_Nietzsche](http://www.newworldencyclopedia.org/entry/Friedrich_Nietzsche).

<sup>6</sup> Friedrich Nietzsche, *Thus Spake Zarathustra*, trans. Thomas Common (2008), Prologue, sec. 3, accessed online at: <http://www.gutenberg.org/files/1998/1998-h/1998-h.htm>.

Quotations such as the above, together with Nietzsche's skeptical writings regarding standard Judeo-Christian ethics, have led to the view among some of his readers that superior, powerful individuals can and should transcend agapism (i.e., the ethics of compassion and love). This transcendence strives for a different ethical perspective—an egoism based on happiness, an ethics of power or (perhaps) intellectual creativity.

**a. *Compulsion***

The first of our films that explores a view of Nietzschean egoism is *Compulsion*. This movie is one of at least three that are based upon the real-life Leopold and Loeb murder case of 1924, which resulted in what is often called “the trial of the century.” (The second film based upon this case is Alfred Hitchcock's 1948 *Rope*. The third film is Tom Kalin's 1992 *Swoon*. I think that *Compulsion* is the superior film, hence it is the object of my focus.)

Let's start with a brief review of the actual case.<sup>7</sup> Richard Loeb was a rich, handsome, and brilliant scion of a corporate executive. He was the youngest student ever to graduate from the University of Michigan (at age 17), and was going to enter the University of Chicago law school. His close friend and lover Nathan Leopold was also very bright, with a reported IQ of 210, and the product of a wealthy family. At age 19, Leopold had graduated college and was attending the University of Chicago law school. In college, Leopold had studied philosophy, with a special focus on Nietzsche (whom he apparently could read in the original German).

Together, they started committing various minor crimes. Loeb fancied himself as being a criminal mastermind, and Leopold apparently viewed him as a Nietzschean superman. They planned the ultimate perfect crime: a killing so well-crafted that they would never be caught. Their superior intellects would be demonstrated as they rose above the limited Judeo-Christian moral system that venerates the *hoi polloi* (“the many”).

On May 21, 1924, Leopold and Loeb rented a car under a pseudonym, kidnapped fourteen-year-old Bobby Franks (a neighbor and Loeb's distant relative), and killed him with a chisel. Franks was apparently just a target of opportunity. On a stolen typewriter, they typed a ransom note demanding \$10,000 and sent it to Franks's parents, with orders that the bag containing the money be thrown from a moving train, where the supermen

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<sup>7</sup> For reviews of the case, see Jennifer Rosenberg, “Leopold and Loeb,” accessed online at: <http://history1900s.about.com/od/1920s/qt/Leopold-Loeb.htm>; Douglas O. Linder, “The Leopold and Loeb Trial: A Brief Account,” accessed online at: <http://law2.umkc.edu/faculty/projects/ftrials/leoploeb/Accountoftrial.html>; PBS, “People & Events: The Leopold and Loeb Trial,” accessed online at: [http://www.pbs.org/wgbh/amex/monkeytrial/peopleevents/e\\_leopoldloeb.html](http://www.pbs.org/wgbh/amex/monkeytrial/peopleevents/e_leopoldloeb.html); and “Leopold and Loeb,” accessed online at: [https://en.wikipedia.org/wiki/Leopold\\_and\\_Loeb](https://en.wikipedia.org/wiki/Leopold_and_Loeb).



could retrieve it later. They dumped Franks's body in a culvert and showered it with acid to make identification more difficult.

Far from being the perfect crime, however, the two genius-supermen made a number of mistakes. First, they didn't hide the body very well, so it was discovered the same night. Second, near the culvert, Leopold dropped his glasses, which the supposedly intellectually inferior, slave-morality-driven cops were able to tie to him because of its very rare spring mechanism. Upon questioning, the men gave the alibi that on the day in question they were out driving around (picking up girls). The alibi broke down when the cops found a note Leopold had written to Loeb, indicating they were sexual partners, and when Leopold's chauffeur testified that he had been working on the car all that day. Very quickly—only ten days after the crime itself—the supermen wound up confessing the crime to the under-cops.

Loeb's uncle hired Clarence Darrow, the leading defense attorney of his time, to defend the young men. Darrow was deeply opposed to the death penalty, and managed to get the court to spare them that penalty. He did this by pleading them guilty, thus guaranteeing that they would face a judge—rather than an outraged jury—for sentencing. He then pitched a psychological defense, arguing in a classic speech that the defendants were pre-determined to do what they did by their genetics and a bad upbringing, and that their study of Nietzsche was a major causal factor. Crucial to Darrow's success was the ruling by the judge that even though the young men were not pleading insanity, Darrow could introduce psychiatric testimony.

The judge sentenced them to life plus ninety-nine years, and recommended against them ever getting parole. About twelve years into his sentence, Loeb was murdered by a fellow prisoner, allegedly because Loeb made a sexual advance on the other man (who was later acquitted of the crime). Leopold was paroled after thirty-three years in prison, and wound up working for a hospital in Puerto Rico. He died at age sixty-six.

*Compulsion* is based on a Broadway play, produced by Darryl F. Zanuck and admirably directed by Richard Fleisher. The story line of both parallels more or less closely much of the real case.<sup>8</sup>

The main characters in the film are two extremely rich and intelligent young men attending the University of Chicago law school, named Judd Steiner and Artie Strauss. Judd—the Leopold character—is skillfully portrayed by Dean Stockwell. Artie—the Loeb character—is notably played by Bradford Dillman. The other two main characters are Jonathan Wilk—the Clarence Darrow figure—who is played perfectly by Orson Welles. Welles got top billing, even though his character in this film does not appear until midway through the film. The other eminent actor in the film is E. G.

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<sup>8</sup> For more detailed synopses, see the Turner Classic Movies entry, accessed online at: <http://www.tcm.com/tcmdb/title/71354/Compulsion/>; and the University of Missouri-Kansas Law School entry, accessed online at: [http://law2.umkc.edu/faculty/projects/ftrials/leoploeb/LEO\\_COMP.htm](http://law2.umkc.edu/faculty/projects/ftrials/leoploeb/LEO_COMP.htm).

Marshall, who masterfully plays District Attorney Horn. Stockwell, Dillman, and Welles each won a Best Actor award at Cannes for this movie.

The film shows Artie as a vicious bully, who dominates the shy, effeminate, and submissive Judd. Both appear arrogant, though Judd in the end turns out to be weak. Artie and Judd have few friends, believing themselves to be superior to all others. They decide to commit the perfect crime, stealing the typewriter from their frat house to type a ransom note, and go out to celebrate their upcoming caper. In driving home, they narrowly miss hitting a drunk, who shouts at them, infuriating Artie, who then orders Judd to run down the man. Foreshadowing Judd's later "weakness" (i.e., his ingrained aversion to hurting the innocent), he swerves at the last minute, which allows the man to escape injury.

The following day, we see the arrogant Artie argue with one of his professors about justice, pushing the Nietzschean (or what he takes as the Nietzschean) view that the superman can define his own concept of justice, free from feelings of compassion or other "ordinary" emotions. As chance has it, one of the students in the class is Sid Brooks (played by a young Martin Milner). Brooks, who is not rich, works as a reporter on the side.

Sid is assigned to cover the news of a boy who apparently drowned in the local park. But when the coroner concludes that the boy was in fact killed by a blunt instrument, it occurs to Sid that this boy matches the description of a recently kidnapped boy (Paulie Kessler), and conveys this information to the reporter assigned to the kidnapping case, Tom Daly (Edward Binns). Sid learns that some eyeglasses were found near the body, and Paulie's uncle tells them that Paulie didn't wear glasses. Sid now realizes that the killer dropped those eyeglasses.

Later, Sid goes to a club to join his girlfriend, Ruth Evans (Diane Varsi). Artie and Judd are there, and when Sid reveals that the killer dropped his eyeglasses, Judd checks and discovers to his dismay that *his* are missing. Later, after bickering about who is to blame, Artie and Judd devise an alibi. They will, if questioned, say that Judd lost his eyeglasses while bird watching in the park much earlier, but that on the day of the murder they were out cruising for girls in Judd's car.

The following day, Lt. Johnson (Robert Simon) and other police are talking to potential witnesses at Paulie's school. Artie can't resist volunteering to help (he was a student at the school when he was younger). Lt. Johnson asks whether Artie remembers any of the old teachers who were strange, and Artie feeds him negative information about several of them and starts phoning in phony "tips" to lead the police astray.

Meanwhile, the shy Judd has invited Ruth out to a bird-watching excursion. Artie, who has been questioning Sid about the latest discoveries in the case, learns that the police have identified the typewriter upon which the young men had typed the ransom note. Artie immediately goes over to Judd's house and bitterly criticizes him for not destroying the typewriter. Finding out that Judd will be taking out Ruth, he argues that, in order to experience all that human life can offer, Judd should rape her.

Judd tries to do this when he and Ruth are in the park, after he gives an incoherent speech about the beauty that is part of evil. However, Ruth—far from begging for mercy or weeping in fear—bravely responds to his aggression with a show of pity. This makes Judd cry in shame.

Right after this, the police pick up Judd and take him to District Attorney Horn for questioning. Horn tells Judd that the eyeglasses found at the murder scene have been identified as his (because of their rare hinge mechanism). Under relentless interrogation, Judd finally recants his bird-watching alibi. Horn then has Artie called in for questioning. Artie cleverly claims at first that on the night of the murder, he was alone at the movies, but then retracts that and admits that he was with Judd. This ploy tricks Horn into buying the alibi.

Just before Horn releases them, Judd's chauffer blurts out that he was repairing Judd's car all day on the day of the murder, which destroys their alibi of cruising for girls. Horn then tricks the weaker Judd into confessing, which in turn makes Artie so furious that he fingers Judd. The two young men—having completely implicated each other—are arrested.

The young men's families at this point hire the famous defense attorney Jonathan Wilk (the Clarence Darrow figure). Wilk pleads his clients guilty, and has psychiatrists testify that Judd is paranoid and Artie is schizophrenic. Wilk also calls Ruth as a witness, and she expresses compassion for Judd.

Wilk then gives a long, impassioned closing speech to the judge, which at upwards of fifteen minutes is "the longest true monologue in film history."<sup>9</sup> To get the flavor of the speech, consider one excerpt. At one point, Wilk intones:

I think anybody who knows me knows how sorry I am for little Paulie Kessler, knows that I'm not saying it simply to talk. Artie and Judd enticed him into a car and when he struggled, they hit him over the head and killed him. They did that. They poured acid on him to destroy his identity and put the naked body in a ditch. And if killing these boys would bring [Paulie] back to life, I'd say let them go [let them be executed]. And I think their parents would say so, too. Neither they nor I would want them released. They must be isolated from society. I'm asking this court to shut them into a prison for life. And the cry for more goes back to the hyena, goes back to the beasts of the jungle. There's no part of man [in it].

This court is told to give them the same mercy that they gave their victim. Your Honor, if our state is not kinder, more human, more considerate, more intelligent than the mad act of these

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<sup>9</sup> See *AMC Filmsite's* entry for *Compulsion*, accessed online at: <http://www.filmsite.org/bestspeeches18.html>; the text of the entire monologue is provided at this site.

two sick boys, then I'm sorry I've lived so long. I know that any mother might be the mother of little Paulie Kessler, who left home and went to school and never came back. But I know that any mother might be the mother of Artie Strauss, Judd Steiner. Maybe in some ways these parents are more responsible than their children. I guess the truth is that all parents can be criticized. And these might have done better, if they hadn't had so much money. I do not know.

Ironically, the notorious religious skeptic Wilk appeals in the end to Judeo-Christian compassion so as to save the Nietzschean supermen.

Wilk succeeds in getting them spared the death penalty, although Artie remains unrepentant. As the young men leave the courtroom, Wilk remarks to a skeptical Judd that in the years to come when he is in prison, he will ask himself whether it was the hand of God that dropped those eyeglasses at the scene.

The film reflects the actual case rather closely, with some artistic license—such as showing us Artie arguing about Nietzschean justice with his professor. This is unlikely, since Artie is the Loeb figure, while it was Leopold who was the devotee of Nietzsche. Additionally, the remark that perhaps God caused the eyeglasses to fall at the crime scene was not made by Darrow, but by the prosecutor in the case. Even more noteworthy, while the film ends with the young men going to jail with no possibility of parole, in fact one was eventually paroled and went on to enjoy freedom for many years and the other never got paroled only because he was murdered in prison.

Nathan Leopold actually read the book upon which the film was based (published in 1956, by Meyer Levin) while still in prison, and said that the book made him “physically sick,” ashamed, and depressed. He said he felt “exposed stark-naked” and took issue with the notion that the murder was a kind of sex act.<sup>10</sup> The film was released into theaters the year after he was released from prison. In the ultimate irony, Leopold sued the film's producers to block its distribution, on grounds of defamation and invasion of privacy. (The suit was eventually dismissed, of course.) This suggests that the film was uncomfortably close to the truth—if so, Leopold's suit was an unintended complement to the film's power.

In sum, the actual Leopold and Loeb case, together with the movies made about it, served to give many ordinary Americans a view of Nietzsche's egoist philosophy that was very negative. A student of that philosophy may turn into a self-styled superman who is a smug, arrogant psychopath, killing just to show off. In reality, the murderous boys misunderstood Nietzsche's views on the over-man morality. Yes, he rejects Christian morality as being herd morality, and venerates the over-man together with his striving for creative success. The over-man is thus going to deal with others

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<sup>10</sup> See “In Nathan Leopold's Own Words,” accessed online at: [http://law2.umkc.edu/faculty/projects/ftrials/leoploeb/LEO\\_LEOW.HTM](http://law2.umkc.edu/faculty/projects/ftrials/leoploeb/LEO_LEOW.HTM).

instrumentally, because “he is consumed by his work, his responsibilities, his projects.”<sup>11</sup> But of course Nietzsche did not thereby advocate killing simply in order to display superiority, though it is an open question whether the over-man’s “instrumental use” of others could ever take the form of actual murder. In any case, the next film under review captures more accurately the notion of the over-man using others instrumentally.

**b. *The Moon and Sixpence***

The second film I will discuss seems to offer a different and more subtle take on the concept of the overman. It is the excellent film *The Moon and Sixpence*. The film was produced by David L. Loew, with screenplay and direction by Albert Lewin. Lewin’s screenplay was based on the eponymous 1916 book by W. Somerset Maugham, who was an extremely popular and prolific British writer.

The film, as outstanding as it is, got very little critical acclaim at the time—it earned only one Academy Award nomination (for Best Music Score). I suspect that this is due to the fact that the film was released during the toughest part of World War II, and the lead character is an egoist, which was out of tune with the “we’re in this together” war spirit of the time.

The story is based very loosely on the life of the French artist Paul Gauguin, founder of the Primitivism school of art. One of the two main protagonists in the film is Geoffrey Wolfe, the fictional counterpart of Maugham (played with urbane sophistication by Herbert Marshall). The other is the character meant to be the fictional counterpart of Gauguin, Charles Strickland (acted impeccably by George Sanders).

Wolfe is a writer who is introduced to the Strickland family, by invitation of Mrs. Strickland (played well by Molly Lamont). As a good writer is wont to do, Wolfe observes the people at the Stricklands’ dinner party. He notes that Strickland seemed ill at ease and essentially detached from the guests. Talking with the man, he seems absolutely drab—an only moderately successful stock broker with little conversational skills.

Not long afterward, Wolfe is surprised when Mrs. Strickland asks for his help. She tells him that her husband has abandoned her, his family, and his career to move to Paris with some woman. Mrs. Strickland asks Wolfe to go to Paris to tell her husband that she will not grant him a divorce, and she wants to reconcile with him. Wolfe agrees to go.

When Wolfe gets to Paris and meets with Strickland, however, he is surprised in several ways. To begin with, Strickland is by no means a dull, quiet man, but a forceful, intelligent, and acerbic one. Moreover, Strickland didn’t run off with a woman; indeed, he laughs uproariously at the idea. No, he left his family and came to Paris—to *paint!* He is living in abject poverty as a struggling artist, though he seems quite indifferent to his surroundings.

Strickland turns out to be a thoroughgoing egoist. He is completely without guilt, shame, or remorse about leaving his family. He tells Wolfe that

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<sup>11</sup> See “Nietzsche’s Moral and Political Philosophy.”

he has not the slightest inclination to return home, that his children will be fine, and his wife can just file for divorce. Strickland slyly suggests that she will, because while a woman can forgive a man leaving her for another woman, she can't forgive him for leaving her for his work. The only self-justification he offers is a simple one: he just *has* to paint. Wolfe is clearly appalled, but intrigued, by this new Strickland.

Two quick asides are worth making here. First, Maugham in his novel takes a more observational than judgmental position regarding the characters. But Wolfe, while he certainly has an issue with Strickland's moral worldview, is nonetheless intrigued by it. This fascination is what drives Wolfe to follow Strickland's career to the end.

Second, there is a subtext of strange misogyny on the part of Strickland. When he goes to see a woman, he "takes his whip," to use Nietzsche's phrase. This misogyny informs Strickland's relations with the female characters throughout the film, and it seems clearly to be Maugham's take on some of Nietzsche's writings. Specifically, the full quotation is: "Thou goest to women? Do not forget thy whip!"<sup>12</sup>

The passage, taken on its face, is flatly demeaning toward women. In the passage, Zarathustra recounts meeting an elderly woman, who tells him that he has talked *to* women (presumably, about under-man and super-man), but not *about* them. He replies that women are riddles with only one solution—pregnancy. To women, he says, men exist as tools to enable women to have children. To men, he avers, women exist as "dangerous playthings." Men should be trained for war, and women as recreation for men. Women should dream of giving birth to the super-man. The old woman then tells Zarathustra that he is right about women, and she offers him a "little truth"—the quotation about the whip—which again on its face seems to indicate that women either want or need to be dominated.

Whether this reading of Nietzsche's passage reflects accurately his perspective is open to dispute. However, it certainly seems to describe accurately Strickland's attitude toward them, as the film further reveals.

Returning to the film, after a period of a few years, Wolfe is back in Paris. He is visiting an interesting character, Dirk Stroeve (intriguingly portrayed by Steven Geray). Stroeve is Wolfe's friend, a modestly successful if essentially untalented painter, but one who can recognize genius in other painters. He is also, I would suggest, a kind of exaggerated portrayal—almost a parody—of a meek, forgiving Christian man of compassion. The movie shows him to be a virtual doormat, completely dominated by Strickland. Wolfe asks Stroeve whether he has ever heard of Strickland, and Stroeve immediately describes Strickland as a genius, even though, unlike Stroeve, Strickland sells nothing and ekes out a living doing menial labor. Stroeve's wife Blanche (nicely acted by a rather dour Doris Dudley) expresses visceral

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<sup>12</sup> Nietzsche, *Thus Spake Zarathustra*, "Zarathustra's Discourses," sec. 18.

hatred of Strickland. We immediately wonder why, since she hardly knows the man.

Over Christmas, Stroeve and Wolfe visit Strickland, and find him near death from some unidentified disease (which we suppose is brought on by overwork and poverty), and Stroeve—eager to comfort the afflicted and resurrect the near-dead—manages to convince Blanche to allow him into their home (by striking a rather low blow, as we discover later). Stroeve asks her rhetorically if she hasn't been rescued by a forgiving person. She gives in with evident trepidation.

Strickland more than recovers: he comes to dominate, by exuding his will to power, rather like a feral feline exuding pheromones. After just a few weeks, he is so well recovered—with Blanche's surprisingly solicitous support—that he takes over Stroeve's home, even kicking the artist out of his own studio. Stroeve at this point tells Strickland to leave, but to Stroeve's shock, Blanche announces that she is leaving with Strickland. Stroeve is devastated.

We now realize why Blanche at first expressed loathing for Strickland, then resisted giving him shelter, but then started devotedly taking care of him, finally leaving with him when he was well. She knew from the moment she met Strickland that she was profoundly sexually attracted to him, and didn't want him around precisely because she knew that she would be seduced by him. When Stroeve manipulated her into letting Strickland move in, she found the temptation irresistible. She couldn't resist going with the strong, dominant, ruthless, and handsome genius, over the weak, submissive, overly compassionate, and silly-looking mediocrity. To this outrage, Stroeve at first responds by trying to choke Strickland, who easily wards him off. After a brief period of time, Stroeve turns his other cheek: he tells his wife that he cannot bear to see her live like this, so he will leave, turning the apartment over to his unfaithful wife and treacherous friend.

Wolfe runs into Blanche and Strickland at a restaurant, and they seem like an ordinary couple, but he later hears that Blanche has committed suicide after she was dumped by Strickland. Filled with outrage, Wolfe visits Strickland at his small studio. Strickland first shows him some of his pictures, to which Wolfe (narrating to us) thinks, "The paintings had power, and they gave me an emotion I could not analyze."

Wolfe then engages Strickland in a fascinating dialogue:

*Wolfe:* I sense a prodigious effort in your work. You're like a tormented spirit trying to free itself.

*Strickland:* You're a dreadful sentimentalist.

*Wolfe:* I don't know a great deal about painting—I confess I was interested in seeing your pictures mainly because I thought they might give me a clue to your character.

*Strickland:* You must write really bad novels—I must read one sometime.

When Wolfe then rebukes him for first “taking” Blanche and then leaving her, Strickland tells Wolfe that he has no remorse. Strickland adds that Stroeve (an “absurd little man”) enjoys doing things for others and that Blanche—despite outward appearances—was never happy with Stroeve. Stroeve had “rescued” her after she tried to commit suicide. She did this because she had been fired as a maid for a wealthy family when she had an affair with one of the sons. Strickland acerbically adds, “A woman can forgive a man for the harm he does her, but never for the sacrifices he makes on her behalf.”

After noting that he never wanted Blanche to come along with him—he took her only because he was mildly physically interested in her, and needed a model to study the female form—Strickland makes more provocative claims about the matter. First, “Love is a disease, it’s weakness. I can’t overcome my desire, but it interferes with my work.” And, Strickland adds, “Women have small minds. They want to possess men.”

These comments clearly upset Wolfe, which leads to a revealing exchange:

*Wolfe:* You’re inhuman . . .

*Strickland:* Can you honestly say that you care whether Blanche Stroeve is alive or dead?

(Tellingly, Wolfe is silent).

*Strickland:* You haven’t the courage of your convictions. Life has no value. Blanche didn’t commit suicide because I left her but because she was a foolish and unbalanced woman.

However, Wolfe remains unconvinced by this. He says to this overman who seeks to rise “above” the herd morality, “Do you think it possible for any man to disregard others completely? When you are ill and tired and old, you’ll come crawling back to the herd looking for sympathy!” Strickland tells Wolfe that he is going to find an island where the sun is hot and the colors strong. Wolfe then leaves.

Strickland is also briefly visited by Stroeve. He gives Stroeve the nude he did of Blanche, saying that it is of no use anymore—Strickland has learned all he needed to from her (and it) of the female form. Stroeve, ever the follower of slave morality, forgives Strickland and even invites him to his father’s house, to live simply and humbly—his father being just (what else?) a carpenter.

Years pass again, and Wolfe is on a visit to Tahiti. All of the scenes in Tahiti, by the way, are done in tinted black and white, giving this part of the film a bright, golden glow—much different from the stark black-and-white appearance of London and Paris.

Wolfe asks an old friend, Captain Nichols (Eric Blore) about Strickland. Nichols introduces Wolfe to Nichol’s friend Tiare Johnson (Florence Bates). Wolfe learns that in the years after leaving Paris, Strickland met (through Tiare) a beautiful native girl named Ata (Elena Verdugo). We find out through flashbacks that he married the girl (after warning her that he



will beat her, to which she replies that she would regard it as a sign of love). They lived happily for some time on her property, where he painted all he wanted, but then Strickland becomes ill. The local doctor, Dr. Coutras (Albert Basserman), is summoned; he sees at once that Strickland has leprosy and bluntly informs him of the diagnosis.

Two years later, Coutras is summoned once again by Ata, and he finds their house in disrepair, with Strickland—who had been blind for the last year—now dead. Covering his nose with a handkerchief (because of the sickening sweet odor that lepers with advanced disease give off), he is dazzled. We see (now in Technicolor) that Strickland created a masterpiece—paintings on all of the walls that represent the human condition, from early innocence to later corruption. Coutras and Ata bury Strickland, whereupon Ata burns the house to the ground, carrying out Strickland's last wish.

The film ends with Wolfe observing, "Strickland created a masterpiece; and then, in pride and contempt, he destroyed it. But in his last great paintings, he achieved what he wanted. His destiny was fulfilled. His life was complete."

This film gives us a picture of the overman as an artist totally focused on his creative work. He hurts others not because (like Artie Strauss) he desires to, but because he needs to create, and in his view human love of any sort—filial, fraternal, or erotic—just impedes that creative process. He will use others, and not deny or disguise what he is doing, while he exercises his genius. However, he is certainly no sybarite, that is, he is not a hedonist seeking pleasure. He is willing to endure real hardship and privation to carry out his work. Strickland's genius becomes manifest to Wolfe (and us) only slowly, but we finally see that it is profound.

In the end, however, we can conclude that Wolfe/Maugham judges the artist Strickland negatively. This is implicit in the very title of the film, for it comes from a Cockney expression describing a man being so focused on the heavens that he steps over something important at his feet. The suggestion is that Strickland was so focused on creating great art that he ignored the human relationships which are of ultimate worth. We see this point explicitly in the closing frame of the movie, which displays the message:

Such was Strickland. He trod roughshod over his obligation as husband and father, over the rights and sensibilities of those who befriended him.

Neither the skill of his brush nor the beauty of his canvas could hide the ugliness of his life, an ugliness that finally destroyed him.

I doubt that Nietzsche would see things this way.

### 3. Final Thoughts

I hope that, in this series of reviews, I have provided some persuasive reasons to indicate that a historically important and often dismissed ethical

perspective, namely, egoism, informs a great many films—far more than I have discussed.

We have seen that the egoist perspective gets a reasonably neutral examination in some films, especially in World War II prisoner-of-war films where the characters are seen as trying to survive in a harsh environment. We also reviewed two films wherein the egoist characters are viewed as morally bad or even profoundly evil. And we have examined a couple of films that reflect more of a Nietzschean perspective, one clearly negative with the other more ambivalent.

I have touched only the surface of this rich area of cinematic art. Other types of films depict egoist characters as central forces that call out for exploration. These include movies about either powerful or evil business figures as well as gangster films, which I hope to explore in the future.

## Review Essays

### *Hamilton: An Act of Justice—in Two Acts*

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#### 1. Introduction

“Every other founding father story gets told. Every other founding father gets to grow old.” By the time the audience hears these words—at the end of the Broadway show *Hamilton: An American Musical*<sup>1</sup>—they have experienced joy, sorrow, pride, anger, and the life-giving values that made the United States the greatest country in world history.

At present I’ve seen the show several times both off and on Broadway. My plan is to see it as often as time and money allow. This is simply a matter of refueling the spirit. Each time I leave the theater I want to go right back in and see it again. I want to emulate the best elements of Alexander Hamilton—in writing, thinking, and action—because heroes inspire, and this musical superlatively portrays heroism.

To tell the story of someone so controversial—who has been maligned, misrepresented, and derided—and to tell it dramatically and convincingly, is a challenge. In his 2004 biography, *Alexander Hamilton*, Ron Chernow succeeds in that challenge.<sup>2</sup> Even if he gets some of the facts wrong,<sup>3</sup> it is still an astonishing book. Chernow’s biography inspired American composer Lin-Manuel Miranda to create this magnificent work, which is worthy of the subject and by far my favorite portrayal of my favorite founder. That is an act of justice.

But what is justice? It is a moral concept—the act of judging people’s actions based on evidence, neither seeking nor granting unearned rewards. Most people believe that justice means punishing the bad for their

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<sup>1</sup> Lin-Manuel Miranda, *Hamilton: An American Musical* (New York: Richard Rodgers Theatre, 2015).

<sup>2</sup> Ron Chernow, *Alexander Hamilton* (New York: Penguin Books, 2004).

<sup>3</sup> Such as Hamilton’s birth date. All statues of him as well as postage stamps list his birth year as 1757. Michael Newton persuasively argues at length that Hamilton’s birth date is 1757 rather than 1755; see Michael E. Newton, *Alexander Hamilton: The Formative Years* (Eleftheria Publishing, 2015), pp. 19-30.

wrongdoing, such as the death penalty or life imprisonment for a murderer. However, it is more important to praise and reward the virtuous—especially life-enhancing innovators—because they are the ones who lift us out of the cave and make the world go 'round. We see a lot of that in *Hamilton*, which explains its inspirational power.

Because Hamilton was such a prolific and often polarizing figure whose life was cut short, his opponents had decades to misportray his story. Since Hamilton usually was the smartest guy in the room, he was often envied. Because he was an immigrant son of an unwed mother, he was taunted as a “Creole bastard,” and his patriotism was doubted. These misrepresentations of his character and impact are a theme in the musical, captured by the verse, “Who lives, who dies, who tells your story?”

A biography of Alexander Hamilton is perfectly suited for the stage. Hamilton was larger than life. Dramatic, brilliant, confrontational, striving for moral perfection, and overcoming more obstacles than anyone in his era, he was particularly heroic. Let us look at some facts: Hamilton was born on the island of Nevis, out of wedlock and into poverty. His father abandoned him when he was young. A few years later his mother died in bed next to him. Now an orphan, he worked as a clerk, mastering various business skills. When a hurricane devastated his island, he “wrote his way out” of poverty by penning a description of the event which was so profound that local merchants collected funds to send him to the mainland for schooling. In New York City he studied at King’s College (now Columbia University), but dropped out in order to fight in the Revolutionary War. He became George Washington’s principal and most trusted aide. Then Hamilton became a battlefield hero during the British surrender at Yorktown. After the war was won, he served as a lawyer, defending freedom of speech and representing the accused during America’s first murder trial. Most of New York lay in ashes after seven years of British occupation, but Hamilton helped turn around his war-torn city. In 1784, he helped to found the Bank of New York—the oldest existing bank in America—to get the city literally back in business. A staunch abolitionist, the following year he helped to found the New York Manumission Society, which eventually led to the abolition of slavery in New York. Next, he was a primary organizer of the Constitutional Convention in 1787, where he spoke out in favor of the U.S. Constitution. He spearheaded a principled pro-Constitution defense, writing fifty-one of the eighty-five *Federalist Papers*, which ensured ratification of the Constitution. Called on by Washington a second time to be his right-hand man (this time as the country’s first Treasury Secretary), his pro-business, pro-banking policies set up America to service and reduce its huge war debts. He saw industrialism and commerce as leading factors in the country’s future ascent. He advocated a foreign policy of American self-interest by recommending neutrality during the French Revolution, as opposed to becoming entangled in senseless foreign wars. He also got caught up in the country’s first sex scandal. He was a pivotal factor in the first four presidential elections. Then he was killed in a duel with Aaron Burr. Consequently, he did not live to see American glory that came by applying his principles.

In this essay, I will distinguish and explain five aspects of justice that are dramatized in *Hamilton: An American Musical*:

(a) Hamilton is an unabashed hero. The greatest heroes use their mind as a tool and take action based on thinking. They overcome obstacles, such as prejudice, envy, and poverty, and they emerge victorious.

(b) Hamilton and Washington form the best duo in American history. Their theory and practice, thought and action, were in sync. Together they fight and win the war, and then they build a new nation.

(c) America is born out of the Enlightenment. All of the Founders deserve credit, initially for declaring independence from Britain and later for framing the U.S. Constitution. However, the controversial practice of slavery—that was in tension with Enlightenment values—could (and should) have been better handled.

(d) America—at its best—is Hamiltonian. Industry, commerce, banking, free trade, agriculture, and paid military service are all based on merit. These principles oppose the feudal, racist, slave-based, agrarian, Jeffersonian system of the antebellum South. Hamilton’s own life and policies enshrine the self-made man, who can come from anywhere and succeed based on ability and effort. Because Hamilton’s meritocracy principles were applied in New York more than anywhere else, it would become the greatest city in the world.

(e) Hamilton’s story is told. It includes romance, family life, blackmail, friendship, war, and duels—and it all gets told in a tightly woven musical theater medium that perfectly integrates lyrics, music, dance, staging, and costumes.

## **2. Doing Justice to Hamilton**

### ***a. Hamilton is an unabashed hero***

The greatest heroes use their mind as a tool and take action based on thinking. They overcome obstacles, such as poverty, prejudice, and envy; have extraordinary ability; possess strong moral character; and ultimately succeed. From the show’s opening number, “Alexander Hamilton,” we see the seeds of all this.

The show’s narrator and Hamilton’s future nemesis, Aaron Burr (sympathetically and superbly portrayed by Leslie Odom, Jr.), introduces us to our hero (performed by the inimitable Lin-Manuel Miranda): “How does a bastard, orphan, son of a whore and a Scotsman, dropped in the middle of a forgotten spot in the Caribbean by providence, impoverished, in squalor, grow up to be a hero and a scholar?” This long opening sentence is actually a question, which is later answered in part (in “Helpless”), when Hamilton tells his future wife, Eliza Schuyler (Phillipa Soo), “All I have’s my honor, a

tolerance for pain, a couple of college credits and my top-notch brain.” Honor, endurance, and intelligence can go a long way in the new world. The song continues with my favorite verse: “The ten-dollar founding father without a father got a lot farther by working a lot harder, by being a lot smarter, by being a self-starter. By fourteen, they placed him in charge of a trading charter.” We get a clear picture of how important thought and action are if one is not only to survive, but also flourish.

How would you react, at age eleven or twelve, if your mother died right next to you, and then you move in with a cousin who commits suicide? Hamilton introspects and hears his voice, ““Alex, you gotta fend for yourself”. He started retreatin’ and readin’ every treatise on the shelf.” While these words are being sung, cast members don glasses to read books while dancing. Then we see a very young Hamilton conducting business, measuring weights, signing documents, and giving orders. It’s only five minutes into the show and we already see Hamilton’s drive, competence, persistence, and independence.

We next see Hamilton, still a teenager, carrying his few sacred possessions draped over his shoulder, embarking on a new life: “The ship is in the harbor now, see if you can spot him. Another immigrant comin’ up from the bottom.” Do you remember being at a crossroads in your life, when your future seemed full of promise and idealism? What one location in the entire world is so perfectly suited for such an ambitious soul? “In New York you can be a new man.” Here we get a glimpse of another theme of the show: Miranda’s love for New York—past, present, and future.

Hamilton prepares us for what is to come in the next two hours with the verse, “There’s a million things I haven’t done, but just you wait!” We are on the edge of our seats, ready and waiting to see what those million things are.

***b. Hamilton and Washington form the best duo in American history***

The bond forged between the wise, experienced leader Washington (brought to life by the commanding presence of Christopher Jackson<sup>4</sup>) and the young, skillful Hamilton was synergetic, sometimes volatile, and successfully lasted twenty-two years. This indispensable relationship that created America is my favorite aspect of the show.

As we see British soldiers killing Americans, the ominous music of “Right Hand Man” prepares us for the next steps of Hamilton’s ascent: “As a kid in the Caribbean I wished for a war, I knew that I was poor. . . . If they tell my story, I am either gonna die on the battlefield in glory or . . . Rise up!” One can imagine a young Hamilton reading stories of Achilles, who chose a short, glorious life over a longer, more pensive one. A tragic seed is thus planted.

The subtle buildup becomes more intense: “I will fight for this land but there’s only one man who can give us a command.” The chorus answers,

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<sup>4</sup> George Washington was my first hero, and for my entire life I have searched for someone to portray him as well as Christopher Jackson does.

“Rise up! Here comes the general!” The moment we’ve been waiting for arrives. In full military regalia, a tall, proud George Washington strides front and center, exclaiming, “We are outgunned, outmanned, outnumbered, outplanned. We gotta make an all out stand. Ayo, I’m gonna need a right-hand man.” We sense the desperation and futility at the present situation, as the British are about to take over New York City—for the next seven years.

Miranda pays homage to W. S. Gilbert and Arthur Sullivan<sup>5</sup> through Washington: “Now I’m the model of a modern major general. The venerated Virginian veteran whose men are all lining up to put me on a pedestal, writin’ letters to relatives embellishin’ my elegance and eloquence, but the elephant is in the room, the truth is in ya face when ya hear the British cannons go . . . boom!” Washington observes many soldiers abandoning their posts and asks, “Are these the men with which I am to defend America? We ride at midnight, Manhattan in the distance. I cannot be everywhere at once, people. I’m in dire need of assistance.” In contrast, we see Hamilton leading his small troop, stealing cannons at Battery Park. Hamilton is summoned to appear before Washington, who advises, “It’s all right, you want to fight, you’ve got a hunger. I was just like you when I was younger. Head full of fantasies of dyin’ like a martyr? Dying is easy, young man. Living is harder.” Then the General presents the issue eloquently, “We are a powder keg about to explode. I need someone like you to lighten the load. So?” He holds up a quill pen for Hamilton to sign on as his aide-de-camp. In Hamilton’s brief life this is the most important decision the young man has ever made. Hamilton accepts and offers some tactical solutions to being outgunned, outmanned, outnumbered, outplanned—“a mind at work”—as the chorus sings “Rise up! Here comes the General!” Washington, seeing his and the nation’s chances now much improved, concludes: “And his right-hand man!”

In an effort to “Stay Alive,” we reach rock bottom during the Revolutionary War. Hamilton reflects, “I have never seen the General so despondent. I have taken over writing all his correspondence. Congress writes, ‘George, attack the British forces.’ I shoot back, we have resorted to eating our horses.” Here we see why Hamilton and Washington agreed that a Congress with thirteen separate, free, and independent states could not remain united, effective, or free. The two agree that a stronger central, federal government (with a specific purpose—to protect individual rights) was necessary. Seeds have now been planted for the U.S. Constitution and the *Federalist Papers*. Washington advises, “Alex, listen. There’s only one way for us to win this. Provoke outrage, outright. Don’t engage, strike by night. Remain relentless ’til their troops take flight.” Hamilton, ever the practical financial advisor, replies, “Make it impossible to justify the cost of the fight.”

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<sup>5</sup> W. S. Gilbert and Arthur Sullivan, “I Am the Very Model of a Modern Major-General,” in *The Pirates of Penzance* (New York: Fifth Avenue Theatre, 1879).

This strategy of patient armed resistance was devised several years earlier by a teenaged Hamilton in his pamphlet *A Full Vindication*.<sup>6</sup>

Tensions flare as Hamilton is itching to “fight, not write” and rise above his station after the war, which he believes can happen only by success on the battlefield. After being frustrated about not being given that opportunity, he heatedly confronts Washington, who knows the value of keeping Hamilton alive and counters, “Go home, Alexander. That’s an order from your commander.” Hamilton goes home dejected, and then discovers that Eliza is pregnant. Though he fears he will not be able to provide for his family, Eliza sings about their future in “That Would Be Enough”: “And if this child shares a fraction of your smile or a fragment of your mind, look out world! That would be enough. I don’t pretend to know the challenges you’re facing. . . . But I’m not afraid. I know who I married. So long as you come home at the end of the day, that would be enough.” For the time being, it would be enough for Hamilton to await the birth of their son. But not for long.

The somber mood prevails until Burr poses the question at the opening of “Guns and Ships”: “How does a ragtag volunteer army in need of a shower somehow defeat a global superpower?” This sets us up for the quickest rapping dialogue in the show—more than six words per second—when the Marquis de Lafayette (perfectly portrayed by Daveed Diggs) demonstrates his “practical tactical brilliance.” He tells Washington that there is one man needed to succeed. The General agrees and answers, “I need my right-hand man back.” Washington writes a letter and hands it from one person to another, so that everyone on stage (except Eliza, who prepares her husband’s military coat) touches that letter before it lands in Hamilton’s hand. The note reads, “Alexander Hamilton, troops are waiting in the field for you. If you join us right now, together we can turn the tide . . . the world will never be the same, Alexander.”

When Hamilton rejoins Washington on the battlefield, he is handed a sword and military commission by the General, who recounts his own previous failures with his young counterpart. Washington then describes in “History Has Its Eyes on You” the endless criticism that he’s endured under the spotlight: “Let me tell you what I wish I’d known, when I was young and dreamed of glory: You have no control: Who lives, who dies, who tells your story. I know that we can win. I know that greatness lies in you. But remember from here on in, history has its eyes on you.” That inner greatness drives action that leads to victory, and to the emergence of a new nation.

Virtually every scene with Washington demonstrates his dignity, none more so than his famous Farewell Address of 1796. Having served under Washington’s presidency for two terms as Treasury Secretary, Hamilton is asked to write it. Washington knows that it is important for him to set a precedent by stepping aside, and lists in “One Last Time” some aspects of his

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<sup>6</sup> Alexander Hamilton, *A Full Vindication of the Measures of Congress*, December 15, 1774, accessed online at: <http://founders.archives.gov/documents/Hamilton/01-01-02-0054>.



legacy: “I wanna talk about neutrality. I want to warn against partisan fighting. Pick up a pen [he instructs Hamilton], start writing. I wanna talk about what I have learned. The hard-won wisdom I have earned. . . . One last time, the people will hear from me one last time. And if we get this right we’re gonna teach ’em how to say goodbye, you and I . . . If I say goodbye, the nation learns to move on. It outlives me when I’m gone.”

Next, Hamilton begins to read aloud the words he has written, and is joined mid-way through by Washington, reading together as the dynamic duo that they are: “After forty-five years of my life dedicated to its service with an upright zeal . . . I promise myself to realize the sweet enjoyment of partaking, in the midst of my fellow-citizens, the benign influence of good laws under a free government, the ever-favorite object of my heart, and the happy reward, as I trust of our mutual cares, labors, and dangers.” The long-range vision that both shared is applied here yet again. Two magnificent leaders—opposite in social status, upbringing, and demeanor—provide a rock-solid foundation for history’s greatest country.

The deserved respectful awe of America’s finest general, first president, and greatest leader is captured as the company sings that “George Washington’s going home.” This is underscored as Washington—head held high—strides calmly off stage to the company’s hushed closing words: “Teach ’em how to say goodbye one last time.”<sup>7</sup>

### *c. America was born out of the Enlightenment*

One of the first things we can tell about *Hamilton* is that this is a distinctive historical era. Radical ideas, such as individualism, liberty, and the power of man’s reasoning mind, were being deployed to smash stale notions of monarchy, oppression, superstition, church-state authority, and conformity. The call for independence is in the air, embellished with bright, colorful costumes and musical instrumentation of the harpsichord, piano, and strings, as well as the use of counterpoint and waltz time that were typical of the classical period.

The show also portrays women embracing these fresh ideas and new way of life. In “The Schuyler Sisters,” we meet Eliza, Angelica (Renée Elise Goldsberry), and Peggy (Jasmine Cephas Jones)—daughters of wealthy landowner, war general, and New York congressman Philip Schuyler. Angelica tells Eliza she is “lookin’ for a mind at work.” She then rejects

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<sup>7</sup> Even though this is my favorite scene in the musical—and it brings me to tears—part of me always recalls seeing a former version of it at the Public Theatre. In that off-Broadway version, Miranda had included the Whiskey Rebellion, where Washington (accompanied by Hamilton) dons his uniform for “One Last Ride.”

I will add a fitting postscript here to these two heroes who carried the American Revolution and Founding on their shoulders. Although it is not dramatized in the show, the last letter Washington ever wrote was to Hamilton, praising him for the idea of forming a military academy that would eventually become West Point; see Chernow, *Alexander Hamilton*, p. 600.

flirtation from the scoundrel Burr: “I’ve been reading *Common Sense* by Thomas Paine. Some men say that I’m intense or I’m insane. You want a revolution? I want a revelation, so listen to my declaration. We hold these truths to be self-evident that all men are created equal. And when I meet Thomas Jefferson, I’m ’a compel him to include women in the sequel!” The three sisters are joined by the company to rejoice at these exciting new ideas: “Look around, look around at how lucky we are to be alive right now! History is happening in Manhattan and we just happen to be in the greatest city in the world!” Meanwhile, ensemble members wearing glasses move fluidly, dancing about, reading books, and dramatizing minds at work. From Benjamin Franklin’s key and kite to Betsy Ross’s flag and the Liberty Bell ringing, the glory of American lore is showcased.

“The Story of Tonight” has a *Les Miserables* feel, with young idealists willing to fight for rational convictions: “I may not live to see our glory! But I will gladly join the fight! And when our children tell our story, they’ll tell the story of tonight. . . . Raise a glass to freedom, something they can never take away, no matter what they tell you. Raise a glass to the four of us. Tomorrow there’ll be more of us.” The four friends and comrades who sing this rousing song—Hamilton, Lafayette, Hercules Mulligan (Okierete Onaodowan), and John Laurens (Anthony Ramos)—are willing to die for the cause of genuine liberty.

Before America was created, the individual lived on his knees, as a subject of the church, state, king, or ethnic tribe. The Founding Fathers recognized the individual as a sovereign entity who possessed rights; they urged individuals no longer to kneel before anyone. In “My Shot,” we see this particularly American theme: “Rise up! When you’re living on your knees, you rise up. Tell your brother that he’s gotta rise up. Tell your sister that she’s gotta rise up. When are these colonies gonna rise up?”

Although *Common Sense* and the *Declaration of Independence* permeate the intellectual atmosphere, unfortunately some institutions were held over from antiquity, including slavery. One could certainly say that the most prominent slaveholders among the Founders, such as Thomas Jefferson, James Madison, and Washington (who freed his slaves in his will), did not invent slavery but inherited it. That said, if one extols individual rights, as the *Declaration* does, slavery is an unacceptable contradiction.

*Hamilton* clearly dramatizes the hero’s profound opposition to slavery. Most people assume that such opposition originates in the abolitionist movement of the 1830s with William Lloyd Garrison and the like. However, it originated with the Federalists of the eighteenth century, including Hamilton, Franklin, and John Adams. Hamilton’s counterpart and best friend from the South, Laurens, sings, “But we’ll never be truly free until those in bondage have the same rights as you and me. You and I. Do or die. Wait till I sally in on a stallion with the first black battalion.” Hamilton shows his willingness to join Laurens in the battle for these new ideas of liberty and individualism (which rejects the collectivism on which racism is based): “Poppin’ a squat on conventional wisdom, like it or not. A bunch of

revolutionary manumission abolitionists? Give me a position, show me where the ammunition is!" When America defeats Britain at Yorktown, some wonder aloud whether this means freedom for all. "Not yet," is the ominous answer from Washington—a costly mistake, for which the United States paid with the Civil War, and still pays to this day.

*d. America—at its best—is Hamiltonian*

Contrary to popular belief, July 4, 1776, although a pivotal moment in history, was not the birth of America. It was simply a divorce from Britain by thirteen "free and independent states." It was in 1789, after ratification of the U.S. Constitution, that the states were united and thus the country was born. But what kind of country would America be? That answer comes in Act II, when we see America's two intellectual fountainheads square off.

It has been noted in many places, and I believe it is true, that Hamilton and Jefferson are the foremost intellectual Founders of America. At the opening of the second act, we get to see the latter for the first time (brilliantly played by Daveed Diggs). With a gospel-like chorus of worship for a savior who has returned, the company tells us in "What'd I Miss" that "Thomas Jefferson's coming home." The sage of Monticello appears in frilled shirt and purple crushed velvet jacket. Touted as a man of the people, he preens upon his return from several years in Paris. He is happy to be back home—not in America, but in Virginia. While his subjects bow obsequiously to him, he asks, "What'd I miss? Virginia, my home sweet home, I wanna give you a kiss." James Madison (Okierete Onaodowan) enters the scene and responds, "Thomas we are engaged in a battle for our nation's very soul. . . . Hamilton's financial plan is nothing less than government control." While I submit that Madison's characterization of Hamilton's plan is inaccurate, this sets up a contrast between two fundamentally different systems.

Next, George Washington greets us by stating, "Ladies and gentlemen, you coulda been anywhere in the world tonight, but you're here with us in New York City. Are you ready for a cabinet meeting???" This breaks the fourth wall (of the New York audience) into rousing applause. Miranda here dramatizes the contrasting views of American domestic and foreign policy in this first of two Cabinet meeting "rap battles."

Jefferson notes at the opening of "Cabinet Battle #1" his "Life, liberty, and the pursuit of happiness" fame, and proceeds to challenge Hamilton's financial plan: "If New York's in debt why should Virginia bear it? Uh, our debts are paid, I'm afraid. Don't tax the South cause we got it made in the shade. In Virginia, we plant seeds in the ground. We create. You just wanna move our money around." But Jefferson's "land of the free" includes slaves who toil under his own hand. The South's "got it made in the shade," Hamilton points out, only through a feudal, agrarian, slave-driven system: "A civics lesson from a slaver. Hey neighbor, your debts are paid cuz you don't pay for labor."

After criticizing Jefferson's hypocrisy, Hamilton turns to a related economic issue: the proposed national bank. His pro-business, pro-banking

stance clarifies this complex topic: “If we assume the debts, the union gets a new line of credit, a financial diuretic. How do you not get it? If we’re aggressive and competitive the union gets a boost. You’d rather give it a sedative?” If anyone at that time understands the perils of financial disunity and a weak economy for the fledging nation, it’s Hamilton. His Bank of New York had already proved that at the state level.

In “Cabinet Battle #2,” Jefferson wants to uphold the prior treaty with France, regardless of the French Revolution’s current reign of terror. However, Hamilton explains, “We signed a treaty with a King whose head is now in a basket. Would you like to take it out and ask it? ‘Should we honor our treaty King Louis’ head?’ ‘Uh . . . do whatever you want, I’m super dead.” Washington becomes frustrated with his fellow Virginian, whose idealism “blind[s him] to reality,” and asks Hamilton to draft the Proclamation of Neutrality. Why? Because the two Revolutionary War heroes knew that for centuries European powers fought each other and would likely continue to do so because they did not understand individual rights. America’s best strategy in that context would be to avoid entanglement.

On a personal note, from adolescence I had admired Jefferson. However, in recent decades not only did I come to disagree with his ideas (outlined above) as I learned more about him, but I also abhorred how he treated Hamilton and Washington in both life and death. This injustice is dramatized by the Democratic-Republicans—Burr, Madison, and Jefferson—leading a witch hunt against Hamilton in “Washington on Your Side.” Jefferson plots with his cronies: “This prick is askin’ for someone to bring him to task. Somebody gimme some dirt on this vacuous mass so we can at last unmask him. I’ll pull the trigger on him, someone load the gun and cock it. While we were all watching, he got Washington in his pocket.” Then together they all sing, “This immigrant isn’t somebody we chose. This immigrant’s keeping us all on our toes. . . . Let’s follow the money and see where it goes. Because every second the Treasury grows. If we follow the money and see where it leads, . . . look for the seeds of Hamilton’s misdeeds.”

Here we see the fear, envy, and racism of the first Democratic-Republicans. They fear Washington’s popularity and envy Hamilton because Washington applies many of his well-reasoned arguments. But they also despise Hamilton as an immigrant, viewed as barely better than their own slaves. Consequently, they must scheme to bring Hamilton down, so that the feudal, agrarian, slave-based Southern system can be preserved. This is the polar opposite of the pro-business, pro-immigrant, pro-Wall Street commercial center of New York City, which they disparaged as “Hamiltonopolis.”<sup>8</sup>

Although Hamilton and Jefferson differ on fundamental outlook, on occasion they work together. For example, they compromise about moving the U.S. capital from New York City to a swampland in northern Virginia, as

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<sup>8</sup> Ibid., p. 325. It is also worth noting that Hamilton is appropriately buried on Wall Street (at Trinity Church).

Jefferson wished, in exchange for getting sufficient votes to have the federal government assume the states' debts, as Hamilton wished. After this plays out, Hamilton tells a befuddled Burr in "The Room Where It Happens," "we'll have the banks, we're in the same spot. I wanted what I got. If you got skin in the game, you stay in the game. . . . Oh, you get love for it. You get hate for it. You get nothing if you . . . wait for it. . . . God help and forgive me. I wanna build something that's gonna outlive me." Here is the essence of Hamilton's character: principled, long-range thinking, which is neither pragmatic (Burr) nor parochial (Jefferson), and that sets up a system of banking, commerce, industry, and rights that was most realized in the post-Civil War, pre-World War I era of countless inventions and progress. This was the freest and most productive period in world history, where people came from all over the globe to the land of opportunity. Hamilton's America vaulted over other countries in terms of industrial production, innovation, and increased standard of living.

*e. Hamilton's story is told*

Perhaps the greatest act of justice is that Hamilton's story finally *does* get told—and in such a powerfully dramatic medium by a brilliant storyteller. But who is Hamilton's story originally told by? Since he had many enemies, several of whom outlived him by decades, they largely rewrote his story, portraying him as a "bastard brat of a Scotch peddler," a monarchist, or an embezzler of treasury funds, thereby belittling his achievements. We can thank his wife, Eliza, who outlived him by fifty years, for rectifying this injustice. She witnessed the distortion of his character and ideas, while simultaneously seeing the country increasingly divide over slavery in the South and industrialism in the North. Eliza went through Hamilton's papers, interviewed associates who served with him in war and in peace, and did her best to set the record straight.

Inspired by Chernow's biography, Miranda masterfully seizes the reins, taking the next step in doing right by Hamilton. He re-tells Hamilton's story in America from the beginning. From a theatrical standpoint, the timeline of this epic is set with vocal guideposts, the first being "1776. New York City." This is where the two future enemies first meet, with young, naive Hamilton grateful to track down Burr. After a barrage of words and ideas from the excited upstart, Burr offers this advice: "Talk less. Smile more. Don't let them know what you're against or what you're for." A stunned Hamilton replies, "You can't be serious." The stage is literally set: two rivals with different philosophies—one sitting on the fence, waiting to see which direction the wind blows, the other standing on principle and acting on first-handed judgment, regardless of how unpopular that might be.

In "My Shot," we meet three of Hamilton's friends, whose names should be taught in every American classroom. The company one keeps speaks volumes about one's character, so we see Hamilton's good judgment here. "America's favorite fighting Frenchman," Lafayette, sings, "I dream of life without a monarchy. The unrest in France will lead to 'onarchy? . . . When I fight, I make the other side panicky.'" Next we see Mulligan. He is a tailor's

apprentice, but states, “I’m joining the rebellion cuz I know it’s my chance to socially advance, instead of sewin’ some pants!” And then there is southern abolitionist Laurens, who claims, “But we’ll never be truly free until those in bondage have the same rights as you and me. You and I. Do or die.” Like Hamilton, these are men of courage and honor. The lifetime bond of friendship between Hamilton, Lafayette, Mulligan, and Laurens has been cemented. In a cleverly multi-layered scene in a tavern, the four take a shot of liquor as they sing about taking their shot at freedom, with Burr warning them from the sidelines that they just might get shot.

In a further sharpening of the contrast between Hamilton’s and Burr’s characters, Miranda dramatizes the difference between taking risks and playing it safe. On the one hand, at the end of “My Shot,” Hamilton declares, “I am not throwing away my shot. Hey yo, I’m just like my country. I’m young, scrappy, and hungry, and I’m not throwing away my shot.” The song ends on a high as Hamilton marches to the front and center of the stage, with his left arm raised, ready to take a shot. This is the striking cover pose of the production’s promotional poster. On the other hand, Burr counsels caution: “Geniuses, lower your voices. You keep out of trouble and you double your choices.”

We also see an ode to Hamilton’s virtues of productiveness and integrity as Act I concludes. Burr’s uncontainable envy of Hamilton escalates in “Non-Stop”: “Even though we started at the very same time, Alexander Hamilton began to climb. How to account for his rise to the top? Maaaaan the man is non-stop.” Burr then continues, “Why do you always say what you believe? Ev’ry proclamation guarantees free ammunition for your enemies! Why do you write like it’s going out of style? . . . How do you write like you need it to survive? How do you write ev’ry second you’re alive?” When invited by Hamilton to join him in the mighty endeavor of defending the proposed U.S. Constitution—to share in the risk and the glory—Burr refuses to take the risk. Hamilton cannot understand Burr’s decision: “Burr, we studied and we fought and we killed for the notion of a nation we now get to build. For once in your life, take a stand with pride. I don’t understand how you stand to the side.” Producing something of lasting value requires taking a principled stand, which Hamilton repeatedly does—much to the benefit of his countrymen and their descendents.

The story also covers several pivotal moments in Hamilton’s personal life, ranging from his marriage to Eliza, his fondness for Angelica’s “mind at work,” his role as a father to Philip Hamilton (Anthony Ramos), and his lapse into an affair with Maria Reynolds (Jasmine Cephas Jones), the last of which led to blackmail first by her husband, James, then by Hamilton’s political opponents.

In one of my favorite soliloquies in stage history, Hamilton knows that his affair with Maria Reynolds will be exposed. He is charged with embezzlement, but proves that he did not break the law, since he used his personal funds to pay off James Reynolds. When Jefferson, Madison, and Burr confront him, they promise not to go public—since it is only a personal

breach, not a treasonous crime—but Hamilton fears that they will not keep their vow of silence. He pre-emptively strikes, effectively killing his political future by writing about it in the notorious “Reynolds Pamphlet.” Writing has always been his way out, as he explains in the climax of “Hurricane”: “I wrote my way out of hell. I wrote my way to revolution. I was louder than the crack in the bell. . . . I wrote about the Constitution and defended it well. And in the face of ignorance and resistance, I wrote financial systems into existence. And when my prayers to God were met with indifference, I picked up a pen, I wrote my own deliverance.” The Liberty Bell’s hypnotic ringing while he sings these lines is chilling.

In “The Election of 1800,” Hamilton’s two arch enemies face off for the presidential race. He chooses Jefferson over Burr because however wrong-headed, Jefferson has convictions, while Burr, the opportunist, has none. This is the final step (in the show) before Burr takes out all of his vengeance on Hamilton by challenging him to a duel, with full intent to kill—even though Burr was the sitting Vice President. On the early morning of the duel, Hamilton writes one last letter to Eliza, who asks him to come back to bed. In a last act of justice to his wronged wife, he salutes her as “Best of Wives and Best of Women.”

The duel finally takes place, with Burr narrating, “It’s him or me, the world will never be the same. I had only one thought before the slaughter: This man will not make an orphan of my daughter.” Burr continues describing the scene right up to firing the shot at Hamilton, whose trigger hand is raised to the sky. Hamilton has a death flash that includes seeing Philip, his mother, Laurens, Washington, and his beloved Eliza: “I imagine death so much it feels more like a memory. . . . Burr, my first friend, my enemy. Maybe the last face I ever see. What if this bullet is my legacy? . . . I’m running out of time. I’m running, and my time’s up. Wise up. Eyes up. . . . Raise a glass to freedom.” The chorus narrates, “He aims his pistol at the sky.” Burr’s shot strikes Hamilton right between his ribs. For the first time in the musical Burr shows remorse for an action he takes: “Now I’m the villain in your history. . . . I should’ve known, the world was wide enough for both Hamilton and me.”

The silent audience is gripped as President Washington is the first to step forward and speak, repeating a theme, “Let me tell you what I wish I’d known when I was young and dreamed of glory. You have no control: Who lives, who dies, who tells your story?” Next is President Jefferson: “I’ll give him this: his financial system is a work of genius. I couldn’t undo it if I tried. And I tried.” Then President Madison: “He took our country from bankruptcy to prosperity. I hate to admit it, but he doesn’t get enough credit for the credit he gave us.” Now Angelica steps forward: “Every other founding father story gets told. Every other founding father gets to grow old.” This is followed up by Burr: “But when you’re gone, who remembers your name? Who keeps your flame?” Each pronouncement is an act of justice, culminating with Eliza getting in the last word for her fallen hero. She says, “You could have done so much more if you only had time. And when my time is up, have I done enough? Will they tell our story?” Yes, Eliza, your story is told.

As the show closes, no one wants to leave. The profound lyrics, heart-felt vocals, multi-faceted varieties of music, graceful movements, and ultra-efficient staging all leave one drained and exhilarated. Now everyone can exhale.<sup>9</sup>

### 3. Conclusion: What Is a Legacy?

The essence of this musical is Hamilton's legacy.<sup>10</sup> Early in Act I he ventures, "Don't be shocked when your hist'ry book mentions me. I will lay down my life if it sets us free. Eventually, you'll see my ascendancy." After Hamilton has ascended and achieved many of those "million things [he hadn't] done," he muses in the last moments of his life about the nature of a legacy: "Legacy. What is a legacy? It's planting seeds in a garden you never get to see. I wrote some notes at the beginning of a song someone will sing for me. America, you great unfinished symphony, you sent for me. You let me make a difference. A place where even orphan immigrants can leave their fingerprints and rise up."

That legacy is most prominent in Hamilton's city: New York. In 1835—right when his financial policies had paid off the national debt—merchants commissioned a fourteen-foot marble statue of Hamilton, which was placed on the rotunda of the stock exchange floor in lower Manhattan. (Unfortunately, that statue was destroyed in the great fire later that year. However, there are now four statues of Hamilton in New York City.) After his abolitionist dreams played out, post-Civil War, the United States enjoyed the Industrial Revolution, which, due to innovations in several industries such as transportation and communications, produced a level of prosperity never seen before in history. As the nineteenth century closed, a monument dedicated to the individuals who had the most positive impact was built: the Hall of Fame for Great Americans in the Bronx. Hamilton's was among the first names to be nominated. One of the catalysts who made the 1920s roar was Calvin Coolidge, who properly claimed, "The business of America is business." This statement could have been uttered by Hamilton. In fact, Coolidge admired Hamilton so much that he had his image printed on the ten-dollar bill. The "ten-dollar founding father" would have been proud to see these blossoms of the seeds he had planted so long ago.

*Hamilton: An American Musical* is poised to usher in another era of that legacy. With audiences—particularly 20,000 NYC high school students<sup>11</sup>—who will learn about this hero, the future of America and New

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<sup>9</sup> There is one character who provides such humor and contrast to the rest of the show, that I will omit discussing him in this review. He is best experienced live.

<sup>10</sup> It must be noted that this is not a documentary, but a work of art. Therefore, some facts have been changed by Miranda to maximize the drama. However, if there is one fact that I wish was included, it is that Hamilton fought not for a democracy, but a constitutional republic.

<sup>11</sup> The Rockefeller Foundation is partnering in 2016 with Miranda and the NYC



York City is looking brighter. The CD cast recording of the musical is a superb alternative for those who cannot attend the show live. On the heels of this smash hit, the New York Public Library went into its archives and put together a link where one can find the people and events associated with the musical.<sup>12</sup>

What will the legacy of *Hamilton: An American Musical* be? Some of the most powerful messages are: Do *not* throw away your shot. Put a pencil to your temple and connect it to your brain. Don't live on your knees; rise up. Stay alive. Look around at how lucky we are to be alive right now. If you stand for nothing, what will you fall for? Pursue non-stop achievement. Say *no* to temptation, since it will have disastrous consequences. Write love letters to your loved ones. Learn to manage every disadvantage. You gotta fend for yourself. Dying is easy; living is harder. Keep looking for a mind at work. Raise a glass to freedom, something they can never take away without your consent. Take a stand with pride. Teach them how to say goodbye with dignity. Work a lot harder, be a lot smarter, be a self-starter. Start reading every treatise on the shelf. Pick up a pen and write your own deliverance. In New York you can be a new man. Why? Because it's the greatest city in the world. Although you may not live to see your glory, join the fight. Build something that's gonna outlive you. And if you do that on a gigantic scale, history will have its eyes on you.<sup>13</sup>

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Department of Education to make this possible. See "Hamilton: The Musical and The Rockefeller Foundation Announce Partnership," The Rockefeller Foundation, October 27, 2015, accessed online at: <https://www.rockefellerfoundation.org/about-us/news-media/hamilton-the-musical-and-the-rockefeller-foundation-announce-partnership-to-provide-20000-nyc-public-school-students-with-tickets-to-hamilton-on-broadway-with-1-46-million-grant/>.

<sup>12</sup> See "Hamilton: The Archive," New York Public Library, accessed online at: <http://www.nypl.org/blog/2015/08/07/hamilton-archive>.

<sup>13</sup> This act of justice closes with many thanks for telling this story, starting with everyone who took part in making this musical the incredible work of art that it is. Thank you, Eliza Hamilton. Thank you, Ron Chernow and other writers and speakers whose words have helped us gain greater awareness and understanding of this heroic figure. Thank you, Alexander Hamilton Awareness Society. Thank you, Lin-Manuel Miranda, for brilliantly telling the story of the ages. And most important, thank you, Alexander Hamilton.

Review Essay: A Critique of Michael Huemer's *The Problem of Political Authority*

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**1. Introduction**

Michael Huemer's *The Problem of Political Authority* addresses the question of whether the state is, or can be, legitimate.<sup>1</sup> He expounds and criticizes a number of different types of solution before presenting and defending the solution he favors. The attempted solutions that he rejects are traditional social-contract theories, hypothetical social-contract theories, appeals to democratic processes, consequentialist accounts, and fairness accounts. What those attempted solutions have in common is that they try to show that the state is, or can be, legitimate. Huemer concludes: "No state is legitimate, and no individual has political obligations" (sec. 13.5.1). Accordingly, the solution that Huemer defends is that there is a form of anarchism that will yield the benefits that are usually ascribed to the state while avoiding the ills that states produce.

Huemer sometimes makes statements like: "it is permissible for the state to prohibit some action if and only if it would be permissible for a private individual to use force to prevent or retaliate for that sort of action" (end of sec. 7.1.5). Such statements are misleading insofar as they make it appear that Huemer thinks that a legitimate state is possible. However, a state that could permissibly do only what non-state agents could permissibly do, would not be a state. So, perhaps Huemer's statement is intended as a *reductio ad absurdum*: A legitimate state would not be a state; therefore, there is no legitimate state.

Huemer raises sufficient difficulties against social-contract and democracy accounts to rule them out (though he does not quite show how thoroughly hopeless they are). I do not discuss those approaches here.<sup>2</sup> Nor do I consider fairness accounts (which Huemer targets), except insofar as consequentialist accounts contain a fairness component. I show that the best

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<sup>1</sup> Michael Huemer, *The Problem of Political Authority* (New York: Palgrave Macmillan, 2013). This is the electronic version, so all references are to section rather than page numbers.

<sup>2</sup> For a brief critique of social-contract theories, see my "Social Contract Theory Should Be Abandoned," *Rationality, Markets, and Morals* 4 (2013), pp. 178-89.

available consequentialist solution to the problem of political authority is untouched by Huemer's objections to consequentialist and fairness theories. I also outline the strongest objection to consequentialist solutions, which Huemer does not offer explicitly, though it is implicit in the argument of Part II of his book.

In Section 2, I explain briefly the problem of political authority. In Section 3, I outline the best available consequentialist solution to the problem. In Section 4, I show that solution to be untouched by the confused objections that Huemer raises to consequentialist accounts. In Section 5, I summarize the argument of the previous sections before outlining the strongest argument against consequentialist explanations of political authority.

## 2. The Problem of Political Authority

The problem of political authority, says Huemer (sec. 1.1), is why we should accord to the state, as contrasted with ordinary citizens, the special moral status of having authority over us. In a somewhat unorthodox demarcation (because it includes the right to rule under political legitimacy rather than under political obligation) he says that the authority in question has two aspects:

- (i) Political legitimacy: the right, on the part of a government, to make certain sorts of laws and enforce them by coercion against the members of its society—in short, the right to rule.
- (ii) Political obligation: the obligation on the part of citizens to obey their government, even in circumstances in which one would not be obligated to obey similar commands issued by a nongovernmental agent (sec. 1.2).

Huemer speaks as if these two aspects of political authority are independent; however, (i) entails (ii). If a state has the *right* to make laws for its citizens, then the citizens have the *duty* to obey the laws. That right and that duty are correlative. (Huemer does not distinguish obligations from duties, and neither shall I.) However, (ii) does not entail (i) because (i) also includes the right to *enforce* the laws. Huemer defines “coercion” to mean using physical force or the threat of physical force to induce a person to act, or not act, in a specific way (sec. 1.4). Political authority may be circumscribed, that is, there may be limits to what sorts of laws a state may legitimately make. It is a substantive question whether any existing state has political authority (secs. 1.2 and 1.5). Our question, then, is this: What could make it the case that a state has political authority?

A shortcoming in Huemer's explanation of the problem is that he does not say what he takes a state to be. If a state were defined as a body with political authority, the answer to the question would be that a state cannot but have political authority. It would then be an open question as to whether there are, or could be, any states. Huemer thinks that states do exist but do not have

political authority. So what, then, does he think a state is? He does not say explicitly, but from the things he does say (secs. 1.1, 2.1, and elsewhere) it seems that we can impute to him the following definition:

- (s) A state is a body that makes and enforces laws, provides internal security and external defense (among other things), and levies (compulsory) taxation.

The question, then, is how a state could have the moral authority to do such things or, more accurately:

- (p) How could a state, as described in (s), have political authority, as defined by the conjunction of (i) and (ii), above?

A common approach to this problem has been to try to explain political authority in terms of the ordinary moral authority of individuals. One way of doing that invokes the authority of individuals to enter contracts, the idea being that people agree, or would agree under particular circumstances, to set up a body with the right to rule, and thus they become obliged to obey that body in virtue of their agreement. Another type of explanation of political authority attempts to derive it from the respect due to individuals as (potential) participants in democracy. The failure of those types of explanations suggests that it is a mistake to attempt to derive political authority from individual authority. The explanation for political authority, if there is one, may instead ground it in the social connectedness of human persons.

### 3. The Consequentialist Explanation of Political Authority

Consequentialist explanations of political authority may take different forms. The one that I take to be best—the Consequentialist Explanation of Political Authority—is a secular development of a form of rule-consequentialism proposed by George Berkeley in 1712 (though it differs from his view in significant ways, including not endorsing passive obedience to a tyranny).<sup>3</sup> I expound this account elsewhere<sup>4</sup>; here I offer only an outline.

Political authority is required for human flourishing because human persons are not entirely separate from each other. They are born into social relations and they usually spend their whole lives in community with other individuals. What one person does has implications, good or bad, for others.

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<sup>3</sup> George Berkeley, “Passive Obedience,” in A. A. Luce and T. E. Jessop, eds., *The Works of George Berkeley*, vol. 6 (London: Thomas Nelson and Sons, 1953), pp. 15-46.

<sup>4</sup> See my “The Good Bishop and the Explanation of Political Authority” *De Ethica* (forthcoming), accessed online at: [https://www.academia.edu/9200305/The\\_Good\\_Bishop\\_and\\_the\\_Explanation\\_of\\_Political\\_Authority](https://www.academia.edu/9200305/The_Good_Bishop_and_the_Explanation_of_Political_Authority).

So, while the flourishing of each person is normally that person's responsibility, it can significantly be helped or hindered by the actions or omissions of others. There are alternative possible systems of moral and other normative rules which provide different incentives for action or inaction, and in that way may either promote or undermine the achievement of the flourishing of individuals. The system of moral rules that is (objectively) true is the one which, if universally acknowledged and acted upon by people as they actually are, provides the best prospects for human flourishing. The true system of rules, needless to say, is for us to discover. It seems from the knowledge that we have acquired so far that, as Berkeley maintains, the true system of rules includes rules assigning authorities, rights, and duties to persons and also rules assigning authorities, rights, and duties to the state. The state is not a person; it is an institution constituted by rules governing the behavior of persons.<sup>5</sup> Human flourishing requires private property rights to be defined in as many things as practically possible and also requires individuals to have the freedom to exchange, give up, or modify private property rights, with mutual consent and minimal obstruction.<sup>6</sup> It seems, therefore, that the true system of moral rules assigns the state the authority to:

- make suitable arrangements to protect the rights of its citizens from violation by parties internal or external to its territory;
- define private property rights, when it becomes practically possible to do so, in areas where they previously did not exist (a newly discovered land mass, the oceans, the air, the moon, and so on) and lay down a scheme for the acquisition of those rights;
- alter previously existing rights if that becomes necessary to improve the prospects of the flourishing of all persons;
- make and enforce other regulations where required to solve coordination problems efficiently, if the authority that citizens have to make regulations for their own properties cannot solve those problems; and

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<sup>5</sup> See, e.g., Dorothy Emmett, *Rules, Roles, and Relations* (London: Macmillan, 1966), pp. 1-16 and 138-48.

<sup>6</sup> See, e.g., Ronald Coase, "The Problem of Social Cost," in Ronald Coase, *The Firm, the Market, and the Law* (Chicago, IL: University of Chicago Press, 1960), pp. 95-156; Garrett Hardin, "The Tragedy of the Commons," *Science* 162, no. 3859 (1968), pp. 1243-48; Friedrich Hayek, "The Use of Knowledge in Society," in Friedrich Hayek, *Individualism and Economic Order* (London: Routledge and Kegan Paul, 1945), pp. 77-91; Robert Nozick, *Anarchy, State, and Utopia* (New York: Basic Books, 1974), pp. 309-34; and Danny Frederick, "Voluntary Slavery," *Las Torres de Lucca* 4 (2014), pp. 115-37, sec. III.

- levy fair taxes to finance its activities.

The existence of a state with political authority will not *guarantee* that all, or even any, individuals flourish to any significant extent, for a variety of unavoidable reasons, including that human knowledge is scant and fallible (so individuals will often make mistakes); that humans have free will and may act perversely to frustrate their own fulfilment or that of others; and that human life is subject to the vicissitudes of the physical world, including diseases and natural disasters. However, the existence of a state with political authority does provide the best *prospects* for human flourishing.

The state defined by the true set of moral rules will not fully conform to the five principles that Huemer says are implicit in “the ordinary conception of political authority” (sec. 1.5), namely:

(1) *Generality*: The state has authority over at least the great majority of citizens.

(2) *Particularity*: The state has authority only over its own citizens and residents in its territory.

(3) *Content-independence*: The state has significant leeway over the content of laws that it promulgates, and even has the right to make and enforce laws which are bad or wrong.

(4) *Comprehensiveness*: The state is entitled to regulate a broad range of activities, perhaps including such matters as the terms of employment contracts, the trading of financial securities, medical procedures, food preparation procedures in restaurants, individual drug use, individual weapon possession, movement into and out of the country, the flying of airplanes, and trade with foreign countries.

(5) *Supremacy*: The state is the highest human authority in its domain.

The state defined by the true set of moral rules will instantiate the principles of generality and particularity. It will satisfy the principle of supremacy insofar as it is the highest authority in its domain. However, the state is not a human; it is an institution. It will partly exemplify the principle of content-independence. There are many cases where the state will need to introduce a rule, but where there are a number of different rules which are as good as each other. In those cases, the state has permissible leeway about which ones to adopt. For example, suppose that traffic regulations need to be made by the state. It may not matter whether the regulation is to drive on the right-hand or the left-hand side of the road, so long as it is one of them. However, the state would not have the right to make and enforce laws which

are bad or wrong, as a state with such a right would offer worse prospects for human flourishing than a state which did not have such a right. Therefore, the state with political authority will not instantiate the principle of comprehensiveness. To assume or insist that a state with political authority must exemplify fully the five principles that Huemer says are implicit in “the ordinary conception of political authority” would limit conceptions of a legitimate state to those which can be refuted easily, thereby exhibiting a lack of theoretical seriousness.

Huemer, somewhat perversely, given (i) and (ii) in Section 2 above, divides consequentialist explanations of political authority into those concerned with political obligation and those concerned with political legitimacy. He says:

[C]onsequentialist arguments . . . for political obligation . . . proceed in two stages. First, one argues that there are great values that are secured by government and that could not be secured without government. Second, one argues that this fact imposes on individuals an obligation to obey the state, on the grounds that (a) we have a duty to promote the values addressed in the first stage of the argument or at least not to undermine them, and (b) obedience to the law is the best way of promoting those values and disobedience is a way of undermining them. (sec. 5.1.1)

There are two serious problems with Huemer’s statement in the above quotation. First, what he describes as the “first stage” of consequentialist arguments concerned with political obligation indicates, somewhat infelicitously, the Consequentialist Explanation of Political Authority. The “great values” to which the explanation appeals concern the flourishing of human individuals. The argument is that the best prospects for realizing those values is the existence of a state with political authority of a delimited kind. If a state with political authority exists, then its citizens owe it political obligation. What Huemer describes as the “second stage” of the argument is therefore not required. Indeed, as it grounds political obligation *not* in political authority but directly in the “great values,” it is not even consistent with the “first stage” of the argument.<sup>7</sup> Furthermore, since part (a) of the “second stage” seems act-consequentialist while part (b) seems rule-consequentialist, the “second stage” of the argument seems inconsistent with itself.<sup>8</sup> Perhaps Huemer would not count the Consequentialist Explanation of Political Authority as a consequentialist account. However, that would be inadvisable given that one of his objections to consequentialist accounts is an objection to

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<sup>7</sup> Compare Berkeley, “Passive Obedience,” sec. xxxi.

<sup>8</sup> *Ibid.*, secs. viii, xxx, and xxxi.

rule-consequentialism (see Section 3), and it would mean that his argument against political authority ignores the best explanation of such authority.

Second, I speak of consequentialist *explanations of*, rather than *arguments for*, political authority. While an explanation is generally an argument, of which the conjunction of the premises forms the *explanans* and the conclusion forms the *explanandum*, an explanation is not an argument *for* its conclusion. An argument *for* a conclusion is an attempt to prove or establish or justify that conclusion. In contrast, the conclusion of an explanation is assumed, perhaps tentatively, to be true, while its premises may (and should) be considered hypothetical, so there is no attempt to prove or establish or justify anything. The premises are hypothetical because they constitute a conjectured solution to the problem of explanation; even if that conjecture turns out to be better than any other proposed so far, a still better conjecture may be proposed in the future.<sup>9</sup> Rival explanations need not agree in their *explananda*. For example, different explanations of political authority may disagree over the scope of the political authority they ascribe to the state. Indeed, an anarchistic explanation of the impossibility of political authority will compete with them all as an answer to the question of whether a state could have political authority.

#### 4. Huemer's Objections

Huemer's stated strategy in arguing against consequentialist explanations of political authority is to grant the assumption that a state is needed to provide great benefits of the kind adverted to in Section 3 above, and to show that political authority as commonly understood cannot be derived from that assumption (sec. 5.1.2). This strategy seems either trivial or incoherent.

If by "political authority as commonly understood" he means that which fully satisfies the five principles that he says are implicit in "the ordinary conception of political authority," so that such authority includes comprehensiveness and the right to make bad or wrong laws, then he is setting himself an easy task that is theoretically uninteresting.

Alternatively, by "political authority as commonly understood" he may mean authority which satisfies his definition, quoted in Section 2 above, which combines (i) political legitimacy with (ii) political obligation. In that case, his argument is that, even if we assume that great benefits require a state as described in (s) (in Section 2), that is, a body which (among other things) makes and enforces laws, a body of such kind would not have the *right* to make and enforce laws. That seems incoherent. The value of the great benefits that depend on the existence of a state makes it the case that there *morally ought* to be a body of a particular kind making and enforcing laws. That

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<sup>9</sup> See my "The Contrast between Dogmatic and Critical Arguments," *Organon F: International Journal of Analytic Philosophy* 22, no. 1 (2015), pp. 9-20, for discussion of dogmatic, critical, and hybrid arguments.



should make it the case that individuals *morally ought* to obey the laws made by that body and submit to that body's enforcement of those laws. That is to say that people have a *duty* to obey, and comply with the enforcement of, the laws of such a body. But that implies that such a body has the *right* to make and enforce laws. So, the great benefits in question require a state with political authority, not just a state as described in (s). Just as human rights are grounded in the value of specifically human capacities (plus facts about the world), so the rights of the state are grounded in the value of the functions, specific to the state, which make human flourishing possible (plus facts about the world).

The dubiousness of Huemer's strategy seems matched by the confusions in his objections to consequentialist explanations of political authority. Huemer divides them into objections to political obligation and objections to political legitimacy. Since, as we noted in Section 2, political legitimacy (on Huemer's definition) entails political obligation, objections to the latter are also objections to the former, and all are objections to political authority. I consider and criticize Huemer's objections in the following subsections, showing that all of them are confused and none of them has any impact on the Consequentialist Explanation of Political Authority.

**a. Low-level disobedience**

Huemer says:

Proponents of the consequentialist argument for political obligation argue that general obedience to the law is necessary for the state to function. If too many citizens disobey, the state will collapse, and its enormous benefits will disappear. Furthermore, they argue, the costs of obedience, while significant, are reasonable *in light of the benefits*, since most people receive substantially greater benefits than costs from the state. Thus, a moderate principle of a duty to do good leads to the conclusion that we are generally bound to obey the law. (sec. 5.1.3)

He raises the following objection to that consequentialist argument:

It is plausible that there is some level of disobedience that would cause a governmental collapse. But as long as we are far from that level, any given individual can disobey with no consequences for the survival of government . . . [because] other people will continue to obey whether you obey or not. (sec. 5.1.4)

He adds that there are some laws, including those against murder and robbery, which one should obey for independent moral reasons. However, obedience to such laws fulfills a general moral obligation to other people; it is not an example of *political* obligation, which involves a content-independent obligation to obey the law because it is the law.

It should be easy to see that Huemer's objection is irrelevant to the Consequentialist Explanation of Political Authority. On that explanation, it is not the case that the citizens are obliged to obey the laws simply because the benefits of law-abidingness are well worth the costs, or simply because the horrors of lawlessness generate a duty of law-abidingness. It is, rather, the case that a state of a particular kind, which has the right to promulgate laws that the citizens are obliged to obey, provides the best prospects for human flourishing, and if such a political authority exists, its citizens are obliged to obey its laws.<sup>10</sup> The fact that a relatively low level of disobedience is consistent with general obedience, and thus consistent with avoiding the horrors of lawlessness, does not alter the fact that all of the citizens are obliged to obey the laws of a state with political authority because those laws are promulgated by a body that has the *right* to make laws for its citizens.

**b. Universalizability**

Huemer claims that one may break the law if what the law commands is not independently morally required and no serious negative consequences will result. He says that rule-consequentialism is closely related to a doctrine of universalizability. He introduces that doctrine as saying, roughly, that an action is impermissible if sufficiently bad consequences would follow were everyone to perform an action of that type. That doctrine, he says, may seem to rule out low-level disobedience because, if everyone did it, there would be high-level disobedience and the state would collapse. However, the doctrine of universalizability seems to have the absurd consequence that my becoming a professional philosopher is impermissible given that, if everyone became a professional philosopher, we would all starve. Huemer says that one might try to save the doctrine by describing one's proposed action more carefully. For example, my action does seem to be universalizable if it is described as "becoming a professional philosopher *provided that* there are not already too many professional philosophers." However, an instance of low-level disobedience may be described as "breaking the law when what the law commands is not independently morally required, *provided that* there are not too many people breaking the law." So described, the action seems universalizable, since a general rule of performing actions of that type would not bring about the collapse of the state. He concludes that if rule-consequentialism is defensible, it does not provide a general defense of political obligation (sec. 5.2).

Huemer here simply confuses rule-consequentialism with universalizability. The latter doctrine appears to be incoherent because every particular action can be described in various ways, such that it is universalizable under some descriptions but not under others. For example, my action of repaying a debt to Jim may be truly described as my moving my right arm in a particular way at a specific time. But if everyone moved his

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<sup>10</sup> Berkeley, "Passive Obedience," sec. xxxi.

right arm in that particular way at that specific time, then some people would be hit, some people would lose control of the vehicle they are driving, some people would knock pots of boiling water over infants, and so on. That would make my action of repaying my debt to Jim impermissible. My unprovoked punching of Jim on the nose may truly be described as my moving my body on a Monday. But it does not appear that there would be bad consequences if everyone moved her body on a Monday. So it would seem to be permissible for me to give Jim an unprovoked punch on the nose. In contrast, rule-consequentialism affirms that the correct system of moral rules is that which provides the best prospects for human flourishing, which does not entail the doctrine of universalizability. Consequently, objections to that doctrine are not objections to rule-consequentialism.

***c. Fairness***

Huemer notes that an advocate of a “fairness theory of political obligation” may respond to his claim that some low-level disobedience is permissible by saying that it would be unfair and thus wrong to free-ride on other people’s obedience (sec. 5.3.1). An advocate of the Consequentialist Explanation of Political Authority could also make that point, since his explanation appeals to the flourishing of *all* individuals. The response, says Huemer (sec. 5.3.2), is plausible only with regard to some laws, such as tax laws, where obedience provides resources to the state to fund its activities. The response is not plausible for many other laws, such as prohibitions of marijuana smoking, the sale of sex, the provision of legal advice without admission to the bar, paying less than the minimum wage, selling packaged food without listing the number of calories it contains on the package, running a private company that delivers mail to individuals’ mail-boxes, and so on. Obedience to such laws, he says, does not seem to constitute a sharing of the costs of providing protection from foreign states or domestic criminals or providing predictable rules for social cooperation. By disobeying in such cases, you do not appear to treat others unfairly.

Huemer’s response here seems inappropriate. The advocate of a consequentialist explanation of political obligation need not be committed to defending the authority of an existing state or an obligation to obey its unjust laws. An attempt to explain how political authority, and thus political obligation, is possible is not, or need not be, an attempt to explain why any existing state has political authority. In the case of the Consequentialist Explanation of Political Authority, as we already noted, it is only a delimited kind of state that is deemed to have political authority. The same may apply to other consequentialist explanations of political authority.

***d. Better value alternatives***

A further objection that Huemer raises to fairness theories is worth examining because it allows us to make additional points about consequentialist theories. This objection is that obeying the law often interferes with doing more important things. Huemer says that it would be

permissible safely to evade \$1,000 worth of legally prescribed taxes if one could spend the money in a more socially valuable way than giving it to the state. That option is almost certain to be available, he says, because the marginal social benefit of each dollar given to the state is much less than the marginal social benefit of a dollar given to any of a variety of extremely effective private charities (sec. 5.3.4).

Whatever force that objection has against fairness accounts does not transfer to rule-consequentialist accounts. The difference between act-consequentialists and rule-consequentialists is that the latter deny that a rule may be broken whenever an action in accord with the rule provides a smaller social benefit than an alternative action which breaks the rule. It has been a commonplace in philosophy at least since Berkeley<sup>11</sup> and David Hume<sup>12</sup> that, even in the best system of law, or of moral rules, there will be particular instances in which social benefit would be increased by breaking a law but in which it is impermissible to break the law. A system of rules is morally required, but no system of rules is blemish-free. On the Consequentialist Explanation of Political Authority, one always has an obligation to pay one's taxes if the tax laws are promulgated by a state with political authority that acts within its authority.

All that is consistent, though, with there being relatively rare cases in which it is permissible to act contrary to the obligation imposed by a given law or moral rule, is that if that is the only way to avoid a calamity. That will be so if it is a moral rule that an impending calamity generates an obligation and if, in the circumstances, the obligation imposed by that rule overrides the (still existing) obligation imposed by the given law or rule. One then has an obligation to make amends, in a way which is appropriate in the circumstances, to the agent to whom the overridden obligation is owed.<sup>13</sup>

On rule-consequentialist accounts of political authority, then, it is generally false that it is permissible to evade a tax where such evasion produces an increase in social benefit. Even when an impending calamity makes it permissible to evade the tax that does not show that there is no obligation to pay the tax; it shows only that the obligation to pay the tax is overridden in the circumstances. Thus, *contra* Huemer, the permissibility of tax evasion need not constitute an objection to the claim that the state has political authority.

Huemer's claim about the marginal social benefit of taxation versus charity is a claim about the situation in contemporary America. Proponents of

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<sup>11</sup> *Ibid.*, secs. viii, xiii, xxx, xxxi, and xlii.

<sup>12</sup> David Hume, *A Treatise of Human Nature*, ed. L. A. Selby-Bigge (Oxford: Clarendon Press, 1888), p. 579.

<sup>13</sup> See my "Pro-tanto versus Absolute Rights," *Philosophical Forum* 45, no. 4 (2014), pp. 375-94; and my "Pro-tanto Obligations and Ceteris-paribus Rules," *Journal of Moral Philosophy* 12, no. 3 (2015), pp. 255-66.

a consequentialist explanation of political authority need not affirm (and really ought to deny) that the existing American state has political authority and consistently acts within its authority. Showing that it is permissible to disobey the laws of a state without authority, or laws which go beyond the state's authority, does not amount to showing that it is permissible to disobey the laws of a state with political authority that acts within its authority.

*e. Disagreement*

A further objection that Huemer raises concerns citizens who deny the legitimacy of the state's activities:

This includes . . . those who are morally or ideologically opposed to government in general (anarchists). It includes people who, while supporting the general idea of government, believe that the proper sort of government is radically different from the government they have. And it includes people who oppose specific government programs but are nevertheless forced to contribute to them. For instance, pacifists may not want the alleged good of a military force, yet they must pay for it just as everyone else does. (sec. 5.3.3)

These citizens raise a difficulty for explanations of political authority, Huemer thinks, because "it is difficult . . . to account for an obligation to assist in projects to which one is sincerely opposed, whether or not one's opposition is well founded" (sec. 5.3.3). For those of us who do not see the difficulty, he offers an illustration (secs. 5.3.1 and 5.3.3). Several people are in a lifeboat, caught in a storm, and the boat is taking on water. Some of them believe that praying to Jehovah will assist them in staying afloat. Suppose that they are correct in that belief: Jehovah exists and is receptive to petitionary prayer and, provided that a large majority pray, Jehovah will assist them. Sally does not believe that. She believes that praying to Jehovah will more likely be harmful, because it will offend Cthulhu. She therefore opposes the other passengers' plan. In this situation, does Sally really have an obligation to pray to Jehovah?

The question is rhetorical: Huemer assumes a negative answer. It seems, though, that the answer to the question is *yes*. Sally does not cease to have an obligation simply because she does not think that she has it. Whether or not one has an obligation is an objective fact. We do not cease to have obligations by burying our heads in the sand to avoid noticing them. Similarly, we do not cease to have an obligation to  $\varphi$  (where " $\varphi$ " stands in for a description of an action or an omission) just because we hold a theory according to which we do not have an obligation to  $\varphi$ . An ethical egoist has an obligation to save the drowning child even though he sincerely denies it.

One might be inclined to follow Huemer in assuming a negative answer to the rhetorical question, if one fails to distinguish two issues:

- (a) whether person *A* failed to fulfill an obligation to  $\varphi$ , and

(b) whether person *A* is blameworthy for not  $\varphi$ -ing.

In the lifeboat example, Sally is not blameworthy for refusing to pray to Jehovah, because she sincerely believes that it would be more likely to hinder than to help, and her erroneous belief (let us suppose) is not the result of culpable action or inaction. Yet she has the obligation to pray to Jehovah, which she fails to fulfill. Her refusal to pray is wrong, but it is blameless because she is non-culpably misinformed. Similarly, a sincere and diligent ethical egoist does wrong in letting the child drown, but she may be blameless if she is non-culpably misinformed as to what her duties are. Of course, we cannot know whether the egoist is sincere. Insincere appeals to egoistic theory would provide an easy way out for all manner of wrong-doers, so we might have a practice of always blaming egoists who default on their duties (except perhaps under special circumstances).

That Huemer confuses issues (a) and (b) seems clear from the following:

If the existence of Jehovah and the effectiveness of petitionary prayer were easily verifiable facts, which Sally could be blamed for failing to know, then perhaps Sally would have a moral obligation to pray to Jehovah. But assume that this is not the case. Assume that these are matters on which there is reasonable disagreement and that Sally's view is rational or at least not markedly less rational than the view of the majority of passengers. In that case, it is not wrong of Sally to refrain from praying to Jehovah. She is not seeking to gain some sort of unfair advantage over others nor to profit through others' labors. (sec. 5.3.3)

Huemer's talk of "easily verifiable facts" suggests that he is unaware of the problem of induction, the paradoxes of confirmation, the Duhem problem, and the theory-ladenness of observations. Putting that to one side, it seems that there is a reasonable line of thought in that passage, namely, that if Sally is not to blame for having the views that she has, then she is not to blame for the action that she takes which conforms with those views. However, because Huemer does not distinguish (a) and (b), that line of thought gets perverted into this false one: if Sally is not to blame for having the views that she has, then the action that she takes which conforms with them is not wrong.

Inconsistently, Huemer does later distinguish issues (a) and (b):

[T]he fact that government employees believe themselves to be acting rightly makes them less blameworthy than they would otherwise be . . . [but] government employees' ignorance of their ethical duty does not alter the appropriate assessment of what they really ought to do. It does not alter the fact that they have no right to enforce unjust laws. (end of sec. 7.3)

He does so again elsewhere:

Suppose that Mary is . . . stealing money from her company. Mary, however, sincerely believes that the laws governing property are unjust, for she has been taken in by a misguided political ideology that rejects private property. In this case, is Mary's behavior right? No, it is not. Mary is mistaken in thinking that the property laws are unjust, so she is also mistaken in taking her own behavior to be ethically permissible. Depending on how understandable her error is, Mary may be less blameworthy . . . but her *action* is just as wrong. (sec. 7.5.1)

Consequently, Huemer's objection to explanations of political obligation from the fact of political disagreement is unsound and it also involves him in self-contradiction. If the Consequentialist Explanation of Political Authority is correct, then anarchists, pacifists, and other dissidents are obliged to obey the laws promulgated by a state with political authority, and to make appropriate amends for not doing so, even though they may deserve no blame for their disobedience.

Finally, the fact that we can have no certain knowledge about what we ought to do raises the questions of what moral theory to act on, and what institutional arrangements to make in order to try to ensure that people in positions of power act on a moral theory that is appropriate in the circumstances, even though it may be false.<sup>14</sup>

#### *f. Emergencies*

Huemer's first objection specifically to consequentialist explanations of political *legitimacy* (as he defines it) draws on an analogy with emergency situations. The Consequentialist Explanation of Political Authority could be summarized by saying that the reason for political authority is that, without it, human life would be far worse than it could be. That may suggest an analogy with emergency situations in which it is permissible for an ordinary citizen to coerce a person or infringe a person's property rights in order to prevent something substantially worse from happening. Huemer gives an example. You are on a lifeboat that is in danger of sinking unless most of the passengers quickly start bailing water. You cannot perform the task alone, but none of the other passengers is willing to bail, and no amount of reasoning or pleading will persuade them. It seems permissible for you to pull out your gun and order the other passengers to start bailing out the boat. He says: "perhaps the state is justified in coercing people and seizing people's property through

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<sup>14</sup> I address those questions in Sections 4 and 5 of my "Theoretical and Practical Reason: A Critical Rationalist View," accessed online at: [https://www.academia.edu/793164/Theoretical\\_and\\_Practical\\_Reason\\_A\\_Critical\\_Rationalist\\_View](https://www.academia.edu/793164/Theoretical_and_Practical_Reason_A_Critical_Rationalist_View). The questions deserve a more extended discussion, though.

taxation, because doing so is necessary to prevent a virtual collapse of society” (sec. 5.4.1). The analogy, says Huemer, breaks down. Your entitlement to coerce in the lifeboat is neither comprehensive nor content-independent:

[I]t depends upon your having a correct (or at least well-justified) plan for saving the boat, and you may coerce others only to induce cooperation with that plan. More precisely, you must at least be justified in believing that the expected benefits of coercively imposing your plan on the others are very large and much larger than the expected harms. (sec. 5.4.2)

Huemer’s conflation of facts and opinions is evident here. What makes it permissible for you to coerce the others to bail water is the fact that, unless they bail, all of the people in the boat will die. So long as that fact obtains, it is permissible for you to coerce the others to bail even if it never occurs to you to do so. Furthermore, if that fact (or one very much like it) did not obtain, your plan to save lives by coercing the passengers to bail would not make it permissible for you to use coercion, even if your plan were “justified” or even “well-justified” (assuming that sense could be made of such talk), though your mistaken opinions may make your use of coercion excusable (see my response above, in Section 4.e, to Huemer’s previous objection from disagreement).

Every analogy breaks down at some point, which is why it is just an analogy, but the analogy between the state and an individual in an emergency situation does not break down in the way that Huemer claims it does. It was noted in Section 3 that the Consequentialist Explanation of Political Authority cannot explain comprehensive political authority and that it can explain only a restricted authority to promulgate content-independent laws. In both of those ways, the analogy of the lifeboat holds. Huemer is mistaken in saying that, in the lifeboat, your entitlement to coerce is not content-independent. There may be different, equally good, ways in which the bailing may be organized and you are entitled to enforce any one of those. Thus Huemer does not show that the analogy breaks down. The analogy does break down, though, in the following way. The person acting in an emergency permissibly *infringes* the rights of some citizens, but a state with political authority, acting within its authority, does not infringe any rights of its citizens. The rights that individuals have against other individuals, they do not always have against the state, because the state has a right, which citizens do not have, to *alter* the rights of its citizens in specific ways. In Wesley Hohfeld’s terms, the state has some particular “powers,” not possessed by any of its citizens, to alter the rights and duties of its citizens, who have the corresponding “liabilities.”<sup>15</sup>

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<sup>15</sup> Wesley Newcomb Hohfeld, *Fundamental Legal Conceptions*, ed. Walter Wheeler Cook (New Haven, CT: Yale University Press, 1919), pp. 50-60.



(The “powers” in question were indicated in the first set of bullet points in Section 3 above.)

Huemer goes on to consider a range of laws promulgated by existing states, such as paternalistic, moralistic, and redistributive laws, which he claims cannot be explained by the Consequentialist Explanation of Political Authority. Let us suppose that he is right. All that shows is that existing states either do not have political authority at all or that they act illegitimately, outside the scope of their political authority. It leaves the Consequentialist Explanation of Political Authority untouched.

***g. Supremacy***

Huemer finds it puzzling that political authority could be supreme, that is, granting to the state a right to coerce individuals which no other agent in the territory has and denying to everyone the right to coerce the state. You would lose your entitlement to coerce the passengers in the lifeboat to bail out, he says, if another passenger, also armed, sees another impending disaster that can be averted only by use of coercion and he takes appropriate steps. The fact that you were the first to use coercion to save the boat does not render you immune from being coerced in circumstances in which it would normally be permissible to coerce someone (sec. 5.4.3).

Why does Huemer expect us to take this objection seriously? According to the Consequentialist Explanation of Political Authority, human flourishing requires a state with delimited authority of a kind that belongs to no individual or other body within the territory. Huemer objects, “but that makes the state different to individuals and other bodies.” Of course it does.

It appears that confusion between person and role (or office) underlies Huemer’s objection. He says, “the state does not, on consequentialist grounds, have supreme authority. Other agents may use force to achieve the same goals that the state would be justified in using force to achieve in the event that the state’s own efforts are inadequate” (sec. 5.4.3). However, in such circumstances, those agents would represent the body with political authority. A body with political authority is one which performs particular functions; it is not an individual or a collection of individuals which at a particular time discharges those functions. That individual or that collection of individuals only represent the state at that time. If the individual(s) representing the state begin, at a later time, to act outside of the state’s authority, they do not, in so acting, represent the state, even though they might *say* that they do. If those individuals are then ousted by others who do perform the legitimate functions of the state, then those others become the representatives of the state. That Huemer confuses person and role seems evident from his claim that the doctrine of political authority, which ascribes a special moral status to the state, is not compatible with equal respect for persons (end of sec. 13.1), as well as from his claim that political “authority is puzzling . . . some explanation is required for why some *people* should have this special moral status” (end of sec. 1.6, emphasis added).

## 5. Conclusion

Huemer raises the problem of political authority and discusses a number of possible solutions. He manages to dispose of social-contract and democratic-process theories.<sup>16</sup> However, his arguments against consequentialist theories are often irrelevant, always confused, and sometimes self-contradictory. The prominent confusions which beset his discussion are those between:

- different consequentialist theories,
- different conceptions of political authority,
- laws of a state with political authority and laws of existing states,
- an obligation's being overridden and an obligation's not existing at all,
- act-consequentialism and rule-consequentialism,
- rule-consequentialism and universalizability,
- objective facts and people's opinions about those facts,
- an action's being blameworthy and its being impermissible,
- infringing and altering a right or duty, and
- a particular role and the particular person(s) charged with fulfilling that role.

Some of his objections to consequentialist theories may raise difficulties for some weaker accounts, but none of them has any impact on the Consequentialist Explanation of Political Authority.

Astonishingly, Huemer seems to concede this point himself, for in the concluding section of his chapter on consequentialist explanations he says:

The state may be entitled to collect taxes, to administer a system of police and courts to protect society from individual rights violators, and to provide military defense. In doing so, the state and its agents

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<sup>16</sup> See Frank Dietrich, "Consent as the Foundation of Political Authority—A Lockean Perspective," *Rationality, Markets, and Morals* 5 (2014), pp. 64-78, for an explanation of how an existing state may *acquire* political authority by consent that seems to escape Huemer's objections.

may take only the minimal funds and employ only the minimal coercion necessary. The state may not go on to coercively impose paternalistic or moralistic laws, policies motivated by rent seeking, or policies aimed at promoting unnecessary goods, such as support for the arts or a space program. (sec. 5.5)

This is astonishing because it contradicts his claims that “political authority is a moral illusion” (sec. 1.7) and “[t]o realize that government is illegitimate, it suffices to accept the arguments in this book” (sec. 13.4). Perhaps this quotation should be read as saying that *even if* the Consequentialist Explanation of Political Authority explains how a limited state would have political authority, it cannot explain how contemporary Western states have political authority. With that we can agree.

The strongest argument against the Consequentialist Explanation of Political Authority is one that Huemer does not state as such. It is that even if we could establish a state that had political authority, the institutions through which its role is fulfilled would almost inevitably degenerate into an organization which is, at best, similar to the illegitimate states (without political authority) that exist in Western societies today and which frustrate human flourishing in myriad ways, including:

- millions of lives ruined or set back by welfare dependency;
- millions of lives blighted by unjust criminalization for victimless crimes;
- lives lost and resources squandered in military adventures;
- enormous waste of resources through government frustration of the market processes of efficient adjustment;
- resources consumed unproductively by government and quasi-government bureaucracies;
- innumerable lives lost or impaired due to untreated medical conditions which could have been addressed had government activity outside of legitimate state authority not squandered resources and frustrated investment and technological development; and
- countless ambitions thwarted by prohibitions, bureaucratic obstacles, and high taxation.

The reasons that a state with political authority would almost inevitably degenerate into such an organization are that:

- love of power and love of oppression are common human characteristics and the people who exemplify them more prominently are those most likely to seek careers in politics;
- organized interests endeavour to persuade politicians to introduce laws which go beyond the state's authority and which are intended to increase the wealth or well-being of the organized interests at the expense of the rest of society<sup>17</sup>; and
- collectivist and anti-market ideologies are an evolutionary inheritance from our tribal past<sup>18</sup> that are not likely ever to be completely eliminated, especially since they are actively maintained by major religions and political movements, and their prevalence will predispose many citizens to favor (or not to resist) initiatives by politicians and organized interests to extend the power of the state beyond its authority.

The Consequentialist Explanation of Political Authority argues that political authority provides the best prospects for human flourishing. The argument assumes that the state with political authority will *remain* a state with political authority. However, if a state with political authority (assuming that it could ever be established) is highly likely to degenerate into the sort of illegitimate state under which we currently live, then it is doubtful that it provides the best prospects for human flourishing. This argument would be strengthened into a refutation of the Consequentialist Explanation of Political Authority, if it could be shown that there is an alternative to the state that offers better prospects for human flourishing than the sorts of states under which we currently live.

Huemer does not present this argument as an objection to consequentialist explanations of political authority, but he does present a similar argument in Part II of his book, as part of his anarchistic solution to the problem of political authority. There he says that he assumes that representative democracy is the best form of state (sec. 8.1.3) and he argues

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<sup>17</sup> Mancur Olson, *The Logic of Collective Action* (Cambridge, MA: Harvard University Press, 1965); Mancur Olson, *The Rise and Decline of Nations* (New Haven, CT: Yale University Press, 1982); and Mancur Olson, *Power and Prosperity* (New York: Basic Books, 2000).

<sup>18</sup> Friedrich Hayek, *The Mirage of Social Justice* (London: Routledge and Kegan Paul, 1982), chap. 11; Karl Popper, *The Open Society and Its Enemies* (London: Routledge and Kegan Paul, 1945), chap. 10.

that such a state almost inevitably degenerates into the sort of state that currently exists in Western societies (chaps. 8 and 9). He also argues that a particular kind of anarchist society would be better and would not be likely to degenerate into a form of anarchy or government that is worse than contemporary Western states (chaps. 10-12). I cannot discuss Huemer's defense of anarcho-capitalism here except to say that, despite being suggestive, it seems generally to be too glib, superficial, and porous to be taken seriously.<sup>19</sup>

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<sup>19</sup> My thanks to Mark D. Friedman for comments and questions on an earlier draft of this article, which helped me to improve it in several places.

Review Essay: Shawn E. Klein's (ed.) *Steve Jobs and Philosophy: For Those Who Think Different*

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**1. Introduction**

Shawn E. Klein's edited collection *Steve Jobs and Philosophy: For Those Who Think Different*<sup>1</sup>—the most recent addition to the Popular Culture and Philosophy series—draws upon the insights of nearly twenty intellectuals to discuss “Steve Jobs’s life and work, and their impact on our culture and the way we live” (p. xii). The book’s contributions fall under four major sections that correspond to elements of Jobs’s well-known persona and Apple’s famous “Think Different” marketing campaign: craziness, troublemaking, rebellion, and nonconformity. None of these descriptors carries heavily positive connotations, though the book itself is a tribute to the man responsible for revolutionizing technology. The uneasy combination of both demonology and hagiography finds its ways into the tenor of many of the essays, although Klein notes, in his Introduction, that the book intends neither. Still, when dealing with a subject matter like Steve Jobs, I doubt it could be otherwise.

This is a timely contribution to the intellectual analysis of Jobs’s life and influence. Although Jobs passed away from cancer in 2011, his presence looms large for many—including the legions of faithful consumers who were inspired by Jobs’s products and audacity and who continue to track Apple’s every move. The youngest generation knows only a world crafted by Jobs and his creations; any efforts that help us to understand that world are welcome additions to the literature.

I break down each major section by providing a brief summary of every contribution and offer some critical comments about the contributions. These comments are best understood not as damning critiques, but as expressions of how I think the conversations might continue. Ultimately, this is a tidy and successful introduction to multiple areas of philosophy, including normative and applied ethics, metaphysics, political philosophy, philosophy of action, moral psychology, and philosophy of mind. By design, many questions are thus left unanswered. However, as any educator will attest, getting people

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<sup>1</sup> Shawn E. Klein, *Steve Jobs and Philosophy: For Those Who Think Different* (Chicago, IL: Open Court, 2015).

excited to think and talk about ideas is always the real battle. Quite frankly, I enjoy this book and feel drawn into the conversations initiated within it. Thus, if stimulating interesting discussions was a goal of Klein and the contributors, then they have done a nice job.

## 2. “The Crazy One”

### *a. Summaries*

Steve Jobs’s purported craziness is introduced by James Edwin Mahon, who discusses Jobs’s well-known ability to create a “reality distortion field” for those around him (“The Reality Distortion Field of Steve Jobs”). Mahon not only asks whether it is ethical to distort the reality that others perceive, but also argues that Jobs’s ability to alter perceptions of reality was crucial to his success—in part because the “illusions” he created were often better ways of perceiving the same reality (or creating a new one). As Mahon states, “None of those who did what they did under Jobs would have been able to do the things that they did without his having made them believe that the ‘impossible’ was, in fact, possible” (p. 13). The next contributor, Carrie-Ann Biondi, intends to understand the nature of entrepreneurship within generally capitalist societies (“Counter-Culture Capitalist”). The entrepreneur, she claims, possesses “creativity, courage, initiative, perseverance, integrity, and resilience in the face of failure” (p. 21). Even though the entrepreneur is seen as interested solely in increasing his or her material well-being, Jobs, among others, demonstrates that the entrepreneur possesses the drive for self-expression, even against the dominant currents within a culture. In support of this, Biondi claims that Jobs could have retired early as a multi-millionaire, but he did not do so (p. 15).

Terry W. Noel adopts some similar themes to Biondi’s in his essay (“The Anti-Social Creator”). Noel argues that we cannot safely attribute any of the four cardinal virtues (prudence, justice, courage, and temperance) to Jobs, especially insofar as Jobs often exhibited an excess or deficiency of such virtues (pp. 28-31). Rather, he claims, we ought to view Jobs as possessing the virtues of an entrepreneur—virtues that the “ordinary” person, whose life tends toward the “staid and predictable,” simply does not possess (p. 35). Those virtues are “independence of mind,” “vision,” and “audacity” (p. 33). He, like Biondi, also claims that although the entrepreneur does not conform to the norms of society (p. 35), society ultimately benefits from the activities of entrepreneurs (pp. 25 and 36). Section I concludes with ruminations by Kyle Munkittrick on the role of Pixar in providing entertainment that may make us reconsider how we understand personhood and the beings to whom we attribute personhood (“What Pixar Taught Millennials about Personhood”).

### *b. Comments*

Important questions arise in this section. Mahon’s opening essay relies heavily upon the Talosian characters from Star Trek to discuss the ethics of reality distortion fields. His analogy of Jobs’s behavior to that of the

Talosians seems a bit misplaced, however, because Mahon ultimately concludes that what Jobs did was “the opposite of what the Talosians did, at least in some cases” (p. 11). Unlike the Talosians, Jobs helped “free people from their illusions” (p. 11). In other words, Mahon thinks that the example of the Talosians is illustrative only by way of contrast. That leaves one wondering why so much space is spent discussing the ethics of distorting people’s perceptions instead of discussing what Jobs actually did. (I kept hoping that Plato’s “Allegory of the Cave” would appear instead.) Additionally, Mahon includes a claim I find implausible. He states that there is nothing morally wrong with creating illusions for oneself (p. 9), but surely this must be qualified. (Could Robert Nozick’s “experience machine” find a way into this discussion?) Despite these criticisms, Mahon’s essay is a perfect example of how these contributions can stimulate even more questions. It is an exciting way to start the book.

One of the more difficult questions that Biondi raises in her account is how to understand where profit-seeking fits among the perceived benefits of engaging in entrepreneurial activities—foremost among them the need to be “creative” (p. 21). That is, if nonpecuniary satisfactions drive the entrepreneur, as Biondi claims, what role does money play? We might propose that money is an *indicator* or even a *condition* of successful entrepreneurship, but Biondi includes a quotation from Jobs that makes it appear as if it were the primary *cause*: “If people copied or stole our software, we’d be out of business. If it weren’t protected, there’d be *no incentive* for us to make new software or product designs” (p. 22; my italics). Perhaps for Jobs financial reward and nonpecuniary benefits are interdefinable, but that cannot be right—nor is it consistent with Biondi’s thesis. Thus, his statement provokes a need for further discussion of how the financial reward of entrepreneurship relates to its other benefits. Biondi’s essay also raises some difficult questions about the nature of intellectual property, which she defends. What is it, and what should it look like in a free society? Can ideas be “property”? Couldn’t it be the case that (at least) some forms of intellectual property artificially hamper innovation and competition, thus causing illicit harms? These are hot debates, and Biondi does well in introducing the reader to them.

Noel affirms that Jobs’s rejection of traditionally virtuous behavior was necessary for his success as an entrepreneur. He states that the innovations we see with Apple come “to exist precisely because people like Steve Jobs don’t think the four cardinal virtues apply to them . . . . For rebels like Jobs, the four virtues are prison walls” (p. 35). This is a bold claim, and it hinges upon what we understand the cardinal virtues to entail for our behavior and attitudes. Early in the account Noel implies that any traditional understanding of the cardinal virtues means that they must be exhibited in balance between two extremes, and Jobs failed at that (p. 29). At another point, however, he claims that Aristotle defined virtue as a mean, but not as a “formulaic rule” (p. 34). That is, Aristotle thought that the exercise of a virtue would *tend* to land in between two extremes *on average*. But that does not



entail for Aristotle, nor does it entail for any traditional theory, that virtue is always smack dab in the middle of excess or deficiency. Some situations call for more of a certain virtue, some call for less. For example, just because a soldier has to be extraordinarily courageous to deal with radically dangerous situations, well beyond the everyday courage required of ordinary people, it does not then follow that the soldier is not virtuously courageous. Thus, when Noel claims that entrepreneurs must take risks and therefore cannot exhibit a lot of prudence, given the situational demands presented by the “sheer uncertainty of entrepreneurial markets” (p. 28), a traditional virtue ethicist, following Aristotle, might respond by agreeing. Nonetheless, I am sympathetic to Noel’s suspicions that *some* of Jobs’s outrageousness and imbalance enabled *some* of his genius, but it is too far to say that genius entailed viciousness (*vis-à-vis* traditional virtues), for which Jobs also apparently had a knack. And, of course, none of my objections positively establishes that Jobs could be called virtuous on a traditional account. I just want to be clear that there is some nuance that could be exploited for further discussion.

My hunch is that Munkittrick’s concluding essay was placed within the “craziness” section because of the message it conveys, namely, that a purportedly once-crazy idea—the notion that we could extend “personhood” to nonhumans—is now quite conceivable because of the world that Pixar has created. I am not at all convinced by Munkittrick’s argument, but that is not a knock. For Munkittrick succeeds in reminding the reader of the arbitrariness we encounter when attempting to define personhood, and the essay is quite engrossing. Still, I do not think that Pixar is as revolutionary as Munkittrick thinks. Although he says that the “power of Pixar” is that it has shown “that humanity does not have a monopoly on personhood,” he overlooks the fact that generations of religious believers have considered the possibility that *God* is a (nonhuman) person, too (pp. 48-49).

### **3. The Troublemaker**

#### ***a. Summaries***

Stephen R. C. Hicks opens the section on Steve Jobs’s troublemaking by suggesting a troubling idea: our schools are failing to prepare students to become entrepreneurs (“How Can We Make Entrepreneurs?”). Whereas schools enforce conformity and regularity, entrepreneurs need space for creativity and experimentation. Hicks’s analysis is not all bad news, however. He argues that various activities and mindsets—and even a deeper consideration of the Montessori model of education—offer productive paths for encouraging entrepreneurship in the future (pp. 63-64). Following Hicks, Robert F. Salvino does not emphasize Jobs’s troublemaking so much as his vision, and he attempts to understand Jobs’s creatively destructive vision in the context of Apple’s actual achievements and ethical lapses (“The Visionary Entrepreneur”). Salvino does not give Jobs or Apple a complete pass, but he does not fail them, either. He claims that Apple has at least some responsibility to “confront the issue” of unjust working conditions in its

overseas factories (and he believes that it has taken some steps to do so) (p. 74). He also argues that Jobs most certainly and unjustifiably verbally abused some employees. Lastly, he claims that had Jobs engaged in more philanthropic activity, doing so would have diverted important resources to inefficient ends and distracted Jobs from the pursuit of his own vision.

Ryan Krause and Owen Parker's essay argues that we ought to understand the entrepreneurialism of Steve Jobs not in terms of invention (credit for that, they claim, may really be due to Steve Wozniak), but in terms of value creation, as proposed by Ayn Rand ("But Steve Jobs Didn't Invent Anything!"). Jobs tapped into the "philosophically objective value" that Apple's technology could provide and then, by "demonstrating the technology's value to potential customers," was able to "create socially objective value" (pp. 81-82). Next, William R. Thomas's essay offers a capitalist's Euthyphro problem ("What Does Market Success Show?"). He asks, "Were Apple II and the iPod great products regardless of how they sold, or do we say they were great because they sold well?" (p. 87). His conclusion is that Apple's products were great regardless of how they sold, but as a result of their greatness, they sold well in a marketplace where they could become available to satisfy people's needs.

**b. Comments**

I particularly enjoy the challenge that Hicks presents to an educator: First, take a list of traits that one sees in successful entrepreneurs, such as "leadership," "perseverance," and the embrace of "trial and error" (p. 61). Then, ask yourself what activities you are doing to help encourage behaviors that depend on those traits. It is one thing to "talk the talk" about the various traits we see in entrepreneurs. It is quite another thing to take concrete steps to promote those values in education. Hicks makes one claim, however, that is open for question. He says, "we live in an era that, for the first time in history, is taking entrepreneurship seriously" (p. 54). It may be the case that *academics* are taking it seriously, but I fear, following the work of economist and Nobel Laureate Edmund Phelps (see *Mass Flourishing*<sup>2</sup>), that the great period of general dynamism, with its endless entrepreneurship and innovation, has passed. It may only be because the "owl of Minerva" is spreading its wings, to adopt G. W. F. Hegel's famous dictum, that we are just now taking stock of the importance of real innovation. Still, I hope that Hicks is right.

Salvino's account follows a particular trend that is implicit in many of the other essays, too. On the one hand, he claims, "Jobs placed quality on a pedestal—above character, above reputation, above profit maximization" (p. 71). On the other hand, he argues that Jobs was a man of "integrity" (p. 73). A deeper analysis is needed, because one must wonder where the line is between "character" and "integrity." Unwittingly, perhaps, Salvino's remarks reveal the tension that all of us feel about Jobs.

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<sup>2</sup> Edmund Phelps, *Mass Flourishing* (Princeton, NJ: Princeton University Press, 2013).

The final two essays of this section are quite similar. Both see Apple as providing real value for consumers and thus offer strong defenses of Jobs's efforts. Nonetheless, a skeptical reader may push back. First, in Krause and Parker's attempt to understand Jobs's innovations through the lens of Rand's objective theory of value, we find subjective theories of value minimized. Yet, by doing that, we may be giving too much credit to rationality in explaining Apple's success or Jobs's behavior. Certainly, it is true that Apple products have great utility relative to human need. However, one suspects that very few (honest) users of Apple products will say that "having" to purchase the newest Apple product is anything other than the result of being swept up in the excitement of a new version of a product that they already possess and that suits their needs just fine. Thus, I have some questions for the authors: Could objective and subjective theories of value work together to explain Jobs's and Apple's success more fully? Are they mutually exclusive? Why or why not?

Second, in the next essay, Thomas faults companies that create, produce, and market according to customer *desires* as opposed to *needs*. He believes that endorsing Humean assumptions of rationality, wherein reason is purely instrumental in the service of desires, including harmful desires, cannot produce a rational expectation of long-term success for a firm. Rather, in order to predict a greater chance of success, a company must respond well to "objective needs, not arbitrary whims" (p. 95). Must *all* desires get shoved aside in this equation? Functionally, a company's attempt to satisfy consumers' *higher-order* desires could produce the same results as its attempts to satisfy their objective needs. Although those desires are not "arbitrary," they can still be called desires (and thus not rooted ultimately in reason). Further discussion, as with the previous essay, would be most welcome.

#### **4. The Rebel**

##### ***a. Summaries***

Section III begins with Jason Walker's comparisons of Steve Jobs with Jacob Marley, primarily because Jobs was (in)famously unwilling to donate to charity in the manner of Bill Gates or Warren Buffett ("Marley and Steve"). Walker thus investigates whether Jobs can be accused of a "grievous moral failing" (p. 101). In order to address this issue, he tries to evaluate Jobs through the normative frameworks of Aristotle, Kant, and utilitarians such as Peter Singer. Walker concludes that even though Singer would offer the greatest indictment of Jobs's lack of charitable giving, it is Kant's understanding of persons as "ends-in-themselves" that might provide the antidote. Editor Shawn E. Klein teams up with Danielle Fundora to follow Walker's discussion of Jobs's ethics with an analysis of the moral and spiritual tradition that purportedly influenced Jobs the most: Buddhism ("The Noble Truths of Steve Jobs"). They ask whether Jobs reasonably can be seen as a paradigm of Buddhist discipleship, especially given his well-known eccentricities and flaws. They conclude that Jobs's lifelong journey to be true to himself, with all its bumps along the way, is consistent *at least* with the fact

that “Buddhism is a worldview for human beings—not for perfect beings . . . [who] sometimes fall short of living up to . . . professed ideals” (p. 124).

Robert White takes up some of the problems in the messaging of Apple’s famous “Think Different” campaign (“Two Sides of Think Different”). While not denying the value of genuine independent thinking, White hastens to add that that campaign’s blanket embrace of merely “thinking differently” can lead us into the uncomfortable position of praising pseudo-independent thinking. Relying heavily on Rand’s framework, White concludes that making careful distinctions between Jobs’s actual independent thinking and pseudo-independent thinking provides standards that allow us to articulate consistently both our praise for and our criticism of Jobs. Jared Meyer takes some similar strands of argument in a different direction, utilizing Douglas Den Uyl and Douglas Rasmussen’s neo-Aristotelian ethics as a guide for understanding the perfectionist element of Jobs’s life and work (“The Moral Perfectionist”). Meyer thinks that Jobs is a good example of the continuous work of moral development: “He shows us that living a flourishing human life is difficult, requires constant re-evaluation, and, most importantly, is unique to each individual” (p. 147).

Section III closes with Jason Iuliano’s extended discussion of “Corporate Moral Agency”—specifically with regard to the question of whether Apple, as a corporation, can be considered a moral agent and thus be held morally responsible for its actions (“Does Apple Know Right from Wrong?”). Iuliano intends to put some teeth into the idea, often heard on the news or read in the papers, that corporations, qua corporations, exhibit intentionality in their behavior (quoting a newspaper headline that reads “Apple loves Clean Designs,” among others [p. 152]). He does not explicitly endorse the idea that we *ought* to attribute moral agency to corporations in order to “reduce the responsibility deficit” that emerges when “corporations take morally bad actions,” but he does at least suggest as much (p. 160).

#### ***b. Comments***

The first two essays of this section (Walker’s and Klein and Fundora’s) are perfect illustrations of how this volume may serve as an introduction to philosophy while utilizing vivid and modern examples. In addition, Walker’s argument takes an interesting turn when he argues that “Kant does insist that assistance to the poor and needy is an imperfect duty. But self-care—attending to your own happiness—is likewise also an imperfect duty” (109). Thus, he suggests that Singer’s demand that a person engage in charitable giving could, on a Kantian analysis, turn an individual into a mere means to the ends of others, thus leading to a violation of one duty in order to follow another. This is due to the complicated nature of imperfect duties and the imprecise way in which they are executed. To be clear, Walker does not discount that Kant would maintain that Jobs has duties to himself and to others. His intention is to take the moralistic wind out of Singer’s sails and thus avoid Singer’s conclusion that Jobs was guilty of a serious moral failure (at least on that issue). I only wish, however, that Walker had discussed the

role that *dignity* plays in Kant's account of persons. That notion goes a long way toward explaining the nature of our moral obligations toward others, especially relative to the moral law, and it could enrich the discussion. Furthermore, Klein and Fundora's excellent synopsis of Buddhist thought is sympathetic to Jobs without devolving into mere spin—they acknowledge his faults but gracefully contextualize them as entirely human. Buddhism, they suggest, can help us understand the value of the humility of not jumping on a vitriolic, judgmental bandwagon, especially when dealing with persons on their "path" toward Enlightenment (p. 125). A question that comes to mind, however, is: Could other traditions do that job just as well, or better?

White's essay returns to themes seen earlier in the book—particularly what it means to be a visionary and the important character traits that enable sound reasoning. I appreciate his stout rejection of the idea that "we will come to think that Jobs had to have his negative traits in order to have his positive traits, and vice versa" (p. 136), but this conclusion is arrived at via some questionable epistemological claims. I worry that White demands too much from us when it comes to sorting out absolute fact from fiction. *Ex ante*, at least, we simply do not have the capacity to know that our observations and theories about the world carve nature at its joints, so to speak—or even that our best and most reliable theories are necessarily true. *Ex post*, we can often say, "Such and such theory did not work to explain the facts (as we perceive them), predict phenomena, etc." Even then, though, we can always be proven wrong because our perspective may have skewed our understanding of the facts. Intentionally or not, White veers toward a thesis of in-principle infallibilism for human knowers. But one can be a fallibilist about the human propensity to err while still maintaining belief in objective reality.

Meyer also returns to earlier themes in his discussion of Jobs's endless and uneven quest to define himself. This essay is a particularly enticing introduction to Den Uyl and Rasmussen's heroic efforts to synthesize a traditional account of morality with a classical liberal defense of the individual. Still, I find Meyer's combination of neo-Aristotelianism and Rand's ethics to raise a number of questions; in general, they are not presented as completely compatible, at least on his account. For example, Meyer defends a number of Jobs's behaviors (such as his fruit diets, use of psychedelic drugs, forays into Eastern spirituality, and so on) as having the effect of providing life lessons that built both Jobs's character and the foundations that led to his greatest achievements (pp. 140-41). However, Meyer then cites Rand as arguing that "*reason* is central to the very maintenance of human life" (p. 142; my italics). I doubt, however, that all of Jobs's activities were sanctioned by reason as promoting objective utility for the individual. It appears that the flights of fancy that marked many of Jobs's pursuits were indeed valuable to him in an indirect way (and perhaps fundamental to his genius)—even though, when looked at directly via reason for their impact on his health or survival, they could have done objective harm to him. Perhaps there is a relationship here between neo-Aristotelianism and

Rand's ethics, but I do not see it. Meyer's presentation, nonetheless, leaves me craving more.

Iuliano's essay is among the most thought-provoking in the volume. It is a useful review of some important literature on a difficult topic, namely, whether we have grounds for holding corporations responsible for their behavior. I am particularly impressed by the way Iuliano elegantly reviews the increasingly popular arguments for the idea that corporations are moral agents. Those arguments have their merits, but I will not go so far as to say they are knockdown. In part, that is due to the weakness of the arguments (not from Iuliano, but primarily from its well-known proponents) for the supposed implications of endorsing the moral agency of corporations. One such implication is that acknowledging the moral agency of corporations would allow us to fill the "responsibility deficit that frequently arises when groups take actions" (p. 160). That is because, following the work of legal theorist and philosopher John Hasnas, I am not sure that there is or has been any responsibility deficit when it comes to holding corporations (including corporate officials, employees, and sometimes shareholders) responsible for bad behavior. In other words, one must wonder whether the quest to establish the moral agency of corporations is a solution in search of a problem.

## **5. The Misfit**

### ***a. Summaries***

Paul Pardi opens Section IV by arguing that Steve Jobs is best understood as embodying the philosophical tradition of existentialism ("Close Your Eyes, Hold your Breath, Jump In"). This is in contrast to Jobs's main competitor, Bill Gates, whom Pardi considers to be a pragmatist. "Existentialists tend to live life 'in the moment,'" according to Pardi, and understanding this impulse helps us to understand all of Jobs's idiosyncrasies and quest for meaning in his "life's narrative" (p. 167). Next, Alexander R. Cohen describes at great length Apple's legal woes regarding eBooks, concluding, based on Rand's views, that "anti-trust laws are deeply unjust" (p. 182) ("Did Steve Jobs Live and Work for You?"). Then, Christopher Ketcham, using a mix of actual quotations and inspiration derived from their words and works, puts Jobs in conversation with Martin Heidegger on the value of technology for human life. Ketcham's Heidegger asks the important questions: "[I]s the utility [of technology] worth the price of the change in our lives?" And, "Does its utility, its functionality, and design comport with what our conception to be human really is?" (p. 193) ("Jobs and Heidegger Square Off on Technology"). Finally, Dennis Knepp utilizes Slavoj Žižek's adaptation of Hegelian logic in order to understand how the contradiction inherent in Macintosh's "simple sophistication" unfolds over time (p. 196) ("Simplicity Is the Ultimate Sophistication"). More specifically, Knepp proposes that one can understand the progression of Jobs's creations from Macintosh to the NeXT Cube, and then back to the iMac, through this dialectic: "The original positive idea is contradictory and unstable. The second

idea as a negation is a symptom of this contradictory instability. The third idea is actually a starting again for the first idea” (p. 197).

**b. Comments**

The final section of this book is a hodgepodge of ideas, combining only loosely related essays that feature occasional biography, important moments in Apple’s history, and scattered philosophical reflections. (Was it intentional that the “misfit” section contains the most diverse essays? If so, that’s clever.)

Pardi’s emphasis on how existentialism serves as a useful framework for evaluating Jobs’s life quest is a welcome change of pace in the volume, and I would be curious to explore more how Jobs’s Buddhism might fit into this thesis. (If I were to rearrange some of the essays in this book, I might place Pardi’s essay alongside the aforementioned Klein and Fundora essay.) Following Pardi, the real value of Cohen’s contribution is not actually in the philosophical ruminations at the end of his essay (at this point in the book, similar arguments, rooted in Rand’s thought, have been rehearsed repeatedly), but in his detailed case study of Apple’s foray into the eBook market with the iPad. Business ethics professors could benefit from this, regardless of their views on Rand’s philosophy or the value of various anti-trust laws.

In another world entirely, Ketcham’s fictional dialogue between Heidegger and Jobs is playful but maddening, which is inescapable given the two subjects in question. I find myself less interested in Heidegger’s questions about technology than I am in the suggestion attributed to the Jobs character, namely, that new technologies ultimately do not make communication impersonal. Rather, he claims, “technology will find a way to bring back the face-to-face in a way that seems as real as if the other is standing right here in the room” (p. 191). Whether this comes true is one of *the* central issues that will confront us very soon, no small thanks to Apple. As a college professor, I have noticed, even over a few years, not only a diminishing of my students’ capacities to focus on longer readings, classroom lectures, and complex writing assignments, but also a degradation of their communication etiquette and skills. Perhaps I am just a Luddite, but I am not hopeful that Apple products are the cure. Is there an app for that?

The last essay by Knepp is pure fun. Whether one thinks, at one extreme, that Hegel and his disciples have uncovered some deep and inextricable truths about reality, or, at the other extreme, that he and they are simply telling convenient just-so stories, Knepp’s essay is an entertaining way to map Jobs’s efforts throughout his career while introducing interesting philosophy. One question I wish Knepp had asked, however, is whether the determinism inherent in Žižek’s Hegelian approach to understanding the progression of events admits of any exceptions. He includes a quotation from Žižek on this issue:

The lesson of repetition is rather that our first choice was necessarily the wrong one, and for a very precise reason: the “right choice” is

only possible the second time, for only the first choice, in its wrongness, literally creates the conditions for the right choice. The notion that we might have already made the right choice the first time, but just blew the chance by accident, is a retroactive illusion. (p. 205)

Those are fighting words. To accept them, however, takes a leap of faith that I am not sure is warranted.

## **6. Conclusion**

My specific critical comments are intended to draw out more carefully the conversations initiated in this collection's essays—because these are conversations that ought to be had. I have some quibbles about the book in general, though. A number of essays are redundant. Fewer contributors, perhaps writing longer essays, could have addressed that problem. Additionally, there is far too much focus on Ayn Rand's thought at the expense of other ideas. Certainly, Rand's is an important voice to be heard in any discussion about entrepreneurship and capitalism. However, other important and well-known proponents of entrepreneurship and capitalism have significant and sophisticated ideas to help us understand and appreciate the work of someone like Steve Jobs. There is no mention of luminaries such as Milton Friedman, Friedrich Hayek, Ludwig von Mises, or Robert Nozick. This is an inexplicable gap. Finally, the end of the book contains brief sketches of some of the philosophers mentioned in the book. Although they are all inescapably incomplete, I found the treatment of Thomas Aquinas, perhaps one of the greatest philosophers in history, rather unfair and misleading. To reduce Aquinas's political positions to a defense of monarchism, slavery, and the burning of heretics (p. 209) is a rather cheap way of turning people off to what is, in actuality, a very humanistic philosopher with a sophisticated view of politics—one that influenced, via Richard Hooker, the great liberal philosopher John Locke. Aristotle also supported monarchism and natural slavery, though that is left out of his sketch (p. 208). Why pick on Aquinas?

Nonetheless, Klein's contributors offer their insights in a supremely approachable manner, and the book is a pleasure to read. One encounters serious philosophical issues in relatively short essays throughout, and they are handled invitingly in order that newcomers to philosophy might access them. This book is a wonderful introduction to many areas of philosophy, made palatable and accessible by its focus on one of the greatest entrepreneurs we have ever known. Beyond simply serving as an introduction to these fields, however, the volume serves to stimulate conversations—and for this even professionals should be grateful.



## Book Reviews

Tomasi, John. *Free Market Fairness*. Princeton, NJ: Princeton University Press, 2012.

John Tomasi's *Free Market Fairness* is an ambitious attempt to present a new research paradigm in liberal thought. Tomasi advocates a new type of liberalism which he calls "market democracy." Market democracy attempts to place economic freedom back into the protected realm of basic liberties that liberal thinkers should seriously consider in their philosophic and moral frameworks while still leaving space for the pursuit of social justice. Tomasi outlines the conflict between two camps of liberal thought which he mediates throughout. The first camp is the traditional one composed of classical liberals and libertarians. The second is the "high liberal" camp composed of left-liberals and egalitarians. Market democracy is a hybrid of the two. It combines the importance of economic freedom and the notion of society as a spontaneous order of cooperation (which derives from classical liberals like Friedrich Hayek) with the notions that institutions must be acceptable to all who live among them and that social justice is the standard measure of political evaluation (which derives from high liberals like John Rawls).

The book itself is divided into eight chapters surveying both classical liberalism and high liberalism, the philosophy and policies of market democracy, a critique and affirmation of distinct forms of social justice, and a market democratic approach to Rawls's justice as fairness. The book digs deeply into the nuances of different thinkers in both camps, canvassing liberal thought from the Magna Carta to the modern day. Hayek and Rawls are rightly identified as the representative thinkers for each camp, though Tomasi also spends time analyzing other key thinkers as diverse as Adam Smith, David Hume, John Maynard Keynes, John Stuart Mill, Thomas Jefferson, Ludwig von Mises, Jean-Jacques Rousseau, Robert Nozick, Martha Nussbaum, and Thomas Nagel among many others.

Tomasi starts off the book by having the reader imagine a cold, barren, winter landscape. Far off to one end of this landscape is the embattled camp of classical liberals and libertarians. While this camp has made some gains in previous decades, it is besieged. The dominant camp of high liberals is across the frozen terrain in well-constructed igloos with heaters and other luxuries. Every once in a while the embattled liberals will yell out to the high liberals, but their calls are not heard over the harsh winds and vice versa. In many ways, Tomasi is illustrating the notion recently explained in the work of

moral psychologist Jonathan Haidt: morality binds and blinds.<sup>1</sup> Each camp is bound together by its shared moral perspective, but blinded to the alternatives or pitfalls of its cherished beliefs. Both camps suffer from confirmation bias.

Market democracy seeks to break the ice between the camps and serve as a sort of theoretical diplomacy, communicating ideas from the other side in ways agreeable to each moral framework. For this reason, I think that *Free Market Fairness* is a most important book for liberal philosophy. It transcends the usual debate between the left and right, clearly outlines their contentions, and offers a new way of looking at the political landscape. *Free Market Fairness* explores the fundamental moral differences resulting from the traditional liberal's rejection of social justice and the high liberal's rejection of economic freedom. The rejection of each of these ideas is entangled with an acceptance of the alternative. In the minds of classical liberals and libertarians, one cannot both defend economic liberty (property rights, freedom of contract, voluntarism) *and* accept the ideas of social justice put forward by high liberals (wealth redistribution, minimum wage, affirmative action, etc.) The reverse is true for high liberals.

Tomasi writes that the essence of the "liberal program lay in the idea that the purpose of the state is to protect the freedom of citizens equally" (p. 7). John Locke's conception of self-ownership being tied up with the "natural fabric of the universe" (p. 5) is part of the liberal understanding of society and forms the bedrock principle of modern libertarianism. Hume demonstrates in Book III of his *Treatise of Human Nature* that respect for possession and the free transfer of property is necessary for society to function. The value of property is that it both allows people to keep those things that they strive for and to share their labor and knowledge with those around them in voluntary and mutually beneficial ways. Additionally, the respect for property creates societal order and interpersonal trust. Hayek makes the most convincing argument for liberal markets on evolutionary grounds, or on grounds that philosophers would call rule-utilitarian. On this view, society is not the rationally designed plan of theorists or government planners, but a spontaneous order which has evolved over generations, maintaining the rules and processes which have led to its prosperity and discarding those which are no longer useful, oftentimes for reasons that escape the members of the society.

While Tomasi is sympathetic to these classical liberal ideas, he does not accept classical liberalism or libertarian presuppositions as a complete packaged alternative. He is critical of what he sees as libertarian dogmatism, deriving from libertarian commitment to individual self-ownership: "unlike libertarians . . . market democracy affirms those economic freedoms as on par with the basic civil and political rights rather than as moral absolutes" (p. 96). The libertarian position can otherwise be used to argue against even the most

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<sup>1</sup> See Jonathan Haidt, *The Righteous Mind: Why Good People Are Divided by Politics and Religion* (New York: Vintage, 2013).

basic governmental services or interventions, which Tomasi (by contrast with strict libertarians) supports. Classical liberalism also has problems, but for different reasons. Its theorists and supporters cannot agree on the justifications for its positions: some liberals favor it on utilitarian (consequentialist) grounds, others on the basis of natural rights. Classical liberalism, unlike high liberalism or libertarianism, cannot be reduced to a simple or manageable set of guiding principles. I would argue that this is both its strength and weakness, as it allows for a more complex and nuanced view of the world. While generally agreeing with the libertarian advocacy of markets and individual liberty, classical liberalism still allows for social safety nets, the provision of public goods, and government intervention to mitigate against externalities. On the other hand, its lack of clear moral principle makes its narrative less appealing to people who long for the main attraction of an ideology: a single principle to guide their thinking on a range of issues.

*Free Market Fairness* gives classical liberalism a different moral direction by justifying it on high liberal grounds of self-authorship and deliberative democracy. By doing so, Tomasi makes classical liberalism more appealing, especially to high liberals who already agree with the moral justifications that Tomasi sets out here. Tomasi argues that these justifications lead not to social democratic outcomes, but to market democratic ones. Tomasi also tries to persuade classical liberals and libertarians that concern for the poor has always been part of the liberal tradition, despite classical liberal (and some libertarian) hostility to the notion of social justice, on the grounds that social justice undermines economic freedom. (I'm inclined to think he does a better job of persuading libertarians than classical liberals of this.)

Arguably, though, classical liberal political philosophy affords room for social justice as a form of societal evaluation. That, in fact, is the main thrust of Tomasi's market democracy. On this view, "social justice" no longer plays the role of a vague political buzzword for left-liberal policies, but becomes a standard by which one can judge the outcomes of political-economic systems. This makes social justice an acceptable idea for classical liberals (and libertarians), relieving them of the worry that invoking the concept will directly lead to policy outcomes that violate economic freedom. As Tomasi puts it: "When considering any social system as a whole, *cosmos* and purpose, far from being opposites or antagonists, go together. In the social setting, spontaneous orders seem positively to require such normative evaluations: evaluations that is, in terms of social justice" (p. 157).

As noted above, Tomasi also addresses high liberals, seeking to convince them that economic freedom ought to be included in the basic liberties that such liberals protect. He describes the position of high liberal thinkers such as Rawls, Nagel, and Nussbaum as defending a "thin conception" of economic freedom, deriving from the work of Rousseau, Karl Marx, and Mill. These three thinkers provide the theoretical basis of high liberalism, as each offers a distinct critique of one central assumption of classical liberalism. Rousseau's critique of Locke's State of Nature brings one

foundational assumption of classical liberalism to question. Marx's critique of the class distinctions that grow within capitalist societies is arguably the best known critique of classical liberal economics. Finally, Mill distinguishes freedom of speech, association, conscience, and religion, on the one hand, from the freedom to trade and own property, on the other, thereby offering a theoretical basis for what would become the standard liberal bifurcation of the political and the economic.

In the late-twentieth century, Rawls's theory of constructivism asserts that "citizens are free and equal self-governing agents" (p. 38). Rawls develops the idea of "justice as fairness," which incorporates both a set of basic rights and a strong conception of distributive justice. Steeped in the high liberal tradition, Rawls does not include the right to earn productive property in his list of basic liberties; he is rather ambivalent about which economic system is preferable. The way he dismisses ownership over the means of production may be taken as advocacy of a socialist economic system. Tomasi writes that "Rawls seems unable to imagine how the self-respect of people could be tied directly to the exercise of general economic liberty" (p. 43). Tomasi seeks to expand Rawls' conception of basic liberties so as to include many more economic freedoms which improve and secure an individual's ability to be a self-author of his own life. He makes a strong argument to the effect that "[f]or many people, commercial activity in a competitive marketplace is a deeply meaningful aspect of their lives" (p. 182).

In brief, Tomasi accepts the Rawlsian or high liberal justificatory framework of the ideal of moral personhood, but offers a classical liberal insight to achieve it. I believe that this aspect of Tomasi's work is his strongest. He offers a valuable critique of the high liberal tradition's neglect of economic freedom and argues in favor of its inclusion with Rawlsian moral justifications. Economic freedom adds meaning to people's lives. In order to be a genuine self-author and a democratic citizen, one must have the ability not just to choose one's profession or own personal property (à la Rawls and other high liberals), but also to start an enterprise, enter into voluntary contracts, own productive property, and try to succeed or fail at reaching one's (economic) goals. By limiting or removing these capabilities, high liberals diminish individuals as self-governing agents and author of their own lives.

After Tomasi sets out the political philosophy and history of each camp via a wide survey of its theorists, he begins to build his research program for market democracy. This account starts by affirming a robust conception of social justice as a standard measure of political evaluation: "a set of institutions is just only if it works overtime to improve the conditions of the least well off" (p. 87). Market democracy also affirms a thick conception of economic freedom. This conception limits legislative authority in economic affairs, emphasizes the use of markets to pursue social goals, and facilitates the distributional requirements of social justice through the forces of spontaneous order (p. 87). As I see it, market democracy is (despite Tomasi's occasional denials) classical liberalism justified via a left-wing moral framework.

However, Tomasi argues that market democracy is deeper than that. In fact, it may be better described as a type of high liberalism rather than a species of the classical kind. It is open to being viewed as both, and this perhaps is its appeal. In the illustration discussed above, market democracy acts as an ice-breaker between the two camps, breaking down old boundaries. On a practical level, market-democratic policy prescriptions include a guaranteed minimum income, public education, and anti-discrimination laws, along with generally free markets and free trade. While I am not fully convinced that the high liberal moral justification of classical liberal politics is a completely tenable position, I am generally sympathetic to the type of society and politics that Tomasi's market democracy has to offer.

Throughout the book, Tomasi describes how liberal thought has moved away from its classical roots, planted in a soil of strong property and contractual rights, and has evolved into a less market-friendly philosophy, motivated in part by the desire to ameliorate the plight of the least well-off in present society. I use the word "present," because I believe that part of the distinction between classical liberalism and high liberalism involves a trade-off between long- and short-term goals. Should we stave off future economic growth so as to help those least well-off *today*, or should we help the least well-off today at the price of future economic growth? Can both be achieved simultaneously? If not, how far should we go in violating economic freedom for the material betterment of the poor?

While Tomasi does not couch his argument in these practical terms, I believe that the last question is the essential problem he is trying to resolve—it constitutes the central tension between the two forms of liberalism. Having said that, *Free Market Fairness* does not try to answer every relevant question. It offers a framework for inquiry, not a panacea. Market democracy is a research program in which questions such as those outlined above can be dealt with. It rebalances liberal thought in a market-oriented direction in an attempt to reverse the political trends that pulled liberalism in the direction of government intervention and socialism. Market democracy tries to pull liberalism back in the direction of economic freedom, while paying heed to the moral lessons that made socialism and social democracy so attractive to its modern proponents.

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Dennett, Daniel. *Intuition Pumps and Other Tools for Thinking*.  
New York: W. V. Norton and Company, 2013.

In *Intuition Pumps and Other Tools for Thinking*, Daniel Dennett offers seventy-seven different analogies, metaphors, thought experiments, terms, and concepts designed to build support for his conclusions regarding content and meaning, evolutionary theory, the relationship between computers and minds, the nature of consciousness, and free will. While many of these are drawn from Dennett's earlier works, there is also a significant amount of new or revised content, and the book's unique format often helps to provide a new context for existing examples.

Early on, Dennett cites Richard Feynman's *Surely You're Joking, Mr. Feynman!* as an inspiration,<sup>1</sup> and the book has a number of autobiographical elements, most notably detailed recollections of Dennett's arguments with Stephen Jay Gould, Jerry Fodor, Noam Chomsky, John Searle, Thomas Nagel, and others over the past fifty years. As Dennett himself notes, however, his purpose is not so much autobiography as *persuasion*, in order to get the reader to "think about these topics *my way*" (p. 5). In this respect, the book is somewhat reminiscent of Karl Popper's *Unended Quest*, which, like *Intuition Pumps*,<sup>2</sup> blends elements of intellectual autobiography with personal reflections on philosophical methodology and its appropriate relationship to the sciences. Like Popper (who himself features as an opponent of Dennett in an early, humorous anecdote), Dennett's presentation of the historical arguments with which he has been involved clearly reflects his own conclusions, and it seems likely that his opponents would disagree with some of his descriptions. However, Dennett's concern for understanding his opponents' arguments is clearly discernible throughout the book, and his commitment to writing in a manner understandable by non-specialists is, in general, commendable.

In the introduction, Dennett introduces the central concept of "intuition pumps," which are thought experiments "designed to provoke a heart-felt, table-thumping intuition—"Yes, of course it has to be so!"—about whatever thesis is being defended" (p. 6). Dennett originally introduced this notion in his criticism of Searle's well-known "Chinese Room argument." He now classifies thought experiments such as this as "boom crutches" that "only seem to aid in understanding but that actually spread darkness and confusion

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<sup>1</sup> Richard Phillips Feynman, *"Surely You're Joking, Mr. Feynman!": Adventures of a Curious Character* (New York: W. W. Norton & Company, 1985).

<sup>2</sup> Karl R. Popper, *Unended Quest: An Intellectual Autobiography* (Chicago, IL: Open Court, 1976).

instead of light” (p. 14). Dennett also offers a brief defense of the central role that intuition and metaphor often play in philosophy. He argues that, unlike in the sciences, the sorts of problems that philosophers attempt to solve often have no “fixed points” or “axioms” that might serve to anchor more precise and rigorous methodologies.

Dennett’s reflections on philosophical methodology continue into Chapter 2, “A Dozen General Thinking Tools,” where he argues that the history of philosophy is “in large part the history of very smart people making very tempting mistakes” (p. 20), and that one major reason for studying this history is to avoid making the *same* mistakes. In an argument that is again reminiscent of Popper, he goes on to argue that we learn far more from aiming high and learning from our “grand mistakes” (p. 23) than we do from restricting our ambition in a misguided attempt to avoid them. Dennett also offers brief discussions of such topics as *reductio ad absurdum* arguments, Ockham’s Razor, false disjunctions, the suppression of evidence, and the importance of charity in interpreting philosophical arguments. Major concepts introduced include “Goulding” (a class of fallacious reasoning named after Dennett’s aforementioned frequent interlocutor Gould) and “deepities,” or statements that gain their seeming profundity by equivocating between interpretations on which they are trivially true and those on which they are obviously false.

Dennett begins Chapter 3 by offering a number of brief vignettes aimed at undermining the Language of Thought Hypothesis (LoTH). These stories aim to “pump intuitions” in favor of both “holism of the mental”—the impossibility of having “just one belief” (p. 67)—and for the possibility of “sorta” beliefs that meet some, but not all, criteria classically associated with beliefs. Later, Dennett defends the central role that the “sorta” operator plays in his own thinking, suggesting that philosophical opposition to this by-degrees way of thinking is often motivated by the (mistaken) view that “nothing counts as an approximation of any mental phenomenon; it’s all or nothing” (p. 97).

Chapter 3 also sees Dennett introduce a number of his best-known concepts from previous books. He describes “folk psychology” as a talent that we all have for predicting and explaining the behavior of so-called “intentional systems,” including both other humans and selected non-humans (such as animals or computer programs). An intentional system is, in turn, simply a system that can usefully be approached using the “intentional stance,” which involves acting *as if* the system in question were a rational agent with certain beliefs, desires, and intentions (p. 79). Finally, Dennett’s “homuncular functionalism” contends that we can account for the capacities of highly complex intentional systems (such as human persons), by breaking them down into simpler sub-personal systems, each of which can itself often be modeled using the intentional stance (as a somewhat simpler and stupider agent). This “cascade of homunculi” (p. 91) ends only when we reach systems simple enough to be understood without use of the intentional stance.

In Chapter 4, “An Interlude About Computers,” Dennett introduces a number of concepts borrowed from computer science—such as “Turing machine,” “register machine,” “virtual machine,” and “algorithms”—to provide concrete examples of how simple (and non-intentional) systems can, when built up the right way, be used to accomplish cognitive tasks of almost indefinite complexity. For Dennett, the relevance of this to debates over mind is clear: “you *know* that if you succeed in getting a computer program to model some phenomenon, there are no causes at work in the model other than the causes that are composed of all the arithmetical operations” (p. 131).

Dennett returns to the issue of intentionality in Chapter 5, “More Tools about Meaning.” Along the way, he introduces a number of new intuition pumps, and also discusses such philosophical “classics” as Twin Earth, Swampman, and Quinean radical indeterminacy. An early target is the LoTH-associated concept of “original intentionality,” according to which artifacts (such as tools, machines, and computers) are limited to a sort of derivative meaning inherited from the “intrinsic” intentionality of their human creators. Dennett goes on to argue that brains ought to be conceived of as rule-following “syntactic engines” that approximate idealized, meaning-tracking “semantic engines.” He closes the chapter with an ingenious thought experiment concerning two connected computers—two “syntactic systems” designed to mirror the same “semantic system” (p. 193)—which he uses to argue for the necessity of the intentional stance in our efforts to explain and predict real-world systems.

Chapter 6 turns to the question of evolution. Dennett begins by introducing the Borges-inspired “The Library of Mendel,” which includes every possible DNA sequence, and “design space,” which includes all possible designs (including both living beings and artifacts). He then distinguishes between two different ways of how that life might “move” through design space. Where “skyhooks” consist of miraculous “leaps” that cannot be accounted for by the process of evolution via natural selection, “cranes” are naturally evolved subprocesses that allow a local “speeding up” of the process of natural selection. Intelligent Design’s appeal to the intentions of a creator, on Dennett’s account, would be an example of a skyhook; by contrast, the emergence of things such as the eukaryotic cell and sexual reproduction count as paradigmatic cranes.

Whereas many popular writers on evolution have been wary of talking about the “design” of living beings, Dennett shows no such compunction. On his account, the evolutionary process (which can itself be approached with the intentional stance) has designed organisms in accordance with “free-floating rationales,” or the “reasons tracked by evolution” (p. 234). While these “reasons” are not internally “represented” by either the evolutionary process or by the organisms themselves, Dennett argues (via the example of gazelles’ “stotting”) that they are nevertheless crucial to offering successful evolutionary explanations. He ends the chapter with brief arguments highlighting the continuity between living organisms and the artifacts they create, the importance of random “noise” within the



evolutionary process and the limitations this places on modeling, and on the problems with identifying genes with DNA sequences.

In Chapters 7 and 8, Dennett tackles the contentious problems of consciousness and free will, respectively. Here, he considers in detail some of the intuition pumps from the philosophical literature that might seem to cut against his naturalistic explanations of these phenomena. These include philosophical zombies, the Chinese Room argument mentioned above, and Mary the color scientist, among others. In each of these cases, Dennett “turns the knobs” on the thought experiments, and purports to show that the seemingly stable intuitions they generate are in fact highly dependent on the particular manner in which the case has been described. With a more careful and complete examination of these cases, Dennett suggests, the apparent inescapability of their conclusions is nowhere near as evident as their authors had originally contended.

In order to counteract the appeal of these purported “boom crutches,” Dennett offers a few thought experiments of his own—including “The Curse of the Cauliflower” (p. 296), “The Tuned Deck” (p. 310), and “Rock, Paper, and Scissors” (p. 370)—that are intended to diminish the intuitive appeal of such notions as qualia, libertarian free will, or absolute responsibility for one’s actions. In their place, Dennett argues for the adoption of “heterophenomenology” as a methodology for studying the “subjective” experience of consciousness and for embracing compatibilism with respect to free will. As Dennett grants, his brief arguments are unlikely to convince his most committed opponents, but he argues that they do show that the thought experiments offered by these opponents are ill-suited to play the definitive role in philosophical argumentation that they are sometimes thought to. With respect to David Chalmers (a defender of zombies), he thus notes,

I cannot prove that there is no Hard Problem [of consciousness], and Chalmers cannot prove that there is one. He has one potent intuition going for him, and if it generated some striking new predictions, or promised to explain something otherwise baffling, we might join him in trying to construct a new theory of consciousness around it, but it stands alone, hard to deny but otherwise theoretically inert. (p. 316)

Later, he suggests something similar concerning a thought experiment concerning free will, writing that “I’m not claiming that my variations prove that people are or can be responsible in spite of being determined; I am just claiming that this particular intuition pump is not at all to be trusted since the (available, permissible) knob settings are interfering so much with our judgments” (p. 405).

Dennett ends *Intuition Pumps* with a few brief chapters in which he reflects on the practice of philosophy as a whole, and gives his suggestions for improving it. He offers particular praise for the history of philosophy and the philosophy of science—even seeing a place for the intuition-laden methodology of analytic metaphysics—so long as these are reconceived as

tools for the auto-anthropological exploration of folk beliefs (and of the “manifest image”) rather than as privileged methods for investigating the ultimate nature of reality. Finally, he warns aspiring philosophers against getting caught up in meaningless research, suggesting a rule of thumb for how to do this: make sure that one can adequately explain the importance of what one is studying to people *outside* of academic philosophy.

By its very design, *Intuition Pumps* has an exceptionally wide scope for a philosophy book; it offers a good overview of Dennett’s many contributions to a variety of ongoing debates, ranging from intentionality to evolutionary biology to free will. However, Dennett’s earlier works have covered much of this same ground in much greater detail. Because of this, it would be unfair to evaluate the cogency of his positions merely in the light of the thought experiments offered here, which are often formulated for novice audiences. With this in mind, I’ll spend the remainder of the review considering *Intuition Pump*’s contributions to recent debates over philosophical methodology.

Over the past twenty years, there has been considerable debate over the appropriate status of the role of intuition within philosophical argument. Dennett offers a mixed verdict. While he argues that intuition pumps can be irreplaceable tools for introducing concepts and clarifying difficult-to-formulate problems and questions, he firmly resists the idea that the intuitions “pumped” by popular philosophical thought experiments have the sort of striking, anti-naturalist conclusions about mind, evolution, or free will that his opponents have sometimes claimed. This is not to say that Dennett thinks that philosophers should mindlessly accept scientists’ claims about the connotations of their theories. Indeed, many of the hypotheses Dennett targets—that Darwinian evolution is incompatible with living beings showing design, that folk psychology might be eliminated by advancing science, and that contemporary neuroscience shows the impossibility of free will—have themselves often been defended by prominent scientists.

While Dennett does not provide a comprehensive discussion of the role of intuitions within philosophical argumentation, he offers several suggestions. First, in his discussion of zombies, Dennett expresses disagreement with the Cartesian notion of “conceivability” as a “kind of direct and episodic act, *glomming without bothering to picture*” (p. 289). In contrast to René Descartes, who argued that conception was a mental act *independent* of imagination, Dennett argues that we cannot *really* conceive of something unless we can imagine it. However, imagination is difficult; the fact that we cannot readily conceive of a certain theory (e.g., DNA, string theory) being true is not, by itself, an argument that it might not be true, anyway. As Dennett says, “Conceiving of something new is hard work, not just a matter of framing some idea in your mind, giving it a quick once-over and then endorsing it. What is inconceivable to us now may prove to be obviously conceivable when we’ve done some more work on it” (p. 430).

Second, Dennett suggests that philosophers have paid too little attention to how their favorite thought experiments work and what the effects

might be if subtle changes (“turning the knobs”) were made to them. For example, Dennett’s criticisms of Searle’s Chinese Room argument contends that if the thought experiment were changed to incorporate more accurately the details that distinguish normal “minds” (such as learning new things, applying these theories to new cases, making use of past knowledge, etc.), the contention that this system understood Chinese would not be so implausible. He contends something similar concerning zombies, Mary, and attacks on compatibilism: in each case, a careful (and fully transparent) manipulation of the details shows that the intuitions generated are not nearly as stable as they may initially seem.

Finally, there is Dennett’s idea that these intuitions, at least in many cases, can be seen as telling us something important about the manifest image. One major task of philosophy, on this picture, is to show how our pre-scientific concepts of folk psychology, moral responsibility, and so on can be reconciled with the emerging scientific image of the world. Dennett, unlike many others, has confidence that such a task is both possible and worthwhile. For example, he strongly resists arguments (such as those from some defenders of qualia) to have found something that can never be addressed by scientific methods; conversely, he also criticizes arguments that science has disproved free will.

While I’ve focused here on *Intuition Pumps*’ claims about intuitions and philosophical methodology, there are a number of other aspects of the book worth briefly remarking on. First is Dennett’s repeated emphasis on the importance of being able to explain key philosophical concepts to interested non-specialists, and his corresponding choice to focus on brief thought experiments and concise vignettes over lengthy, rigorous argument. While this works well in the context of a book such as this, if interpreted too strictly, it also risks inhibiting serious engagement with those among Dennett’s opponents who (by virtue of defending complex and often counterintuitive conclusions) cannot easily accommodate this methodological rule. Second, and closely related to this, there is Dennett’s idea that we ought to prefer making grand mistakes to the careful, methodical correction of extant philosophical concepts and arguments. Again, while Dennett clearly recognizes the limited scope of this claim, this conception of philosophy arguably risks understating the contributions made by the many academic philosophers who, like their colleagues in other disciplines, spend much of their day-to-day work on highly local and specialized problems, the full import of which they may not always be able to explain fully.

These few reservations aside, *Intuition Pumps* serves as an excellent introduction both to Dennett’s work and to the sorts of philosophical and scientific debates to which he has contributed for the past five decades. It also provides a valuable contribution to the ongoing debate over philosophical methodology and how this relates to the sciences. Finally, Dennett is, as always, an excellent and provocative writer, who shows almost encyclopedic knowledge of both the philosophical terrain and the relevant science. This importance of these traits cannot be understated, especially in a time when

academic philosophy has been challenged to explain its continuing relevance to “real world” problems.

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Murphy, Mark C. *God and Moral Law: On the Theistic Explanation of Morality*. Oxford: Oxford University Press, 2011.

Mark C. Murphy's book, *God and Moral Law*, is a difficult read, but well worth it. The book ultimately provides a theistic account of morality, but along the way it also offers much of general interest regarding explanation, the laws of nature, and the essential importance of moral laws. In addition, it includes detailed critiques of natural law theory and theological voluntarism (e.g., divine command theory). Murphy is widely read and current in the relevant literature, and his discussions are thorough, careful, and fair-minded. Anyone working in the philosophy of science, ethics, or philosophy of religion should be able to find material of importance in this book.

In presenting the book's key arguments and claims, I will first address those of general interest to both theist and non-theist. One particularly important distinction employed throughout is that of *explanandum*- versus *explanans*-centered considerations. The former reflect the first step toward achieving any adequate explanation, that is, to furnish possible explanations of the explanandum fact. Using Murphy's example, suppose that after a week, all of the water that filled a tray in a locked room has disappeared. This might be because the water has evaporated or was drunk by a cat in the room. On explanandum considerations alone, neither account is to be preferred over the other since both can adequately explain the explanandum. Suppose, though, that we add that a cat has survived the week in that room; this immediately gives us reason to prefer the cat-based explanation, as it is part of a living cat's essential nature to consume water. This makes the cat an *essential explainer* of the water's disappearance; a cat "*necessarily* does that sort of explanatory work" (p. 4). These facts present an explanans-centered consideration: when such an explainer (a cat) is available to account for that explainer's usual effects (water disappearing), that explainer ought to appear in the explanation. Applied to moral laws, explanandum considerations may suggest several seemingly plausible ways that laws could be explained. Given an available explainer, explanans considerations can indicate important constraints on how the explanation may proceed and even how we should understand the explanandum fact itself. As will be seen, Murphy's discussion makes considerable use of explanans-centered considerations—particularly in determining the way moral laws must be explained, given certain facts about God's existence and nature.

Murphy's discussion of laws of nature is also of general interest. He compares two ways of explaining natural phenomena: David Lewis's *systems* account, and the *universals* account of David Armstrong/Fred Dretske/Michael Tooley. Lewis's account characterizes laws as true

statements of natural regularities that together comprise a deductive system, a system that must appropriately balance simplicity and strength (p. 22). While Lewis's account avoids some of the familiar objections to simple regularity accounts (e.g., problems with substitutivity, furnishing genuine explanations, etc.), there are still serious objections. One has to do with the vagueness and inevitable uncertainty involved in "balancing" simplicity and strength. Murphy also worries that since there is no objective aspect of reality that can determine what the proper balance should be, any balance we might choose between strength versus simplicity can only be a matter of human psychology. Murphy's most important objection to Lewis, however, is that Lewis construes laws of nature as *non-governing*—as mere summaries of what takes place in the world. But mere summaries—"A-type things regularly lead to B-type things"—cannot adequately explain why, in some particular case, A led to B. In contrast, the universals approach *does* yield governing laws. On the universals account, a law describes how the instantiation of one universal (e.g., a sufficient voltage has been applied to electrodes an inch apart) selects, as a matter of physical necessity, the instantiation of another universal (a spark arcs between the electrodes): necessarily, "F-ness selects G-ness" (p. 32). This makes it possible for laws to express genuine governing relationships, and so to serve in informative explanations.

Because *moral laws* also ought to be governing—that is, they must be able to support adequate explanations of moral facts—Murphy models his account of moral laws upon the universals account of laws of nature. Thus, he claims, "A moral law holds when F morally necessitates G; F morally necessitates G when F morally selects G such that it is morally necessary that if x is F, then x is G" (p. 38). Of course, moral necessity isn't physical necessity; rather, it is a species of practical, reason-giving necessity. If A is morally necessary, then a morally non-defective agent under optimal conditions does A (p. 37); alternately, we might describe A as morally necessary when A is done in all morally optimal worlds.

To be governing, then, moral laws must employ a sufficiently robust notion of moral necessity, where the fulfillment of some (usually non-moral) universal necessitates a particular agential response. It is only by appealing to governing laws, furthermore, that any moral fact can be adequately explained. This yields another result of considerable general significance: according to Murphy, *all* moral theories must, in some form or another, acknowledge the existence of moral laws.

Note that, so far, the considerations I've mentioned have been explanandum-centered—being about what can or cannot furnish adequate explanations. Turning now to Murphy's specifically theistic claims, explanans-centered considerations come into play as well. We should first note that Murphy's understanding of God employs perfect-being theology, while also striving to remain orthodox. Thus, God must be sovereign, which entails that God must be the source of and have control over all that is non-divine. Sovereignty requires that God be a creator *ex nihilo*; furthermore, it requires that everything else must be dependent upon God. Murphy argues

that these points make God an essential explainer of all things: God must figure into the explanation of everything, and must figure into every explanation *immediately*, not *mediately* as deism would have it. (Deism describes God as the ultimate originator of all things, so God indeed figures into the explanation of everything at its starting point, but this amounts only to a mediate role in explanations. Since everything then continues without God's further intervention, what occurs from then on calls for no immediate action by God.)

Adopting an explanans-centered perspective, it's clear that such an immediate and essential explainer will have profound implications for all explanations. Murphy first explores these implications for laws of nature. Obviously, God must have a central place in laws of nature and in any explanation of natural phenomena. But must this role be as the complete and sole cause of all natural phenomena, as the occasionalist would have it? According to occasionalism, highly charged electrodes lead to electrical arcing only and entirely because God intervenes to cause the arcing on each such occasion. Contrary to appearances, there is nothing about the nature of charged electrodes that causes the arcing itself; God alone does that. But many reasons militate against the occasionalist view and instead favor an essential role for natural objects as well. While God *must* play a role in any account of laws of nature, there must be selecting properties inherent in, say, living cats and charged electrodes that also play a role (both of these points are motivated by explanans considerations). According to this concurrentist account, laws of nature depend on both God and the properties of natural things. How? The selections described by laws of nature depend upon "the specific effects that creatures can cause [and which] *are* fixed by the natures of those creatures" (my addition). God, meanwhile, supplies the "general . . . power" that remains available to imbue these selections with necessity (p. 145).

We must now take a brief detour into Murphy's critique of both the natural law and theological voluntarist accounts of moral laws, which is needed to clear the field of rival accounts. While he devotes a great deal of space to each critique, I will largely confine my summary to stating his main conclusions.

With regard to natural law theory, Murphy considers it to be on the right track in the way it generates moral right from moral good, where the good for any creature-kind depends significantly upon the nature of that kind. For instance, knowledge is a good for human beings, so truth-telling is a moral necessity because it ensures the good of knowledge and avoids the bad of false beliefs. Natural law theory is thus broadly correct in how it employs specific creaturely goods to determine the moral laws that hold for those creature-kinds. However, there is the explanandum-centered worry that natural law theory cannot furnish an adequate sort of moral necessity. Even more important is the explanans-centered objection that no standard natural law theory appears able to include God immediately in the explanation of any moral law or fact. This makes natural law theistically unacceptable; indeed,

“standard natural law theory seems on its face to be at odds with theism” (p. 96).

Murphy next turns to theological voluntarism, which encompasses any theory that immediately and completely bases at least one sort of moral property (e.g., obligation) upon God’s will. Voluntarism thus includes classic divine command theory, according to which all moral necessity and every moral property originates solely in God. Murphy has several objections to voluntarism. One particularly damning objection involves its denial of any role for creaturely natures in moral considerations. Since voluntarism maintains that God completely explains, no creaturely features can contribute to moral necessitation. This is the moral version of the objection against occasionalism that physical properties ought to figure into the explanation of physical laws and facts. Murphy levels his second major objection against Robert Adams’s voluntarist account,<sup>1</sup> which Murphy represents as the most promising (but still unacceptable) version of voluntarism. According to Adams, the moral concept of obligation (and thus of the right) is essentially *social*: in some way or other, for me to act wrongly entails the existence of some other person who could react adversely. But, Murphy replies, even if essentially social, obligations must further involve God as “the active cause of obligation,” being “the source of the moral norms . . . that renders them obligatory” (p. 125). Adams’s voluntarism doesn’t seem able to meet this further requirement. Thus, if moral obligation is social, even the best voluntarist account remains inadequate; if obligation is not social, there are no other voluntarist accounts that can satisfactorily take its place.

Let’s summarize the most critical points. First, an explanans-centered theistic perspective requires that God play an immediate role in explaining moral laws and facts. Voluntarism readily gives us that, but goes too far in also making God’s role complete. On the other side, natural law theory rightly assigns an essential role to creatures in its treatment of moral laws, but cannot accommodate the explanans-centered and sovereignty requirements that God also be involved immediately in moral laws and facts. Furthermore, the framework for moral laws has been set out for us: Moral laws are to be explained much as laws of nature via a concurrentist account in which God plays an immediate role by contributing the basis of physical necessity (the part carrying over from voluntarism), while creaturely features play the limiting role by which an instantiated physical property selects a certain physical result (the part carrying over from natural law theory). While not discussed at any length above, Murphy also maintains that creaturely features relate to the good to the degree that they resemble the goodness of God, but only as far as they can be realized within the limitations and fixed capabilities belonging to each creature’s essential nature.

We can now describe Murphy’s own view, which attempts to establish a concurrentist account of moral law that incorporates the best of

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<sup>1</sup> Robert Adams, *Finite and Infinite Goods: A Framework for Ethics* (New York: Oxford University Press, 1999).



both natural law ethics and theological voluntarism. Analogously to the laws of nature, moral necessity arises most fundamentally from the “pull of divine goodness” (the goods in specific creaturely natures that resemble God) (p. 162), while moral laws (concurrently) derive their more specific content from the selecting role of creaturely properties. For instance, the life of a harmless child is a good resembling, in a creaturely way, the goodness of God. This good is the basis from which there can be the moral necessity of not harming the child. If, then, there lives a harmless child who one could act so as to injure or destroy, this state of affairs selects—morally necessitates—that one ought not harm this child. If successful, Murphy thus does justice to the roles of both God and creaturely natures. He ensures a robust realism for moral laws and accounts for their unique normative power (moral necessity), and ensures that moral laws and facts can adequately be explained.

My hope is that the above summary is sufficiently comprehensive and stated so as to convey a reasonably accurate understanding of Murphy’s book. If it is not already obvious, I must add that I find myself in sympathy with most of what Murphy’s defends in his book. Still, a careful reading raises at least a few questions in my mind, which I now mention in closing.

As has been mentioned, Murphy holds that moral laws *must* figure into every moral explanation. How, then, should we deal with those “special” situations, often emphasized by virtue and care theorists, where it seems possible for there to be several equally right responses? Or, if it turns out that such situations only *appear* to allow for several right responses, how is this appearance to be explained? Suppose that the needed explanation grants that even the slightest differences between apparently similar situations lead to the selection of different right responses. In that case, there may have to be a very great number of rather precise moral laws to ensure that each distinct situation selects the right response. Rejecting this, Murphy might instead maintain that such appearances are best explained by the defeasibility of moral laws. If moral laws typically include several qualifications, then even slight situational differences may defeat one law and call in another that selects a different response. Even this account, though, seems to require the availability of quite a few moral laws so that there is always some more applicable law that can “step in” and take the place of each defeated law. We thus seem to have a dilemma: Either there are aspects of morality that cannot adequately be captured by moral laws (making Murphy’s account incomplete) or morality must include a large number of moral laws (though we would much prefer our theories to distill the moral realm down to a relatively small number of fairly powerful moral laws).

Another question arises. Murphy’s discussion draws heavily upon analogies between laws of nature and moral laws. Interestingly, however, he focuses only upon deterministic laws of nature, not statistical or probabilistic laws. It’s not that I think he is a determinist, but does it matter that the analogy is only pressed this far? The universals account of laws of nature admirably accommodates dispositions and, in turn, could further accommodate propensities (objective non-deterministic dispositions that produce effects

probabilistically). Might there be any analogue to these in the moral realm? Does the notion of non-deterministic moral laws make any sense? Perhaps such laws could be used to address the issue of multiple right responses.

Finally, Murphy incorporates elements of natural law theory within his own account. In doing so, does his account inherit the natural law difficulties with moral discoverability? First, orthodox theism maintains that both humanity and nature are now corrupt. Our observations of the world, therefore, are of at least partly corrupted states of affairs, not fully reflecting the goods that God originally intended. But surely this must interfere with our discovering some moral laws in their true form. Furthermore, it doesn't seem likely that *every* moral law includes creaturely features; some moral laws might arise purely from God. How, then, could we discover the latter sorts of laws? Knowledge of such laws might only be made possible through revelation. If so, then to cover the entire moral realm, Murphy's account would have to extend beyond theism and into religion. This might be just fine, but it surely gives rise to a whole new set of worries.

Murphy's book is not easy. This is partly because Murphy practices paradigmatic analytic philosophy at its best, which may discomfit some readers. Furthermore, he draws upon a large number of recent works that immerse the reader in such a wide range of issues that few are likely to be familiar with them all. Still, he is extraordinarily adept at filling in the background so that any reader can follow the discussion. At one place, Murphy comments that his book is meant constructively to "contribute to ongoing debates in moral philosophy" (p. 52). In my view, it has admirably achieved that goal, and then some.

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Living in Earnest: Kurt Keefner's Concrete Ethics:  
*Killing Cool: Fantasy vs. Reality in American Life*. Wallkill Trail  
Books, 2014.

Kurt Keefner's *Killing Cool: Fantasy vs. Reality in American Life* often feels like three books in one: a positive ethics of the good life, wrapped inside a psychological analysis of some common deviations from reality, wrapped inside a searching criticism of current American culture. Cutting to the core, this review focuses on the philosophical essence of Keefner's work, which he calls "concrete ethics" and characterizes as "an ethics that goes beyond general virtues and deals with the specific habits necessary to live the good life" (p. 5).

Keefner sets the context for his concrete ethics by observing that what is needed today is a philosophy for living in a market-based society (pp. 138-39). Older and other ways of life such as that of the starving artist, aristocratic patron, or spiritual hermit have been dissolved by the market into economic roles such as that of the creative entrepreneur, venture philanthropist, and freelance counselor. At least in the developed world, in some sense we are all middle-class capitalists now.

Unfortunately, traditional approaches to ethics provide little guidance for navigating this brave new world. At their best, they emphasize some of the virtues that are needed to live a good human life in any place and time. However, they were conceived before the centrality of one's vocation was recognized or when it was actively frowned upon (as in classical Greece). Even relatively recent philosophers whom Keefner cites, such as Friedrich Nietzsche and Ayn Rand, might have extolled the value of work,<sup>1</sup> but in their own lives were still lone writers with limited experience of the practical world.

In Keefner's view, the best strategy for living a good life in contemporary society is consciously to improve one's character and develop one's values in the wider context of a plan for doing something interesting and important with one's time and talents. Such a strategy involves and requires significant virtues: reasoned reflection, self-awareness, moral ambition, hard work, common sense, practicality, commitment to human relationships, compassion, earnestness, long-term thinking and acting, creativity, authenticity, energetic engagement with the world, and diligent realization of one's potential (pp. 130, 187, etc.).

Thus Keefner's concrete ethics is, at root, recognizably classical: it is an ethics of self-knowledge and self-realization. Indeed, his phrase "become

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<sup>1</sup> See my "Nietzsche, Rand, and the Ethics of the Great Task," *Journal of Ayn Rand Studies* 10, no. 2 (2009), pp. 329-42.

who you are” (p. 63), also quoted approvingly by Nietzsche, has its origin in a fragment of Pindar (“become what you are, having learned what that is”). Yet Keefner brings that ancient ethos into today’s world by applying it to the practical challenges of living in a capitalist society.

One of the deepest challenges is that the market economy, at least as it has developed in America, usually goes hand in hand with a shallow consumerism and, all too often, a lowest-common-denominator culture. Keefner points out that these trends have been abetted by technology: first by radio, then by television, and more recently by the Internet. All of these technologies and their associated habits have contributed to a faster pace of human interaction, a less reflective approach to living, and, increasingly, a post-literate society in which individuals are easily manipulated by imagery, advertising, and propaganda of one form or another.

Crucially, these trends have led to a blurring of the lines between fantasy and reality. On Keefner’s account, the resulting confusion runs in the direction not of considering stories as real, but of considering reality as a kind of story (p. 11). People whom he characterizes as “pretenders” feel the need to project a mood or style onto reality, their lives, and their interactions with other people. Whether they are “earthy” or “sweet” or “macho” or “cool” (etc.), they treat reality as an extension of the self, not as an independent realm of exploration and action. Importantly, they also treat other people as means to their emotional ends or even as sources of entertainment, not as fully human beings deserving of compassion, tolerance, and respect.

Leaving aside the possibility that some people by nature have a more earthy or sweet (or whatever) personality than others and therefore aren’t pretending in the first place, Keefner counsels that the ultimate remedy for this fundamental confusion is captured by a principle that he borrows from Rand: the primacy of existence (pp. 223-30). Fittingly, he gives it a distinctively ethical slant by emphasizing the importance of going out to meet reality (including other people) on its own terms, and of gaining a true sense of self through active involvement in projects and relationships. What he calls “mature wonder” (pp. 62-64) is not just a feeling or an attitude, but a positive choice to perceive anew, to become aware of the world as it is, and to realize one’s full potential.

Keefner melds the primacy of existence with two additional habits of thought and action: focusing (pp. 211-15) and centering (pp. 216-23). Focusing, a concept originated by philosopher Eugene Gendlin,<sup>2</sup> consists of coming to an explicit understanding of one’s implicit impressions and thus enables one to comprehend one’s emotional reactions and evaluations as authentic and serious indicators of one’s values. Centering, a method of Keefner’s own synthesis from several sources, helps one to become more deeply aware of and engaged with oneself, other people, and the world—not

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<sup>2</sup> Eugene T. Gendlin, *Focusing* (New York: Bantam Books, 1981).

in the passive sense of receptivity, but in the dynamic sense of causing oneself to be aware of and present in one's interactions.

These three primary habits of focusing, centering, and embracing reality provide, according to Keefner, a firm basis for living as a real self in the real world (p. 232) and for creating a life of substance over style; of being over seeming; and of personal excellence over the pursuit of power, charisma, or status (pp. 160-61).

Thus does Keefner invest what some might call an essentially bourgeois way of life with a kind of simple grandeur. The psychological needs for a sense of independence, self-worth, creativity, serenity, and even grace can be met without trying to be cool or exciting or superior, but by developing one's full humanity (p. 122) and tutoring one's innate desires into full maturity (pp. 91 and 97). Instead of sticking it to the bourgeoisie, Keefner counsels one to find what is valuable in the bourgeois way of life (p. 140) and to take advantage of the opportunities it affords.

However, his is not a creed of complacency. He gently exhorts the reader to do something interesting and important with one's life (p. 170), to build something of value (p. 141), to achieve a timeless quality in oneself and one's tastes (pp. 165 and 169). And he is not afraid to find fault with countless present-day phenomena that most people take for granted.

Naturally, it is an occupational hazard of the cultural critic that turning attention to the particulars of current movements in art, culture, and technology can alienate readers who do not share the critic's personal preferences. The author of *Killing Cool* is no exception in this regard. Rather than catalogue the points on which he and I diverge, I would suggest something of an antidote, both for the author and for his readers: becoming more philosophical.

Specifically, it seems to me that the author could have engaged more fully with past philosophers who have labored to develop secular foundations for living a good human life. To name a few: Aristotle on habits, reason, and practical wisdom; Epicurus on serenity and living without fear; Adam Smith on sympathy and compassion; Ralph Waldo Emerson on self-sufficiency and self-trust; Henry David Thoreau on earnestness and independence; Nietzsche on becoming who you are; Rand on purpose and productiveness; Pierre Hadot on philosophical practices.<sup>3</sup> Such engagement would lend a greater depth to

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<sup>3</sup> Both Aristotle's *Nicomachean Ethics* and *Eudemian Ethics* are of interest on these topics. The aspect of fearlessness is one that I worked to bring out in my Epicurean dialogue *Letters on Happiness* (Parker, CO: Monadnock Valley Press, 2013). Adam Smith's classic text on sympathy is found in the first section of his *The Theory of Moral Sentiments*. Ralph Waldo Emerson treats of self-sufficiency and self-trust in a number of essays, especially "Self-Reliance" and "The American Scholar." Although earnestness and independence are emphasized throughout Henry David Thoreau's works, I would single out *Walden, A Plea for Captain John Brown*, and his letters to Harrison Blake. Friedrich Nietzsche's deepest insights into the classical ideal of becoming what you are can be found in his *The Gay Science* and *Ecce Homo*. Purpose and productiveness are leitmotifs in Ayn Rand's moral philosophy, from her popular

the helpfully concrete observations and recommendations that Keefner provides throughout his analysis. One can hope that Keefner and likeminded individuals will follow this line of inquiry in future work. Until then, such a “path of greater resistance” (p. 121) is open to Keefner’s readers, too.

Another potential point of integration with scholarly research is in the field of moral psychology. Keefner consistently argues that one’s values need to be “discovered, chosen, and realized rationally” (p. 73). Furthermore, he sketches an intriguing account (pp. 102-5) of how “inborn hungers are the starting point for value formation,” how such hungers and pleasures are incorporated into the reasons for action (often as motivating factors), and how a mature person forges long-term values (such as marriage and career) from the raw materials of more “primal” values that are pursued by children and even animals. Here too, engaging with the work of moral psychologists such as Lawrence Kohlberg<sup>4</sup> would help to further ground the discussion.

A third area of investigation is culture itself (understood most broadly not as high culture or even popular culture but as the folkways of a given people). Keefner writes as an American for an American audience, but American culture is an outlier in the world, even among its cousins in the Anglosphere.<sup>5</sup> The causes are tied up with family systems as well as the movement and shared experiences of peoples such as the Anglo-Saxons, the English, and the American colonists hundreds or even thousands of years ago. Here the work of historians and anthropologists such as David Hackett Fischer, Alan Macfarlane, and Emmanuel Todd is especially relevant.<sup>6</sup>

Finally, there is the question of the relative weighting of nature, nurture, and volition in forming personality and behavior. Various psychologists have independently discovered and consistently identified five primary factors in personality: openness to experience, conscientiousness,

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novels *The Fountainhead* and *Atlas Shrugged* to her essay “The Objectivist Ethics” in Ayn Rand, *The Virtue of Selfishness* (New York: New American Library, 1964). Pierre Hadot’s reconstruction of philosophical practice as the bedrock of classical ethics is best presented in his *What Is Ancient Philosophy?* (Cambridge, MA: Belknap Press, 2004).

<sup>4</sup> Lawrence Kohlberg, *The Philosophy of Moral Development* (New York: Harper & Row, 1981).

<sup>5</sup> An exploration of these differences from the perspective of social science research can be found in Joseph Henrich, Steven J. Heine, and Ara Norenzayan, “The Weirdest People in the World?” *Behavioral and Brain Sciences* 33 (2010), pp. 61-135.

<sup>6</sup> See David Hackett Fischer, *Albion’s Seed* (Oxford: Oxford University Press, 1989); and Alan Macfarlane, *The Origins of English Individualism* (Cambridge: Basil Blackwell, 1978). Although Emmanuel Todd’s primary works have not yet been translated into English, a helpful introduction to some of his themes can be found in Chapter 3 of James C. Bennett and Michael Lotus, *America 3.0* (New York: Encounter Books, 2013).

extraversion, agreeableness, and emotional stability.<sup>7</sup> These factors have also been broken down into smaller facets such as, in the case of agreeableness, things like compassion, politeness, warmth, affection, gentleness, generosity, modesty, humility, sociability, patience, sympathy, and kindness. By contrast, the personality types that Keefner describes are perhaps painted with a broader brush, and it is not clear how well they align with the five-factor model (e.g., is someone whom Keefner would describe as “sweet” also someone who would rate highly on agreeableness?). If these personality types are strongly correlated with the five factors and their underlying facets, and if the latter are fairly heritable or manifest themselves very early in life,<sup>8</sup> then it might be difficult to claim that someone who is especially “sweet” is pretending to be that way. Yet for other patterns of behavior (say, being “cool”), pretending might be the primary path to becoming that way. The complexities and subtleties here are legion, but for that reason especially fascinating for those who are drawn to hard problems at the intersection between philosophy and reality.

These pointers to the scholarly literature might lead the reader to conclude that the matters under consideration are strictly academic. Far from it. Both the author of *Killing Cool* and the current reviewer work outside the universities. Although we and others like us can be excused for not having the time to focus full-time on scholarship, paradoxically we have greater intellectual freedom to raise questions and pursue lines of inquiry that a tenure committee might look upon unfavorably, and to explore their real-world implications. We are also perhaps better placed to help develop communities of philosophical practice, thus modernizing what the ancient schools of Platonism, Aristotelianism, Stoicism, and Epicureanism initiated over two thousand years ago (here again, see the work of Hadot).

*Killing Cool* has opened my mind to several intriguing avenues of investigation, as adumbrated above. Furthermore, I would submit that Keefner has created a valuable and broadly Aristotelian addition to solutions for the problem of living in today’s world. In contrast to distant ideals such as Aristotle’s great-souled man, Nietzsche’s übermensch, or Rand’s symbolic heroes,<sup>9</sup> Keefner paints the picture of a greatness that is attainable by normal people given the opportunities and constraints of present-day society (pp. 141

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<sup>7</sup> A fine overview is R. R. McCrae and O. P. John, “An Introduction to the Five-Factor Model and Its Applications,” *Journal of Personality* 60 (1992), pp. 175–215.

<sup>8</sup> The granular facets are more predictive than the high-level factors; see, e.g., S. V. Paunonen and M. S. Ashton, “Big Five Factors and Facets and the Prediction of Behavior,” *Journal of Personality & Social Psychology* 81 (2001), pp. 524–39. It would be interesting to explore how some of the broad-brush personality types could be constructed, as it were, from building blocks consisting of these facets.

<sup>9</sup> See my “Zamyatin and Rand,” *Journal of Ayn Rand Studies* 4, no. 2 (2003), pp. 285–304.

and 230). That alone makes *Killing Cool* well worth reading and reflecting upon.

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Alexander, Michelle. (rev. ed.) *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*. New York: The New Press, 2012.

In *The New Jim Crow: Mass Incarceration in the Age of Colorblindness* legal scholar Michelle Alexander offers a unique and comprehensive account of mass incarceration of African Americans in the United States. Focusing on what she calls “racial caste” and social stratification by class, she explores the systemic influence of racism on law enforcement policy in the contemporary United States.

In the “Introduction,” Alexander describes her thesis by discussing the struggles faced by African Americans today. On her view, what began early in American history as overt racial discrimination has now been transformed into a racial caste system enforced by what colloquially goes by the name “the criminal justice system.” In fact, she argues, “the criminal justice system” is a racial caste system spearheaded by the war on drugs and the use of incarceration as a means of social control.

Chapter 1, “The Rebirth of Caste,” describes the highly attenuated freedom that originated with the Lincoln Administration’s Emancipation Proclamation (1863), and evolved into “Jim Crow.” As Alexander describes it, this transformation involves five distinct evolutionary stages. The first, which she refers to as “the birth of slavery” (pp. 23-26), arose from the economic demands of southern agriculture, and as a response of sorts to a series of slave rebellions (e.g., Bacon’s Rebellion, ca. 1675 [p. 24]), which required southern whites to shift “their strategy for maintaining dominance” (p. 24). In essence, slavery existed as a means of securing status and economic power.

The second period, “the death of slavery” (pp. 26-30), highlights the development of white supremacy in response to the freedom granted to African Americans as a result of the Union victory in the U.S. Civil War and the passage of the Thirteenth and Fourteenth Amendments to the U.S. Constitution (outlawing slavery and granting formal legal equality, respectively). This included the intensification in the use of negative stereotypes of African Americans in an effort to maintain white racial supremacy. Further measures to this end included various legal measures that intensified racial segregation in lieu of slavery (e.g., the Black Codes, convict laws, the failure to enact land reform measures [pp. 28-29]).

The third period, referred to as “The Birth of Jim Crow” (pp. 30-35), involved what Alexander describes as a “swift and severe” backlash against the modest gains of the Reconstruction era (1863-1877) (p. 30), including among other things, the introduction of legalized racial segregation under the so-called “separate but equal” doctrine.

The fourth period, “The Death of Jim Crow” (pp. 35-40), came in the wake of the U.S. Supreme Court’s decision in *Brown vs. Board of Education* (1957), overturning the “separate but equal” doctrine associated with *Plessy vs. Ferguson* (1896). The Court’s rejection of the “separate but equal” doctrine led in turn to a corresponding attempt by the federal government to enforce the *Brown* decision with “all deliberate speed.” This resulted in the establishment of organizations like the White Citizen Council and the Ku Klux Klan (p. 37), intended to thwart the government’s anti-segregationist efforts. In this context, the reforms of the Civil Rights Movement of the late-twentieth century were often depicted by conservatives (and eventually the general public) as “soft” on, and even encouraging of, crime. This interpretation of the Civil Rights Movement ultimately led to what Alexander calls “The Birth of Mass Incarceration” (pp. 40-58), in which African Americans were associated with crime as such. The anti-Civil Rights reaction included a “get tough movement,” which supposedly justified the mass incarceration of African Americans as a crime-control measure. The reaction in question involved the cynical exploitation of racial fears in an effort to gain support for “tougher” (but egregiously discriminatory) crime-control measures. The chapter concludes by discussing the “drug war” policies of the Reagan, Bush, and Clinton administrations (focusing in particular on Reagan and Clinton). While not addressed in this chapter, Alexander discusses at length in Chapter 4 the influence of various counter-cultural dynamics in which racial identity among blacks is often predicated upon the rejection of mainstream values such as hard work and academic achievement.

Chapter 2 of *The New Jim Crow*, “The Lockdown,” begins by discussing Americans’ unrealistic perceptions of the criminal justice system, mainly as depicted in the mass media (e.g., television dramas). These perceptions have shaped a culture that, as she puts it, has now come to regard constitutional protections as essentially dispensable, especially in the case of African Americans, the most notable example being the application of the Fourth Amendment to the U.S. Constitution in relation to searches and seizures. Both culturally and judicially, fundamentally coercive searches and seizures by the police are now widely considered consensual, with drastically adverse effects on the constitutional protections now afforded to criminal suspects in encounters with the police.

As Alexander puts it, the main culprit here is federal drug law enforcement policy, including a very long list of policies, such as the financial incentives that law enforcement now has (e.g., asset forfeiture laws, pp. 78-84) to engage in “the War on Drugs.” Law enforcement reliance on drug carrier profiles is another example of this. In many cases, these tactics are often arbitrary and involve extremely vague guidelines in relation to their

avowed goal of detecting individuals suspected of drug-related offenses. In addition, the federal government has now routinely come to involve military-police partnerships (presumably in violation of the Posse Comitatus Act [p. 77]) by which the military hands surplus equipment, training, or logistical support to police departments gratis or at a nominal price. This militarization of police work has brought about a literal application of a “war” on drugs through paramilitary institutions (e.g., SWAT teams), arbitrary shakedowns, and systematic violations of due process.

Alexander goes on to examine issues related to legal representation, including inadequate legal representation for those accused of drug-related offenses. The inherently subjective and discretionary aspects of prosecutorial power are in a discussion of the coercion or duress involved in plea bargaining. The reality and detriment of extended time periods of jail confinement along with the incapacitation of youth are also explored. For many, criminal convictions are secured at the expense of ignorance and confusion in relation to one’s legal rights. In general, it appears that justice may be sacrificed at the expense of political objectives and public perceptions.

The chapter concludes by discussing the prison system in response to the war on drugs. This involves the use of mandatory harsh sentencing, which is disproportionately used against those accused of drug-related offenses. The impact of such judicial measures is described on state and federal court judges. Finally, the deplorable labeling and stigmatization of the incarcerated is discussed with attention to recidivism, probation and parole violations, and the cyclical nature of incarceration among the formerly convicted. It would have been fitting for Alexander to discuss here the role of individual choice among African Americans in relation to the use of drugs as well as involvement in crime. (She does, though, discuss this important issue briefly on pp. 176-77.)

Chapter 3, “The Color of Justice,” discusses the impact of the war on drugs through a number of case studies of individuals who suffer victimization at the hands of the criminal justice system. Alexander describes the specific tactics of the war on drugs via statistics revealing the disparity in treatment between blacks and whites in relation to drug offenses. She presents a comparative analysis demonstrating the discrepancies between the findings of academic studies of the criminal justice system and beliefs based on media stereotypes.

Topics of various courthouse determinants of racial bias are then examined. This includes Supreme Court rulings (e.g., *McCleskey vs. Kemp* [1987] [pp. 109-14]) that seem to deny the existence of racial discrimination, contrasted with studies substantiating such claims. Sentencing within the context of discrimination is also discussed. This leads to the topic of prosecutorial discretion and its impact upon individuals on the basis of race and offense severity. In this manner, claims of racial discrimination are often rejected despite inappropriate activity exercised by the prosecution (e.g., peremptory challenges, the routine exclusion of convicted felons from juries).

Chapter 4, “The Cruel Hand,” begins by discussing the reality of freedom without citizenship in both the post-Civil War time period as well as among former inmates in the United States. In an effort to explain the source of collective hatred toward certain African Americans, Alexander explores the impact of criminal conviction on the convict. These include the difficulty of securing housing upon release from prison, no-fault evictions, and the possibility of losing one’s children for lack of a home in which to house them.

Employment is another tumultuous endeavor. In addition to pressure from probation and parole authorities, discrimination is the norm. In what William Julius Wilson has called “spatial mismatch,” employment opportunities are situated too far from the candidate employee to be accessed (transportation, too, is a problem). In light of such problems, programs designed to remove certain prior criminal history criteria within applications have arisen. In many cases, employers publish notices designed to deter former prisoners from applying to certain jobs. Those who secure employment often experience extremely low pay. This may include instances in which paycheck amounts are garnished due to various obligations (e.g., child-support, alimony, etc.). In addition, revocation of probation and parole status may take place when fines and fees are not paid, leading to the inability of receiving unemployment or welfare benefits.

In Chapter 5, “The New Jim Crow,” Alexander discusses the commonly held assumption that black men are often thought “absent” within the black community. The most obvious explanation, the mass incarceration of African-American males, is seldom invoked. Within this context, it is probable that racial progress is often associated with the depiction of certain influential figures within the media. Unfortunately, the lack of racial progress, which is unveiled through a systemic racial caste system, has become the norm within the context of the criminal justice system and the black community. Hidden from public discourse, mass incarceration has evolved into a state of collective denial among certain blacks within society. Factors that have contributed to this dilemma stem from negative media-based racial imagery as well as lack of understanding about how racial oppression works. From a comparative standpoint, mass incarceration is easy to avoid and overlook in comparison to historic Jim Crow practices of the past. Inevitably, the debilitating strength of the inherent racial caste system that is clearly associated with mass incarceration is synonymous with the old adage “out of sight, out of mind.”

Chapter 6, “The Fire This Time,” describes how mass incarceration is often ignored within the context of civil rights advocacy by comparison to the allegations and impact surrounding the controversial incidents which took place in Jena, Louisiana, in 2007. Alexander argues that mass incarceration is often overlooked due to a number of factors in relation to the philosophies and aims of civil rights organizations. This includes collective and introspective denial as well as the possibility of being out of touch with those who are disenfranchised and stigmatized from a legal and social perspective. The transformation of core objectives within the civil rights movements is also

outlined as a possible rationale. This encompasses how the movement has evolved from a moral to a legal crusade, which rarely serves as an advocate for criminals due to a history of supporting the “politics of respectability” in terms of representation and progress.

In an effort to address the dilemma of mass incarceration, Alexander offers a comprehensive series of reforms, taking issue with the idea of piecemeal tinkering with the criminal justice system. The first reform calls for an end to the war on drugs. This involves the revocation of federal funding, a change in police culture, as well as a change in public opinion. The second reform demands that we explicitly discuss race in public settings. The third reform encourages resistance against the politically based idea of colorblindness, which denies and justifies the impact of race-based treatment toward minority groups in the United States. From this standpoint, colorblindness is more detrimental than racial hostility; where racial hostility is alive to racial difference, colorblindness is indifferent to justice under the guise of a false neutrality. The fourth proposal offers a critical assessment of the efficacy of affirmative action with an emphasis on symbolic progress and its divisive impact. This lends itself to the expectations, policies, and ideological positions associated with the Obama administration in relation to race relations and the war on drugs.

The chapter concludes by identifying an organization that embodies a civil rights philosophy designed to seek awareness and advocacy along with the need for the resignation of racial bribe (i.e., affirmative action) and racial privilege. The quest for changing the philosophy of the civil rights movement from a race-based approach to human-rights paradigm is offered. In light of this, the chapter fails sufficiently to discuss various impediments associated with the lack of systemic change in relation to minority organizational communities. This includes a cultural mindset that justifies the notion of victimhood, the prioritization of entertainment as opposed to education, and the prevailing influence of groupthink.

*The New Jim Crow: Mass Incarceration in the Age of Colorblindness* provides a multi-layered assessment of the contextual impact of politics, race, and the perception of crime in relation to the phenomenon of mass incarceration of minorities in the United States. Through the use of legal precedent and academic scholarship, Alexander provides a compelling argument regarding the possible motives and impact associated with the war on drugs. The organizing premise of the work affords one the opportunity to understand the chronological and evolutionary development of the forces that have given rise to mass incarceration of blacks in the United States. The only deficiency identified is inadequate attention devoted to exploring counter-cultural influences that may have a bearing upon the reality of mass incarceration among the black community in the United States. In terms of scholastic contribution, the text provides an insightful perspective in relation to the study of race relations, penology, and the treatment of minorities within the criminal justice system. *The New Jim Crow: Mass Incarceration in the Age of Colorblindness* is ideal for criminal justice practitioners as well as

students interested in the study of sociology with an emphasis on the use of social-conflict and structural-functional theories.

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## Afterword

### *The True Cost: A Capitalist Critique*<sup>1</sup>

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In Andrew Morgan's documentary *The True Cost*, New York University Professor Mark Miller calls advertising a "species of propaganda," at which point the film cuts to archival footage of actual Nazis goose-stepping in formation. Miller goes on to explain that commercial advertisements are designed to trick consumers into associating positive emotions such as personal satisfaction and social acceptance with particular products, despite there being no legitimate connection between the two. Advertisements are thus effectively tricks which covertly alter a consumer's mindset so that he or she views the world as the advertiser sees fit.

*The True Cost* argues that the modern fashion industry is a literally world-destroying force in which callous corporations and mindless consumers trash the environment and oppress Third-World workers for the sake of cheap garments and high fashion. In order to demonstrate its point, the film consists of endless juxtaposed shots of flashy model runways in Milan and impoverished sweatshop workers in Bangladesh. It presents wholesome organic cotton farmers talking about the dignity of rural agriculture intercut with a scientist lamenting the effects of genetically modified organisms (GMOs) by saying the word "chemical" as many times as possible in a ten-second sound bite. The documentary calls the popular desire for cheap clothes an example of mindless consumerism and then shows crazed Black Friday shoppers storming a storefront. The irony of Morgan's condemnation of advertising as propaganda—and the very existence of this film—is apparently lost on him.

Morgan admits at the outset of the documentary that prior to beginning his investigation of the fashion industry, he had only a layman's knowledge of its existence. According to a *Wall Street Journal* interview with Morgan, he became interested in the fashion world after over 1,100 individuals died in the 2013 Savar factory collapse in Bangladesh.<sup>2</sup> In just

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<sup>1</sup> *The True Cost*, directed by Andrew Morgan (Untold Creative LLC, 2015).

<sup>2</sup> Robin Kawakami, "Documentary Exposes Hidden Costs of \$8 Jeans," *The Wall Street Journal* (May 29, 2015), accessed online at: <http://blogs.wsj.com/speakeasy/2015/05/29/fashion-documentary-exposes->

over two years Morgan managed to write, direct, and produce *The True Cost* via a Kickstarter campaign and some high-profile activist support.

Whatever else can be said about Morgan's effort, it certainly can't be called unambitious. Despite his lack of prior knowledge about the subjects, Morgan tackles the connections between the fashion industry and Third-World impoverishment, worker mistreatment, manipulative advertising, mindless consumerism, corporate greed, political corruption, environmental degradation, harmful GMO proliferation, free trade, and the inherently predatory nature of capitalism. I imagine that even an individual who theoretically bought into all of Morgan's arguments would find it all a bit overwhelming. Such an individual would probably start the documentary thinking that the fashion industry was too powerful and needed to become more socially conscious, and end the film thinking that the fashion industry was literally one of the worst things in the entire existence of mankind.

If that sounds excessive, it may help to understand that Morgan assumes that prior to watching *The True Cost*, his viewers have already bought into the narrative that the entire world is going to hell. Various interviewees offhandedly refer to the planet as "dying," "declining," or having "overstepped [its] limits." No one ever actually identifies what these calamitous global breakdowns consist of (global warming isn't even mentioned, though "greenhouse gases" get one reference), but they are all quite certain they exist.

The current state of civilization doesn't fare any better than the environment, according to Morgan and his interviewees. There is no mention of the one billion individuals who rose out of absolute poverty across the world between 1990 and 2010,<sup>3</sup> but there are repeated references to constantly falling wages, deadly working conditions, and widespread government oppression across the Third World. Unfortunately, all of this misery is not creating a blissful existence in the Western world either. Tim Kasser, a professor at Knox College, argues that consumerism actually makes people less happy, and thus the United States and Europe are psychologically worse off than ever before. Morgan asserts that the entire world is locked into a system of "consumer capitalism" in which elites (the government and big corporations) require increasingly high levels of consumption for their own continuity, even though it depresses Westerners, oppresses the global poor, and destroys the environment.

In the words of John Hilary, Executive Director of the "War on Want,"

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[environmental-and-human-costs-of-those-8-jeans/](#).

<sup>3</sup> "Towards the End of Poverty," *The Economist* (June 1, 2013), accessed online at: <http://www.economist.com/news/leaders/21578665-nearly-1-billion-people-have-been-taken-out-extreme-poverty-20-years-world-should-aim>.



[W]hen everything is concentrated on making profits for the big corporations, what you see is that everything, human rights, workers' rights, the environment, get lost, all together, you see that workers are increasingly exploited because the price of everything is pushed down and down and down just to satisfy this impulse to accumulate capital. And that's profoundly problematic because it leads to the mass impoverishment of hundreds of millions of people around the world.<sup>4</sup>

Who is to blame for this mess? The answer is pretty much everyone except garment workers. Among the top culprits are the major fashion corporations, which created an "enormous, rapacious industry" for the sake of the "impulse to accumulate capital." Also to blame are the Western and foreign governments that serve as lackeys to the corporations. Western governments not only refuse to regulate international trade, but even protect it through free-trade dogma. Meanwhile, Third-World governments oppress their own citizens by refusing to enforce regulations and provide a living wage in an attempt to attract lucrative foreign investment. Further down the line, local business owners in Third-World countries ruthlessly exploit their own workers for the sake of an ever-shrinking profit margin at the behest of the big fashion brands locked in fierce capitalistic competition.

But none of the above are the worst offenders of all. Worse than the factory owners who let their buildings collapse on workers, worse than the foreign governments that wield military force against their own, worse than the Western governments that hold the system together, and worse than the big fashion corporations that orchestrate it all, are Western consumers.

The documentary makes it amply clear that it is the ordinary, individual consumers of fashion who fundamentally fuel the whole process. "Business through advertising has pulled society along into this belief that happiness is based on stuff, this belief that true happiness can only be achieved by annual, seasonal, weekly, daily, increasing the amount of stuff you bring into your life," according to Patagonia's Vice President of Environmental Affairs. Though the film optimistically hopes for a reorganization of the whole fashion industry and the entire international trade system, it explicitly states that the change should start with the individual consumer, since that is what drives the whole process.

*The True Cost* begins its story with one of its many oddly culturally conservative (if not reactionary) moments. The film harks back to the good old days prior to the 1970s, when the vast majority of clothes were made domestically in the United States and, as a result, clothes were far more expensive and purchased less often. Sadly, Morgan laments, the price of

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<sup>4</sup> Joe McCarthy, "Documentary Indicts Fashion Industry, Points to a Way Forward," *Luxury Daily* (May 27, 2015), quoting John Hilary, accessed online at: <http://www.luxurydaily.com/documentary-indicts-fashion-industry-points-to-a-way-forward/>.

clothing has dropped precipitously ever since, and the fashion industry transferred into a new model called “fast fashion.” In response to an endless desire for more and cheaper clothes, the fashion industry dramatically increased its output at all levels, but especially of discount clothes.

From there, Morgan jumps between Bangladesh, India, New York, Milan, Texas, and Tokyo to explain the wide-reaching scope of the fashion industry, which allegedly encompasses one-sixth of the world’s population. In order to increase output, the major fashion corporations rely on cheap and unregulated Third-World labor in countries like Bangladesh and India. (China, the most famous example of a Third-World outsourcer, is oddly left out of the picture.) In these countries, local independent manufacturers are incentivized by the major brands constantly to squeeze their costs so as to make low-priced garments that will be sold profitably in the West. The manufacturers respond by consistently lowering wages and neglecting working conditions, which often leads to strikes and occasionally to deadly accidents like the 2013 Savar factory collapse.

Meanwhile, the agricultural inputs for garment production have been drastically expanded by the use of GMOs, which the documentary argues are like “ecological narcotics” that boost short-term production but rely on ever-increasing use to maintain their output. Worse yet, the producers of GMOs (well, really just Monsanto) use their power to corner the global markets and exploit small farmers with unscrupulous business practices. After decades of use in the Western and Third Worlds, GMOs have led to devastating consequences, including cancers and birth defects in affected areas, and an epidemic of suicide among Indian farmers that is attributed to debt-related troubles caused by adopting expensive GMO crops.

On top of this myriad of social costs, the garment industry only exacerbates the massive environmental problems on planet earth. The fashion industry is the second most polluting industry in the world behind the oil industry. In the Third World especially, the rise and spread of factory production has left many localities in environmental despair. Morgan shows us how the Ganges River, considered to be holy by Hindus, has been trashed by industrial run-off to the point of being considered unusable for drinking or bathing purposes. Yet the workers who operate the relevant factories are too poor to afford a safe water source, so they continue to use the Ganges at the expense of their health and well-being. Back in the Western world, the mindless consumption and disposal of clothes have caused textiles to pile up in and clog landfills. Since the vast majority of these garments are not biodegradable, they will sit in the landfills for decades, if not centuries.

Just about every topic mentioned in the previous three paragraphs could warrant its own documentary, journal article, book, or possibly even a field of research (for instance, the safety of GMOs). In trying to roll all of these issues into his case against the fashion industry, Morgan stretches his documentary so thin that it doesn’t manage to address any single point in an adequate way. Yes, some viewers might be swayed by the affecting testimonies of the poor Bangladeshi factory workers, or even the rhetorical

savvy of some of the interviewees, but there is precious little content or data to back up any of Morgan's major claims.

For each topic, Morgan usually presents a single or handful of problematic cases, and then throws in some activist or academic interviewees to explain briefly the problem. For instance, Morgan (as the narrator) will state that numerous garment factories have collapsed in Bangladesh over the past few years. Then two or three interviewees say that increased competition amongst major fashion corporations caused Bangladeshi factory owners to cut costs, which resulted in dangerously negligent working conditions. Then Morgan shows a montage of collapsed factories and dead bodies with the victim tolls and dates superimposed on screen. When possible, he'll try to throw in some commentary by the victims themselves for the genuinely most affecting part of the argument. Then it's on to the next topic.

Does Morgan truly believe that the cause of the 2013 Savar factory collapse is reducible to competition between fashion corporations or, by extension, the demands of Western consumers? This is a massive claim with a staggering number of legitimate and confounding factors. The factory builder, factory owners, factory workers, factory suppliers, garment purchasers, local government regulators, and others, may all have played some part in the disaster. Was the factory owner aware of the risks and did he care? Were the workers aware and did they care (the documentary said that the workers were aware, but didn't elaborate on this point)? Are Bangladeshi building codes sufficient to prevent collapse? Are they enforced well enough? If not, why not? Corruption, incompetence, neglect, cronyism, and bad luck could all be at play.

Morgan barely scratches the surface of this complex network of relationships and incentives with every issue he touches upon. His presentation only gets worse when he tackles more technical subjects—the worst example being his treatment of GMOs. The efficacy and safety of GMO crops is a scientific and empirical question involving mountains of data (large swatches of it pro-GMO). Morgan bypasses the entire debate, however, by pointing to only two pieces of evidence: (1) one organic cotton farmer in Texas who alleges (though she admits she has no “smoking gun”) that her husband died due to pesticide exposure related to GMO crops, and (2) the testimony of two scientists who claim that GMOs have had tremendously negative financial, social, and medical impacts on India. One scientist states that GMO-related pesticide use has caused an epidemic of birth defects and cancers in rural India. I don't know whether this specific claim is true, but I do know that an epidemiological claim based on low-level correlation is massively difficult to prove even in ideal contexts—and rural India isn't one.

Setting aside the big arguments, *The True Cost* contains a number of highly questionable statistics. Is the fashion industry really the second most polluting industry in the world? How does one quantify and compare different types of pollution? Did 250,000 Indian farmers really commit suicide in response to financial problems caused by Monsanto and GMO crops? No one

even knows how many farmers there are in India,<sup>5</sup> but apparently someone knows the precise reason why 250,000 of them killed themselves. A cynic might suggest that it does not matter whether these figures are true or even plausible, as long as they are useful as sound bites that can be recycled as memes amongst ideological allies.

Granted, documentaries are necessarily condensed and largely non-technical for the sake of time constraints and entertainment, so it would be fine if Morgan made a lot of big claims as long as he backed them up elsewhere, except that . . . *The True Cost* contains no citations. There are no citations in or after the credits. None of the interviewees refers to specific journal articles or books. There are no citations on the film's website. Googling a citation list offered no results either.

*The True Cost* does not work as a persuasive documentary because it doesn't attempt to persuade with any substance. It has no shortage of sob stories, tragic imagery, sweeping descriptions, and condemnations of the state of the fashion industry, but its arguments fail to stand against the slightest scrutiny. That isn't even to say that all of its arguments are necessarily false, only that the documentary is so thin that it can't possibly support them.

This is not a movie made to persuade, but to reinforce. Its issues and arguments are presented in paradigms that are easy to digest for those already inclined toward Morgan's ideological viewpoints. *The True Cost* is progressive, anti-capitalist, reactionary-environmentalist, anti-GMO, and broadly anti-Western. (Interestingly, the explicitly anti-capitalist orientation of the film is moderated in Morgan's interview for *The Wall Street Journal*.<sup>6</sup>) Looking through these ideological lenses, Morgan makes all of the same mistakes that the worst proponents of those movements tend to make.

To Morgan, just about every person in the world is evil, stupid, or oppressed. The major fashion corporations and their government cronies are evil. The corporations continue to increase their production and profits for the sake of an "impulse to accumulate capital" like mindless beasts, despite the supposedly undeniably awful effects of their actions. Western consumers are stupid. They are basically brainwashed by advertisements and constantly want more useless "stuff" despite the fact that the "stuff" is doing the exact opposite of what they think it is doing; that is, it's making them less happy instead of more happy. Finally, Third-World workers are all oppressed. They have no control over their lives and are simply swept along by their evil overlords at the behest of the stupid masses on the other side of the world. As Morgan explains, "The whole system begins to feel like a perfectly engineered nightmare for the workers trapped inside of it."

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<sup>5</sup> "Farmers' Suicides in India," accessed online at: [http://en.wikipedia.org/wiki/Farmers%27\\_suicides\\_in\\_India#Total\\_number\\_of\\_farmers](http://en.wikipedia.org/wiki/Farmers%27_suicides_in_India#Total_number_of_farmers).

<sup>6</sup> See Kawakami, "Documentary Exposes Hidden Costs of \$8 Jeans."

This is a horrifyingly cynical view of humanity. Morgan's evidence in support of it is confined to a handful of testimonies by select Ph.D.s and activists. I'm sure that some people will naturally latch onto the notion of corporate heads being irrational singularities of evil and the rest of America and Europe being mindless zombies, but anyone not predisposed to those notions will probably not buy into them because of *The True Cost*.

Similarly grand, yet baseless notions are asserted by Morgan on environmental topics. Morgan implicitly adopts the school of thought that all alterations to the natural environment are automatically evil and should be stopped, or at least that's the sense I got from the constant references to the destruction of "pristine" natural habitats. No consideration is ever given to the human benefits of environmental alteration. At one point, an interviewee explains that 11 million tons of textile waste piles up in landfills each year. This metric alone is presented as an argument that the fashion industry is destroying the environment. Is 11 million tons a large amount in the grand scheme of wastelands? Is humanity running out of space to store garbage? Can the average or even sophisticated viewer meaningfully distinguish the environmental impact of 1 million versus 11 million versus 100 million tons? I get that Morgan wants the viewer to see that the addition to landfills is part of the "true cost" of buying clothes, but he provides nothing close to an explanation of what 11 million tons of waste means to the world or how to evaluate that cost.

To *The True Cost's* credit, it does at least present a principled counterargument to its claims regarding the alleged exploitation of foreign workers. Early in the documentary, it shows a few clips of Benjamin Powell of the Free Market Institute presenting the capitalist case for the existence of sweatshops in the Third World. Powell argues that although sweatshops may pay wages and house conditions that are considered untenable in the West, they provide a superior alternative to other economic choices offered to poor workers in the Third World. The single best argument for the existence of sweatshops is that people choose to work in them. If they were really the source of poverty and misery which Morgan and his cohort both imply and explicitly state, they would never exist in the first place. Powell asserts that although sweatshops may not be pleasant by our high standards, they are a crucial component of economic development in countries like India and Bangladesh, which will one day see such places largely lifted out of poverty.

One of the few positive remarks I can make about *The True Cost* is that it actually presents Powell's full argument fairly. I'm guessing that showing one of his soundbites on a Fox News segment will turn off most Morgan sympathizers automatically, but even in that clip, Powell is allowed to speak for himself.

Strangely, *The True Cost* never actually answers Powell's arguments. It never addresses the alternatives faced by poor Third World workers to sweatshops. One interviewee even laments the continued existence of "voluntary contracts" amongst Third World garment workers. The documentary never touches on the widespread enrichment of impoverished

nations over the past fifty years due to international free trade. It's possible that Morgan thinks that Powell's argument is empirically false since interviewee John Hilary asserts that globalization has led "to the mass impoverishment of hundreds of millions of people around the world," but Morgan never explicitly states that this is his belief.

In his *Wall Street Journal* interview, Morgan is explicitly confronted with Powell's argument, and his response is essentially a plea for thoughtless empathy, which does nothing to refute Powell's claims:

*WSJ*: Some of the people you interviewed in the film argue that many of these factory workers have no better options, so that's that. Do you think they really believe this is the answer?

*Morgan*: Sometimes when you talk about this stuff in very cold, measured, statistical sentences, you lose track of humanity. And I think somewhere in the conversations with some of those people, it was like I just have to believe that you're a really decent person, and I have to believe that at some point, you've been told and you've come to believe in a story about the world that I fundamentally don't believe is true. And that idea honestly speaks to the complexity here.<sup>7</sup>

At the end of *The True Cost*, Morgan and multiple interviewees ask the viewers to stop the West's rampant consumption and reform the global economy. Capitalism and the pursuit of profit is explicitly stated to be the systematic cause of the fashion industry's crimes. The filmmakers want everyone to change the system in order to save Third-World workers from exploitation and to save our planet from environmental destruction. However, how actually to accomplish this goal is another story. *The True Cost* is much lighter on solutions than criticisms.

In order to reform the process of garment production, Morgan calls for "fair trade."<sup>8</sup> The documentary holds up People Tree Ltd. as a paragon of what the major fashion companies could be. People Tree is a Japanese clothing company which produces clothing in the same Third-World countries

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<sup>7</sup> Ibid.

<sup>8</sup> "Fair trade is a social movement whose stated goal is to help producers in developing countries achieve better trading conditions and to promote sustainability. Members of the movement advocate the payment of higher prices to exporters, as well as higher social and environmental standards. The movement focuses in particular on commodities, or products which are typically exported from developing countries to developed countries, but also consumed in domestic markets (e.g. Brazil and India) most notably handicrafts, coffee, cocoa, sugar, tea, bananas, honey, cotton, wine, fresh fruit, chocolate, flowers, gold, and 3D printer filament. The movement seeks to promote greater equity in international trading partnerships through dialogue, transparency, and respect. It promotes sustainable development by offering better trading conditions to, and securing the rights of, marginalized producers and workers in developing countries"; accessed online at: [http://en.wikipedia.org/wiki/Fair\\_trade](http://en.wikipedia.org/wiki/Fair_trade).

as the big corporations, but does so in a supposedly more cooperative and sustainable manner by integrating their manufacturing bases into local villages. Not only do they pay their workers higher wages, but they also help with education and direct economic development in their local communities.

If People Tree works, that's great, but the big question is whether or not a People Tree model can scale upward. Can the multi-trillion dollar fashion industry afford to set up their own factories in rural Bangladeshi communities and expend capital building schools and wells? What effect will those higher production costs have on product pricing? *The True Cost* does not address these vital considerations. In the *Wall Street Journal* interview, Morgan is equally non-committal about the large-scale efficacy of People Tree's model and fair trade.<sup>9</sup>

On the consumer end, *The True Cost* simply wants everyone to buy less "stuff," especially clothing. If Westerners didn't mindlessly buy and dispose of their clothes so rapidly, the global garment industry would contract and Third-World workers would stop being squeezed for margins. Morgan doesn't really lay a road map for how he expects to convince people to do this other than by showing everyone sad montages of poor Bangladeshis.

The sad thing about *The True Cost* is that there are kernels of legitimately concerning issues folded into its sloppy narrative and paper-thin arguments. I have no doubt that plenty of Third-World factory workers *are* abused by their employers. I'm sure that the local environmental impact of industrial production has produced negative health effects on particular communities. There are interesting and relevant ethical questions to ask about the responsibility that individuals and companies have to monitor and regulate other entities further up or down particular supply chains. But Morgan's *The True Cost* either bypasses these issues or loads them down with enough bad narrative and weaves in weak arguments to obscure them from view.

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<sup>9</sup> "I am not naive enough to think it's that simple. One of the things that I wanted to put forth was the idea that there is a way of doing this that's mindful of all the hearts and hands involved in making these clothes, and still turns a profit. One of the companies that you mentioned, People Tree, they've been in business almost 20 years, and they have a really incredible supply chain. I wouldn't call it to scale, but I would say their numbers are quite larger than a lot of the other upstarts that we see a lot about. And they've been making a profit. They've been doing something right, and investing in long-term relationships with these folks. Do I think the fair-trade model is the only model? No. And do I think it would work in every situation? No. But I think what they have demonstrated is a commitment to actually measuring the true cost in terms of resources, environmental impact and human labor. And that idea of long-term committed relationships to partners in your supply chain, I not only think that could scale, I actually think that's really smart business"; see Kawakami, "Documentary Exposes Hidden Costs of \$8 Jeans."

Ultimately, the film does a disservice to its viewers and to its supposed beneficiaries.



