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FREE ENTERPRISE AND COERCION

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IN A WELL-KNOWN SECTION of what has come to be called *Economic and Philosophic Manuscripts of 1844*, Karl Marx argues that in a capitalist economic system "the worker is related to the product of his labour as to an alien object," and

therefore only feels himself outside his work, and in his work feels outside himself. He is at home when he is not working, and when he is working he is not at home. His labour is therefore not voluntary, but coerced; it is forced labour.¹

Furthermore, Marx asserts that "wages are a direct consequence of estranged labour": "for after all in the wage of labour, labour does not appear as an end in itself but as the servant of the wage."² This tight conceptual linkage between capitalism, alienated or estranged (and thus forced) labor, and wages became an important feature of later Marxian thought as well as of socialist economic-political thinking following Marx. It can appear in various forms, versions, or guises. Recently, Profs. Lawrence Crocker and Andrew McLaughlin³ have presented more or less attenuated versions of it. In what follows I shall consider both versions, though I shall deal more fully with Crocker's than with McLaughlin's. I shall assume that other libertarian writers, e.g., Murray Rothbard, have adequately disposed of the doctrine in its original form.

Professor Crocker approaches the situation by asking (in effect) whether a free-enterprise market economy provides the best framework for a free society. He claims that a negative answer is suggested by the (alleged) fact that "coercive wage agreements are fairly common features" of such an economy—"especially, though not exclusively, during relatively hard times."⁴ While I agree with Crocker that a negative answer would be suggested by a fact of this sort, I shall argue that he has not demonstrated that there is such a fact. Furthermore, I shall suggest, in the light of my criticisms, that a free-enterprise market economy is a *sine qua non* of a free society.

Crocker's argument is set forth in stages, at each of which

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hypothetical examples are utilized.⁵ First, he describes what he considers to be a clear instance of coercion in a free-enterprise market economy (FEME), involving the sale of fire-fighting equipment in an emergency. Next, he tries to show that the more controversial case of a wage agreement in a FEME also involves coercion. His contention is that the wage-agreement case shares the crucial moral feature of the fire-fighting equipment case. Finally, he maintains that it is legitimate to extrapolate from the foregoing cases to a considerably wider domain of instances, on the ground that the latter exhibit features analogous to those present in the two "natural" emergency cases.

The (allegedly) clear case is the case of Gideon, the town hardware store owner, who, in response to a sudden increase in demand for his special fire-fighting equipment (due to a serious brushfire that has broken out in the community, threatening many homes), increases the price of the equipment tenfold; and who, because of the emergency situation, quickly sells his entire stock at the new, higher price to the threatened homeowners. According to Crocker, Gideon, in proposing the higher price, is making a coercive threat to the homeowners who want to purchase his special equipment—even though he did not start the fire but subsequently helped to fight it himself; he did not withhold the equipment from his customers; and it was not his intention to take advantage of anyone but merely to apply his belief that supply and demand should be the determiner of prices. It is a coercive threat nevertheless "because the moral expectation is that one does not seek a windfall profit at the expense of potential victims of catastrophe." Rather, "in the morally expected course of events in a fire emergency, one either gives away one's stock of fire-fighting equipment or, at worst, sells it at the normal price." Crocker claims that this case should evoke relatively little disagreement—only "the most extreme of free enterprisers" would object—because of "the near universal acceptance of the special moral status of emergency situations," a status that "precludes at least most forms of profiteering."⁶

The more controversial wage-agreement case involves a group of reasonably well-to-do employers who, acting noncollusively in response to a relatively large pool of laborers who are strictly dependent on employment for survival (all of the land and sea is owned or requires equipment or licenses they cannot afford, and there is no welfare system for the able-bodied), make lower and lower wage offers—to the point where a subsistence wage is all that

is offered. Crocker contends that this case is parallel in the relevant respects to the Gideon case and hence that these employers are coercing their employees (or potential employees) into accepting subsistence-level wages.

The existence of several employers does not lessen the coerciveness of their action, for they are all offering equally low wages. If one wished, one might say that it is the collective action of all the employers that is coercing all the employees, rather than that each employer is coercing her or his own workers. Since the workers face the alternative of accepting the subsistence wage offer(s) or starving, their situation may be described as equivalent to the emergency situation of Gideon's customers. The threat to the employees is surely no less than the threat to the beleaguered homeowners. As Crocker puts it,

The duties we owe those who are in danger of starving to death are surely at least as demanding as the duties we owe those who are in danger of having their homes burned. The moral strictures against profiteering in fire equipment apply equally against profiteering in a labor glut.⁷

Moreover, the lack of an established, or normal, price for labor does not represent a relevant difference, since it is not an essential part of either case. What is common to both and crucial to the coercion charge is the existence of morally inadmissible profiteering. Finally, the employers' wage offers are coercive even though the employers did not bring about the oversupply of labor but contributed to birth control campaigns and followed policies that they believed ought to stimulate employment and despite the fact that they have no wish to take advantage of anyone but simply share Gideon's faith in the beneficence of the unfettered market.

Crocker acknowledges that his two cases are extremes. However, he maintains that "emergency morality" can come into play in instances beyond the threat of death or loss of home. He asks us to consider such serious dislocations of one's life as those caused by "being dependent on a miserly and degrading welfare system or having to seek employment which seriously under-utilizes one's skills and abilities." When these kinds of things impend, they generate "the same moral constraints as does a natural emergency."

In particular, no one is permitted to exploit the possibility of such major worsenings of life prospects, by striking the best possible bargain with the individual in question. To do so is coercive.⁸

Crocker concludes that coercive wage agreements are not all that uncommon in free-enterprise economies and from this that a FEME may not be the best framework for a free society.

I shall approach the evaluation of Crocker's analysis and argument by trying to determine what he means by a FEME. Consider the following passage (from the beginning of his paper):

Is it possible for workers in a "free enterprise" market economy to be coerced into accepting the terms of their employment? Conservatives and "libertarians" have thought that it is not, so long as market dynamics are not disturbed by outside forces. I will argue that they are wrong about this.⁹

What Crocker is saying here is that conservatives and libertarians maintain that, if there are no disturbing outside forces in a FEME, then it cannot contain coercive wage agreements; whereas he will argue that, even if there are no disturbing outside forces, agreements of this sort can be found. On either position, the assumption appears to be that we can have a FEME in which there are outside disturbing forces. I contend that this assumption is in conflict with a definition (or partial definition) that is rather common among economists of most persuasions, including conservative and libertarian. According to this definition (or part thereof), a FEME is an economy in which all or nearly all¹⁰ exchanges of goods and services are made on a purely voluntary basis and hence are, by definition, free from the intervention of outside forces—government, organized crime, etc. It is easy to understand why Crocker would shy away from this definition, for it seems to make a coercion charge harder to sustain. How can a truly voluntary exchange economy contain instances of coercion?

But let's assume that this conceptual problem is solvable and that a FEME in Crocker's view is characterized by voluntary exchange in which there are no disturbing outside forces and in which coercion is possible. It is not enough that Crocker show that the cases he talks about are merely logically possible. For if they are such and turn out to be extremely rare, isolated instances of coercion, they will not have the "effect" that he desires and needs. They will not provide an adequate foundation for the claim that a FEME does not provide the best framework for a free society. At any rate, they will provide only a weak logical link between the cases and the claim.

Take the Gideon case. If Gideon and his homeowner-customers were functioning within a FEME (defined in terms of voluntary exchange, etc.) for any length of time, unless this were the first

emergency that involved Gideon, it seems extremely unlikely that these customers would fail to prepare in advance for the possibility of something like a fire emergency. Chances are that most (if not all) of them would know that Gideon jacks up the prices on his products when demand suddenly increases. Their advance preparation could be made either through Gideon's store or through some out-of-town source of supply of fire-fighting equipment. Indeed, if the community had been in existence very long or had wise founders, private fire-fighting companies probably would have been formed and many (perhaps most) of the homeowners in town would have contracted for the requisite services. A moment's thought should show how inconvenient it would be for the homeowners to go to Gideon individually (or even as a group) at the last minute to get the needed equipment, let alone how chaotic the ensuing fire fighting by amateurs would be. (How stupid can the homeowners be assumed to be?)

But even supposing private companies like this are not formed in the community, the chance that a person like Gideon would be in business is very slim. Remember, we are talking about a system in which the moral expectations of the community run counter to Gideon's pricing policies. One or two instances of their application, and Gideon probably would be facing a general boycott. Business people cannot afford to be moral mavericks—in their business dealings, anyway!

It is beyond the scope of this paper to deal adequately with the wage-agreement examples. The issues of economic theory and history are too complex. What I can do is to suggest how a defender of a FEME against Crocker's attack would or might approach them. Perhaps I should say "it," because I shall confine my attention to the subsistence-wage case. One could try to show that this case would arise only in a situation in which a FEME had recently arisen out of—or, in any case, had been preceded by—a controlled or regulated economic system. Historical evidence could be marshalled in support of this contention.¹¹ Crocker sets up the example as one occurring in economic hard times—for the workers (at least). What he fails to consider and deal with is how such hard times developed or could have developed. Furthermore, the very profiteering tendencies of the employers would hold a key to the eventual solution of the problem, or dilemma, that their workers face. Most of these profits are not going to sit idle for long, not if the employers are the "types" that Crocker assumes them to be. Some

of their wants are going to be such that they can be satisfied only if higher-than-subsistence wages are offered. Those who are employers are not just employers; they are consumers, too. And some of their employees may be the only ones around who have the requisite skills to satisfy the employers' "extra" wants, e.g., for fancy clothes or foods or guns. Workers often have marketable skills that are not utilized in their regular jobs. Furthermore, it is likely that not all of the results of the efforts of these lowly paid employees will be limited to feeding and clothing themselves and satisfying the desires of their employers. Their labors will give rise to goods or services, some of which will be utilized "abroad" in such a way as to create demands for further goods and services. Human desires, after all, are virtually unlimited. In a FEME, new employers will continually arise, anxious to produce products that will meet previously unfulfilled wants. To obtain employees, these entrepreneurs will have to compete in the labor market. Since human beings don't multiply like rabbits, this will mean that wages will rise. In other words, it is worker productivity that will eventually reduce the labor glut, raise wage levels, and alleviate poverty.¹²

Crocker really never offers anything approximating an explicit or formal definition of a FEME. He merely employs the notion in developing his examples of (alleged) coercion. Or, to put it somewhat more accurately, he uses certain terms or phrases in the course of his discussion, that presumably denote features equivalent to or implicit in—or at least intimately associated with—his concept of a FEME.

If we look closely at his discussion of the Gideon and (primary) wage-agreement cases, we will find a seeming identification of a FEME with an economy in which "supply and demand are left to settle prices on their own" (Gideon case), that is, one in which we find "the unfettered workings of supply and demand" (wage-agreement case).

It is worth noting at this point that the concept of voluntary exchange of goods and services (with the implied freedom from outside forces) is not logically equivalent to the notion of the unfettered workings of supply and demand. True, if the workings of supply and demand are in fact unhampered, then this would entail voluntary exchange. But the converse does not hold. Voluntary exchanges need not conform to the "law" of supply and demand as Crocker conceives it working in his examples. Admittedly, it is like-

ly that they would conform more often in voluntary-exchange economies than in controlled, or hampered, economies.

Let's suppose, for the moment, that the unfettered workings of supply and demand are part, at least, of Crocker's definition of a FEME. Notice the effect this would have on the "status" of the Gideon case, for instance. It is not as if Gideon's application of his principled belief in the unfettered workings of supply and demand were an instance of idiosyncratic, freakish, or aberrant behavior. In a FEME (so defined), this is the way all store owners or business persons would behave or be expected to behave. Strictly speaking, this is what the system would require of them; it would be the norm. Unless they were mavericks, only those who were ignorant of or misunderstood the nature of the system would behave otherwise. Thus, no rational defender of a FEME could successfully downplay the Gideon example as a mere logical possibility or as a situation that need not be more common in a FEME than in a hampered economy. For, assuming the truth of his claim that the Gideon case involves a coercive threat, Crocker's treatment of the unfettered workings of supply and demand as a defining feature of a FEME would virtually guarantee a conflict between economic behavior and moral expectations, and hence of instances of coercion in the system. Only a society free from emergencies would escape this fact.

This way of viewing the nature of a FEME is not without difficulties, however. For one thing, Crocker may be accused of rigging the concept in his favor. It does seem that to make the unfettered workings of supply and demand a defining feature of a FEME is to adopt an unduly and arbitrarily narrow notion of such an economy. Apart from this issue, there is the question whether in a FEME (so defined) the moral expectations of the community would be what Crocker assumes they would be. He seems to take for granted that moral expectations are constants; that they do not or would not vary from one economic system to another. He may well be wrong about this. In a FEME (so defined) "profiteering" in any and all circumstances (including emergencies) may be considered perfectly acceptable from a moral point of view. While it might not be praised, it might not be condemned either. It might be simply viewed as morally permissible.

There is one other feature of a FEME that Crocker might considerably be taking as defining. This is the notion of private property, more accurately, the principle of the right to private

property. Crocker uses the phrase *private property* only once (at the end of the paper) and seems to be treating it there as a substitute for (hence as synonymous with) "free enterprise" in the expression *FEME*. So taken, it would be part of the *definiendum* of a *FEME* rather than part of its *definiens*. However, this may be a mere technicality. Furthermore, since Crocker does use the phrase and, more important, since the unrestricted right to private property is often placed at the foundation of the free-enterprise system, let's consider it as defining and see what happens.

I shall concentrate on one implication that I believe is particularly damaging to Crocker's analysis. As we have seen, Crocker contends that coercion or a coercive threat occurs in each of the cases he deals with. Gideon and the employers have profited in emergency situations in ways, or to degrees, that run counter to the morally expected course of events in such situations. To so act toward their customers or employees is to coerce them. Utilizing the concept of unqualified private property rights, I shall argue that this contention is incorrect. It is incorrect in all of the cases Crocker considers.

Suppose that I have a considerable amount of cash stored in a safe in my home, money to which I have clear legal title of ownership. Suppose that I am sleeping peacefully in my bed one night and suddenly am awakened by an intruder who, holding a gun to my head, says, "Buddy, either you open your safe, or I'll burn down your house." No one familiar with the ordinary everyday use of "coerce" would deny that I am being coerced by the intruder. If there is a paradigm example of coercion or of a coercive threat, this is one. Moreover, it contains all of the features Crocker deems essential to sustain a coercion charge: I face an emergency caused by the intruder's actions; and the intruder, through those actions, seeks to profit handsomely in a way that runs counter to the morally expected course of events. It also contains a further feature, absent from Crocker's examples, that is necessary to make the coercion charge stick. I am being confronted by the intruder with a choice between two things that I rightfully own: my money and my home. I am being told that I have to give up one or the other; one of two pieces of my property is going to be taken from me whether I like it or not.

This is not what is happening in the Gideon case. Gideon is not threatening to take some of his customers' property from them regardless of their wishes. If he is threatening them at all, the threat

is merely to refrain from selling them something that he (Gideon) rightfully owns. Unless they meet his asking price for the fire-fighting equipment, he won't transfer title of ownership of it to them. True, in raising the price of the equipment he is making use of the fact that the contingencies of the situation have threatened his customers. But it does not follow from this that he is coercing or coercively threatening them. While it may be immoral in some instances, the mere refusal to exchange one's justly acquired property except on terms that one stipulates is not coercive or a coercive threat—regardless of the circumstances. To say otherwise is to rule out *ex hypothesi*.

Similar considerations apply to the wage-agreement cases. Those who apply for jobs (i.e., potential employees) are asking to exchange their labor (which is their own) for something else (not their own) that they value more (usually their potential employers' money). Those who are taking job applications (i.e., potential employers) are doing the same kind of thing in reverse: they want to exchange their money or wealth for something else they value more (someone else's labor and the expected results of such). As long as the exchange that may take place is mutually and voluntarily agreed upon, there is no coercive threat involved. If the employers are threatening their low-paid employees at all, the threat is merely to refrain from continuing to hire them above a certain wage or wage rate. True, the employers in Crocker's example are making use of the fact that the contingencies of the situation have threatened their employees (with the prospect of starvation). But it does not follow from this that they are coercively threatening them, even though their actions are contrary to the morally expected course of events. While it may be immoral in certain circumstances, mere refusal to take back more of one's money or wealth than is necessary to secure a certain quantity and quality of labor is never coercive. Again, to rule otherwise is to qualify or circumscribe the right to private property.

It should take little imagination to apply the preceding analysis to the "dislocation-of-one's-life" example that Crocker cites. It may be immoral, but it is not coercive to exploit a major worsening of the life prospects of others by striking the best possible bargain with them.¹³ At any rate, it is not coercive in a *FEME*, a defining feature of which is the unrestricted right to private property.

Let me make it clear that I am not arguing that coercion has

nothing to do with emergency situations, going against moral expectations, or confronting people with awkward, unpleasant dilemmas. Each of these may be necessary for its presence. I am claiming simply that the conditions Crocker lays down are not, as he claims, collectively sufficient to sustain a coercion charge. Some violation or threatened violation of a property right must be involved. In none of the cases he discusses is this proviso met: not in the Gideon case and not in the other cases he bases on it.

I realize that considerably more would have to be said to decisively confirm my contention that the occurrence of a property rights violation is a necessary condition for the occurrence of a coercive action. For instance, I would have to deal with the objection that there are instances of coercion or coercive threats that do not seem to involve property at all, e.g., someone saying menacingly to a companion, "Give me a kiss, or I'll hit you." What is required to successfully rebut this charge is a thorough-going elucidation of the concept of property. Obviously, I cannot provide such here. The following remarks will have to suffice.

Recently, F. A. Harper, a writer in the libertarian tradition, offered this definition of *property*:

Property is anything to which value attaches and endures in the time dimension, so long as it is susceptible to identification and is also possible of separation enough so that it may be exchanged from one person to another; it may be tangible or intangible, provided these features of identifiable and durable worth inhere.¹⁴

Too often in discussions of the free-enterprise system the concept of property is given an unduly narrow or limited connotation. This is not true of Harper's definition. Indeed, some might claim that it is too broad. Be this as it may, I would suggest that it accords reasonably well with the functioning of the term in contemporary economic thought—particularly libertarian. I might add, parenthetically, that there is no problem in conceiving kisses and bodily blows (or, if you prefer, lips and injured bodily parts) as property under this definition.¹⁵

It is unfortunate that Crocker did not define or explicate the crucial notion of a FEME. This is a definite lacuna in his analysis. My attempt has been to fill the gap (at least partially) and then to show that troubles emerge at every step.

I suppose that Crocker could try to "stop me at the pass," so to speak, by claiming that he is operating with a loose, open (perhaps family resemblance) concept of a FEME. I am not at all sure,

however, that Crocker is free to utilize a concept that contains no necessary or sufficient conditions (only strands of similarities) for its proper use. By his own statement, it is the answer of conservatives and libertarians to the coercion/wage-agreement question that he rejects. He does not reject the question itself, so he needs to be using the same notion of a FEME as his opponents. I would contend that leading conservative and libertarian economists and political thinkers operate with a fairly tight, at least partially closed, concept.¹⁶ The idea of voluntary exchange and the private property principle are normally necessary conditions for their use of *FEME*. Taken together, they may even be sufficient conditions for its use. Indeed, talking about taking them together may be misleading; they may be inseparable aspects of one and the same idea.

But let us suppose that Crocker can somehow circumvent this problem and show that the employment of a loose, open concept of a FEME is admissible in this context. My complaint is that he should have openly acknowledged this and developed the notion, at least to some extent. Had he done so, he undoubtedly would have been able to avoid or weaken some of my criticisms. Others, though, probably would continue in force. For example, I think I could sustain the key charge against his coercion criterion, for I believe that a property rights violation (properly understood) is an essential feature of any coercive action. Yet, even if I am wrong about this, I think it is possible to sustain my attack on Crocker's criterion of coercion on additional grounds, grounds that make no explicit reference to property rights.

It seems to me that a feature that characterizes many coercive situations is this: that as a direct result of the coercer's actions, *ceteris paribus*, the coerced is left with a set of options (choices, alternatives) less desirable or pleasant than he or she had before encountering the coercer—or, at any rate, the coerced is less able to exercise these previous options. Thus, as a direct result of the intruder's actions, I face a set of options less desirable or pleasant than I faced before he or she broke into my home. I am confronted with a dilemma that I did not have previously, and it was the intruder who confronted me with it. In contrast, Gideon's customers had a problem before they arrived at his store. They had to get some fire-fighting equipment of some sort or face the prospect of burned homes. Gideon did not contribute to that problem or dilemma. Indeed, he offered a solution to it. Granted, the solution he offered was not the best possible from the moral point of view of the

community. Nevertheless, it was the best one available to the customers at the time; if it had not seemed so, they would not have consented to purchase Gideon's special equipment at the higher price. Thus, Gideon enabled his customers to exercise an option that they would not have been able to exercise otherwise. Likewise, the low-paid employees' prospect of starving as an alternative to working for the employers was not created by the employers. It was there at the time the workers applied for their jobs or agreed to continue working at them. In hiring or continuing to hire them, even at subsistence-level wages, the employers enabled these workers to solve their problem. Granted, it was not the best possible solution, but it was the best available to the employees. It was a genuine alternative to starving. In the absence of the employers, the employees would not have been able to exercise the work option. Since it is obvious that the same kinds of considerations apply, the articulation of the dislocation-of-one's-life case will not be necessary.

While I am not prepared to assert that the feature I have just called upon to differentiate coercive from noncoercive situations constitutes an unqualified refutation of Crocker's claim that his cases involve coercion, I do believe that it is sufficiently compelling to throw that claim into significant doubt. And this is enough for my purpose.

It would be difficult to sum up all of the various facets of my criticism of Crocker's analysis and argument. Fortunately, this is not necessary. All I need to say is that I believe that I have shown that Crocker has not demonstrated that coercive wage agreements are fairly common features of a FEME. He has not shown that the fire-fighting equipment (Gideon) example is a clear case of coercion in a FEME, and he has not shown that the wage-agreement cases he bases on it are instances of coercion. Therefore, he has not provided an adequate foundation for the suggestion that a FEME may not offer the best framework for a free society.

Furthermore, if I am correct in my contention concerning how conservatives and libertarians tend to use the expression *FEME*, and if I have made an effective case against Crocker's criterion of coerciveness, then I have provided strong grounds for the suggestion that a FEME is a *sine qua non* of a free society—if by the latter is meant a society in which no one is permitted to aggress against the person or property of another.

Since he offers no explanation at all of the notion of a free soci-

ety, Crocker has no basis in his paper for quarreling with me concerning its adequacy. Not so as regards Professor McLaughlin. In his paper, he distinguishes between two "elements" of freedom, arguing that "human freedom involves much more than simply the absence of overt coercion. While this is one element of freedom, another is the absence of... systematic coercion."¹⁷ According to McLaughlin, *overt* coercion occurs when one person, A, threatens another person, B, with injury unless B acts or refrains from acting in some particular way; whereas *systematic* coercion occurs when there is a systematic structuring of alternatives B faces in a choice situation. The contention is that, although capitalism is opposed to overt coercion, the presence—indeed, the flourishing—of systematic coercion is an inherent feature of the capitalist system. Explicitly following Marx on this point, McLaughlin asserts that workers under capitalism find themselves with options as

to whom to work for, but they *are* forced to work. They *must* hire themselves out to those who own the means of production. Their range of alternatives simply is narrowed by the social structure within which they live. And this must be seen as an important dimension of unfreedom under capitalism.¹⁸

While there are other systematic coercions in capitalism (e.g., the manpower "channeling" process pursued by the Selective Service system), "the basic coercion on which the capitalist system operates is the necessity to enter into the economy in some way"; workers must "enter in some way into the market system and earn a living—or else live a life of poverty."¹⁹ Ergo, capitalism (and, correspondingly, a FEME) cannot be the *sine qua non* of a free society, since it is antithetical to freedom, properly understood.

This is an important challenge to the position I am defending, and I must make an attempt to meet it. First, let us look at McLaughlin's manner of expressing the distinction between the two (supposed) "elements" of freedom. I think that we will find that his manner of expression represents a misleading use of the term *overt*, which tends to mask the real relation of subsumption between so-called overt coercion and so-called systematic coercion (i.e., insofar as the latter is indeed coercive).

In ordinary parlance, the opposite of *overt* is *covert*. Accordingly, we might have expected McLaughlin to use this terminology in putting forth the distinction between the two primary categories of coercion. There *is* evidence in the paper that he views systematic coercion as covert in nature. He refers to Selective Service channel-

ing as "not overt and readily visible,"²⁰ and this clearly suggests that the term *covert* would be appropriate. The same designation would appear warranted in connection with the (supposed) basic systematic coercion of capitalism, the necessity of workers' labor. These are the only two examples of systematic coercion that McLaughlin elaborates on. If he were to have made his basic distinction between overt and covert coercion—and I believe he should have—then systematic coercion would clearly be seen as a species of, or at most coextensive with, covert coercion. (Is there any reason to believe that the only type of covert coercion is systematic?) To repeat, had the basic distinction been drawn in terms of "overt" and "covert" coercion rather than between "overt" and "systematic" coercion, and had the ordinary meanings of these terms been utilized (i.e., had the usual relationship between overtness and covertness been upheld), then it would be apparent that there is no generic difference between overt coercion and covert coercion and that the very notion of covert coercion is parasitic, so to speak, on the notion of overt coercion. Covert coercion is simply coercion in which the key aspect of threatened injury—in the light of my earlier analysis, I would prefer to say "threatened violation of a private property right"—is concealed or disguised. Selective Service channeling seems to be a clear instance of this. The program of student deferments, which served to "channel" certain young men into certain educational pursuits, worked because the threat of induction lay in the background.²¹ (One might argue that the threat did not lie very far in the background, in which case it might be more accurate to call the coercion overt rather than covert.) Thus, systematic coercion, as a form of covert coercion, is not a qualitatively distinct kind of coercion, entirely separate from so-called overt coercion. Rather, to the extent that it is a meaningful notion, it may be subsumed under the heading of overt coercion—or, better, under coercion *simpliciter*.

The implication, then, is that, insofar as it is a coherent concept, systematic coercion should be subsumed under the notion of coercion that McLaughlin allows capitalism to be opposed to. To put the matter somewhat differently: to the extent that systematic coercion is genuinely coercive, it falls under the heading of what McLaughlin misleadingly calls overt coercion and what would be better called simply coercion. Within this concept of coercion, it would of course make sense to distinguish between coercion in its more overt forms and coercion in its less overt, or covert, forms.

By implication, then, capitalism's concept of freedom is ~~undercut~~.

Actually, if one looks closely at the *definiens* of McLaughlin's definition of overt coercion, one should see that it is worded in such a way as to allow for both overt and covert forms of coercion. The threat of injury need not be open and explicit; it may be veiled or concealed or disguised. Who can say that this is not what happened when government spokespersons appeared on television "promoting" compliance with the laws concerning registration for a possible draft or with laws concerning federal census taking. In some instances, no mention was made by them of any of the fines or prison sentences for noncompliance. The "eligible" viewer was told to comply because it is the right or patriotic thing to do.

McLaughlin might concede that this criticism is valid with respect to these cases and even with respect to his Selective Service channeling example. But he surely would not admit its force in regard to what he considers the basic coercion in capitalism, viz., the necessity of labor. He might insist that the crucial notion in coercion, the notion or feature that overt coercion and systematic coercion have in common, is the restricting or narrowing of alternatives that the individual faces in a choice situation—not the notion of threat of injury. The necessity of labor under capitalism, he could say, is clearly an instance of the narrowing of individual workers' alternatives, even though no threat of injury by any other agents or individuals is involved, either directly or indirectly, guilelessly or subtly.

I attempted to anticipate this line of response in my criticism when I introduced a qualifier concerning the extent to which the concept of systematic coercion is meaningful. I now want to argue that, insofar as so-called systematic coercion is not reducible to overt or covert coercion (as these notions were delineated above), it is a spurious concept.

First, let us consider the *definiens* of that concept. Is McLaughlin saying that every instance of structuring (hence narrowing) of alternatives facing a choosing individual constitutes an instance of systematic coercion? It is necessary for humans to exhale and inhale air and to ingest nutrients in order to survive on this planet, and these requirements "structure" the range of alternatives available to them in the sense of structuring that McLaughlin has in mind. Yet it would be an unwarranted stretching of the use of the term (perhaps in the service of an atavistic anthropomorphism?) to

call the restrictions nature places on our choices coercive. We do say that we are *forced* to breathe and to eat, but this only helps to show that not all forcing is coercing. Usually no one forces us to breathe or eat, and to say that nature does is to speak metaphorically or figuratively. And what about the necessity for human labor? Isn't this as much an "imposition" by nature as the necessity of breathing air or eating food? McLaughlin does address this point, admitting that the objection has "some force." The logic of his position forces (coerces?) him to acknowledge that "freedom really requires the abolition of labor." This in turn forces him to qualify his criticism of capitalism vis-a-vis freedom. Since all known (and perhaps all possible) politico-economic systems would inherently contain this kind of systematic coercion to some extent, he must weaken his contention to the implicitly relational claim that "capitalism does nothing to diminish this element of systematic coercion and, in fact, thrives upon it."²² The implication, of course, is that other conceivable systems do things to diminish this type of coercion.

I shall have nothing further to say in this paper about these empirico-evaluative claims to which McLaughlin is driven by the logic of his argument. To deal with these issues responsibly would lead me into a full-scale discussion of the views of the master himself, since in these respects McLaughlin presents what amounts to a warmed-over Marxist argument. (The reader will recall that I demurred from this kind of task on the grounds that others have successfully addressed it.) In what follows, I shall focus exclusively on the conceptual or linguistic issues at stake.

In my opinion, McLaughlin's whole manner of arguing at this stage in his discussion betrays the linguistic mischief in which he is engaged. The notion of coercion (and freedom) that he is trying to persuade us to accept has little, if any, relevance to the context of politics and economics. In such a context, it must be empirically possible for people—in this case, workers—to be sometimes coerced and sometimes not. The implication of McLaughlin's admission that freedom requires the abolition of labor is that no worker is ever free (fully free, that is). Freedom will come to workers only with the death of politics and economics. Ironically, McLaughlin uses an analogous line of argument to dispose of the existentialist view that we are free even in the most extreme of cases, such as the threat of death. He quite rightly points out that this view, which equates freedom with the mere presence of options, implies that we

~~are~~ always free and accordingly is irrelevant to politico-economic contexts. A key premise of his argument is that "we surely want to have a notion of freedom where sometimes people are free and sometimes they are not."²³ Unwittingly, he has set the stage for the destruction of his own position.

There are yet other parts of McLaughlin's discussion that serve to cast doubt on his notion of systematic coercion. He asserts that the socialization process, which he defines as "a process that implants socially necessary values, goals, or aspirations within individuals," is "an even more profound aspect of social control that goes beyond simply the structuring of alternatives."²⁴ Yet he denies that this process is coercive. I find this odd. If the structuring of alternatives is the key common feature between overt and systematic coercion, then why isn't the structuring-of-alternatives-plus—which is what socialization is—coercive? I suspect that McLaughlin does not and, for good reasons, cannot consistently maintain that the structuring of alternatives is the common feature that justifies calling systematic coercion coercive. To do so opens the door to calling far more things coercive than even he wishes to.

Is there any way for McLaughlin to avoid the charge that his use of *coercion* in the expression *systematic coercion* is arbitrary and misleading? Can he somehow recur to the feature of threat of injury as the key common feature of coerciveness? He could distinguish between threats of injury by other agents and threats of injury by the system itself and argue that, whereas overt coercion involves threats of injury by other agents, systematic coercion involves threats of injury by the system itself. It does seem possible to interpret *systematic coercion* as referring to the structuring by the system of alternatives facing the individual in a choice situation. However, this interpretation runs into a problem analogous to that with such expressions as "Nature imposes its will on us" and "Nature forces us to breathe and eat," which can hardly be taken other than metaphorically or figuratively. It doesn't make any more literal sense to say that a system, whether natural or humanly derived, coerces someone than it does to say that if I kick a stone in anger I have coerced it into moving. To treat such expressions literally seems to involve a category mistake. Taken literally, coercion is a relation obtaining exclusively between individuals acting alone or in concert with other individuals. Another problem is the same as one encountered with a previous interpretation—the problem of "proving too much." Once we allow an economic system

itself to make injurious threats, what about nature? And what about the socialization process as such? Coercion becomes an utterly pervasive phenomenon. I consider this to be a clear *reductio ad absurdum* of McLaughlin's view of systematic coercion.

To sum up: In my attack on the conceptual basis of McLaughlin's distinction between overt coercion and systematic coercion, I have attempted to show, through a variety of linguistic considerations, that what he calls systematic coercion is not a genuine or bona fide form of coercion independent of, yet coordinate with, what he calls overt coercion. In other words, I have tried to demonstrate that overt coercion and systematic coercion, as he defines them, are not species of the same genus; that systematic coercion is not coercive per se, or at any rate not in the same sense of *coercion* as is overt coercion and certainly not in any commonly recognized or nonarbitrary and nonmisleading sense of the term in a politico-economic context; and that what McLaughlin calls systematic coercion and the things he says are systematically coercive are coercive when and only to the extent that they involve the threat of injury, overt or covert, by other individuals (i.e., coercion, properly construed). Thus, I conclude that McLaughlin's argument does not undermine my contention that a FEME is a *sine qua non* of a free society, when the latter is identified with a society in which no one is permitted to aggress against the person or property of another. This notion of freedom appears to be a perfectly adequate one in a politico-economic context.²⁵

1. Robert C. Tucker, ed., *The Marx-Engels Reader*, 2d ed. (New York: W. W. Norton, 1978), pp. 72, 74.

2. Ibid., pp. 80, 79.

3. Lawrence Crocker, "Coercion and the Wage Agreement," *Personalist* 59, no. 1 (Jan. 1978): 78-81; Andrew McLaughlin, "Freedom versus Capitalism," in *Outside Looking In*, ed. Dorothy James (New York: Harper & Row, 1972), pp. 120-40.

4. Crocker, "Coercion and the Wage Agreement," pp. 80-81.

5. In his discussion of the original (i.e., subsistence-level) wage-agreement case, Crocker alludes to "a case which arose in the nineteenth century and still occurs in some countries today—including advanced ones" (ibid., p. 80). However, it is merely an allusion; no specific reference or description is provided.

6. Ibid., pp. 79-80.

7. Ibid., p. 80.

8. Ibid.

9. Ibid., p. 78.

10. Those who advocate strictly limited government (or the so-called minimal, or nightwatchman, state), yet who also describe themselves as supporters of a FEME, undoubtedly would exclude the provision of goods and services for defense (e.g., military hardware, police protection, judicial findings) from the free market. On the assumption that there is coercive taxation of some sort in the most limited of governments, the goods and services they provide would not be the result of purely voluntary exchanges. However, this "qualification" in the definition should not affect in any material way the point I am trying to make here concerning disturbing outside forces, for the distinction at issue is not an object of concern in Crocker's analysis.

11. See Ludwig von Mises, *Human Action* 3d ed., rev. (Chicago: Henry Regnery, 1963), pp. 602-10, 835ff.

12. For an extended discussion of this point, see Henry Hazlitt, *The Conquest of Poverty* (New Rochelle, N.Y.: Arlington House, 1973).

13. For two recent discussions that bear in a supportive way upon key points in my analyses of these examples, see Ferdinand Schoeman, "Responsibility and the Problem of Induced Desires," *Philosophical Studies* 34 (1978): 293-301; and Eric Mack, "Bad Samaritanism and the Causation of Harm," *Philosophy and Public Affairs* 9, no. 3 (Spring 1980): 230-59.

14. F. A. Harper, "Property in Its Primary Form," in *Property in a Humane Economy*, ed. Samuel L. Blumenfeld (LaSalle, Ill.: Open Court, 1974), pp. 17-18.

15. Another concept that would require explanation in the discussion of my contention concerning property rights violations is the concept of ownership. For Harper's definition and discussion, see ibid., p. 18.

16. I have in mind works of such writers as John Chamberlain, Milton Friedman, John Hospers, Ludwig von Mises, Friedrich von Hayek, Murray Rothbard, Ludwig Lachmann, and Israel Kirzner.

17. McLaughlin, "Freedom versus Capitalism," p. 130.

18. Ibid., pp. 129-30.

19. Ibid., p. 131.

20. Ibid., p. 129.

21. It is on these grounds that I would question, in the light of my earlier analysis of a FEME, whether a Selective Service system would be found in a "pure" capitalist system. But for the sake of argument, I will let the example stand.

22. McLaughlin, pp. 131-32.

23. Ibid., p. 126.

24. Ibid., p. 133, emphasis added.

25. I want to express appreciation to my colleague, Sara Shute, for her valuable comments and criticisms on the original version of this paper. I also want to thank the editor for his suggestions for expanding it. I believe that the result is better than it would have been in the absence of their help. Nevertheless, I must take full responsibility for any faults that may remain.

SELECTIVE PERCEPTION

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IN THE YEARS SINCE THE PUBLICATION of Wittgenstein's *Philosophical Investigations*, two developments in fields not strictly philosophical have taken the momentum from positivism: discovery (1), in the history of science, the increasing realization that the scientific enterprise is largely governed by what Thomas Kuhn called "paradigms"; discovery (2), in the neurosciences, the increasing understanding of the high degree of selectivity involved in, for example, the physiological process of visual perception. The purpose of this paper is to examine some implications of these two developments and estimate to what extent they push us toward Wittgensteinian or neo-Kantian views. My contention will be that they push us in these directions less than at first might appear and that their chief thrust is in another direction entirely.

Discovery (1) was a fatal blow to the Baconian conception that science begins with neutral observations, is ruled by nothing but what is given, and proceeds thence to permanent conclusions via an assured method of induction. Rather, scientific observation is guided by theory; out of the infinite possibilities of all that could be observed, a given theory makes some of these observables "interesting" by predicting their connection with a larger body of knowledge about the world. Interesting observations, designed to verify the theory in hand, are the ones sought by scientists, who characteristically require elaborate and exact apparatus to conduct these observations. What is even more scandalous from the viewpoint of the positivist scientific mythology, the hold of a current theory is sometimes so strong as to cause the dismissal of experimental discoveries that are vindicated later. In retrospect, such initially unappreciated discoveries are viewed as having been "premature." They were at first dismissed or even denied because they could not be connected fruitfully with contemporary canonical knowledge. Contrary to Baconian and positivist assumptions, the use the scientific community makes of canonical guides for its research is not an aberration—it precisely maximizes the objective of furthering knowledge of the world. Without paradigms to guide

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research, there would be no way for scientists to decide how to spend their time in a way likely to be profitable. Without some basis for deciding between the relevant and the irrelevant, lack of focus would result in a lack of direction and discipline. A discovery is premature if there are no theories yet available to show why the discovery is important. When such a theory is produced, a premature discovery can be recovered. In principle, nothing of value need be lost; meanwhile, under the lead strings of current theories, much wasteful digression is avoided, and a sense of progress and even excitement is maintained. This view of science has been rendered commonplace by Thomas Kuhn, Michael Polanyi, and others.¹ It destroys the myth of a neutral science. We will try to see what other philosophical implications it has.

Discovery (2) received its initial impetus in the 1950s through scientific analysis of the visual pathways in the brains of cats. Stephen Kuffler² discovered that the function of retinal ganglion cells is not to register light just as it comes but, by summarizing responses from "on" and "off" regions of the retina, to register the relative contrast between light and dark. Later, Hubel and Wiesel³ discovered further stages in the selective activity of the visual neurons, this time in the cortical neurons themselves. Some cortical neurons were found to register only light and dark contrasts along straight lines, others to register only straight line corners, still others only straight line ends, etc. How far does this selecting and combining of the neuronal responses go? There is certain to be a limit far short of finding a special neuron for every complex structure we are able to distinguish visually. One point of philosophical significance has already been made, however. There are undoubtedly innate structures of the nervous system that determine what we shall be visually aware of. And talk of innate structures conditioning knowledge *a priori* appears to vindicate Continental rationalist epistemology (from Descartes through Kant to contemporary phenomenology), as opposed to English empiricist epistemology (from Locke through Hume to contemporary positivists). Indeed, Kant's claim that Euclidian geometry is most "natural" to man seemed strongly supported by the neuronal emphasis of straight-line sensitivity.

I want to say three things about the implications of these two discoveries for philosophical discussion:

(a) These discoveries argue for selective perception of reality, not construction of a phenomenal reality.

- (b) They do not argue against all forms of foundationalism.
 - (c) They help to undermine arguments for a Transcendental Ego.
- I will discuss these claims in order.

To insist that an organism is active rather than passive in its perceiving of the world is not to imply that it constructs its world or that it is aware only of a phenomenal world distinct from things-themselves. There is a great difference between selecting and constructing. I want to maintain that theories are both selected and constructed but that observational objects are selected and *not* constructed.

What does it mean to say that a particular scientific observation is theory-laden? It probably means a number of things. It means first of all that the observation was made because there was a theory that predicted that certain things would be seen by means of the observation. The theory's role is likely to be so important that it is extremely unlikely that the observation would have been made without that theory's (or some theory's) guidance. It also means that what is observed is likely to be understood or interpreted in light of this guiding theory. In other words, the theory will make connections between what is observed in a particular observation and what is observed in other observations. It will make these connections by means of appeal to underlying, invisible structures, structures toward which, at some advanced stage in a theory's confirmation, scientists feel entitled to adopt a realistic attitude. My claim that observations are selected, not constructed, whereas theories are both selected and constructed, does not imply that unobservable structures, entities, interactions, etc., are necessarily unreal or less real than observable ones. Scientists can have very good reasons for claiming that theoretical descriptions of such unobservables do indeed *fit* underlying structures that evade our direct observation.

An example will help make clear why I claim that none of the above implies that theory-laden observations have constructed objects. Suppose I notice that my billfold is missing and decide to look for it in the vicinity of a chair where I have been sitting. Suppose that, after looking between the cushions and on the floor around the chair, I finally find the billfold. My discovery of the billfold lying on the floor next to the chair was guided by my conjecture (theory) that it would likely be lying somewhere on, in, or near that chair. Of all the sights around waiting to be gazed upon, I chose to search the carpeting in this small corner of the room

because I had conjectured that my billfold would be found there. Furthermore, the presence of the billfold seen lying on the floor next to the chair is understood in terms of my conjecture. It had apparently fallen from my pocket as I removed or replaced my coat at that chair. So, out of many possible fields of observation, my theory picks out a small corner of a room, and, out of many possible explanations of the presence of my billfold next to the chair, my theory connects it with my actions there shortly before. The observation is theory-laden in this sense. However, the billfold seen lying next to the chair is not a construct, not some sort of phenomenal object. It is just a thing-itself, the billfold itself. My conjecture might have been exactly as it was and the billfold *not* been there. Theory guides (selects) and interprets observations; it does not construct observational objects.

Typical scientific observations differ in one important way from the billfold case. They require sophisticated apparatus. Such apparatus, or instruments, do not, however, produce a constructed observational object. The fact that an observable object may turn up only in the form of a photograph or an image on a screen does not show that it is, in the relevant sense, constructed. Photographs and screen images are no more phenomenal in the Kantian sense than are billfolds and chairs. They are things-themselves that visually present other things-themselves. The fact that the photograph or screen image may record things that cannot be seen by the naked eye presents no insuperable epistemological problem, so long as the projecting mechanism is correctly understood and the photograph or image interpreted accordingly. Any apparatus or instrument is subject to evaluation as a means of selective observation and can be rejected as unreliable if it cannot deliver to observation the part of the universe the investigator, guided by hunches and theories, wants.

The Euclidian emphasis of the visual nervous system does not bring about an *a priori* construction of phenomenal objects. It merely indicates that not all aspects of the world are equally available to human sight. This has long been known to be true of the color spectrum, only a small part of which is visible. But this limit upon visual sensitivity implies selection, not construction. The process of evolution has led to the survival of this range of sensitivity; but light waves of the visible spectrum, although selected, are nevertheless features of the world itself. The same can be said of light and dark contrasts along straight lines. Emphasizing these

characteristics of the world possibly had some advantages for survival as compared with other kinds of neuronal emphases, but these characteristics are nevertheless features of the world. They just happen to be among the features to which we are most sensitive and of which we are most readily made aware.

My claim in this first section has been that those who are convinced that there is a distinction between the phenomenal and the noumenal, and that what we are aware of in visual experience are not things-themselves, have no support from the two discoveries I have been discussing. These discoveries do not, as one might think, revitalize old arguments for the noumenal-phenomenal split. To insist that they do would require an attack upon the distinction between selection and construction as I have begun to lay it out. Until such an attack is successful, I will be obliged to contend that those who believe Kantian phenomenism is revitalized by support from these discoveries have made the following mistake: having limited their choices to empiricist passive neutrality and Kantian active construction, they view the defeat of the former by these two discoveries as a triumph for the latter.⁴ But this is nothing but the fallacy of incomplete alternatives. The distinction between selection and construction reveals another alternative.

This distinction offers important resistance to the recent tendency to minimize the difference between theory and observation. I have claimed that theories are constructed but observations are not: no matter how theory-laden an observation may be, its objects are not the constructs of the observer's theory nor of his nervous system. More of what this means will become clear in the next section.

Discoveries (1) and (2) do not argue against all forms of foundationalism. They do, of course, argue against any form of foundationalism that assumes perception to be an entirely passive affair that allows utterly unselected data to wash over the human consciousness. Empiricists and positivists have been constantly accused of describing perception in these too-passive terms. Their view of perception was put to nice ideological use: all ways of knowing that did not start from perception in the way the positivists said they should were disparaged as unscientific. But if selection is a part of acts of perception from the very beginning, then the perceiver is never a passive mirror of the outer world, nor do his observations have the extreme sort of neutrality that empiricists and positivists have not generally been careful to avoid. But ideological use can be

made of this point as well—with the effort to deny that knowledge has any foundation in observation and with the claim that what justifies a belief is never anything more than its coherence with other beliefs. The selectivity of perception shown by discoveries (1) and (2) does not support this last contention. If it is to be supported, it must be supported on other grounds entirely.

Wittgenstein's *Philosophical Investigations* begins with a criticism of Augustine's view that, as small children, we learn language one word at a time by first attaching words to physical objects. Wittgenstein's criticism is clearly right: we cannot know the meaning (or use) of *chair* or *dog* without also knowing a great deal more besides; i.e., we cannot understand one word of English without understanding many other words, as well. But, granted this, it is still possible that the process of language learning begins with awareness of physical objects. In other words, Wittgenstein has shown that it is impossible to have the concept "chair" or "dog" without having many other concepts; he has not shown that it is impossible to *see* a chair or a dog without having a concept for it. The latter claim goes beyond linguistic points about language learning and resorts to the Kantian assumption of some chaotic sense manifold that needs to be put in order by concepts, before perceptual consciousness of anything can take place. Discoveries (1) and (2) provide no argument for this last claim. I am quite willing to challenge any Wittgensteinian to demonstrate how Wittgenstein's linguistic arguments show any such thing. Until such a demonstration, I have sufficient room to lay out the following rough schema for language learning based on preconceptual awareness of physical objects. In what follows I will concentrate on visual awareness only.

At first a child is unable to distinguish individual physical objects. This seems to be due, at least in part, to the overconnection of light-receptor neurons and cortical neurons. In creatures having binocular vision, the first days of open-eyed, postnatal existence are spent getting each eye to see the same visual field that the other eye sees. This adjustment is possible because each eye's visual system is at first overconnected. Each cortical cell at first receives impulses from light receptor cells that are "wrong" for it as well as from those that are "right" for it. The reason for this overconnectedness is to allow the visual system to select the "right" connections by a process similar to trial and error. The connections that are wrong are finally eliminated, while the ones that are right

are retained. When this is achieved, vision has become clear, and both eyes are able to focus on the same visual space. This adjustment process, made possible by the original overconnection, brings about a level of precision in binocular vision that, it seems, would be otherwise unattainable. By the time the wrong connections have been selected out and the eyes are able to work in concert, focusing together on the same things, visual perception of those things has begun.

A linguistic (or conceptual) framework is an extremely complex network of linguistic (or conceptual) connections and associations. Such a framework, I am claiming, has its foundation, both its origin and its justification, in perception. The process of developing such a framework begins with preconceptual awareness of medium-sized physical objects. Augustine was wrong if he thought that, upon first seeing a chair preconceptually, one can associate with it the extremely complex meaning or usage of *chair*. But even though such great leaps to very complex associations do not take place, it seems reasonable to assume that small steps to simple associations *do* take place. This level of association is at first at such a primitive level that we may not care to recognize it as "conceptual" or "linguistic" at all. From the start the child focuses selectively. Objects moving across its field of vision tend to capture its attention. It focuses on things that are within its reach and are therefore able to supply the usual infantile gratifications. These various selected objects begin to repeat in the child's visual experience, and the child associates the same things or similar things with their relevant predecessors and responds accordingly. The internal vehicles of these associations should probably not be called "concepts" or "words," but in the case of the human child they are at least harbingers of concepts and words. With the help of parental teachers and continued experience, the child develops increasingly complex associations. It begins to utter "words" on cue, but still perhaps without sufficient linguistic versatility for them to be considered equivalent to *our* words of the same sound. These early "words" do not make up a private language in any extreme or problematic sense. Some mothers claim to be good at knowing what their children mean by these "words." We cannot rule out this possibility *a priori*. The process continues until the child's versatility reaches a level that betokens a complexity of associative ability sufficiently rich that we have no more qualms admitting that the child speaks our language and thinks with concepts much like our own.

On this view, Augustine was wrong but not completely wrong. He was wrong to underestimate the complexity of language and therefore of language learning. He was right to assume that a child can be aware of things prelinguistically and to assume that a child learns language and develops concepts by starting with the things it sees. The path of associations that leads from these initial conscious experiences to the full-blown use of language is undoubtedly longer and more difficult than Augustine may have imagined, but it starts and ends where he thought it did. It starts with preconceptual, linguistic awareness of objects.

Without assuming empiricist (nonselectively neutral) perceptions, nor a simplistic, Augustinian marriage of word to object, I have argued that perception is the foundation-origin of language learning. My account also paves the way for the claim that perception can serve as the foundation-justification of beliefs. If my earlier claim that observational objects are selected, not constructed, is correct, and if I am now right in claiming that the concepts by which we know perceptual objects are the products of preconceptual associations of those objects, then the primacy of observation in the process of justification remains intact. My theory or linguistic framework may direct my attention to a particular small area of the world, but my belief that my billfold will be found there may be falsified, not by my theory or framework, but by the world I see. Yet, to have seen my billfold there would have justified my belief that it was there. It might be rejoined that I cannot *know* what it is I see unless I have a conceptual framework by means of which to know it. Indeed. But the framework itself initially arose by means of perceptions of the world. So the foundational role of perception, which puts our theories in touch with the world, is preserved.

One final point before moving to the next section. There is a standard objection to the kind of foundation-origin of language I described above. According to this objection, one cannot associate similar things without knowing that they are similar. And one cannot know that things are similar without having the concept "similar." But one cannot have the concept "similar" without having many other concepts, as well. The conclusion is that the associative process I described cannot get off the ground. The faulty premise in this objection is the claim that one cannot associate similar things without knowing that they are similar. The most casual observation of the behavior of small children and animals

makes it quite clear, it seems to me, that this premise is false.

Discoveries (1) and (2) help to undermine three arguments in favor of a Transcendental Ego.

Argument (i): The Transcendental Ego is necessary to explain the unity of consciousness.

The problem of explaining this unity results from Hume's failure to do so. In *A Treatise of Human Nature* Hume had said that people "are nothing but a bundle or collection of different perceptions." He added, "All our distinct perceptions are distinct existences. Did our perceptions either inhere in something simple or individual, or did the mind perceive some real connection among them, there would be no difficulty in the case." But for Hume there is no such thing as an underlying substance, nor is there a real connection among distinct existences. Thus, there is no basis whatever for the unity of a single consciousness through time.

Kant accounted for the needed unity of consciousness by appeal to "transcendental unity of apperception." This transcendental subject was postulated by Kant because it produces "systematic unity in the laws of empirical employment, and extends our empirical cognition, without ever being inconsistent or in opposition with it." Kant concluded that, given the great usefulness of the ideal, transcendental self, "it must be a necessary *maxim* of reason to regulate its procedure" according to it.⁵

This and all other arguments Kant used for the Transcendental Ego are practical arguments: i.e., the Transcendental Ego is postulated to solve problems that, it seemed to Kant, could be solved no other way. If, however, it can be shown that these problems are themselves the result of mistakes, then the solutions too will appear misguided and superfluous. My argument will be that the Transcendental Ego was presented as a solution to just such mistaken problems.

In the present case, Hume's description of fragmented consciousness is the mistake. Human consciousness is not fragmented but bound together by what I will call "continuity of perspective." Parts of this continuity of perspective were explored earlier in my discussion of the ways in which paradigms guide observation and the innate determinants of visual perception. The paradigms or theories that are being currently presupposed or questioned give my current thoughts and experiences continuity of focus. Biological continuities in the mechanism of perception—causing color blindness, near-sightedness, auditory acuity, etc.—translate into con-

tinuities in the quality of perception. But there are many other elements that contribute to our sense of the continuity of perspective between one moment of awareness and the next. I observe the world from a continuous spatial location. Even if I move about, my moving and resting are experienced as part of a coherent trajectory through space, a trajectory that maps my location and unifies the spatial perspectives that flow into and out of one another in my experience. Emotional propensities, bodily strengths and limitations, spheres of human association—all contribute to the complex continuities that cannot be accurately described as a mere “bundle or collection” of “distinct existences.” Thus the problem Hume posed was the result of a misstatement of the data of consciousness. And Kant’s solution to that problem, the binding of consciousness by a Transcendental Ego behind the scenes, appears unnecessary. If an underlying substance is needed to explain the continuities in perspective I have described, we need look no further than the individual person himself, complete with the usual physical and mental characteristics.

This last point carries us into argument (ii): The Transcendental Ego is necessary to provide an ultimate subject of awareness. For Kant, all objects of all kinds of awareness are phenomenal, not noumenal. Therefore, any awareness we have of ourselves as bodily—as having brains, as having genes, and so on—is an awareness of phenomenal appearances. Similarly, any introspective awareness of our inner states is an awareness of phenomenal appearances. Phenomenal appearances are objects of awareness, but awareness also requires a subject. The subject of awareness must be more than an appearance: it is that to which all appearances appear. The name for this more-real-than-appearance subject is the “Transcendental Ego.”

I have claimed that discoveries (1) and (2) argue only for the selection of observational objects, not for their construction. Kant’s phenomenal appearances, on the other hand, *are* constructed; and Kant laid out an elaborate mechanism that, he claimed, constructs them. But if the objects of perceptual awareness are not the products of construction, they are not appearances at all. But then the premise in Kant’s argument that asserts—rightly, in my opinion—that the ultimate subject of awareness must be more than an appearance does not force the conclusion that this ultimate subject of awareness must be other than the person (complete with brain, etc.) whom we see. That vis-

ible person is already more than appearance, and therefore we need nothing else to serve as an ultimate subject.

Argument (iii): The Transcendental Ego is necessary to explain human freedom.

Kant argued that the assumption of human freedom is both a practical necessity and a speculative possibility. From this he concluded that the assumption is justified. I agree with Kant that, if the assumption of human freedom is a practical necessity and a speculative possibility, the assumption is justified. I also agree that the assumption *is* a practical necessity, for reasons that are perhaps no more than extensions of the ones Kant himself gave. But my reasons for thinking it to be a speculative possibility are very different from Kant’s. Kant believed that we are determined *a priori* to perceive the world (which Kant said is phenomenal) deterministically—to therefore see visible people as determined in their actions and not free. Kant’s Transcendental Ego is not part of the phenomenal world, however. It may, therefore, be nondetermined and provide a basis for freedom. Thus, freedom is for Kant a speculative possibility.

If I have been right all along to insist that perception is selective and not constructive, then there are no overriding *a priori* reasons why everything and everyone in the world (which I say is not phenomenal) has to be subject to complete determinism. Possibly some things are and some things are not. At any rate, it is not a question to be solved *a priori*. Nor is it cogent to argue that, since the rest of the universe is completely determined, it is parsimonious to assume that human actions are completely determined too. One might as well argue that, since the rest of the universe is nonliving, it is parsimonious to assume that plants and animals are nonliving too. Quick arguments for general determinism are nothing but *a priori* assumptions or questionable generalizations from the determinism found in the rest of nature. The present states of psychology and the neurosciences leave plenty of room for the possibility of human freedom. Kant rightly claimed that the speculative possibility of human freedom coupled with the practical necessity of assuming it constitute a justification for that assumption. But it is a justification that does not require the presence of a Transcendental Ego.⁶

Discoveries (1) and (2) have important antipositivist implications for philosophical thought. They helpfully emphasize that perception is not passive and neutral, but active and selective. The distinc-

tion between selection and construction, however, prevents an overcompensation in the Kantian direction. This distinction also helps to avoid a fundamental proposition that empiricists and Kantians have had in common and that Kant inherited in large part from Hume: that those things of which we are aware in perception are ideas, phenomena, or sensa—and not things-themselves. My argument here has hardly been a comprehensive refutation of that proposition. But that now-gathering refutation will finally put an end to one of philosophy's most captivating digressions.

1. Thomas Kuhn, *The Structure of Scientific Revolutions*, 2d ed. (Chicago: University of Chicago Press, 1970). My favorite brief statement of the position is by Michael Polanyi, "The Potential Theory of Adsorption," *Science* 141 (Sept. 13, 1963): 1010-13.

2. Stephen W. Kuffler, "Discharge Patterns and Functional Organization of Mammalian Retina," *Journal of Neurophysiology* 16 (1953): 37-68. Later experiments with monkeys showed the same result. D. H. Hubel and T. N. Wiesel, "Receptive Fields of Optic Nerve Fibers in the Spider Monkey," *Journal of Physiology* 154 (1960): 572-80. See also Hubel, "The Visual Cortex of the Brain," *Scientific American*, Nov. 1963.

3. D. H. Hubel and T. N. Wiesel, "Receptive Fields, Binocular Interaction, and Functional Architecture in the Cat's Visual Cortex," *Journal of Physiology* 160 (1962): 106-54.

4. This line of argument is found quite explicitly in the writings of the molecular biologist and structuralist Gunther Stent of the University of California, Berkeley, in "Limits of the Scientific Understanding of Man," *Science* 187 (Mar. 24, 1975): 1052-55, and in "Cellular Communication," *Scientific American* 227 (Sept. 1972): 50-51. The fact that structuralists in general tend to see the choice in these terms has the following testimony of Jean Piaget:

Structuralism, it seems, must choose between structureless genesis on the one hand and ungenerated wholes or forms on the other; the former would make it revert to that atomistic association to which empiricism has accustomed us; the latter constantly threaten to make it lapse into a theory of Husserlian essences, Platonic forms, or Kantian *a priori* forms of synthesis. [Jean Piaget, *Structuralism*, trans. Chaninah Maschler (New York: Basic Books, 1970), p. 9].

5. *Critique of Pure Reason*, A671, B699.

6. The preceding discussion assumes that human freedom and universal determinism are incompatible. I agree with Roderick Chisholm ("Agency," in *Person and Object* [LaSalle, Ill.: Open Court, 1976]) that they are incompatible. Chisholm's analysis makes it clear, it seems to me, that compatibilism either denies freedom, denies determinism, or is simply the result of confusion. But the issue is a tough one, and I do not offer an analysis here.

POLITICAL TYPOLOGY: A SUGGESTED CLARIFICATION

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ONE OF THE MOST USEFUL TOOLS OF ANALYSIS is the practice of employing typologies, i.e., assigning labels to the objects or ideas under scrutiny. Exactly how they function as analytical tools is not of concern here, but I would highly recommend Max Weber's *Methodology of the Social Sciences* as the classic and still valuable explanation.¹ At the very least, they should enable us to understand the phenomena in question, making further interesting and valuable observations possible, if not inevitable.

Every discipline or field of study has its own set of labels that its practitioners deem particularly appropriate for its areas of concern. (There's considerable overlapping, of course, with each discipline exhibiting the expected amount of possessiveness.) In most cases these terms have had a long history of usage and have thereby acquired rather widely accepted meanings, some more so than others. Those not having this advantage are virtually useless as tools; instead of aiding an analysis, they invariably become the objects of analysis themselves. A good illustration of this is the set of labels *left*, *right*, *liberal*, and *conservative*. It's almost impossible to use them without first explaining how they're to be used, i.e., what they mean. This usually involves at least a rudimentary defense of their meanings, since objections and counter-proposals can be anticipated. Stipulating definitions (for purposes of analysis only) isn't a viable alternative either; they're far too morally or emotionally loaded for the issue to be circumvented in this way. In other words, definitional disputes are seemingly a concomitant of their usage. On the rare occasions when this doesn't happen, a shared meaning is simply (and uncritically) assumed, and the disagreements and confusions merely emerge at some other point. Frequently, *left* is associated with liberal and *right* with conservative (sometimes as their extremist forms), but no further clarification is offered. Whenever specific definitions are put forward, they turn out to be as varied and numerous as the people suggesting them.

What I propose to do in this paper is suggest a way that these particular labels might be defined and made useful. To be useful as tools, they have to be meaningful to virtually everyone, and this can only be accomplished if their meanings are essentially descriptive and not in any way evaluative—as far as this is humanly possible. In the first section, I'll argue that *liberal* and *conservative* are best understood as equivalent to teleological ethical reasoning and deontological ethical reasoning, respectively. *Left* and *right*, on the other hand, refer to the positions people take on psychological egoism: the right claiming it to be true, and the left rejecting it. Given this scheme, two combinations are possible which at first sound rather strange: left-wing conservatism and right-wing liberalism. As I'll show in the second section, where I'll illustrate the scheme by applying it to some contemporary political phenomena, these two turn out to be perhaps the most helpful of the various possibilities.

Before beginning, I want to stress the descriptive character of these proposed definitions, because they're actually descriptive in two different senses. I've already implied above that they're essentially nonevaluative. By this, I simply mean that applying them as labels is not to be construed in any way as indicating goodness or badness. There's another sense, however, in which they're descriptive. Although they must be considered as reformative definitions in some minimal way (since my suggestions are obviously not now widely accepted, and I'm arguing that they should be), they are, at the same time, surprisingly expressive of what we intend when we use them in our ordinary discourse. Whether or not we're aware of it, we tend to understand these terms very much in the ways that I'm suggesting. So my project can actually be seen as one of clarification.

ETHICAL REASONING AND POLITICAL LABELING

Taking the terms *liberal* and *conservative* first, it should already be clear that my intention is to see them as indicating formal and not substantive characteristics. We often use them in a substantive way, of course, but I suspect that this betrays a confusion on our part. To call certain policies, institutions, and people liberal (or conservative) is shown to be absurdly confused when often just a few years later they are termed the exact opposite. I think that, behind this labeling and relabeling, there's perhaps an unconscious

recognition that the reasoning process in developing these policies and institutions is the significant thing. The fact that we're somehow reluctant to engage in frequent reclassifications, and upset when it's done to us, provides a small degree of evidence for this. We know that the way we reason can remain fairly constant, while the outcome of the process might very well fluctuate from time to time. Knowing this, we shouldn't so uncritically link the reasoning process with particular results. What I'll be doing is merely bringing to consciousness this presumed unconscious awareness. Ultimately, of course, the final proof of the typology's accuracy in depicting the way we actually intend the terms must be whether or not it makes sense to us. I think it will; and, furthermore, I think it will for the first time make them useful as analytical tools.

Others are aware of this distinction between the reasoning process and its varied results, and have attempted to make use of it in constructing political typologies. Two prominent examples are Gewirth's *Political Philosophy* (his introductory chapter)² and Oppenheim's *Moral Principles in Political Philosophy*.³ Gewirth approaches the problem as I intend to, employing the language and terminology appropriate to normative ethics. His account, however, is extremely unclear and not entirely consistent; moreover, he makes no attempt to understand ethical terminology in terms of liberalism and conservatism, much less relate them to the left and right. Oppenheim's analysis, while far clearer and much more comprehensive, is done solely with the problems of justification in mind. He's really concerned with one issue only: whether or not basic political principles can be shown to be objectively true or false. This aspect of ethical theory is of obvious significance, but it's simply not relevant for clarifying the four terms we're dealing with in this paper. Although neither Gewirth nor Oppenheim provides me with direct support for my suggested definitions, it's worth reemphasizing that both feel that ethical reasoning is the crucial factor in establishing political classifications. Also worth emphasizing is their reliance on William Frankena's exceedingly lucid explanations of ethical terminology.⁴ I plan to do the same; in my opinion, no better account yet exists.

In order to show that liberalism makes the most sense (both as a neutral tool and as a reportive account) when understood as teleological reasoning, I'll begin by briefly sketching the characteristics of this type of thinking and follow with a few ex-

amples to illustrate the complexities of the scheme.

Teleological thinking is most clearly understood as deciding moral issues by appealing only to the amount of nonmoral value likely to result from the available alternatives if they were to be adopted. The one basic obligation is to maximize the good, and the net balance of good over evil (as it is estimated) is the sole standard for assessing rightness and determining virtues (moral goodness).⁵ The nonmoral value can be (and has been) identified as just about anything (the experience of happiness, material success, power, salvation, truth, etc.); the important thing is not what, but how much. Any attempt to establish qualitative differences between competing ultimate values would be to introduce another kind of criterion, thus voiding its teleological character.

Among the many possible subtypes within teleological thinking, one kind is crucial for the clarifications I'm trying to accomplish. Teleologists must decide *for whom* the production of nonmoral value is relevant; for whom should the good be maximized? It's the question of distribution, and the possible answers are apparently endless: self, family, clan, class, race, nation, mankind, all living creatures, all life throughout the universe, all life throughout all time and space, and so on. Distribution is, of course, a moral question, but it can't be answered teleologically without begging the question. Nor can it be answered nonteleologically, since that would constitute a violation of teleology's exclusivity. (Mill and Bentham unconsciously slip into this trap when they suggest that the greatest good should be produced for the greatest number.) Some way must be found to answer the question without circularity or contradiction if teleological reasoning is to remain unadulterated as well as intelligible.

The most common approach (although not always consciously recognized as such) is to acknowledge the universality implicit in the basic obligation to *maximize* the good but to compromise with what's possible. This, after all, is precisely what the maximization principle itself is: a compromise between the obligation to do *only* good and the recognition that this is rarely, if ever, an option. Ideally, then, the good should be distributed to the greatest extent throughout all time and space (i.e., universally); to do any less would involve not doing *only* good—through omission if nothing else. Obviously, this implicit requirement can never be met, so the resolution becomes one of distributing the good as widely as possible. Possibility is the key factor; how wide a distribution depends

entirely on a factual assessment (no additional moral principle is involved); whatever distribution is likely to be optimal is the one selected. This is a defensible procedure teleologically, as long as it's kept in mind that, with one significant exception, no system of distribution can ever be permanent. The exception occurs because some persons allege that it's never possible to consider the good of anyone beyond the self, while all the others claim that it is. Although this also is a factual assessment, it's different in kind from the others in that it's based on a different assumption about human nature and not merely on a different estimation concerning the production of good. Hence, what results is a permanent, twofold distinction regarding distribution: the relevant recipient(s) of whatever good is likely to be produced being either the self alone or others as well.⁶ In other words, we have either ethical egoism or some form of utilitarianism (ethical universalism) as the two possible forms of teleology.⁷ Other refinements would have to be made at this point if I were presenting a complete description, but they're not necessary for the purposes of this paper.⁸

Notice that the kinds of people we usually associate with liberalism do, in fact, exemplify teleological reasoning. Bentham and Mill are the epitome of 19th-century English liberalism, as well as of utilitarianism. The movement that we refer to as classical liberalism, also identified with capitalism, is perfectly expressed in Adam Smith's ethical egoism. These two types of liberalism are usually seen as opposed to each other over such issues as welfare and laissez-faire economics, and they certainly are. But these two economic issues are really equivalent designations for the two forms of teleology; hence, the contrast as stated expresses an analytic truth only. As I'll show later, there is another dimension to this conflict as it has usually been expressed in American political life. To take an example of a different sort, we frequently refer to people who are flexible and open-minded as being of a liberal temperament. If we understand them as teleological, this personality description makes sense. For nothing can ever be intrinsically right or wrong according to this way of thinking; it all depends on the expected production of good. Any person who truly thinks this way is likely to appear quite flexible and open to change, since no decisions are invested with permanence; commitment is given to the maximization principle and to nothing else.⁹ On the other hand, what seems flexible and open-minded to some, strikes others as coldly pragmatic and even ruthless. Such people are seen to be

without principles or scruples, willing to do anything to achieve their ends. Again, the explanation is the same—commitment is given only to the end or goal; what differs is the evaluation done by others. These allegedly descriptive personality terms are obviously value-laden; hence, they can't be logically derived from a description of someone's thought process. To the extent that we find such people either flexible (positive) or ruthless (negative), we do so on grounds independent of the description of their thinking. In essence, these terms *are* the evaluations.

Deontological ethical reasoning is both easier and more difficult to delineate: easier, because it incorporates all forms of moral reasoning other than teleological; more difficult, because there are as many manifestations of deontology as there are deontologists.¹⁰ The one factor they all have in common is the rejection of the maximization principle as the *sole* evaluative standard. Instead, rightness and moral goodness (as well as their opposites) are determined by an intrinsic quality or qualities.

Maximization may be used to supplement one or more deontological standards (there can be more than one), but the deontological norm (or norms) always takes precedence in moral decision making. Differences emerge when the quality itself is specified. Some deontologists argue that Kant's idea of universalizability (or some variant thereof) is the decisive, intrinsic feature. Others maintain that God's will is the relevant quality (as in Divine Command theories.). Still others avoid the problems of specificity by claiming that, whatever it is, it's knowable through intuition (as in W. D. Ross's theory); the right and the good are simply self-evident (as the Declaration of Independence asserts about the equality of all men and their various rights). As deontological norms, all of them are considered obligatory completely apart from whatever good might result from their being adopted; in no way are they contingent on the production of nonmoral value. However, while unalterable and permanent, they can be stated in such a way as to incorporate considerable flexibility. The important point is that principles of this kind are inviolable, regardless of how flexible they might be.

When we consider who might qualify as deontological thinkers, we find people usually identified as conservatives rather prominently represented. All natural law theorists fall into this category, since laws of this kind are deontological. Cicero gave natural law its classic definition ("True law is right reason in agreement with

nature; it is of universal application, unchanging and everlasting"—*Republic*, III, xxii), but there have been thinkers before and since who've exemplified this point of view. Plato, Aristotle, Aquinas, Grotius, Edmond Burke, and John Locke are among the more prominent illustrations. Burke, of course, is noted as the "father of conservatism" and, by some, as its last and best representative. The view that rights (whether human, property, divine, or some other kind) are unalienable is a related deontological conception. As with liberalism, we often refer to people with a certain temperament or personality as conservatives. Sometimes what earns this designation is simply being a traditionalist of one kind or another. Persons having a stalwart character or strength of conviction are others that often receive the label. At other times, such people are called old-fashioned, stodgy, or, more harshly, obstructionistic. None of these trait terms is neutral. Again, the thinking that they allegedly describe doesn't change; what changes is the evaluation of it.

With further reflection, it should become apparent that we actually do use the terms liberal and conservative to refer to teleological and deontological thinking, respectively. The fact that we use the same terms for substantive issues as well is the source of much confusion. It prohibits us from seeing that liberals and conservatives can, and often do, agree on specific issues—*without abandoning their political point of view*. It also prevents us from seeing why *intra*-ideological disputes can occur without self-contradiction. Similarly, by identifying issues as liberal or conservative, we're almost forced to view people as being far more arbitrary than is consistent with our experiences of them otherwise. Recently, for example, the welfare liberalism of the New Deal has been coming under strong attack from people whom we've always understood as liberals. This doesn't mean that they've ceased being liberal; it simply means that they see another course of action as most likely to maximize the good. Likewise, the conservatives who supported the civil rights movement under Martin Luther King, Jr., weren't thereby rejecting their conservatism; rather, they saw their support as required by their political ideology.

Seen as contradictory forms of ethical reasoning, it's clear that any attempt to devise and implement an ethical theory based on two coequal principles of each type is fraught with dangers. Frankena's own position is of this kind, and, as he admits: "It does seem to me that the two principles may come into conflict, both at

the level of individual action and at that of social policy, and I know of no formula that will always tell us how to solve such conflicts or even how to solve conflicts between their corollaries."¹¹ The only solution he has is his claim that in an ideal state of affairs (wherein everyone is completely rational, unbiased, fully informed, and unselfish), the practical implications of both principles would be in agreement. Knowing this, his hope is that it might influence our present judgments and the actions based on them. But aside from his claim being suspect in the first place, it's highly unlikely that, even if it were true, our mere knowledge of it would be sufficient to influence us. In any case, his ideal consensus theory begs the question by presupposing a kind of harmony which would supposedly be the result of consensus. Theories with two fundamental, contradictory principles simply have to face the consequences: resolution by conflict or by default.

American constitutional democracy is an incarnation of precisely this kind of ethical position. Without the Bill of Rights and certain other supplementary amendments, majority rule or popular sovereignty prevails (albeit through an exceedingly complex and often unsuccessful representative system). Majoritarian democracy is merely an institutionalized procedure for determining how much good over evil is likely to result if a given program is adopted or person elected: the ideal being to maximize the number of satisfied people by having them select (either directly or indirectly) from alternative "sources of satisfaction" (individuals alone being in a position to determine what's likely to satisfy them). The alternative receiving the most support is then obliged to everyone. With the addition of the Bill of Rights, a deontological element becomes an explicit part of the Constitution—in that these rights are placed beyond legislative influence (especially speech and religious freedom). But this in no way makes it a deontological document; amendments can be voided as well as added whenever a sufficient majority so decides. This, of course, contradicts the *inalienable* character of these rights, which are provided with institutional protection in the Supreme Court.¹² The dangers of this set-up have become all too obvious throughout the years. Consider how often a more or less serious conflict has occurred between some majority's will and the rights of individuals or groups. Inevitably, the resolution has been accomplished by force or the threat of force; there just isn't any other alternative.

If we wonder how such a contradictory political system could

have received such widespread, thoughtful, and well-reasoned support, I think we're forced to conclude that another factor was at work, namely, the fact that there was a different and more significant kind of agreement presupposed by the defenders of the Constitution.¹³ For the most part, despite their differences in ethical reasoning, they held a rather optimistic view concerning the possibilities of social relationships. To explain this involves an examination of the other set of political labels: *left* and *right*. My point is that they are most accurately and most usefully understood as indicative of conflicting positions on human nature: the right maintaining that psychological egoism is true, and the left rejecting it as false. I have no intention of summarizing the debates between the two, but a brief sketch of what they do and do not entail is essential.

Psychological egoists assume that we are incapable of being concerned for anyone other than ourselves. To the extent that we do seem to show concern for others, it's only because we believe this ultimately to be in our own interests. This is what I see as *defining the right*. Notice that this does not in any way entail either a positive or a negative evaluation. Psychological egoism is a descriptive position only; judging it to be a good or bad psychological characteristic is logically distinct. Although certain descriptive features may be cited in support of the evaluative judgment, the relationship is not one of entailment. Nor does psychological egoism entail that we *ought* to be concerned for ourselves only. Some argue that, since there's no possibility of choosing otherwise, it makes no sense to adopt any other style of ethics; but this, again, is not logical entailment. One final disclaimer: it might seem that an egoistic ethic is entailed by a positive evaluation and a nonegoistic ethic by a negative one, but this isn't the case either. These evaluations are nonmoral, with no necessary moral implications, i.e., they're like aesthetic judgments. It's quite possible (however unlikely it may be) for someone to judge it negatively and still urge its adoption as an ethic, or judge it positively and yet reject it as an ethic.¹⁴

To reject psychological egoism, on the other hand, simply means that we are assumed capable of being concerned for others as well as for ourselves (although to some it means giving greater or even exclusive weight to the claims and interests of others). In either case, psychological egoism is assumed to be false,¹⁵ and this I take to be the defining quality of leftist thinking. Again, this does not in

any way imply that we ought *not* to be egoists. Nor does it imply any particular evaluation; as an assumption about human nature, it's every bit as descriptive as the assumption it opposes.

So far I've stressed that certain ideas are *not* entailed by psychological egoism (the defining characteristic of the right) or its denial (the defining characteristics of the left), but they *do* entail certain other ideas of considerable significance. The most important one for our purposes concerns the nature of society. Depending on which assumption is held, two radically different understandings emerge.

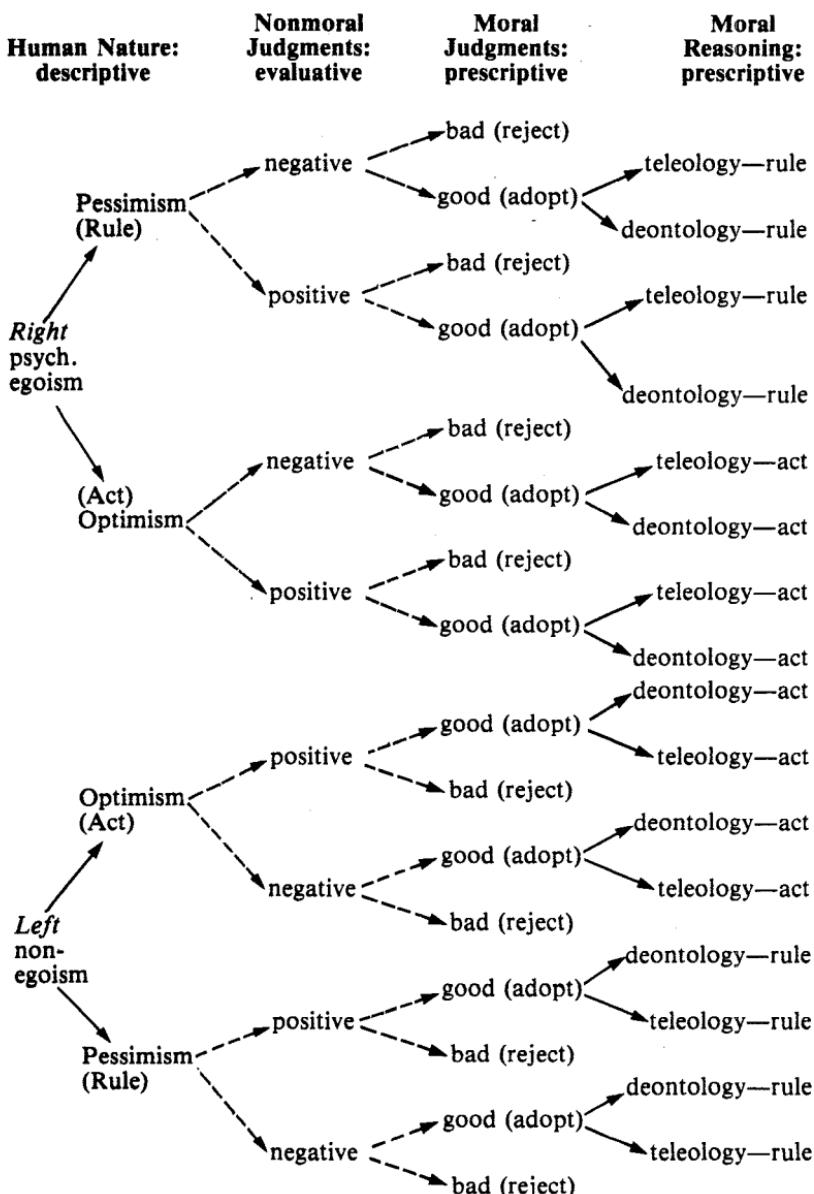
The egoistic assumption portrays human beings as totally separate individuals, with no *a priori* social bond among them. Hence, if society is to occur, it must be artificially or intentionally created (in theory, if not in actuality). While this is certainly a valid implication espoused by all rightists, they differ markedly on the ease or difficulty of creating and maintaining these social relationships. Some are relatively pessimistic in feeling that society can only be created if it's imposed more or less rigorously through legal or governmental constraints. Others express some degree of optimism in that, for them, such constraints are either unnecessary or actually counter-productive. By examining the various reasons they give for their optimism or pessimism, it becomes obvious that no sharp line divides these two basic attitudes. Rather, we're confronted with a continuum, with all of the vagueness and imprecision implicit in such a scheme. However, it is possible to distinguish the extremes in terms of their reliance on or rejection of rules in providing moral guidance and thus social stability. The greater their degree of pessimism, the more their ethical reasoning depends on rules and their enforcement; the result is some form of rule-teleology or rule-deontology. Likewise, the greater their optimism, the more they consider individual conscience as a reliable tool for moral decision making; what results is a situation ethic of some kind, either act-teleology or act-deontology. In other words, the continuum extends from totalitarianism to anarchism, with all sorts of variations in between. (The rejection of a state does not, of course, imply the rejection of society. It should also be kept in mind that "total" government does not necessarily imply a despotism or dictatorship; it refers *only* to where power and authority are located.) Among social contract theorists, who are rightists by definition, Hobbes is obviously the most pessimistic, with Hamilton a bit less so; Madison, Locke, John Rawls, and

Adam Smith exist somewhere in the middle, while Robert Nozick and Robert Paul Wolff are obviously on the very optimistic side of the spectrum.

On the other hand, to reject the egoistic assumption is to presuppose that there does exist an *a priori* social bond among individuals, an innate potential which needs to be actualized if true humanity is to manifest itself. Society is in some sense organic; and, although it can't be created or destroyed (without destroying humanity), its development can certainly be assisted or impeded. Assisting the process means bringing about the conditions which are favorable for its growth and/or eliminating those believed to be unfavorable. Needless to say, leftists differ widely on what these conditions might be and how easy or difficult it might be to manipulate them properly. As with the right, there's a continuum of attitudes ranging from highly optimistic ones to ones that are very pessimistic.

Like their counterparts, the leftists cite a variety of reasons for holding their particular attitudes. In every case, however, the coercive machinery of a state or government figures prominently as either a favorable or an unfavorable condition. So here, too, there's a direct correspondence between a rule-oriented morality (which, in its extreme form, becomes totalitarianism) and a pessimistic attitude, and between a situational ethic (with anarchism its extremist form) and optimism. Lenin and Stalin represent the extreme form of pessimism; Rousseau, Jefferson, Mill, and Dewey are much more optimistic; and Marx and Kropotkin embody an extreme form of optimism.

In order to illustrate the various distinctions and relationships I've been trying to make, I've constructed a rather complex diagram (see p. 44). The solid lines indicate logical entailments, or necessary implications, and the broken lines portray possible relationships only. Admittedly, I've designed it in a way that's most suitable for my own purposes, but it could have been accurately structured in a variety of other patterns (as long as the distinction between necessary and possible relationships is maintained). Notice that while there are sixteen alternatives (taking the assumptions about human nature into account), moral reasoning alone can only account for four (act and rule teleology, and act and rule deontology)! The addition of the differing assumptions about man quadruples the options and suggests their overriding importance in theories about social relationships. In the second section, I'll try to



support this suggestion with examples of actual political phenomena. One final point I hope will become clear in the next section is the fact that the extremes tend to meet. (Ideally, the diagram should be imagined as a tube.) Very optimistic persons of the left and right are both act-deontologists, while the very pessimistic outlook fosters rule-teleologists. More important, as will soon become evident, the former are anarchistic and the latter, totalitarian.

THE NEW SCHEME APPLIED

In applying this typological scheme to actual political phenomena, some of the more unlikely combinations prove to be the most useful and provocative of further thought. I have no intention, however, of examining any of these phenomena in detail; my only purpose in citing them is to illustrate the scheme's fundamental accuracy and usefulness, and to show, by way of example, that it's capable of eliciting some very interesting hypotheses. These qualities are most evident, I think, when the typologies are applied to political phenomena which we tend to regard as more or less puzzling. I have in mind three examples which are primarily of contemporary relevance: the practice of American democracy, the intra-Marxist disputes, and the mutual attraction of the American counter-culture and the libertarians. My comments and suggestions should be read in conjunction with the chart on p. 46 (which includes a variety of persons and groups in addition to the ones just mentioned). Like the diagram pictured earlier, the chart should ideally be imagined as a tube or cylinder.

1. Earlier I indicated that American constitutional democracy is based on two equally authoritative, but potentially conflicting, moral principles. Because of this, I suggested that the continuing support for it must be due to another factor: a widespread optimism about social relationships (not that these beliefs have always been borne out in fact). Disputes (both theoretical and physical) have been continuous in American political life from the very founding of the republic—some, of monumental proportions. Yet only once (the Civil War), if then, has the existence of the republic been severely threatened. Furthermore, virtually every *kind* of dispute has occurred, a factor I believe to be of considerable significance, since one kind of disputed position is noteworthy by its marked *under-representation*: extreme pessimism.

With the possible exception of the Hamiltonian influence,

HUMAN NATURE

ETHICAL REASONING	LEFT (Valued Positively)			RIGHT (Valued Positively)		
	TOTALITAR- IANISM	LIMITED GOVERNMENT	ANARCHISM	ANARCHY	LIMITED GOVERNMENT	TOTALITAR- IANISM
LIBERAL	Lenin (?) Hitler Stalin Geo. Wallace	Keynes Mill Sen. J. Buckley Dewey F.D. Roosevelt J.F. Kennedy L.B. Johnson	N. Thomas Populism	Adam Smith	M. Friedman Nixon Goldwater	Hobbes Machiavelli
EQUALLY MIXED		Frankena K. Kautsky E. Bernstein Democrats H. Truman H. Humphrey R.F. Kennedy			Rawls Neibuhr Republicans Eisenhower	
CONSERVATIVE	Plato Aristotle	Burke Rousseau Jefferson E. McCarthy	Marx Kropotkin Counter- Culture New Left Mao Tse Tung Marcuse	Nozick R.P. Wolff Libertarians	Madison Locke	Hamilton Calvin Ayn Rand (?)

Americans, to greater or lesser degrees, have found some reason to be confident about the creation and maintenance of social relationships—acknowledging the necessity of, at most, a limited form of government. This, however, is the extent of the agreement. The left and right, as well as liberals and conservatives, have contested with each other and among themselves in a variety of combined forms. The sharpest disputes would seemingly occur when the ideological differences are the most severe in all possible respects, e.g., the liberal-optimistic-left vs. the conservative-pessimistic-right, or the liberal-pessimistic-right vs. the conservative-optimistic-left. But when the issue of confidence (or its lack) is removed, the remaining differences do not appear at all very destructive. The real issue seems to be the amount of governmental power that's needed to ensure a workable society, and this is a direct function of the confidence issue. (Remember that even total governmental power need not necessarily imply a despotism or a dictatorship.)

Another one of the more interesting observations arising from a use of this schematization is the apparent tendency for more theoretically oriented persons to be conservative, while more practical "politicians" tend to be liberal. Without much doubt, liberal thinkers have enjoyed considerably more electoral success than their opposition. Why this general series of tendencies might be the case would require much further exploration not only by philosophers but by persons within other disciplines as well. In any case this multidisciplinary examination would have to deal with the seeming ineffectiveness of an exclusive concentration on the means, as opposed to the ends, of action.

Related to this is the identification of precisely what's at issue between the politicians we usually (but, as I'm arguing, erroneously) call "liberals" and those we usually term "conservatives." The first thing to be noted is that, since they both think teleologically, they're both liberals within my suggested typological scheme. Hence, the debates between them concern not methodology or the issue of practicality but the ends or goals of power (*which* non-moral values ought to be maximized). A second factor in this identification is the competing assumptions concerning human nature. While they certainly do take conflicting positions on the issue of egoism, the conflict is considerably mitigated by their similar (if not identical) levels of confidence. Hence, what divides American politicians is almost exclusively a question of goals. They're united on the notion that whatever is likely to achieve them is necessarily

right and perhaps obligatory. Apparently, the moral evaluation of the means is left to those who've not had an appreciable degree of electoral success. Such a fundamental lack of communication and mutual influence between practical politicians and political theoreticians should be cause for concern, if this observation proves to be correct.

One final observation is that there seems to be an unusually small number of people who affirm *both* a mixed position *and* an extremist position on social relationships. Perhaps the two are in some way incompatible or unstable when linked. I tend to think so myself, but the hypothesis will have to be dealt with at greater length at some other time and, again, probably from a multi-disciplinary perspective.

2. The disputes among Marxist-oriented thinkers and activists have long been a mystery to non-Marxists, especially to those with anti-Marxist sympathies to begin with. The overwhelming tendency of the latter has been to group all Marxists together, blinded to their very real differences by prejudice (or prejudicial typological categorizations?). (This is like claiming that all advocates of limited government are saying the same thing.) Increasingly, however, the intra-Marxist struggles are being recognized for the fundamental conflicts that they are. Again, I believe that my suggested clarifications can aid a realistic assessment of these divisions. By voiding the usual identification of left and liberal, it becomes obvious that, while all Marxists are indeed leftists, they are not all liberal. Marx himself is conservative, the revisionist (Democratic Socialist) Marxism of Bernstein and Kautsky is a mixture, but Stalin and Lenin are unqualified liberals. Again, their very serious differences arise from the degree of optimism they share or don't share.

Although all Marxists, by definition, are anarchists (in that the final stage of history is to be a stateless Utopia), there are vast differences among them as to how easy or difficult this will be to accomplish. Marx was extremely confident that virtually no state-like machinery would be needed to produce and maintain it. External force exerted on the individual would be both unnecessary and wrong. To oversimplify, Bernstein and Kautsky feel that a classless and stateless society will be "voted in," but their progressive electoral gains will have to be protected by means of an increasingly useless government. Lenin and Stalin, however, exhibit pessimism to the extreme (this, despite the fact that in some of Lenin's writings he appears every bit as optimistic as Marx). For them, ex-

ternal pressure on the individual is vital and virtually useless if not total. Figuring prominently in this continuing debate is the existence and character of the Communist Party and the dictatorship of the proletariat. What Lenin created is in severe violation of Marx's moral beliefs and empirical expectations, while the democratic socialists see them as necessary (minus their repressive features). Subversion, the role of the military, international expansion, and internal repression are other areas wherein the divisions are manifest. From the perspective afforded by the suggested typology, it can be seen what's at issue among Marxists, and the fact that the controversies are too severe for an easy resolution becomes clear. Apparent harmony turns out to be monumental conflict on closer inspection.

3. Just the opposite is the case with this third example. We expect the conglomeration referred to as the new left/counterculture to be fundamentally at odds with the libertarian right and its assorted relations. So it comes as a shock to find them in agreement on a number of specific issues and in their attitudes towards governmental power. For example, the New Deal liberalism of F.D.R. has come under heavy attack from both (to the surprise of the Right), while both are ardent advocates of the decriminalization (and even legalization) of marijuana (to the surprise of the Left). The primacy of the self can easily be seen as a basic characteristic of both, with the consequent unwillingness to surrender *any* authority to a state or government; hence, anarchy is their desired social condition. More important is their belief that such a situation is a realistic option—capable of being erected and sustained with little or no external pressure on the individual.

The difference between the two groups is obvious and not by any means insignificant. Their usual designations as left and right are quite accurate, and the issue is a source of considerable debate between them. But almost always the debate is at the theoretical level, and rendered moot (even to them) when their optimism is considered. As an effective political force, they've occasionally been highly vocal and visible—but hardly ever successful. Despite their similarities, their rare attempts at cooperation have usually been disastrous.¹⁶ The problem with cooperation does *not* seem to be their ideological difference, however. Rather, neither seems to be completely aware of what's implied by a primacy of the self, to which both give allegiance. Each tends to find the differing lifestyle of the other offensive; and, while they recognize its legitimacy

in theory, it's psychologically difficult for them to put this recognition into practice. Yet again, a multidisciplinary examination of these hypotheses would seem to be a worthwhile project to encourage.

4. As a final comment on the application of this scheme, one thing seems to be of paramount significance. In all of the examples just considered, the crucial factor in the creation of harmony or discord is the issue of confidence. Every ideological characteristic has its practical effect, but nothing seems to be of such consequence as this. Of course, the case for its overriding importance can't be made with a mere three examples. Yet they should, at the very least, establish the significance of the hypothesis.

1. Max Weber, *Methodology of the Social Sciences*, trans. Shils and Finch (New York: Free Press, 1949).

2. Alan Gewirth, ed., *Political Philosophy* (New York: Macmillan, 1965), pp. 1-30.

3. Felix Oppenheim, *Moral Principles in Political Philosophy* (New York: Random House, 1968).

4. William Frankena, *Ethics*, 2d ed. (Englewood Cliffs, N.J.: Prentice-Hall, 1973). Frankena has written a variety of articles and done a number of presentations with the same clarifying objective in mind. The meaning of justice and the types of religious ethics (notably agapism) have occupied most of his attention, probably because they weren't satisfactorily dealt with in *Ethics*.

5. This is obviously a simplified rendering, which unavoidably omits many significant distinctions. For example, there are good reasons for preferring estimated results to actual or intended results, and a fuller account would have to go into them in some way. (Oddly enough, Frankena doesn't really deal with this issue in *Ethics*.) There's also a question whether teleology can or should logically restrict itself to the available alternatives only. These and other issues are not relevant for the scheme I'm developing. I've also omitted at this point any reference to the debate between rule theorists and act, or situational, theorists; this distinction becomes relevant later, when I work with the left-right distinction.

6. It's sometimes suggested that a concern for others in addition to the self, while possible, is severely limited, perhaps extending no farther than one's family or close friends. Reinhold Niebuhr, for example, makes essentially this point in *Moral Man and Immoral Society* (New York: Scribner, 1932). At first glance this may seem to call the twofold distinction into question by blurring the lines, but how many others we can be concerned about is a quantitative issue. Whether we can even consider others at all is a qualitative issue, and it is from this issue that the twofold distinction arises.

7. Ethical altruism has been suggested as a third option (i.e., identifying the recipients as others only, or at least in preference to the self). But this alternative is not presented in a way that's consistent with teleology. Ethical altruists are saying that it's intrinsically wrong to consider the self on a par with others, and this introduces a nonteleological factor into their ethical reasoning.

I suppose it could be maintained that, for some reason, it's never possible to consider the self—only others. This would theoretically yield the third alternative, but I know of no one who would be willing to support it or even assert that it makes sense in the world as we know it. For example, the survival instinct would have to be creatively "explained away." Another technique might be to identify the experience of other-regarding concern as the good to be maximized. In this case, ethical altruism would seem to follow quite logically. But at some point or another, the question as to whether or not it's humanly possible would inevitably arise; hence, this technique, too, would ultimately depend on assumptions about human nature. And while the egoistic and utilitarian assumptions make sense, the altruistic one stretches our credulity. It's worth noting that the twofold distinction is maintained even if this technique is used. We can arrive at utilitarianism and egoism, but not altruism.

8. For example, the specific amount of good to be granted each eligible recipient must be decided. (In ethical egoism, of course, the problem doesn't arise.) The notion that each person should count as one and no more (everyone thus receiving identical amounts) is a nonteleological addition. To be consistent, a utilitarian must arrive at the proper proportions using only the maximization principle. Equality, or any other apportioning principle, is permissible as long as it's selected teleologically. The impermanence that this suggests must simply be accepted.

9. Even teleologically derived rules receive no real commitment; they too are subject to frequent changes in evaluation (if they're legislated, of course, other complexities are brought into play). Seeing them as Rules of Practice as Rawls has done ("Two Concepts of Rules," in *Contemporary Ethical Theory*, ed. Margolis [New York: Random House, 1966] pp. 249-79) provides no additional stability; this would merely alter the procedures for reassessment (if that) and not its ease and frequency.

10. As with my sketch of teleology, I'm postponing a consideration of the act vs. rule debate until my discussion of the left-right distinction.

11. Frankena, *Ethics*, p. 52.

12. See Robert G. McCloskey, *The American Supreme Court* (Chicago: University of Chicago Press, 1960) especially pages 11-18. McCloskey sees the same contradiction intrinsic to the American Constitution but conceptualizes it in terms of fundamental law and popular sovereignty.

13. Consider *The Federalist Papers*, especially Madison's #10, in which he recognized from the very beginning this implicit contradiction and danger. His confidence that it would work was based on more than the separation of powers, checks and balances, or even representational government. None of these institutional devices could resolve potential conflicts. Rather, his confidence stemmed from his belief that such conflicts could be prevented from occurring in the first place. He stressed the role of representation in a large, multifactioned society as the key factor in preventing fatal conflicts, but his unspoken assumption was that the losers in the electoral process would voluntarily acquiesce to the winners. Involved in this crucial assumption is the conviction that the vast majority of participants are of like mind on the really basic issues and that being a loser would not result in a violation of these beliefs. In other words, he was optimistic about the possibilities of social cooperation; despite his being aware of numerous human weaknesses, he held an optimistic view of human nature.

14. The addition of teleological reasoning wouldn't automatically create a logical connection between a positive judgment and an egoistic style of ethics (or a negative one and a nonegoistic ethic, either). For this to happen, the experience of being egoistic (or nonegoistic) would have to be specified as the highest (i.e., sole intrinsic) value and not an extrinsic value in the service of some other, higher value.

This combination *would* yield the obligation to maximize the egoistic (or nonegoistic) experience; in other words, an ethic would seem to follow. But two intervening steps are necessary in order to arrive at this conclusion (teleological ethical reasoning and a judgment of intrinsic value). Two additional steps are also required if a deontological ethic is to result: deontological reasoning and the judgment that self-concern is intrinsically right (or wrong). Put as simply as possible, a nonmoral evaluation of psychological egoism is not in itself a sufficient condition for its adoption or rejection as an ethic of either kind.

15. Frankena, *Ethics*, p. 22, identifies both of these as altruism, which is extremely misleading. For one thing, the term *altruism* has several evaluative connotations depending on one's point of view; and if this is intended to be the opposite of psychological egoism, it should be just as descriptive (*psychological* altruism perhaps). Also, of greater consequence, altruism implies a concern for others prior to the self or even *instead* of the self, which is not to be considered at all! This completely ignores the other alternative, that others and self be regarded the same—all other things being equal.

16. See Jerome Tuccille, *It Usually Begins with Ayn Rand* (New York: Stein & Day, 1972) for a highly informative and entertaining example.

IDEOLOGY, ECONOMICS, AND KNOWLEDGE

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THE CONCEPT OF IDEOLOGY as developed by those of a Marxist philosophic persuasion and transformed by them and others into the sociology of knowledge has a long and, I believe, disreputable history. In the first four sections of this paper the main propositions and assumptions of this view as presented in the writings of recent major proponents will be critiqued. But since criticism is all too easy, and there are, after all, some observable phenomena at the root of the ready acceptance of such doctrines, in a final section intended to be constructive, a new alternative view will be presented.

IDEOLOGIES AS CLASS PHENOMENA

Ideology is a loaded term. Depending on the person and the context, it may refer simply to a set of ideas or system of thought, in which case it is indistinguishable from "viewpoint" or "philosophy," or it may refer to "false consciousness" as Marx defined it. Martin Seliger and Hans Barth have adequately chronicled the origin of the pejorative sense with Napoleon and its development at the hands of such as Helvetius and Nietzsche. Marx's version has its theoretical roots in the dialectic.

Every science or pretender to science must be grounded at some point in constants. For Marx, however, the flux, the change in material reality, was primary. The only relevant constants he saw were the "laws" of the materialist dialectic that determines change in human history. The primary facts, as he saw them, were that men use tools to transform nature and that men's productive activities are social. In his view, the stronger appropriate the means of production and exploit the others by living off their surplus production, creating class divisions and conflict. This, along with changes in technology, results in history being characterized by successive modes of production and associated class systems.

Now the learning upon which technical change is based obviously involves going beyond, by some means, what has been previously

known, so Marx was never able to assert a completely material and technical determination of ideas. The best (or worst) he could do was assert a reciprocal interaction.

At each stage there is found a material result; a sum of productive forces, a historically created relation of individuals to nature and to one another, which is handed down to each generation from its predecessor; a mass of productive forces, different forms of capital, and new conditions, which, indeed, is modified by the new generation on the one hand, but also on the other prescribes for it its conditions of life and gives it a definite development, a special character. It shows that circumstances make men just as much as men make circumstances.¹

Precluded, then, from direct material determination, Marx centered the theory of ideology as a theory of the origin of ideas in the social class structure supposedly unique to each successive "mode of production." He asserted that ideas, beliefs, and attitudes are social class phenomena, determined by class interests. Another crucial assumption was that the dominant class, controlling the means of production, acts to make its own ideology dominant in order to provide social cohesiveness and justify its position of dominance.

With certain modifications to be discussed later, these views have been carried on by Marx's followers. In a recent text, the Marxists Hunt and Sherman define ideology as "ideas and beliefs that tend to justify morally a society's social and economic relationships."² Like many Marxists before them, Hunt and Sherman proceed to provide evidence for this thesis by comparing the dominant beliefs with the institutions in Greek, Roman, feudal, and capitalist societies, in each case discovering that the ideas justified the institutions. Now, quite aside from the purely tautological nature of the fact that for institutions to exist many people must at least acquiesce to, if not agree with, them, the causal sequence assumed (but not, in the nature of things, proved) is symptomatic. Never do Hunt and Sherman stop to consider that the ideas might have preceded and determined the conditions or that, if such were the case, the same correlation might be observed.³

ECONOMICS AS RATIONALIZATION

One does not have to read long in the theory of ideology to find that, as a doctrine concerning not only the genesis but the validity of ideas, it is aimed almost entirely at neoclassical economics in

general and at any economist in particular whose views can in any way be interpreted as favoring the market economy. The assertion in its most blunt form seems to be that all such theories are rationalized to justify the "oppressive class system" of capitalist society and that neoclassical economics is the worst offender.

Marxism is a holdover from the classical system of Adam Smith and David Ricardo, and to a certain extent the emergence of such charges is inherent in the conflict of alternative paradigms. The Marginal Revolution was no exception. Classical economics focused on institutions and was macroeconomic in character. Its taxonomic breakdown of income flows into wages, profit, and rent was analogous, not only to the three categories of inputs into the production process, but to the three classes seen in the socioeconomic structure; and the relative magnitudes of those flows was explained by that structure. Distribution of income between the classes, that is, was assumed to occur *prior* to pricing of the outputs on the market. Furthermore, the relative values of the goods were seen as objective consequences of the production process—a matter of relative labor inputs for Ricardo and Marx, or simply money costs expended for J.S. Mill.

The neoclassical view, which emerged in England, Vienna, and Lausanne independently in the 1870s, reversed virtually all of these assumptions. Individuals became the units of focus. Economic phenomena were explained in terms of universal and noninstitutional conditions. The most important of these was scarcity, seen as a disparity felt by the individual between the limited means available to him and the virtually unlimited ends they could satisfy, which required that he choose (that is, rank) the ends and apply the available means to the most important.

Reasoning on such *individual* scarcity resulted in two extremely important discoveries. The first, known as the law of diminishing marginal utility, was that as the supply of a homogeneous commodity increases, the value to the individual of each additional unit tends to decrease, *ceteris paribus*. Reading Jevons, this seems to be a physiological matter of continuous tendency towards satiation. With Menger it is a simple matter of the individual always applying the last available unit to the most important remaining unsatisfied use; hence, additional units are always being applied to progressively less important uses, *ceteris paribus*.

The second discovery, known as the equimarginal principle, was that if an individual is using some scarce resource such as time or

money to acquire various goods, each of which has diminishing marginal utility, his total gain will be maximized by the allocation of the resource in which the ratios of marginal utility to price are the same for all of the goods. With the equimarginal principle, the "demand law," that the quantity of a good demanded increases as its relative price decreases, followed naturally.

The upward-sloping supply curve required to complete price determination, and an acceptable explanation of the imputation of the value of the commodity thus determined to the inputs used in its production, took somewhat longer. But the picture was completed by development of the technical law of diminishing marginal productivity, application of the equimarginal principle to the decision-making of the profit-maximizing firm, and derivation of input supplies on marginal terms. By thus explaining everything, including distribution, by reference to individual choices and maximizing behavior, the new view reduced even the institutional structure to a dependent status.

It is certain that such a major change in viewpoint could not take place without polemics, but there are bounds to the realm of legitimate discourse, and the Marxists frequently seem to overstep them. Ronald L. Meek, discussing the differences between the classical and neoclassical value theories (objective versus subjective) says:

There is surely little doubt that by and large the apologetic overtones of the marginal utility theory were much more important than the egalitarian ones.... it could also be used to support the notion that a system of free competition and exchange maximized satisfaction.⁴

One of the more blatant examples of the assertion that economists are simply hired guns of the capitalists (and a blatant insult to businessmen) is contained in Hunt and Sherman. After discussing the price of two goods in accord with their relative "labor embodiment," they begin a discussion of surplus value with this:

Now, suppose with prices of \$6 and \$2 prevailing, a sociological change takes place. The most cunning and unscrupulous member of society announces a new principle: private property in the means of production. He hires the strongest and most ruthless men as police to enforce the new laws of private property, and a group of clever academics to devise theories designed to convince the public that these laws are natural and just. This man, then, becomes a capitalist.⁵

But this is hardly less blatant than the following, by a more respected economist:

The whole point of *utility* was to justify *Laissez faire*. Everyone must be free to spend his income as he likes, and he will gain the greatest benefit when he equalizes the *marginal utility* of a shilling spent on each kind of good....⁶

To be sure, neoclassical economists are not the only targets of such statements. Maurice Dobb asserts that Smith's *Wealth of Nations* was "shaped and moulded by his preoccupation with Mercantilist policies," that Ricardo's monetary theory was "formulated during the bullion controversy and used to oppose the bank of England," and that

writers like Senior and Mountifort Longfield... were evidently (and Longfield quite explicitly) preoccupied with the perverse claims of trade unions and with affording some justification for profit in answer to incipient socialist criticism.⁷

There is no doubt that these writers were concerned with political questions. In each case, however, Dobb implies that the writer *rationalized* his economics to justify political views *already* adopted, and that is *not* obvious.

Now if an *ad hominem* argument is defined as involving insult to the character, intellectual integrity, or motives of one's opponents, then these are almost textbook examples, and their authors ill deserve the honored title of scholars. That the nature of such arguments has bothered even those using them is indicated by a later statement by Meek: "It has taken us all a very long time to realize that we do not get very far by merely pinning derogatory labels on our opponent's work, and that the real proof of puddings of this sort must always be in the eating."⁸ The pudding that Meek is referring to is marginal analysis, and the eating is the wholesale adoption of it by Marxist economists in retreat from Ludwig von Mises and F. A. Hayek in the 1930s.

THE DETERMINATION OF IDEAS

Blatant insults tend to be responded to in a similar manner, and such discussions rapidly deteriorate. It was with a stated desire to remove the discussion of the origin of ideas from this "unhealthy atmosphere" that Werner Stark distinguished, more clearly than Marx or Mannheim ever had, between interest determination (ideology) and social determination (the sociology of knowledge).⁹

Stark bases his theory somewhat on the Kantian theory that the order which human reason makes of the world is given by an *a priori* categorical structure of the human mind. But where Kant had reference to the relation between the mind and the physical world, Stark asserts that a similar relation exists in our understanding of things social, that there is an underlying axiology (set of assumptions and values) which determines *a priori* the relation we see between social facts. Stark assumes this axiology to be the value system of the society in which the individual lives.¹⁰

Stark seems to be quite sincere in his desire to avoid polemics, and fair in his approach. He is not the only student of the genesis of ideas, however, who has felt the need to shift the analysis from class to social determination, and almost all exponents of the ideology theory are in fact now operating in the wider confines of the sociology of knowledge. For most of these authors, some form of determinism is a necessary component of the theory. Such charges as those quoted in the last section can only be claimed by their authors *not* to be *ad hominem*s by asserting that they are mere examples of an unconscious conditioning to which everyone is subject.

The problem is, mere economic class conditioning, as a theory, will not do. We will never see a linear regression run on class background and beliefs; and, if we did, it would not yield a high R-square, and everyone knows it. It is true that Ricardo was a stock broker, but neither Marx nor Engels had working-class backgrounds either, and the number of millionaire socialists in the world is something of a scandal. An even worse scandal is the number of intellectuals of bourgeois background who hold prominent positions in the “proletarian” movement, which fact, as Seliger notes, Marx could not square with his “social epistemology.”¹¹

This is not to deny observable similarities in attitudes within social groups loosely defined, as well as differences between such groups, or even a certain intergenerational continuity. But the mobility in ideas is easily as large as the existing socioeconomic mobility, and an alternative explanation for the observations could easily be summed up (though I hope to do better later) in terms of the ancient statement that “birds of a feather flock together.”¹² With the shift from class to social determination, however, all anomalies disappear, and something can always be found in anyone’s social background to explain whatever he believes.

With Dobb, this approach takes the form of an assertion that thinking is shaped by the problems that arise from a particular social context. He does admit that the problems themselves may result from thought-inspired action in response to an existing situation; but since new ideas are always critiques of old ones, they are shaped by that antithetical relation and, to the extent that they relate to potential activity, must be affected by the individual’s social milieu.¹³

More specifically, Dobb insists that a situation must exist before a theory relating to it can emerge. He argues, for example, that no theory of money could precede the existence of a money economy. In the same vein, he argues that a theory of general equilibrium could not precede the widespread appearance of markets and that acceptance of the doctrine of deficient aggregate demand required the emergence of large-scale unemployment.¹⁴ In this, Dobb seems to forget what he just said about the reciprocal interaction of ideas and situations and adopts an extreme chicken-precedes-egg view that invites the obvious response.

One would not like to deny a certain “spontaneous” character to the emergence of markets, but that simply means that many people, not a few, recognized the benefits to be obtained. And examples of successful, deliberate actions taken to create particular situations and institutions, based on *prior* theorizing, come easily to mind. It is true, for example, that the classical economists could theorize upon the prior example of the mercantilist removal of internal trade barriers in late medieval Europe, but their free trade theories preceded and produced the removal of international trade barriers in the 19th century. And the existence of the Federalist Essays certainly proves that theorizing about the operation of the American republic preceded the adoption of the Constitution.

As a matter of fact, Marxism has always contained an unadmitted doctrinal schizophrenia—determinism versus the requisites of revolutionary *action*—that early forced many Marxists to de-emphasize rigid determinism. Marx’s successors were faced with the fact that the revolution did *not* occur spontaneously but had to be organized and motivated. But how were people to be convinced of the materialist view that institutions precede and determine ideas when proponents of that view were so obviously engaged in attempting to change *ideas* with the intent of *subsequently* changing institutions? And even if there were many to whom such an abstract contradiction would not occur, could a deterministic belief

motivate action? So Marx, who almost never used the term *ideology* in anything other than a pejorative sense, was succeeded by Kautsky and Lenin, who used it in a neutral, or even positive sense, at least where the consciousness of the proletariat was concerned.¹⁵ But Dobb, who is apparently more concerned with convincing intellectuals than with motivating masses, is more faithful to the master.

Neither Dobb nor anyone else is entirely unjustified in arguing that ideas arise within a particular context or situation, though the "context" must be interpreted broadly, since otherwise the interaction of ideas and situations muddies causal waters. Stark makes an argument similar to Dobb's sound more lucid and convincing. In Stark's view, we focus on and select those elements of knowledge we "love" or have interest in as determined by our *a priori* values.¹⁶

Stark, however, faces squarely the question of the objectivity of socially determined knowledge. In his view, the social *origin* of ideas from need at a particular time should not be confused with social *determination* of content. Values enter as motivating the *area* and *extent* of reason but not the result.¹⁷ Needless to say, this is very weak determination.

Stark weakens it even further by making it clear that he is *not* claiming that ideas are mere "intramental effects of extramental causes" and that human thought cannot be degraded to the status of a mere epiphenomenon.¹⁸ And with candor unequaled among sociologists of knowledge and ideology theorists, he admits that a society seldom has only one axiology and that complex societies, in particular, have several, leaving room for a great deal of individual choice.¹⁹ But if, as seems obvious, the individual can choose the axiology that determines his area of study, the notion of "social determination" becomes virtually meaningless.

THE PARADOX OF DETERMINISM

An aspect of the ideology theory that seems as fundamental as its determinism is the relative character it imputes to "socially conditioned" mental constructs. If ideology is not *false* consciousness, as Marx intended it, one might as well use any of several more neutral synonyms.²⁰ If a demonstration that a set of ideas is ideological in origin does not impugn their cognitive validity, it seems to do almost nothing. Indeed, such critics as Dobb and Meek always speak as if a demonstration that neoclassical economics has a "causal story to tell," or has political implications of any sort,

were sufficient to render it a purely relative theory of no more than minor historical significance, easily rejected in favor of Marxism. Yet, for various reasons, pervasive relativism cannot be maintained.

Revolutionary Marxists long since discovered the necessity of admitting that ideologically conditioned beliefs may not be false, for the same tactical reasons that required the deemphasis of determinism. To quote Martin Seliger:

Belief in the possible adequacy of the subjective class consciousness of the workers must be confessed even at the price of bringing to the fore the asymmetry of the belief system. Otherwise appeals for organization for the sake of political education and action would be self defeating. Why should workers join hands if their beliefs are condemned to be false and their total liberation will occur anyway?²¹

Logically, even if it were conceded that beliefs are socially conditioned, it does not follow that they are therefore *false*. And empirically, most people go through life and manage to function very well, thank you; so, whatever the source of their beliefs, at least some of them must be true. Indeed, it is odd that the one sense in which it could here be admitted that reality conditions consciousness—that is, to the extent that our perceptions and the concepts based upon them are *accurate*—would have to be *rejected* if the relativist hypothesis were to be maintained.

Another problem is that, epistemologically, the process of identification involves contrast. Identifying anything involves contrasting it with and distinguishing it from that which it is *not*. To charge consciousness with being ideological in the "false consciousness" sense requires a prior distinction between true and false consciousness. As Barth says, "He who would deny the truth inherent in all cognitive statements betrays by his very denial that he possesses a criterion for distinguishing knowledge from ideology."²² But if such criteria exist, even by implication, enormous circumlocutions are required in order to deny that one's opponents can have knowledge of them.

The failure to recognize such epistemological necessities has led to the most crucial single failure of the ideology theory and the sociology of knowledge. What Seliger calls "Mannheim's Paradox" (though he denies that Mannheim was guilty of it²³) is to "assume that the unexceptional conditioning of our ideas precludes their objectivity while claiming objectivity for this knowledge and

the social analysis resting on it."²⁴ Or more simply, as Reinhard Bendix phrased it in his introduction to Barth's book:

...since the eighteenth century every set of ideas [about human life and culture] has been discredited as "visionary" or "false." In one way or another, men have come to think of ideas as weapons which serve the fulfillment of our desires or interests, rather than the discovery of truth.... Ultimately each [advocate of this view] not only develops his views of "ideas as weapons," but reveals his beliefs that these views are true.²⁵

So fundamental and powerful a fallacy is the Mannheim Paradox that all modern theorists in the field have been forced to admit the possibility of truth, though they usually relegate such admissions to obscure passages or footnotes. Dobb provides a good example of both methods. Discussing the meaning of ideology, he says:

Its central reference, undoubtably, is to the historically-relative character of ideas, whether this be regarded as no more than an element or aspect of them or as characterizing them in their entirety. But such historical relativity may embrace both insight and partiality, and this from the very nature of the situation, in a way that defies any complete analytical separation....²⁶

And, in a footnote on the same page, he quotes Oskar Lange, whose views are similar, as saying, "Ideological influences do not always lead to the apologetic degeneration of social science. Under certain conditions they may be a stimulus of true objective research."

Meek also expresses his reservations about relativism by quoting another author:

"The relativist", writes professor Macfie in an impressive passage, "would not agree that individual reasoning is so determined by feeling or prejudice or conditioning that it is quite incapable of ever rising above them, of ever being to some extent impartial, of ever realizing bias and allowing for it." This may or may not be true. But we have to act on the assumption that it is true if we are to act at all.²⁷

Stark is by far the most open in his admission of the existence of truth. He points out that purely formal propositions have no problem of relativity, the multiplication tables (and by implication other formal mathematical propositions) always being valid.²⁸ He rejects formal propositions in economics, however.²⁹ At another point, Stark admits that nature is permanent and always confronts the individual with the same reality. He asserts, however, that this

merely makes it easier to gain nonrelativist knowledge in the natural sciences. The social scientist is not so fortunate, since he "looks at a moving picture from a running train."³⁰ But this denies any constant elements in human nature and societies, and Stark ends up specifically rejecting that notion. In his "synoptic doctrine of man," he specifically calls for a "philosophic anthropology" to study such common factors.³¹

SUMMARY OF CRITIQUE

At this point it may help to summarize the gains and losses. As an attack on the validity of neoclassical economics, or any other set of social propositions and theorems, the ideology theory cannot be taken seriously; the determinism and relativism lacking, such charges are simply *ad hominem*s. For the same reasons, such theories are lacking as an ideology in the sense of an explanation of the genesis of ideas. What is true in them reduces to the obvious fact that people, being unable to sense or experience times, places, or situations other than those in which they exist, spend most of their time thinking about and dealing with those times, places, and situations. Even this much can only be conceded grudgingly, since the imaginative, inferential nature of thought in fact allows the existence of such people as science fiction writers and historians who spend a *great deal* of time thinking about times, places, and situations other than those in which they live.

And yet there are ideologies and ideologues in the world, and if "conditioning" is too strong a word, there is observable conformity on the part of many people to various sets of attitudes that are more or less socioeconomically distinct. And if the number of observable exceptions is too large, and the internal contradictions too many and obvious to allow acceptance of the ideology theory, some better explanation of the observed phenomena must be made.

AN ONTOLOGICAL SOLUTION

The human mind is not simply a passive receptor, either of sensory information or of ideas as implied by the sociology of knowledge. It will be argued here that a better analogy for its operation is the theory of the firm that uses *inputs* to produce an output (or outputs), or rather, an integration of that theory with the theory of utility and that of input supply. The result is an

economic theory of cognition that is not so much epistemological as ontological.³²

In the neoclassical theory of the firm, three categories of inputs are identified: land (raw materials), labor, and capital, which is a produced factor of production reducible to land and labor invested in the past. As the quantity of each is varied, past some particular ratio to the others, it is subject to diminishing marginal productivity, *ceteris paribus*. The firm purchases the inputs and sells the output. Net returns are maximized by adjusting input proportions until the ratio of the product of the marginal unit to its cost is the same for each category of input.

The rule is simply a variant of the equimarginal principle by which the "rational" individual maximizes utility. But the mind is treated as passively by neoclassicists as by Marxists. *Rationality* refers only to that application of means to ends and to a consistent preference ordering. This is not wrong, merely incomplete. It restricts rationality to a *state* and ignores reason as a *process*.³³ Choice is always treated as if the (unlimited) ends and (scarce) means were given. In fact, the means by which ends can be obtained must usually be discovered, and, except for the simplest cases, this always involves abstract reasoning.

There is, then, a scarcity and economization process that is prior to and more fundamental than that discussed in standard theory. The ultimate scarcity is of *knowledge* (and of time). Production theory needs to be integrated with utility theory because concepts are the output of a production process having three inputs: sensory information; nonsensory, or "social," information; and mental labor (reason, inference), all of which have diminishing returns and opportunity costs.³⁴

Sensory information is equivalent to the "raw material" input in a physical production process. Social information consists of the ideas, beliefs, knowledge, practices, etc., available from the society in which the individual lives. Since it consists of *produced* factors of production, and since an investment of time and mental labor is required for its acquisition, the elements composing social information are the capital goods of thought. All three inputs are clearly both complementary to and (imperfectly) substitutable for each other.

The most important of the three for this analysis is mental labor. The crucial insight was that by Ayn Rand, that concepts, as contrasted with percepts (which are automatic integrations of sensa-

tions), are only formed volitionally; that is, it takes effort to reason.³⁵ Rand, however, failed either to notice or to state a corollary concept that seems important. If reason requires effort, the absence or relaxation of such effort is *mental leisure*.

Such leisure takes many forms. Its purest possible conscious form, where mental focus was completely absent, would involve a complete lack of inference and an awareness restricted to present perceptual discretes. Any activity would be of the purest stimulus-response sort, since, without inference, goal-directed activity is impossible. No normal individual ever approaches this state except in early childhood, but daydreaming, which Arthur Koestler points out is goal-oriented though directed by emotional gradients rather than a concrete target,³⁶ is indulged in to varying degrees, because people like it. States of "free association," in which the mind simply wanders, are not infrequent. Activities such as watching television, in which the mind becomes a more or less passive receptor, also fall into this category.

A certain amount of at least relative mental leisure may be absolutely necessary. Though states of "free association" can obviously be overindulged, some random observations and associations may add to the individual's knowledge. By definition, mental focus on particular problems involves exclusion of information considered irrelevant. But that means that information relevant to new situations or problems tabled in the past may be missed. The "absent-minded professor" is not a myth.

Rand has also pointed out that all productive activity has both a mental and physical aspect.³⁷ To the extent that they are separate, one must spend some time consciously directing the specifically physical activities, though whether this involves relative mental leisure depends on whether the activity is of a routine or a new type. Much of this is clarified below. The crucial point now is that people value mental leisure and the products of reason and that they are alternate uses of scarce time.

If a positively valued mental leisure is granted, and it is granted that the individual can rank the problems to be solved, then a marginal adjustment takes place. In Mengerian terms, the marginal utility of mental labor declines because it is applied to successively less important problems. *It will be undertaken only to the point that the subjectively conceived benefits to the solution of the marginal problem threaten to fall below the opportunity costs of mental leisure forgone.*

The "profit-maximizing" allocation of mental efforts between alternative problems could also be seen in orthodox terms as similar to that of a multiproduct firm allocating resources between alternative lines of production until the ratios of benefit to cost were the same in all uses. Seen either way, the solution to the optimum quantity, composition, and quality of knowledge is economic in the neoclassical, not the Marxist, sense. Only one other economist seems to have anticipated such a theory, and that is Herbert Simon, who recently remarked on the need for a theory that treated *attention* rather than information as the scarce resource.³⁸

A number of possible objections may be dealt with here. First, it may seem that talk of allocating mental labor involves "thinking about thinking" and is circular. But all the theory says is that the first, most important, and frequently recurring use of reason is to determine the problems that need to be solved, their relative importance, estimated difficulty, and time requirements. The resulting time allocation will always be tenuous. In an ongoing world, new problems frequently arise and must be "worked in." Also, after work has begun, periodic reestimation of the difficulty of the current problem and the costs and benefits of continuing effort will be necessary, giving rise to the immediate option of continuing, shifting to another problem, or indulging in mental leisure.

Another possible objection is that the concepts of mental labor and leisure falsify the nature of thought, portraying people as computers, always in a "problem-solving mode" or a "ready mode."³⁹ But I have not said that an individual is always engaged in either strenuous reasoning or pure mental leisure. The conscious mind has a certain "normal" focus and conceptual content, just as the body has a certain normal muscular tension and energy availability. And just as that normal physical strength is the result of an equilibrium or "margin" chosen between physical exercise and relaxation, *ceteris paribus*, so the normal focus of the mind is the result of just such an equilibrium.

But just as there is always *some* level of physical effort requiring an act of *will* to initiate and sustain, so is there some such level of *inference*. In contrast, the term *mental leisure* may best be defined to refer to normal thinking as well as the purer states such as free association, daydreams, etc., with which it is interspersed.⁴⁰

A third objection may be that the economic theory of cognition ignores the operation of the subconscious. In fact, much of its operation is clarified. It is certainly true that the mind could not

engage in conscious thought and economization in the absence of certain inherent capacities, some of which are economical in their own fashion. For example, almost every firm engaged in production finds it necessary to keep stocks of inputs and outputs so that rates of acquisition, production, and use, which vary as a result of unforeseeable external circumstances, can be smoothly adjusted. In the human mind, this function is performed by the memory, which stores both useful inputs and past outputs (which are now mental capital) for recall when needed.

Other outputs are stored even deeper or conditioned into reflexes. All sorts of skills, rules, procedures, etc., both physical and mental, are relegated to the subconscious as they are mastered, where without further reference they aid conscious processes. This relieves the conscious mind to focus on present efforts.⁴¹ Even the more conscious automatization of certain behavior patterns into habits has this effect.⁴²

The economic theory of cognition would seem to have little difficulty explaining the same phenomena explained by the sociology of knowledge and can explain many other things the latter theory cannot. The observed tendency for an individual raised in a distinct cultural group to internalize many of the beliefs, attitudes, and types of knowledge characteristic of that group can be explained by reference to those things as components of the social information, or mental capital, he finds available. The individual employs them because and to the extent that the costs of obtaining such capital goods from the group he is associated with are lower than the costs of obtaining others, of perhaps different type and quality, from other groups and because, however faulty they may be, the knowledge production process is more productive *with* than without such "capital."

This argument assimilates all that is true in the sociology of knowledge and ideology theory, though it is seen in a new light. But the economic theory, which recognizes more inputs in mental production, can explain the deviations from such social group norms—the mobility of ideas—by reference to different mental labor-leisure margins, different observations (both random and deliberate), and different compositional choices. It also recognizes that the nature of reason allows the individual to discover the defects, if any, in the capital available and to derive new knowledge. Indeed, even values themselves are not exempt from this process, since the individual can observe the difference between

the anticipated benefits to be derived from obtaining particular ends and the *ex ante* utility derived, and alter those values if he so chooses.

Recognizing the efficacy of the mental production process also allows explanation of many observed similarities in behavior and attitude as the result of people accurately collating the same observed facts. The proof is that this even happens across cultures. The Romans, in trying to devise laws suitable for all the disparate cultural and ethnic groups in their empire, found their task made easier by the fact that there were already similar proscriptions of many of the same acts in each of these groups. They concluded that "natural reason" established these laws among all nations, and thus the doctrine of *Jus Gentium* arose.

The economic theory is perfectly capable of recognizing and dealing with social pressure and conformity, although it needs no such assumption as that man is a "social organism." Such statements have usually gone unchallenged, though it is a matter of simple observation that there is a spectrum (distribution, rather, in the statistical sense) of social inclination, running from compulsive gregariousness to compulsive avoidance of people, with both extremes being clearly pathological. The economic theory assumes, as did John Locke and Adam Smith, that the prime reason most men associate in groups is that they see the benefits of doing so as exceeding the costs.

It is true that nearly everyone sees benefits not only to membership but to acceptance and status in a social group, which may require the adoption of certain practices a person does not really like. Also, the investment required to obtain even a fraction of existing social knowledge and the inherent capacity and mental labor-leisure margins of many individuals may preclude them from extending knowledge much in any area, much less in philosophy. It is an important insight that adoption of ready-made views and ideologies is a simple means of lowering the costs, in mental leisure forgone, of obtaining a world view. That is, *conformity and ideology are means of economizing on mental efforts*, as well as obtaining social acceptance. There are certain costs, of course. Blindly adopting the views of others means making their mistakes and forgoing the attainment possible from more independent thought.

If instances of expressed conformity or independence in thought or action can be seen as units of essentially homogeneous categories, then both are likely subject to diminishing marginal

utility, *ceteris paribus*, and an equilibrium defining one aspect of character can be found. Even an extreme individualist will find some points of disagreement with common beliefs and practices which are so minor as not to be worth acceptance forgone by not conforming. Likewise, he who values acceptance the highest and dislikes reason the most will yet find blind following burdensome at some point. Though it will vary with the extent of external pressure, the point at which the utility of conformity threatens to fall below the opportunity cost of independent thought forgone is clearly a matter of subjective valuation.

Different individuals will make such decisions differently, and there will always be a spectrum or distribution in degree of acceptance of the norms of a subgroup or a culture. The variances (second moments) of such distributions will differ with the nature of the norms and the extent of social pressure, but there will always be a distribution, and that fact will always enter as a datum in the formation of any individual's values. Even the most static and tradition-bound cultures will have those both willing and daring enough to think for themselves.

In summary, it is odd that the Marxists, who stress the prime importance of labor in physical production, completely ignore it in mental production. By expanding and clarifying the list of inputs in mental production, and by recognizing the *volitional* and *inferential* nature of reason, the economic theory can explain not only the acceptance but the *origin* of ideas, including those that become group norms. No alternative theory that implies that everyone is a follower and no one a *leader*, that everyone is an imitator and no one a *creator*, and that everything is false and nothing true except that idea, is or can be adequate.

1. Karl Marx, *The German Ideology* (New York: International Publishers, 1947), p. 29.

2. E. K. Hunt and Howard J. Sherman, *Economics: An Introduction to Traditional and Radical Views*, 2nd ed. (New York: Harper and Row, 1975), p. 4. Note that this definition neatly excludes Marxists, in their role as critics of capitalism, from being ideological.

3. There is an even more subtle fallacy here. The very process of logic used implies that it is possible to observe historical correlations and draw accurate conclusions. But if people can do this, of what significance is class or society in determining beliefs?

4. Ronald L. Meek, "Economics and Ideology," in *Economics and Ideology and Other Essays* (London: Chapman and Hall, 1967), pp. 208-9.
5. Hunt and Sherman, *Economics*, p. 230.
6. Joan Robinson, *Economic Philosophy* (London: Watts, 1962), pp. 52-53.
7. Maurice Dobb, *Theories of Value and Distribution Since Adam Smith* (London: Cambridge University Press, 1973), p. 23.
8. Ronald L. Meek, "Marxism and Marginalism," in *The Marginal Revolution in Economics*, ed. R. D. C. Black et al. (Durham, N.C.: Duke University Press, 1973), p. 236.
9. Werner Stark, *The Sociology of Knowledge* (Illinois: Free Press, 1958), pp. 99-104.
10. Ibid., pp. 107-8.
11. Martin Seliger, *The Marxist Conception of Ideology* (London: Cambridge University Press, 1977), p. 55.
12. Plato attested to the ancientness of this statement in his day in *The Republic*.
13. Dobb, *Value and Distribution*, pp. 16-18.
14. Ibid., pp. 20-21.
15. Seliger, *Marxist Conception of Ideology*, pp. 81-103.
16. Stark, *Sociology of Knowledge*, p. 112.
17. Ibid., p. 126.
18. Ibid., p. 140.
19. Ibid., p. 143.
20. It is symptomatic that Dobb and Meek, et al., scrupulously avoid the use of such neutral synonyms.
21. Seliger, *Marxist Conception of Ideology*, p. 71.
22. Hans Barth, *Truth and Ideology* (Berkeley and Los Angeles: University of California Press, 1976), p. 48.
23. Seliger is here more charitable than necessary. Mannheim's "out" involved (1) admitting the relativity of his own ideas and (2) asserting that intellectuals such as he, being insulated from the economic process, were ideology-free. Neither of these assertions can be taken seriously. Admitting the relativity of the relative theory of truth involves complete contradiction, and (2) is simply a means of impugning the objectivity of others while asserting his own.
24. Seliger, *Marxist Conception of Ideology*, p. 21.
25. Barth, *Truth and Ideology*, p. viii.
26. Dobb, *Value and Distribution*, p. 1.
27. Meek, *Economics and Ideology*, p. 224.
28. Stark, *Sociology of Knowledge*, p. 167.
29. Ibid., p. 183.
30. Ibid., p. 179.
31. Ibid., pp. 196-210.
32. A somewhat different development of this model is contained in my essay "Rationality and the Economics of Cognition," *Economic Forum* (formerly *Intermountain Economic Review*) 10, no. 1 (Summer 1979).
33. This is a direct result of the unfortunate dominance of the Walrasian rather than the Austrian strain in neoclassical economics. In the general equilibrium, where all decisions are repeated endlessly, thought is unnecessary and meaningless.
34. In "Rationality and the Economics of Cognition" I listed only two inputs, information and mental labor. I now believe the distinction made here to be crucial.
35. Ayn Rand, *Atlas Shrugged* (New York: New American Library, 1957), pp. 939-40. For a description of the process of concept formation, see her *Introduction to Objectivist Epistemology* (New York: The Objectivist, 1966).

36. Arthur Koestler, *The Act of Creation* (New York: Macmillan, 1969), p. 635.
37. Ayn Rand, "Patents and Copyrights," in *Capitalism: The Unknown Ideal* (New York: New American Library, 1967), p. 130.
38. Herbert A. Simon, "Rationality as Process and Product of Thought," *American Economic Review* 68 (May 1978): 13.
39. See Daniel P. Hann and Roger Paden, "Rationality and the Economics of Cognition: Comment," *Economic Forum* 10, no. 1 (Summer 1979): 86 and *passim* for other critiques.
40. For more detail on this point, see James Ralph Edwards, "Rational Processes and the Subconscious: Reply to Paden and Hann," *Economic Forum* 10, no. 2 (Winter 1979).
41. Koestler, *Act of Creation*, p. 155.
42. Edwards, "Rationality and the Economics of Cognition," pp. 81-82.

ANTIFEDERALISM AND LIBERTARIANISM

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It will be considered, I believe, as a most extraordinary epoch in the history of mankind, that in a few years there should be so essential a change in the minds of men. 'Tis really astonishing that the same people, who have just emerged from a long and cruel war in defence of liberty, should now agree to fix an elective despotism upon themselves and their posterity.

Antifederalist Richard Henry Lee, 1788¹

THE ANTIFEDERALISTS, those men who opposed ratification of the federal Constitution in 1787-88, espoused a brand of libertarianism that is frequently misunderstood and misinterpreted by students of American political philosophy. In their arguments against the Constitution, the Antifederalists repeatedly warned that establishment of a strong, centralized national government would result in coercion, the erosion of state and local governments, and a loss of civil liberties. Yet, despite this libertarian strain in Antifederalist ideology, many historians and political scientists today view Antifederalism as a rather obscure philosophy espoused by a small group of conservatives and obstructionists. The belief that the Federalists (those who favored the Constitution) were the "true" radicals of the 1780s is based on a widespread misconception of Antifederalism and the Confederation era (approximately 1781-88) during which the Antifederalists were active in government and politics.

Many students in American high schools, colleges, and universities have been taught that 1781-88 was a "Critical Period" during which America nearly disintegrated into anarchy.² The economy plummeted and crowds rioted in the streets—Shay's Rebellion being offered as a prime example. The Confederation Congress did nothing to remedy this grave situation because it was supposedly a do-nothing body rendered impotent and bankrupt by the ill-suited Articles of Confederation. The new nation was in precarious straits

indeed but, as the story goes, was saved from ruin at the last moment by a group of men known as the Federalists. These patriots instituted a strong, centralized government under the federal Constitution of 1787 and brought stability and prosperity to the new American republic.

This "chaos and patriots to the rescue"³ interpretation of the Confederation era, while good reading, is unfortunately not very good history. The Critical Period thesis is merely a repetition of one side of what was, in the 1780s, a two-sided political debate. There was great division among Revolutionary Americans about the direction in which the country was moving, and there was considerable debate over whether or not the federal Constitution was necessary or even suitable for the new American nation. Indeed, contrary to popular belief today, the Constitution barely received enough votes to be ratified. If there were many Federalists who supported the Constitution, there were certainly as many Antifederalists who considered it unnecessary and dangerous. Only by examining the views of both sides, Federal and Antifederal, can one intelligently view the debate over the Constitution.⁴

The Antifederalists lost their fight over ratification, and their reputations have gradually diminished ever since. During the 19th century their philosophical legacies of states' rights and individualism were perverted and tarnished by the Southern defense of slavery, the Civil War, and what were perceived as the capitalistic excesses of the Industrial Revolution. Americans came to favor an increasing federal role at the expense of state and local governments, and this sentiment has influenced historians' interpretations of the Antifederalist party. Although the Antifederalists have had some apologists,⁵ the negative view of their position has for many years been in vogue in higher academic circles.⁶ Were the Antifederalists radicals or reactionaries? libertarians or demagogues? Perhaps Prof. Morton Borden is most correct when he stresses the paradoxical nature of Antifederalism.⁷ Borden points to the similarities between the Antifederalists and today's conservatives like Sen. Barry Goldwater of Arizona, contending that a belief in local control and weak central government is conducive to both libertarian and obstructionist sentiments.⁸

While Borden's idea is intriguing, I think there are a great many more differences between the Antifederalists (or all 18th- and 19th-century classical liberals, for that matter) and contemporary conservatives. While the former were isolationists, the latter are

militarists and interventionists. While the former opposed centralized military and economic power as well as centralized political power, the latter condemn only centralized political authority. Most important, there is a strong radical libertarian strain in Antifederalist ideology that is a mere vestige in modern-day conservatism. By examining the Antifederalists' positions on local control, democracy, aristocracy, taxation, standing armies, and civil liberties, one can see that, contrary to the charges of the Federalists and their 20th-century apologists, the Antifederalists were very much a part of the radical libertarian tradition of the American Revolution.

THE ORIGINS OF ANTIFEDERALISM

Who were the Antifederalists?⁹ What did they believe, and where did they come from? The Antifederal party was led by men such as Sam Adams, Patrick Henry, William Grayson, James Monroe, Richard Henry Lee, John Randolph, and George Clinton. These men were the heirs to a colonial American political tradition that favored local control over national, or centralized, authority. They were 18th-century liberals who thought, as did Jefferson, that "that government is best which governs least." Many of the Antifederalists—Sam Adams and Patrick Henry, for example—had been at the forefront of the radical independence movement from 1763 to 1776, and much of the Antifederal political philosophy was drawn from the libertarian strain in Revolutionary ideology.¹⁰ Because of the ordeal with Great Britain, the Antifederalists feared and distrusted strong governmental authority and were determined to thwart any effort to institute a coercive national government in America.

Thus, the Antifederalists fought the Federalist effort to centralize authority in the Continental Congress from 1776 to 1781.¹¹ Although some radical Antifederalists opposed the Articles of Confederation, most held that the Articles embodied their localist political philosophy.¹² The Antifederalists were outraged that anyone might want to replace the Articles without first giving them a proper chance. The so-called Critical Period was, to the Antifederalists, a perfectly natural postwar era—certainly not a time of severe economic dislocation and impending anarchy. They pointed to increased economic growth and prosperity and to the many accomplishments of the Confederation Congress.¹³ To be sure, the

Antifederalists saw a need for change and further strengthening of the national government, but they proposed change in the form of amendments to the Articles of Confederation. They considered the federal Constitution a drastic renunciation of the democratic and localist spirit of the Articles. Indeed, the Antifederalists considered it a direct repudiation and perversion of the libertarian ideals of the American Revolution.¹⁴

We know a great deal about the Antifederal leaders, but only recently have we come to know the rank and file. To begin with, most of the Antifederalists resided in the small towns, villages, and countryside, while all of the major American cities were Federalist strongholds. A great many Antifederalists were westerners, as evidenced by their strong showing in the western regions of North Carolina, Virginia, Pennsylvania, Massachusetts, and up-state New York. Those Antifederalists who did live in cities or towns were usually small traders, mechanics, artisans, and craftsmen. But the real Antifederal strength lay in the "noncommercial" spectrum of the economy. Antifederalists were most often yeomen farmers who worked self-sufficient homesteads and exported only to neighboring areas. While the Federalists represented the mercantile interest—businessmen, importers, bankers, professionals, and overseas-exporting farmers—the Antifederalists were men with little capital. Not surprisingly, many of them were debtors and paper money advocates.¹⁵

The class implications here are obvious. The Federalists came from the upper classes; the Antifederalists, from the lower and "middling" classes.¹⁶ Although the Antifederal leaders were usually men of wealth, their money was often "new" money—they were "nouveau riche" in comparison to the old families of the colonial aristocracy.¹⁷ No better corroboration of the class conflict over the Constitution exists than in the writings of the time. Nearly all of the Antifederalist tracts condemn the "aristokratik" nature of the Constitution and its supporters. The Antifederalists castigated

those who have been long wishing to erect an aristocracy.... These consist generally of the NOBLE order of Cincinnatus, holders of public securities, men of great wealth and expectations of public office, Bankers, and Lawyers: these with their train of dependents form the aristocratik combination.¹⁸

A group of Massachusetts Antifederalists considered the "overgrown Rich...the most dangerous to the Liberties of a free State," and the Reverend William Gordon complained that "the rich will

have enough advantages against the poor without political advantages."¹⁹ All of the Antifederalists were well aware of the class implications of the federal Constitution. They honestly feared that a "few tyrants" wanted to "lord it over the rest of their fellow citizens...[to] dissolve our present Happy and Benevolent Constitution [the Articles of Confederation] and to erect on the Ruins, a proper Aristocracy."²⁰

While the above interpretation would seem to substantiate a Beardian or Marxist view of the debate over the Constitution, it tells only part of the story. Popularized Marxism often stresses only the social and economic components of one's "material being." Thus, some progressive (Beard, for example) and Marxist historians have tended to ignore the importance of political ideology and philosophy during the Revolutionary era. One's political ideology, while closely related to one's economic and social status, is not necessarily a result of the former two. Indeed, for those who had declared, fought, and won the American Revolution, political ideology had attained, by 1787, an importance that often surpassed class and economic factors. This argument can be made for Federalists and Antifederalists alike. Thus, the Antifederalists' political ideology is of prime importance in assessing the Antifederal movement as a whole.

THE ANTIFEDERAL CRITIQUE

The key tenet of Antifederalist political ideology was localism—a belief in local control as opposed to a strong central (national) government. Patrick Henry feared that "the tyranny of Philadelphia may be like the tyranny of George III,"²¹ and all Antifederalists agreed that state and local governments should be sovereign to the national authority. This localism was not unique. It was drawn from the 17th- and 18th-century radical Whig tradition of mistrust of government authority²² and from the great liberal thinkers of the Enlightenment—Locke, Rousseau, and, most importantly, Montesquieu.²³ Montesquieu held that if men were to remain free their governments should not extend over too great a territory. George Clinton ("Cato"), the Antifederalist governor of New York, quoted Montesquieu when he wrote, "In large republics, the public good is sacrificed to a thousand views; in a small one, the interest of the public is easily perceived, better understood, and more within the reach of every citizen."²⁴ Only

state and local governments could be responsive to the needs of their citizens. James Winthrop of Massachusetts argued that it was unthinkable to assign the most important administrative duties to only one central government:

The idea of an uncompounded republik, on an average one thousand miles in length, and eight hundred in breadth, and containing six millions of white inhabitants all reduced to the same standard of morals, of habits, and of laws, is in itself an absurdity, and contrary to the whole experience of mankind.²³

The Antifederalists believed that people differed greatly from locale to locale and that their unique environments—their geographic, economic, and social differences—were of utmost importance in determining their governmental needs. Only state and local governments could answer these needs and thus insure liberty, for localism was “the foundation of free government.”²⁴ The inhabitants of Georgia or New Hampshire could not possibly “preside over your lives, liberty, and property, with the same care and attachment” as those of your own state, warned George Clinton of New York. By instituting one powerful central government to rule over all the 13 states, the Federalists would isolate the rulers from the people. Government would become “intricate and perplexed, and too mysterious to understand and observe.” This, in turn, would lead to a “monarchy, either limited or despotic.”²⁵ “Montezuma,” an Antifederalist, wrote satirically in favor of the Constitution’s subordination of the states, arguing that it would

leave the legislature of each *free* and *independent* state, as they now call themselves, in such a situation that they will eventually be absorbed by our *grand continental vortex* or dwindle into petty corporations, and have power over little else than yoaking hogs or determining the width of cart wheels.²⁶

Much of the Antifederalists’ localism was directly related to the fact that many of them advocated direct, participatory democracy as opposed to representational democracy. They believed that the federal Constitution would lead to a “transfer of power from the many to the few,” because a handful of congressmen in the “Federal City” could not possibly represent the needs of eight million inhabitants of the continental United States.²⁷ “To make representation real and actual,” wrote George Mason of Virginia, “the number of representatives ought to be adequate; they ought to mix with the people, think as they think, feel as they feel—ought to be perfectly amenable to them and thoroughly acquainted with

their interest and condition.”²⁸ Only state and local governments—or, ideally, the “town meeting” where each voter represented himself—could provide this direct representation. The system under the federal Constitution would exclude local representation and, the Antifederalists feared, ensure the election of “the *first* Men in the state in point of Fortune and Influence.”²⁹ By enlarging the area of representation and decreasing the number of representatives, the Constitution would elevate the office of congressman to a height attainable only by the rich and wellborn. The proposed number of representatives, wrote Melancton Smith, was

so small, the office will be highly elevated and distinguished; the style in which the members live will probably be high; circumstances of this kind will render the place of a representative not a desirable one to sensible men, who have been used to walking in the plain and frugal paths of life.³⁰

While viewing the proposed Constitution as generally unrepresentative and aristocratic, the Antifederal party went on to make specific criticisms of undemocratic aspects of the document. They were particularly alarmed by the absence of provisions requiring rotation in office, annual elections, and recall procedures. At the same time, they criticized the powers given the Supreme Court and the president (“His elected majesty”) and the undemocratic nature of the Senate and the Electoral College. All of this, the Antifederalists feared, would tend to create an omnipotent federal bureaucracy in the national capital and would “totally change, in time, our condition as a people.”³¹ The Constitution was often criticized also for its failure to require compulsory rotation in office, as the Articles of Confederation had. George Mason believed, “Nothing is so essential to the preservation of republican government as periodical rotation”;³² and “Brutus” wrote, “everybody acquainted with public affairs knows how difficult it is to remove from office a person who is long been in it.”³³ In the same regard, the Antifederalists believed that “where annual elections end, slavery begins,” for, as William Findley of western Pennsylvania argued, “Annual elections are an annual Recognition of the Sovereignty of the People.”³⁴

As for the Supreme Court, the Antifederalists questioned the wisdom of a sovereign federal judiciary. They accurately predicted the court’s ability to interpret the “constitutionality” of an issue and warned that the Federalists had “made the judges *independent*, in the fullest sense of the word. There is no power above them, to

control any of their decisions.”³⁷ The Antifederalists also criticized the “vast and important powers of the president.” The government under the Articles of Confederation had no chief executive, and the experience with Great Britain had instilled in many Antifederalists a profound distrust of executive authority. “Cato” warned that “if the president is possessed of ambition, he has power and time sufficient to ruin his country,” and “Philidelphiensis” asked, “Who can deny but the *president general* will be a *King* to all intent and purposes, and one of the most dangerous kind too—a King elected to command a standing army.”³⁸ All of these undemocratic aspects of the Constitution—the absence of rotation, recall, and annual elections; the presidency; and the proposed powers of the Supreme Court—spelled trouble to the Antifederalists. They predicted that the “Federal City” would be filled with “officers, attendants, suitors, expectants, and dependents,” all safely out of the reach of the people.³⁹ M. Kingsley of Massachusetts asked:

After we have given them all our money, established them in a federal town, given them the power of coining money and raising a standing *army* to establish their arbitrary government; what resources have the people left?⁴⁰

One power granted the federal government under the proposed Constitution and vehemently opposed by the Antifederal party was the power of taxation. Again, this position was rooted in the Revolutionary experience, as was the Antifederalists’ advocacy of federal *external* taxation (tariffs, import duties, etc.) as opposed to the *internal* taxation proposed by the federal Constitution. “Cato Uticensis” of Virginia wrote,

In Art. I, Sect. 8, of the Proposed constitution, it is said, “Congress shall have power to lay and collect taxes, duties, imposts, and excises.” Are you then, Virginians, about to abandon your country to the depredations of excisemen, and the pressure of excise laws? Did it ever enter the mind of any of you, that you could live to see the day, that any other government but the General Assembly of Virginia should have power of *direct taxation* in this state? How few of you ever expected to see excise laws, those instruments of tyranny, in force in your country?⁴¹

The Antifederalists believed that the ability to tax “is the most important of any power that can be granted; it connects with it almost all other powers, or at least will in process of time draw all others after it.” They were afraid that federal taxation would take vital revenue away from the states and eventually eliminate the impor-

tance of state government. With national internal taxation, “the legislatures of the several states will find it impossible to raise money to support their governments...and they must dwindle away” and their powers be “absorbed” by the central government, warned “Brutus.” Moreover, taxation could tend to be a “great engine of oppression and tyranny” in a coercive national government that might very well infringe upon the civil liberties of a people. A “swarm of revenue and excise officers” might violate “the personal rights of the citizens” and “expose their property to fines and confiscation.” Indeed, the Federal Constitution

surrender[s] every kind of resource that the country has, to the complete abolition of the state governments, and...will introduce such an infinite number of laws and ordinances, fines, and penalties, courts, and judges, collectors and excisemen, that when a man can number them, he may enumerate the Stars of Heaven.⁴²

One of the more interesting Antifederalist arguments against the Constitution was the opposition to creation of a professional standing army. The Antifederalists were the spokesmen for a great number of Revolutionary Americans who feared and distrusted professional soldiers.⁴³ General Washington’s continual problems in recruiting and funding the Continental Army during the Revolutionary War were directly connected to this distrust. The Federalists during the 1780s nearly unanimously supported a professional military,⁴⁴ and many Federalist leaders had served as officers in the Continental Army. They contended that the national government needed the “power of the sword” to make it effective and respected. Alexander Hamilton, a general in the Continental Army, believed that a standing army would provide Congress with “a solid basis of authority and consequences; for, to me, it is an axiom, that in our constitution, an army is essential to the American Union.”⁴⁵

The Antifederalists were appalled by this view. They advocated a system of locally controlled militia companies to fight, in case of invasion, until a national force could be raised to augment them. “John De Witt” asked:

Isn’t the militia abundantly able to give security and stability to [our] government as long as it is free?...Are they not the most respectable body of yeomanry in that character upon earth? Have they not engaged in some of the most brilliant actions in America, and more than once decided the fate of princes? In short, do they not preclude the necessity of any standing army whatsoever, unless in case of invasion?⁴⁶

The Antifederalists believed, as did all liberals in the radical Whig tradition, that “standing armies are dangerous to the liberties of a people.”⁴⁷ “A Federal Republican” warned that the “power vested in Congress of sending troops for suppressing insurrections will always enable them to stifle the first struggles of freedom,”⁴⁸ and a group of Pennsylvania Antifederalists declared:

A standing army in the hands of a government placed so independent of the people, may be made a fatal instrument to overturn the public liberties; it may be employed to enforce collection of the most oppressive taxes; and to carry into execution the most arbitrary measures. An ambitious man who may have the army at his devotion, may step into the throne, and seize upon absolute power.⁴⁹

An intriguing aspect of the Antifederalists’ opposition to a standing army is their prediction that civil liberties might be violated in the raising of such an army. One Antifederalist accurately predicted the draft resistance problems that were to frequent American history from the Civil War to Vietnam, when he warned that the proposed Constitution would allow the central government to “impress men for the Army.”⁵⁰ Pennsylvania Antifederalists bemoaned the fact that, in conscripting an army, “rights of conscience may be violated, as there is no exemption of persons [i.e., Quakers] who are conscientiously scrupulous of bearing arms.”⁵¹ And “Brutus” evidenced a considerable degree of enlightenment when he declared that “a defensive war is the only one I think justifiable” and concluded,

The European governments are almost all of them framed, and administered with a view to arms, and war, as that in which their chief glory consists. They mistake the end of government. It was designed to save men’s lives, not to destroy them. We ought to furnish the world with an example of a great people, who in their civil institutions hold chiefly in view, the attainment of virtue and happiness among ourselves. Let the monarchs in Europe share among them the glory of depopulating countries, and butchering thousands of their innocent children. . . . I envy them not the honor, and I pray heaven this country may never be ambitious of it.⁵²

This expressed concern for human rights in Antifederal literature is not just rhetoric. There is considerable evidence to document the Antifederalists’ high regard for civil liberties during the Revolutionary era. Perhaps the best example is their concern over the absence of a Bill of Rights in the federal Constitution. The Antifederalists were disturbed that a document that granted the national government so much power did not, at the same time,

specifically enumerate the inalienable rights of the citizenry. “Why was not this Constitution ushered in with the bill of rights?” asked Luther Martin of Maryland. “Where is the security? Where is the barrier drawn between the government and the rights of the citizens...?”⁵³ The Antifederalists agreed with Jefferson’s criticism of the Constitution—that a “bill of rights is what a people are entitled to against every government on earth, general or particular, and what no just government should refuse or rest on inference.”⁵⁴ Like all 18th-century liberals, the Antifederalists thought “the experience of all mankind has proved the prevalence of a disposition to use power wantonly.”⁵⁵ They were “proud to be jealous of their rulers...for jealousy was one of the greatest securities of the people in a republic.”⁵⁶ The powers granted the central government in the proposed Constitution were so broad that the Antifederalists feared for the freedoms of speech, press, assembly, jury trial, habeas corpus, arms, and religion—freedoms that they had just fought the long and trying Revolutionary War to secure. They were extremely suspicious that “persons who attempted to persuade people that such reservations were less necessary under this Constitution” were “willfully endeavoring to deceive and to lead [the United States] into an absolute state of vassalage.”⁵⁷ Thus, the Antifederal party refused to ratify any plan of government without a “Sacred Declaration, defining the rights of the individual.”⁵⁸ The American Bill of Rights, adopted as the first ten amendments to the federal Constitution in 1791, is the great legacy of the Antifederalists to the American people.

The Antifederalists’ advocacy of a Bill of Rights, and their positions on local control, democracy, taxation, and standing armies, were all based on a firm belief that, to quote the oft-quoted Lord Acton, “Power tends to corrupt, and absolute power corrupts absolutely.” Patrick Henry warned of the “predominant thirst of dominion which has invariably and uniformly prompted rulers to abuse their power,”⁵⁹ and one Antifederal leader observed: “it is a truth confirmed by the unerring experiences of ages, that every man, and every body of men, invested with power, are ever disposed to increase it, and to acquire a superiority over everything that stands in their way.”⁶⁰ The Antifederalist solution to this problem was to place specific restrictions on the powers granted to the national government. They were amazed at the number of powers given the central government under the federal Constitution and were concerned lest the “ambiguity of expression”⁶¹ of the

Constitution lead eventually to federal aggrandizement of even more control.

To 18th-century liberals, who advocated specific written restrictions on governmental authority, the proposed Constitution was a nightmare. The Antifederalists "did not believe there existed a social contract on the face of the earth so vague and so indefinite as the one now on the table."⁶² The Antifederal party assessed astutely the great importance and future impact of the Constitution's "implied powers" and specifically criticized the "necessary and proper" and "general welfare" clauses of that document. "Brutus" observed that "to provide for the general welfare is an abstract proposition, which mankind differ in the explanation of.... It will then be matter of opinion, what tends to the general welfare, and Congress will be the judges in the matter." And he warned of the "necessary and proper" clause, concluding that the "powers of the general legislature extend to every case that is of the least importance—there is nothing valuable to human nature, nothing dear to freemen, but what is within its power. It has the authority to make laws that will affect the lives, liberty, and property of every man in the United States."⁶³ Indeed, one group of New England Antifederalists protested:

...when we take a forward view of the proposed Congress—seated in the federal city, ten miles square, fortified and replenished with all kinds of military stores and every other implement; with a navy at command on one side, and a land army on the other—we say, when we view them thus possessed of the sword in one hand and the purse strings of the people in the other, we can see no security for [the people] in the enjoyment of their liberties.⁶⁴

The Antifederalists' rhetoric is often shrill and sometimes even paranoid. They predicted that civil war, monarchy, and military despotism would immediately follow ratification of the Constitution. None of this happened. Yet, when one considers the Antifederal view of the course of the Revolution, their emotional style is more understandable. The Antifederalists believed the federal Constitution to be an outright repudiation of the goals and ideals of the American Revolution.⁶⁵ The "Old Patriots of '75" (as they liked to think of themselves) feared that all they had fought for was going to be perverted and thrown out by aristocrats and centralists. The Revolution, to the Antifederalists, had been fought as a direct challenge to strong, centralized authority—the authority of the British crown. The legacy of the Revolution was thus antiauthori-

tarianism—a belief in democratic, local control and a subservient national government. The members of the Antifederal party found it "astonishing" that "after so recent a triumph over British despots... a set of men among ourselves should have the effrontery to attempt the destruction of our liberties."⁶⁶ Perhaps their anger and frustration is best typified by "A Farmer and a Planter," who did not think it unlikely that

God in his anger, should think it proper to punish us for our ignorance, and sins of ingratitude to him, after carrying us through the late war and giving us liberty, and now so tamely to give it up by adopting this aristocratical government.... You labored under many hardships while the British tyrannized over you! You fought, conquered and gained your liberty—then keep it, I pray you, as a precious jewel. Trust it not out of your hands; be assured if you do, you will never more regain it.⁶⁷

The most often heard charge against the Antifederalists was and is that they were mere obstructors with no plan of their own to offer. To be sure, the Antifederal Party maintained, with considerable evidence on their side, that the state of affairs under the Confederation government was satisfactory.⁶⁸ They saw a need for change, but not the drastic change manifested in the federal Constitution. The Antifederal solution to the problems of the 1780s lay in proposed amendments to the Articles of Confederation.⁶⁹ The Articles, a direct manifestation of the anticentralist tenets of the American Revolution, seemed to the Antifederalists a good starting point for the answers to America's political needs. They advocated further experimentation with modes of weak central government—adding the powers of external taxation and regulation of commerce but retaining as much state and local sovereignty as was possible. Self-rule was not going to be an easy task, the Antifederalists said over and over again. It has to be given time to work itself out. Surely, they argued, 13 years was too short a time to justify such a radical increase in the coercive powers of the central government as the federal Constitution proposed. Once precedents towards centralization had been established, there could be no turning back. The evolution would culminate, inevitably, in despotism. The Antifederalists maintained that localist principles should be given a chance to prove themselves. As William Grayson of Virginia argued:

But what would I do on the present occasion to remedy the existing defects of the present Confederation? There are two opinions

prevailing in the world—the one, that mankind can only be governed by force; the other, that they are capable of freedom and good government. Under a supposition that mankind can govern themselves I would recommend the present Confederation should be amended. Give Congress the regulation of commerce. Infuse new strength and spirit into the state governments; for when component parts are strong, it will give energy to the government, although it be otherwise weak.⁷⁰

THE DEFEAT OF ANTIFEDERALISM

Although the Antifederalists lost their battle, the final vote was much closer than most people today realize. Jackson Turner Main has argued convincingly that there were Antifederal majorities among the people of Rhode Island, South Carolina, North Carolina, New York, Massachusetts, and Virginia.⁷¹ Since the Constitution was approved by state ratifying conventions rather than by a popular vote, no one will ever know just how the people at large felt about the issue. We do know that two of the thirteen states, North Carolina and Rhode Island, rejected the Constitution outright.⁷² Three other state conventions were originally composed of Antifederal majorities that disintegrated at the last minute as the Federalists gained momentum and won narrow victories. In New York, the Federalists won by 3 votes out of 57 cast; in Massachusetts, by 19 votes out of 355 cast; and in Virginia and New Hampshire, by 10 votes out of 168 and 104 cast, respectively. The Federalists came from behind to win. Their margin of victory was, for the Antifederalists, frustratingly narrow.⁷³

There are many reasons for the Antifederal defeat. The influential urban newspapers had a distinct Federalist bias, and the Antifederal arguments often went unheard or were distorted. Only 12 out of the 100 newspapers in the United States sided with the Antifederalists.⁷⁴ At the same time, the Federalist leaders, because of their wealth and prominence, were much more influential than those of the Antifederal party. The prestige of Washington, Franklin, Madison, Jay, and John Adams was a great advantage to the Federalists and helped them win over many uncommitted delegates. Ratification got off to a quick start as strong Federalist states like Delaware, New Jersey, Pennsylvania, and Georgia ratified immediately. The Antifederalists were thus put on the defensive at the outset and never really did gain any momentum. But perhaps most important, the Antifederalists were not, as one Federalist leader observed, “good politicians.” Madison concluded, “There was not

a single person capable of writing their wills or directing their measures.”⁷⁵ Ironically, the Antifederalists’ individualistic and localistic natures precluded the kind of large-scale organization and regimentation necessary to win a national political battle. Considering all of the Antifederalists’ disadvantages, the surprising thing about the debate over ratification of the federal Constitution is that they did as well as they did. Gordon S. Wood writes:

That large numbers of Americans could actually reject a plan of government created by a body “composed of the first characters in the Continent” and backed by Washington and nearly the whole of the natural aristocracy of the country said more about the changing character of American politics and society in the eighties than did the Constitution’s eventual acceptance. It was indeed a portent of things to come.⁷⁶

THE ANTIFEDERAL LEGACY

Thus, there were two distinctly opposing sides in the debate over the “crisis” of the Confederation. The Federalists claimed that America was beset by chaos and bankruptcy and was on the verge of anarchy because of the impotent Confederation government. They advocated a great strengthening of the coercive powers of the national government via the proposed federal Constitution. Their opponents, the Antifederalists, pointed to the accomplishments of the Confederation government—the fact that the United States had fought and won the Revolutionary War and that Congress had competently administered the affairs of the nation under the most trying of circumstances. The Antifederal party advocated amendments to the Articles of Confederation but violently opposed such a radical departure from state and local sovereignty as the Federalists were advocating. As it turned out, the Federalists won and the Antifederalists lost, but the issues were much too complex and the final vote much too close to view the period simply as one of “chaos and patriots to the rescue.”⁷⁷

It is understandable that the Antifederalists have received a somewhat poor press, especially in the 20th century. The position of state’s rights was perverted and discredited during the Civil War era, and “rugged individualism” seemingly culminated in the robber baron mentality of capitalists during the Industrial Revolution. In direct reaction to those events, American liberals abandoned much of the Antifederal, or classical liberal, strain in their philosophy. Twentieth-century liberals no longer believed that “that

government is best which governs least" but instead advocated a great increase in the coercive and regulatory powers of the federal government. With the rise of "New Deal" welfare-state liberalism in the United States, Americans and American historians in particular have had difficulty understanding and interpreting the Antifederal movement. The Antifederal view is so foreign to 20th-century liberals that it appears to them to be conservative and provincial. To be sure, there is a conservative, reactionary strain in Antifederalism. The fact that several prominent Antifederalist leaders (Patrick Henry, Luther Martin, and Richard Henry Lee) joined the conservative Federalist party of the 1790s corroborates their obstructionism and desire to use local control to their own illiberal ends.⁷⁸ Yet, the vast majority of Antifederalists—the Antifederal rank and file—are not so easily labeled conservatives.⁷⁹ On the contrary, the Antifederalists' views on local control, democracy, aristocracy, taxation, standing armies, and the Bill of Rights demonstrate that Antifederalism was very much in keeping with the radical libertarian tradition of the American Revolution.

Although the Antifederalists lost their one great battle, their ideas have endured. The Jeffersonian and Jacksonian parties of the early national period had direct ideological roots in the Antifederal persuasion, and American classical liberalism of the 19th century was a direct descendant of Antifederalism. There is a small libertarian third party in the United States today, and vestiges of Antifederalism can be found in the civil libertarian strain in 20th-century American liberal thought.

Most modern-day liberals, however, share little in common with their Antifederal forerunners. The tenets of welfare-state liberalism would seem foreign indeed to "Brutus," William Grayson, George Clinton, and Sam Adams. Strangely, while modern-day liberals have abandoned their localist sentiments, 20th-century conservatives have come to espouse states' rights and local control—but usually to shield big business's excesses or to slow the process of racial integration. The comparison between the Antifederalists and modern conservatives thus breaks down in several respects. The Antifederalists opposed strong, centralized political authority for reasons most often related to civil liberties. At the same time, they opposed strong, centralized *military* and *economic* authority—both of which are goals for today's apologists for the military-industrial complex. Twentieth-century conservatives cry for a return to the principles of the federal Constitution—a document for which the

Antifederalists felt nothing but contempt. To the Antifederalists, the federal Constitution was the "original sin." Its adoption in 1788 set irreversible precedents that they believed would lead to consolidation and centralized tyranny. The Antifederalists believed, as "John De Witt" argued in 1787, that "it is yet much too early to set it down for a fact, that mankind cannot be governed by force."⁸⁰

*I would like to thank Prof. Harry Fritz of the University of Montana, Missoula, for his friendship and counsel during my graduate study at UM.

1. Cited in Gordon S. Wood, *Creation of the American Republic, 1776-1787* (New York: W. W. Norton, 1969), p. 469.

2. The "Critical Period" thesis was popularized by John Fiske, a late-19th-century philosopher and lecturer who wrote, according to Charles A. Beard, "without fear or research." See John Fiske, *The Critical Period of American History, 1783-1789* (Boston: Houghton Mifflin, 1902). For a discussion of the historiography of the Confederation period, see Richard B. Morris, "The Confederation Period and the American Historian," *William and Mary Quarterly*, 3d ser., vol. 13 (1956): 139-56. The Fiske controversy is discussed fully in Merrill Jensen, *The New Nation: A History of the United States during the Confederation, 1781-1789* (New York: Random House, 1950), pp. vii-xv. See also Merrill Jensen, *The Articles of Confederation: An Interpretation of the Social-Constitutional History of the American Revolution* (Madison: University of Wisconsin Press, 1940), pp. 3-7.

3. Jensen, *New Nation*, p. xiii.

4. Since Federalism per se will not be discussed in this essay, let me summarize: The Federalists (men like Washington, Jay, Hamilton, Adams, and Robert Morris) believed in strong executive and judicial power as a counterinfluence to the popularly elected legislative branch of government. They believed in a professional standing army and navy, rigorous national tax collection, federal support of creditor groups, and increased federal control of the national economy. Above all they were centralists—advocates of a strong central government at the expense of state sovereignty. Throughout the Confederation era the Federalists strove to amend the Articles of Confederation and thus to add to the coercive and regulatory powers of the national government. Ultimately they came to advocate the federal Constitution as a substitute for the Articles. For a fine analysis of the Federalist philosophy, I refer the reader to Wood's *Creation of the American Republic*.

5. The most celebrated is Charles A. Beard, *An Economic Interpretation of the Constitution of the United States* (New York: Macmillan, 1962). Of more relevance here are Jackson Turner Main, *The Antifederalists: Critics of the Constitution, 1781-1788* (New York: W. W. Norton, 1961), and Staughton Lynd, *Anti-federalism in Dutchess County, New York: A Study of Democracy and Class Conflict in the Revolutionary Era* (Chicago: Loyola University Press, 1962). And even Wood, who is highly complimentary of the Federalists in *Creation of the American Republic*, concludes that "the Antifederalists . . . were the true champions of the most extreme kind of egalitarian politics in the Revolutionary era" (p. 516).

6. See the introduction to Cecilia M. Kenyon, *The Anti-Federalists* (Indianapolis: Bobbs-Merrill, 1966) [Hereafter cited as Kenyon, *TA*], pp. xxi-cxvi, and Cecilia Kenyon, "Men of Little Faith: The Anti-Federalists on the Nature of Representative Government," *William and Mary Quarterly*, 3d ser., vol. 12 (1955): 3-43. According to Kenyon, "the Anti-Federalists were not latterday democrats" because they "distrusted the majority rule...through representation" ("Men of Little Faith," pp. 42-43, and Kenyon, *TA*, p. cxvi).

Other unfavorable interpretations of Antifederalism are in Morris, "Confederation Period," and Forest McDonald, "The Anti-Federalists, 1781-1789," *Wisconsin Magazine of History* 46 (1963): 206-14. See also Forest McDonald, *We the People: The Economic Origins of the Constitution* (Chicago: University of Chicago Press, 1958), and Robert Eldon Brown, *Charles Beard and the Constitution: A Critical Analysis of "An Economic Interpretation of the Constitution"* (Princeton, N.J.: Princeton University Press, 1956).

7. See Morton Borden, "The Antifederalist Mind," introduction to his edition of *The Antifederalist Papers* (East Lansing: Michigan State University Press, 1965) [Hereafter cited as Borden, *AP*], and "The Antifederalist Mind in American History" (unpublished).

8. Borden, "Antifederalist Mind in American History," pp. 8, 10, 15; Main, *Antifederalists*, pp. xi-xii: "Thus the Antifederalists included two major elements; those who emphasized the desirability of a weak central government, and those who encouraged democratic control. The democrats at this time accepted the doctrine of weak government, but the advocates of weak government did not always believe in democracy."

9. Throughout this essay the term *Antifederalist* will be used to denote those men who opposed the Constitution. However, the fact that the "Antifederalists" called themselves Federalists during the 1780s is a good example of just how great our misunderstanding of them has been. As Jackson Turner Main has shown, during the 1780s the word *Antifederal* implied hostility to the Confederation Congress and the government under the Articles of Confederation. Thus the "Federalists" (or Nationalists, as they were called then) were really antifederal, while the "Antifederalists" were really federalists! See Main, *Antifederalists*, pp. viii-xii. This explains why so many of the Antifederalist writers quoted below have pen-names like "A Federalist," "A Federal Farmer," or "A Federal Republican." See, for example, the *American Herald*, December 10, 1787, cited in Main, *Antifederalists*, p. ix: "A FEDERALIST is an Enemy to a Confederation.—Therefore, the FRIENDS to the new Plan of CONSOLIDATION are Anti-Federal, and its Opposers are firm Federal Patriots." For a discussion of the Nationalist faction (i.e., the men we today call Federalists) in Confederation politics, see Merrill Jensen, "The Idea of a National Government during the American Revolution," in *Essays on the Making of the Constitution*, ed. Leonard Levy (New York: Oxford University Press, 1969) pp. 63-68, 87; also Jensen, *New Nation*, p. 425, and *Articles of Confederation*, pp. 3-7, 13-14.

10. For the colonial and Revolutionary origins of Antifederalism, see Jensen, *Articles of Confederation*, pp. 7-11, 16-53.

11. Radical opposition to the Federalist (i.e., Nationalist) attempts to centralize and strengthen the national government during the Revolution is treated fully in Jensen, *Articles of Confederation*.

12. Ibid., pp. 15, 110-11, 169-70, 242-44. Although the Articles of Confederation are an all-but-ignored document in American history, this "first" constitution of the United States evidences, in many ways, the radical libertarian strain in American Revolutionary ideology. For the political implications of the Articles of

Confederation, see Main, *Antifederalists*, p. 16: "The articles grew out of a political tradition widely accepted in Revolutionary America, and it was from the same tradition that Antifederalism grew."

13. For Antifederalist repudiation of the Critical Period idea, see William Grayson, Antifederalist No. 2 (Borden, *AP*, p. 3): "We have been told of phantoms and ideal dangers to lead us into measures which will, in my opinion, be the ruin of our country." The Antifederal view of the 1780s as a normal postwar era and their high regard for the Confederation government and Congress has recently been documented by Herbert James Henderson in *Party Politics in the Continental Congress* (New York: McGraw-Hill, 1975). Henderson points to many accomplishments of the Confederation Congress, especially the conducting of the Revolutionary War, the negotiation of the alliance with France and the Treaty of Paris and, during the 1783-87 period, the creation of the first American western policy—land ordinances, Indian relations, and territorial government for the west.

14. Main, *Antifederalists*, pp. viii, ix; Jensen, *New Nation*, pp. 422-24; Wood, *Creation of the American Republic*, pp. 523, 541; Borden, "Antifederalist Mind in American History," pp. 11-12.

15. For the geographic and economic bases of Antifederalism, see Borden, *AP*, p. ix; Main, *Antifederalists*, pp. 4, 267-68, 280, and, p. 271: "The mercantile interest (direct and indirect) understood in this broad sense, is the key to the political history of the period. Its counterpart is the non-commercial interest of the subsistence farmer. This is a socio-economic division based on geographical location and sustains a class as well as a sectional interpretation of the struggle over the Constitution."

16. Wood, *Creation of the American Republic*, p. 484: "The struggle over the Constitution can best be understood as a social one...men in 1787-1788 talked as if they were representing distinct and opposing social elements. The quarrel was fundamentally one between aristocracy and democracy." See also Main, *Antifederalists*, p. 26.

17. See, for example, Lynd, *Anti-Federalism*, pp. 4, 7. The seeming incompatibility of wealthy Antifederal leaders and poor followers is further explained by their geographical similarities mentioned above. The Antifederalists were all rural people, rich and poor, united against what they considered to be a cosmopolitan elite. Those Federalists who were rural people were often descendants of a landed aristocracy. Again, see *ibid*. For the urban-rural split in Revolutionary politics, see Jackson Turner Main, *Political Parties before the Constitution* (New York: W. W. Norton, 1973).

18. "A Federalist," Antifederalist No. 1 (Borden, *AP*, p. 2).

19. Main, *Antifederalists*, pp. 14, 20.

20. Wood, *Creation of the American Republic*, pp. 487, 91.

21. *Ibid.*, p. 520.

22. For English radical Whig ideology, see Caroline Robbins, *The Eighteenth Century Commonwealthman: Studies in the Transition, Development, and Circumstances of English Liberal Thought from the Restoration of Charles II until the War with the Thirteen Colonies* (Cambridge, Mass.: Harvard University Press, 1959); also see Bernard Bailyn, *Ideological Origins of the American Revolution* (Cambridge, Mass.: Harvard University Press, 1967). For the evolution of radical factions of the respective American colonies, see Jensen, *Articles of Confederation*, pp. 16-53.

23. Kenyon, "Men of Little Faith," pp. 6-7.

24. Antifederalist No. 14 (Borden, *AP*, p. 36-37).

25. Cited in Kenyon, *TA*, p. xxxix. See also Thomas Jefferson to James Monroe, July 9, 1786, *The Papers of Thomas Jefferson*, ed. Julian P. Boyd (Princeton: Princeton University Press, 1953), 9:112-13.

26. Kenyon, "Men of Little Faith," p. 9.
27. Antifederalist Number 14 (Borden, *AP*, pp. 37-39).
28. Antifederalist No. 9 (Borden, *AP*, pp. 20-21). For sectional implications of localism, see George Mason and "Agricola," Kenyon, *TA*, pp. 132-34.
29. Wood, *Creation of the American Republic*, pp. 515-16, 520.
30. Kenyon, "Men of Little Faith," p. 10.
31. Wood, *Creation of the American Republic*, p. 515.
32. Kenyon, "Men of Little Faith," pp. 10-12; *TA*, p. iv.
33. Wood, *Creation of the American Republic*, pp. 519-23.
34. Kenyon, "Men of Little Faith," p. 28.
35. Antifederalist No. 62 (Borden, *AP*, p. 182). No one today is quite sure just exactly who "Brutus" was. Some historians contend he was Thomas Tredwell of New York, while others say he was Robert Yates of the same state. Whoever "Brutus" was, he wrote some of the most articulate, well reasoned, and prophetic critiques of the federal Constitution known today. Thus the writings of "Brutus" will be quoted extensively in the remainder of the essay. See "Brutus," Antifederalist Papers Nos. 17, 23-25, 32, 33, 54, 62, 78-82, and 84 (Borden, *AP*), and "Robert Yates: The Letters of Brutus" (Kenyon, *TA*, pp. 323-58).
36. Main, *Antifederalists*, p. 12. For more on annual elections and rotation in office see "Montezuma," Antifederalist No. 9 (Borden, *AP*, pp. 20-23). On recall, see "Amicus," Antifederalist No. 53 (*ibid.*, pp. 152-54).
37. "Brutus," Antifederalist Nos. 78, 79 (Borden, *AP*, p. 222).
38. "Cato," Antifederalist No. 67 (Borden, *AP*, p. 197); "Philadelphensis" (Kenyon, *TA*, p. 72).
39. Richard Henry Lee, quoted in Borden, "Antifederalist Mind in American History," p. 2.
40. Quoted in Wood, *Creation of the American Republic*, p. 522.
41. Antifederalist Nos. 30-31 (Borden, *AP*, p. 80).
42. All of the quotations in this paragraph are taken from "Brutus," Antifederalist Nos. 17, 32 (Borden, *AP*, pp. 43, 84-86). See also "Robert Yates: The Letters of Brutus" (Kenyon, *TA*, pp. 324-34). "Brutus" also made an interesting prediction that the central government's unlimited "power to borrow money" might "create a national debt so large as to exceed the ability of the country ever to sink." See Antifederalist No. 23 (Borden, *AP*, p. 61).
43. For the militia vs. standing army debate and its great importance in Revolutionary and early national politics, see Richard H. Kohn, *Eagle and Sword: The Beginnings of the Military Establishment in America* (New York: Macmillan, 1975).
44. *Ibid.*, p. 12: For "most Federalists...the attraction and fascination with armies went much deeper. Federalists viewed society as an integrated, stable organization in which individuals deferred to their natural superiors...they emphasized order, tradition, natural distinction among men....Strikingly, these same values personified the eighteenth century military officer."
45. Quoted in Jensen, "Idea of a National Government," p. 77.
46. Antifederalist No. 28 (Borden, *AP*, p. 75).
47. "Brutus," Antifederalist No. 24 (Borden, *AP*, p. 62).
48. Antifederalist No. 8 (Borden, *AP*, p. 20).
49. "The Pennsylvania Minority" (Kenyon, *TA*, p. 57).
50. "Brutus," Antifederalist No. 23 (Borden, *AP*, p. 61).
51. "The Pennsylvania Minority" (Kenyon, *TA*, p. 57).
52. Antifederalist No. 23 (Borden, *AP*, p. 59-61). For an Antifederal legislative alternative to a standing army, see "Brutus," Antifederalist No. 25 (*ibid.*, p. 69).
53. Quoted in Wood, *Creation of the American Republic*, p. 536.
54. *Ibid.*, p. 537.

55. Kenyon, "Men of Little Faith," p. 36.
56. Wood, *Creation of the American Republic*, p. 520.
57. "Brutus," Antifederalist No. 84 (Borden, *AP*, p. 246).
58. John Mercer (Maryland), Antifederalist No. 60 (Borden, *AP*, p. 176). See also the satire of "Montezuma," Antifederalist No. 9 (*ibid.*, p. 22).
59. Patrick Henry, Antifederalist No. 40 (Borden, *AP*, p. 109); Kenyon, "Men of Little Faith," p. 14.
60. "Brutus," Antifederalist No. 17 (Borden, *AP*, p. 45).
61. Quoted in Kenyon, "Men of Little Faith," p. 22.
62. *Ibid.*
63. Antifederalist No. 33 (Borden, *AP*, p. 89). See also "Brutus," Antifederalist No. 17 (*ibid.*, pp. 44-45).
64. "Consider Arms, Malachi Maynard, and Samuel Fields," (opponents of ratification in the Massachusetts convention), Antifederalist No. 52 (Borden, *AP*, pp. 151-52). For a precise analysis of the "implied powers" in the Constitution and a remarkably accurate prediction as to how the "necessary and proper" and "general welfare" clauses would be used to expand the powers of the central government and reduce state sovereignty, see "Brutus," Antifederalist No. 32 (*ibid.*, pp. 82-86). Also, "Robert Yates: The Letters of Brutus" (Kenyon, *TA*, pp. 330-31).
65. Wood, *Creation of the American Republic*, p. 523.
66. "Centinel," Antifederalist No. 40 (Borden, *AP*, p. 111).
67. Antifederalist No. 74 (*ibid.*, p. 213), and Patrick Henry, Antifederalist No. 40 (*ibid.*, p. 109).
68. See n. 13 above.
69. For "The Antifederal Solution" to the problems of the 1780s, see Main, *Antifederalists*, pp. 168-86.
70. Antifederalist No. 2 (Borden, *AP*, p. 5). See also Main, *Antifederalists*, pp. 168-86.
71. Main, *Antifederalists*, p. 249.
72. Rhode Islanders were so united in their opposition to the Constitution that in March 1787, 48 of the 64 town meetings voted not even to hold a ratifying convention.
73. "Appendix D," in Main, *Antifederalists*, p. 288. Note the original stand-off in Virginia and the cross-over of once-Antifederal majorities in Massachusetts, New Hampshire, and New York:
- | States | Feds vs. Antifeds | Final Vote |
|----------------|-------------------|-------------|
| Delaware | 30-0 | 30-0 |
| Pennsylvania | 46-23 | 46-23 |
| New Jersey | 39-0 | 39-0 |
| Georgia | ? | 26-0 |
| Connecticut | 128-40 | 128-40 |
| Massachusetts | 170-190 | 187-168 |
| New Hampshire | 30-77 | 57-47 |
| Rhode Island | (see n. 38) | (see n. 38) |
| Maryland | 62-12 | 63-11 |
| South Carolina | 126-98 | 149-73 |
| Virginia | 84-84 | 89-79 |
| New York | 19-46 | 30-27 |
| North Carolina | 75-193 | 75-193 |
74. For the pro-Constitution bias of the press, see Main, *Antifederalists*, pp. 250-52. When the various ratifying conventions were meeting, often concurrently, this press bias had a lethal effect on the Antifederal cause. For instance, Pennsylvania's convention read a false account saying that Patrick Henry had switched to

the Federalist side in Virginia, and South Carolinians read that thirty-nine fortieths of the New York convention was in favor of ratification. Rhode Islanders read that, in Virginia, "there are only three or four against the Constitution." New Hampshireites read that Patrick Henry and George Clinton were for ratification and the *New Hampshire Spy* reported that even the Shayites were in favor of the Constitution! At conventions where the vote was even or leaning toward the Antifederalists, this sort of news had the effect of influencing fence-sitters and wavers to change their votes so as to get on the "bandwagon," as it were.

75. Quoted in Wood, *Creation of the American Republic*, p. 486.

76. Ibid., p. 498. For an analysis of the antifederal defeat, see Main, *Antifederalists*, pp. 249-50.

77. Jensen, *Articles of Confederation*, pp. 3-7; *New Nation*, pp. 422-28.

78. Borden, *AP*, p. x.

79. Main, *Antifederalists*, p. 281.

80. Antifederalist No. 28 (Borden, *AP*, p. 77). See also Borden, "Antifederalist Mind," *ibid.*, pp. xiii-xiv, and "Antifederalist Mind in American History," p. 14.

Discussion Note

A TAOIST ARGUMENT FOR LIBERTY

The ancient Chinese Taoists presented an argument for liberty¹ which differs radically from traditional arguments advanced by Western philosophers. In defense of liberty, Western philosophers have appealed to natural rights theories, utilitarianism in its various forms, and social contract theories. Proponents of these theories attempt to justify liberty by making a claim to moral knowledge. That is, these theories are claimed to be *true* (or correct) in some sense. In sharp contrast, the ancient Taoists made *no* claim to moral knowledge and, I believe, made the lack of such a claim a premise in their argument for liberty.

In the first part of this paper a Taoist claim to moral ignorance is presented. This is followed by evidence that the Taoists supported liberty—that is, a government that would not interfere with the actions of peaceful people. The paper concludes with a formulation of what I believe to be an implicit premise in the Taoist argument. This premise, when combined with the Taoist claim to moral ignorance, leads to the Taoist concept of minimal government, i.e., liberty.

The Taoists had little use for moral principles and theories (rules of benevolence and righteousness), not because they believed them to be false, but because they knew of no universally acceptable way of demonstrating a moral truth. Chang Wu-tzu said:

Suppose you and I have had an argument. If you have beaten me instead of my beating you, then are you necessarily right and am I necessarily wrong? If I have beaten you instead of you beating me, then am I necessarily right and are you necessarily wrong? Is one of us right and the other wrong? Are both of us right or are both of us wrong? If you and I don't know the answer, then other people are bound to be even more in the dark. Whom shall we get to decide what is right? Shall we get someone who agrees with you to decide? But if he already agrees with you, how can he decide fairly? Shall we get someone who agrees with me? But if he already agrees with me, how can he decide? Shall we get someone who disagrees with both of us? But if he already disagrees with both of us, how can he decide? Obviously, then, neither you nor I nor anyone else can decide for each other. Shall we wait for still another person.²

The lack of any known objective method for demonstrating moral truths may lead to the admission of total moral ignorance.

Nieh Ch'üeh asked Wang Ni, "Do you know what all things agree in calling right?"

"How would I know that?" said Wang Ni.
 "Do you know that you don't know it?"
 "How would I know that?"
 "Then do things know nothing?"
 "How would I know that? However, suppose I try saying something. What way do I have of knowing that if I say I know something I don't really not know it? Or what way do I have of knowing that if I say I don't know something I don't really in fact know it? . . ."³

My interpretation of what Wang Ni is saying is this: *I do not know whether or not I know what is right.* I shall call this the *claim to moral ignorance.*⁴ It is my contention that this claim to moral ignorance is one of two premises used by the Taoists to support liberty. The word *right* in the Taoist claim to ignorance will be made more specific below.

There is ample textual evidence to support the claim that the Taoists believed that the best government is the least government.⁵ Lao Tzu speaks quite explicitly against the use of force:

He who assists the ruler with Tao does not dominate the world with force.

The use of force usually brings requital.⁶

How should a country be ruled? Lao Tzu says:

Ruling a big country is like cooking a small fish.⁷

In other words, disturb it as little as possible, since too much handling will spoil it. In less figurative language he states:

Administer the empire by engaging in no activity.⁸

The meaning of "no activity" (*wu wei*), according to Wing-Tsit Chan, is "taking no artificial action, noninterference, or letting things take their own course."⁹ A Taoist government would not interfere with peaceful people. In short, it would allow each individual as much liberty as possible.

The claim to moral ignorance alone does not support the Taoist concept of government. Another premise is needed. This implicit premise, so basic to the Taoists that they did not explicitly formulate it, is: *Peaceful actions do not have to be morally justified, but coercive actions against peaceful people do need moral justification.*¹⁰

I do not believe that the Taoists would consider this claim to be a value judgment; rather, they would regard it as an empirical truth. It is simply a fact that a person does not demand of his peaceful neighbors that they justify their peaceful actions. On the other hand, the innocent victims of acts of aggression do want to know by what right, if any, their aggressor interferes with their liberty. Thus, the Taoists would not say that one has a *right* to live in peace any more than they would say that one has a right to breathe or a right to eat. If there is peace, then there is no need for rights or for moral theories. To practice peace is to practice Tao. Lao Tzu says:

Therefore when Tao is lost, only then does the doctrine of virtue arise. When virtue is lost, only then does the doctrine of humanity arise. When humanity is lost, only then does the doctrine of righteousness arise. When righteousness is lost, only then does the doctrine of propriety arise.¹¹

The Taoist claim to moral ignorance can now be stated more specifically: I do not know whether or not I know of any way to justify coercion against peaceful people.¹²

The Taoist argument for liberty can now be presented:

Premise 1 A Taoist ruler does not know whether or not he knows of any way to justify coercive acts against peaceful people.

Premise 2 Peaceful acts do not have to be justified; coercive acts do have to be justified.

Conclusion A Taoist ruler will not use coercion against peaceful people.

I believe that the Taoists would allow premise 1, the claim to moral ignorance, to be generalized as: I do not know whether or not *anyone* knows of any way to justify coercive acts against peaceful people. From this generalization, along with premise 2, we now derive the conclusion: A Taoist ruler will not use coercion, or allow others to use it, against peaceful people.

Although the Taoists had little use for logic, the above argument is implicit in Taoist literature. The burden of proof is upon those who would infringe upon the liberty of others. Liberty does not have to be justified.

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1. I shall use the word *liberty* throughout this paper to mean *negative liberty*, that is, the absence of coercion.

2. *The Complete Works of Chuang Tzu*, trans. Burton Watson (New York and London: Columbia University Press, 1968), p. 48.

3. *Ibid.*, p. 45.

4. A better characterization, perhaps, might be the *claim to moral meta-ignorance*, since Wang Ni is claiming that he is ignorant of whether or not he is ignorant of what is right.

5. Ch'u Chai and Winberg Chai write: "It is obvious that the only principle of government consistent with the teachings of Lao Tzu is that of laissez faire, the minimum of organization and of regulations." *The Story of Chinese Philosophy* (New York: Washington Square Press, 1961), p. 87.

6. *The Way of Lao Tzu*, trans. Wing-Tsit Chan (Indianapolis: Bobbs-Merrill, 1963), p. 152.

7. *Ibid.*, p. 207.

8. *Ibid.*, p. 201.

9. *Ibid.*, p. 8.

10. There is textual evidence in the *Tao-te ching* by Lao Tzu that indicates that the Taoists were not pacifists, since Lao Tzu seems to have allowed for acts of self-defense.

11. *The Way of Lao Tzu*, p. 167.

12. I am here substituting an instance of a right (by what *right* are coercive actions against peaceful people justified?) for the term *right* in the Taoist claim to ignorance.

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Book Reviews

SOCIAL ORDER AND THE LIMITS OF LAW

Iredell Jenkins is mistrustful of the spreading belief in the omnicompetence of law to effect social reform. In a comprehensive, elegant, and unfalteringly cogent study of the nature of positive law—*Social Order and the Limits of Law: A Theoretical Essay* (Princeton, N.J.: Princeton University Press, 1980)—Professor Jenkins equips the reader with an understanding of the nature of positive law that gives force to the mistrust. The problem is that the high hopes and good intentions of the reformers are coupled with a shortsighted and opportunistic view of the relationship of positive law to social aims. According to Jenkins, positive law inevitably gives form and direction to society, but it cannot do so cavalierly and in disrespect of the antecedent and extra-legal “lived relationships” that are the foundation of its authority. Positive law is but a supplemental principle of order, called into being by the distinctive “plasticity” of human being. It must preserve consonance with the prior and more pervasive orders from which it has emerged and which are, on Jenkins’s evolutionary theory, conserved within it.

The supposition of the omnicompetence of law to effect social reform is most notable in the wave of “judicial rights-making” inaugurated by the Warren-led Supreme Court. It is contaminated, Jenkins suggests, by weak conceptual foundations as well as by certain characteristics indigenous to the judiciary and the judicial process. The foundation of the enterprise is the recent ascendency of the concept of “human” rights over the established “civil” (or legal) rights and the “natural” rights that afforded to civil rights their original justification. The traditional rights appealed to reason, were essentially protective in character, and required to be exercised by those who held them. For these reasons they were intrinsically self-limiting. By contrast, the new human rights “are beneficial rather than protective. They embody the claim that men are entitled to certain benefits and services, such as food, housing, minimum income, and health care. These rights do not have to be exercised but are simply to be enjoyed.... What men are now claiming as a right is not merely that they be left unhindered in their pursuit of values but that these values be bestowed upon them” (p. 257).

Not only are the new human rights subject to no intrinsic restrictions, but the judicial process through which they are effected contains three self-aggrandizing features, identified by Jenkins as internal momentum, elitism, and irresponsibility. By the “twin pillars of the American legal tradition, judicial supremacy and *stare decisis*... , a particular line of decisions can soon acquire a momentum that is overpowering in its force and rate of ac-

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celeration" (p. 259). Such a line extends tendrils far beyond the intent of the original decisions, into remote areas of society, and to unanticipated effect. Jenkins believes that this is becoming evident in the judicially instituted busing of school children to achieve racial integration, the protection of those accused of crime, the establishment of residency requirements for voting, and the matter of privileged admission as epitomized in the *DeFunis* and *Baake* cases.

On elitism, Jenkins points out that the judiciary—including judges, the more prestigious law schools and legal scholars, many of the larger foundations, and some public figures who support approved causes—constitutes in important ways a partially closed and highly self-conscious establishment. Its dedication to its own principles and values, its assurance of its own rectitude, and its confidence that it expresses the best intelligence and true conscience of its society lend what might be termed subjective momentum to the institutional momentum noted above.

By "irresponsibility" Jenkins refers to the fact that judges do not implement the decisions they hand down. In their detached position they are unlikely to be aware of or sensitive to the social strains and dislocations that implementation of their decisions may cause (p. 261).

Together with incoherence in the notion of human rights, the effect of these features in the judiciary is that judicial rights making may be so ill-considered as to jeopardize the antecedent sources of the authority of positive law and threaten the fabric of society. In particular, Jenkins warns that the new rights making is destined to clash with the traditional protective rights we still hold dear, by requiring judicial (or other governmental) assignment of responsibilities. "The gist of the present situation, then, would seem to me to be this. Like all men of good will, we honor the formula—whether in these words or others—'From each according to his ability, to each according to his needs.' But both our attitudes toward the two injunctions and the steps we take to carry them out are entirely different. Under the impetus of a steadily expanding concept of the new human rights, we are mobilizing an immense political and social effort to satisfy the needs of men. But at the same time, under the influence of the traditional doctrine of individual rights, we reject any proposal that would require men to contribute to society in the measure of their ability (the sole important exceptions are the ineffective ones of taxation and the military draft). We are placing the state under the legal duty to make good all of the basic needs of all men, but we are placing men under no duties of discipline, responsibility, and service to support the effort made in their behalf" (p. 263).

While the case above is presented with striking clarity and force by Jenkins (as paradigms, he analyzes in detail and follows out the implications of *DeFunis* and *Baake*, and also *Watt v. Stickney*, in which a federal judge gave legal recognition to the "right to treatment" of persons involuntarily committed to mental institutions), it is not novel, nor does Jenkins represent it as such. He presents it as an illustration of the practical application of the full-

blown theory of positive law set forth in his pages. It is a theory remarkable alike for its comprehensiveness, its cogency, its profundity, its balanced good sense, and its accessibility.

According to Jenkins, positive law is a supplemental principle of order the authority of which is not self-contained but derived from orders antecedent to itself. The need for supplemental order arises from the distinctive nature of man as "the being who is potentially capable of becoming many things; who, since he is finite, can actualize only a limited range of his potentialities; who must, therefore, choose which of the possibilities open to him he is to transform into purposes; and who must, finally, exercise discipline and cultivation if these purposes are to be realized" (p. 234). With man, nature achieves a partial and conditional release from the necessity that grips lower orders of being. The double-edged requirement of positive law is to secure purposiveness within possibility without destroying freedom.

In its broadest meaning, order is determinate sequence in the behavior of distinct entities that are so related among themselves as to constitute organized wholes (p. 20). Analysis of this meaning discloses the universal "dimensions" of order to be the Many, the One, Process, and Pattern. Through evolutionary development, nature moves from Necessity to Possibility to Purposiveness. The function of positive law is to achieve the transition from Possibility to Purposiveness.

Where Necessity predominates, the primary feature of the Many is similarity, the primary feature of the One is subordination, the type of Process is action and reaction, and Pattern is characterized by extreme rigidity. When Possibility predominates, the Many undergoes differentiation, the One is expressed as participation, Process becomes self-determination, and Pattern exhibits flexibility. Where Purposiveness obtrudes, the Many exhibits the characteristic of cultivation, the One becomes the need to create and maintain authority, Process becomes responsibility, and Pattern appears as the quest for social coherence and continuity. (I am bound to say that this skeletal rendering does grand disservice to the rich and illuminating articulation that awaits the reader in the book.)

It is important to indicate that the emergent evolution that is the backbone of Jenkins's theory is deeply invested by a principle of conservation, such that prior orders are retained in the subsequent orders that transcend them. Thus, while positive law appears as a supplemental principle of order in the regime of Purposiveness, it is obliged to respect both Necessity and Possibility as these are conserved in Purposiveness. In Jenkins's words, "Necessity and Possibility... provide the materials and set the conditions of our purposive pursuits. What we do at the level of Purposiveness (largely through law and other institutions) is to give form, content, and direction to our lives, both individually and collectively. But these activities are dependent upon the stable framework that Necessity provides and the fresh potentialities that Possibility makes available" (p. 46).

In a central chapter on the continuity of law, Jenkins argues that all types

of law—laws of nature, moral laws, civil laws—possess at one and the same time expository character, normative character, and prescriptive character. Jenkins recognizes that our supposition that types of law are distinguished by possession of one or another of these characters exclusively introduces unbridgeable bifurcations (and contradictions) into experience. Rather, the types of law are distinguished, according to Jenkins, by the *predominance* in them of one or another of these characters. He very effectively makes the case that, like laws of nature, positive laws exist prior to their formulation (and are hence not purely "posed," or artificial). Indeed, they preexist in a twofold manner—as embodied on the one hand in habits, usages, customs, and folkways, and on the other hand in the ideals men cherish and the purposes they pursue. When positive law first appears in history it is its expository character that predominates; it serves primarily to regularize and maintain an existing order. Later, as Possibility extends its influence, positive law becomes adjudication to settle differences. Then, as Purposiveness takes hold, positive law becomes a way to provide for orderly change toward definite ends.

But when Jenkins invests laws of nature with normative and prescriptive character, and on the ground that nature as a whole is purposive, we recognize the influence upon his thought of the metaphysics of organicism. Indeed, this influence becomes explicit in a number of passages, e.g., "The world is throughout an arena of becoming, moving toward a future that is foreshadowed in general outline but indeterminate as to its details" (p. 88). What gives cause for concern here is that the political implications of organicism, as worked out by Hegel and the British absolute idealists, are distinctly illiberal, anti-individualistic, and (as Isaiah Berlin warned in his "Two Concepts of Liberty") despotic. The reason is that the authority of the positive law and of government derives not from below but from above—not from the governed, but from the Absolute as the "future that is foreshadowed in general outline but indeterminate as to its details." The Absolute, as the Real, is the ultimate authority—all else is appearance, possessing degrees of reality but infected by unreality. Beneath the Absolute, greater reality (and authority) is possessed by the more inclusive whole. Since society and the State are more inclusive wholes than are individuals, they possess unconditional authority over individuals. This is reconciled with the endorsement of "self-government" by the (patently sophistical, I would say) argument that the Absolute is the "real self" of every individual.

To be sure, it is not established that by his metaphysics of organicism Jenkins is committed to the political implications of that metaphysics as explicated by predecessor-organicists. Nevertheless, Bradley, Green, and Bosanquet were highly skilled dialecticians, and it is with keen interest that we must turn to Jenkins's own doctrine of legal obligation.

It is in antecedent "lived relationships" that Jenkins uncovers the source of both our recognized and our real obligation to obey the law. He says:

"The attitudes and behavior of men toward one another are governed by the sentiment and conviction that relationships that have been established are not to be unilaterally ruptured or altered.... That is, we feel obligated—we know and acknowledge that we ought—to abide by arrangements into which we have voluntarily entered and on the fulfillment of which others have relied" (pp. 196-97). He continues: "Law imposes an obligation because of its validity; we *acknowledge* this obligation because of the lived relationship we have had with our society. So where Austin says that we *are obliged*, and Hart says that we *have an obligation*, I say that we *recognize ourselves to be obligated*. For Austin, the central fact is *coercion*; for Hart, it is *validity*; for me, it is the *lived authority relationship*" (p. 199).

Jenkins's thesis has some notable advantages over Austin's (which cannot distinguish legal obligation from the coercion of the gunman who demands our money), and over Hart's (for the laws that instigated persecution of Jews in Nazi Germany were valid but ought not to have been written or obeyed). And it is admirable for its rare sensitivity to the constraint imposed upon positive law by the need for congruence with antecedent relationships, attitudes, and initiatives. But it seems questionable to hold that with respect to antecedent "lived relationships" we do in fact recognize ourselves to be obligated. To suppose that all persons recognize themselves to be obligated to antecedent lived relationships *en bloc* would appear to be an unduly conservative estimate of the human disposition. Must we not reckon equally with a disposition to renounce such obligation, as epitomized in "adolescent rebellion?" At most I would think we could attribute to persons in general a disposition to respect the authority of antecedent relations *selectively*. But if the principles of selection vary from person to person, as I think they do, then such respect does not afford a secure foundation of positive law. My conjecture is that Jenkins's thesis that "we recognize ourselves to be obligated" must include a place for *tacit* as well as explicit recognition. But there is danger here, for the tacit dimension can be used by persons in power to claim that they regulate us in our "true" interests, whatever we may say, and that they have the endorsement of our "true" selves as their authority for doing so.

Another conspicuous problem is that the fact that we do feel obligated in our lived relationships does nothing to demonstrate that we ought to feel obligated. Jenkins acknowledges this but contends that a demand for demonstration of the ought is both logically inappropriate and gratuitous. He says: "Our recognition that we are obligated to obey the law—the 'ought' that we here feel and acknowledge—is not derived from more basic premises and proved by some process of logical deduction. Rather, it exists as an experienced occasion—a fact—inherent in certain existential situations.... It is empirically existent or nonexistent, so we can explain when and why people do feel obligated, and we can even understand and control to a large extent the conditions under which they do and do not, will and

will not, feel obligated. But we cannot muster a logical argument to prove to the doubtful that they *ought* to feel obligated: we can only put them in situations where as a matter of fact they *will* feel obligated" (p. 195). But the fact of a sense of obligation does not speak to the rectitude of that sense of obligation. Bigotry and terrorism, as I understand them, are often attended by a sense of obligation, and the man who shot President Garfield believed himself obligated to do so in obedience to the command of God. On the other hand, reason to trust our sense of obligation as it is generated out of lived relationships is to be found in Jenkins's organicist metaphysics. For if "the world is throughout an arena of becoming, moving toward a future that is foreshadowed in general outline but indeterminate as to its details," and if this becoming is a progressive realization of the good (as is premised by organicism, though nowhere stated by Jenkins), then there is reason to trust the generated and evolving sense of obligation. The trouble is, organicist metaphysics rather conspicuously commits the fallacy of presupposing the consequent. I wonder if one of Professor Jenkins's deepest intimations may be that presupposing the consequent is not in all cases a fallacy, for it is indispensable to worthy living.

One or two more contentious features of Professor Jenkins's admirably wrought theory can usefully be mentioned. Throughout, he supposes that it is a legitimate function of positive law to effect collective purposes. Indeed, he offers an interesting argument that such fostering is inevitable. "The regime of Possibility," he says, "is provisional and incomplete: it challenges men to make use of it. If these uses are left too much to individual discretion, with inadequate central control, abuses soon appear—might makes right, there is ruthless exploitation, and vast inequalities occur. Where positive law becomes too exclusively prescriptive... energies are left undirected and goals are ill-defined, with the result that men's efforts become erratic and dispersed. The legal apparatus can confine itself to the role of umpire (in the figure of speech that was once popular) only when the rules of the game are fair and the forces at play are evenly balanced. Otherwise, injustice and oppression become widespread. As this occurs, the legal apparatus is called upon to intervene purposively and systematically in the course of events. The main function of law now becomes that of defining and executing policy: its task is to give form and direction to society" (pp. 113-14). I will only mention that there is a forceful theory of law to the effect that it is no part of the business of law to serve collective purposes, the function of positive law being confined to regulating the means by which private purposes (individual and corporate) are pursued. The most eloquent advocate of this thesis is Michael Oakeshott in his *On Human Conduct*. Oakeshott observes that the violation of traditional individual liberties (which Jenkins warns must result from current judicial rights making) inevitably occurs when law undertakes to further collective purposes.

Finally, in a profound study of leadership, Jenkins identifies, describes,

and examines the implications of four successively evolving forms: the dominant male (or female), the paramount chief of a tribal society, the anointed king of a medieval nation, and the elected premier of the modern constitutional state (chap. 11). These forms historically succeed one another in predominance, but by the inviolable principle of conservation in Jenkins's theory of evolution, prior stages must be retained in subsequent ones. An implication is that "the leader of a modern constitutional state must combine in himself the essential qualities and have the status of dominant male, paramount chief, and anointed king, as well as legal official" (p. 172). But is there not reason to rue such a consequence? Are not some features of the past well left behind, and do we not gain by selective forgetting? Of course it would be foolish to rail at a law of conservation that is truly a law. But I believe it can be argued that in history some later features are incommensurable with prior ones and cannot coexist with them but can only come into being by substitution.

Despite its erudition and sophistication, *Social Order and the Limits of Law* welcomes the noninitiate no less than the specialist to its readership and, by its grace, balance, and depth, offers abundant rewards. It is the book I would recommend to overcome either distaste for or disinterest in philosophy of law.

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MORAL SCEPTICISM AND MORAL KNOWLEDGE

As Renford Bambrough indicates with the title of his book, *Moral Scepticism and Moral Knowledge* (Atlantic Highlands, N. J.: Humanities Press, 1979), the issues addressed here concern moral epistemology, and the central question of the book is the place of reason in ethical judgments. Bambrough's principal object of criticism is the skeptic or relativist who doubts or denies the objectivity of moral judgments. Thus, his purpose is to "show that 'the ordinary moral consciousness' is right in regarding itself as a *consciousness*, as an awareness of things that are not dependent for their existence or properties upon the fact of being apprehended." To this end, Bambrough directs his energies essentially to the task of correcting the misconceptions of the nature and role of reason in moral inquiry and judgment.

The phrase "ordinary moral consciousness," however, has special significance in the early part of the book before Bambrough discusses the question of reason directly. In the second chapter he claims that an argument analogous to G.E. Moore's proof of the external world can be constructed with respect to certain moral propositions—in other words, that there is something self-contradictory about accepting Moore's proof and not accepting the objectivity of certain moral propositions.

The argument Bambrough offers is intriguing and proceeds as follows: consider this proposition: "We know that this child, who is about to undergo what would otherwise be painful surgery, should be given an anaesthetic before the operation." Bambrough claims that no proposition that could be put forth to doubt this proposition could be more certainly true than the proposition itself. Thus, one can claim to know in advance that any argument that asserts that one cannot know the proposition in question either has a false premise or has a mistake in reasoning. Thus, this proposition has the same epistemological status as many of Moore's propositions, such as, "People have existed in the past."

Despite the initial appeal of the argument, however, it remains unconvincing in the last analysis. In the first place, maybe no anesthetic is present, and yet surgery is required to avoid death (e.g., we are in the wilderness). One might respond that the proposition is true if supplies are available or that, whether supplies are available or not, the morality of the statement is still somehow meaningful. But the latter view begs the question about whether moral judgments are tied to or independent of available technologies or supplies, and the former alternative indicates that the proposition lacks a consideration that is relevant to its assessment. In either case, the proposition does not command the same sort of immediate assent as, "Here is a hand."

It may furthermore be true that there are two children who need the operation and there is only enough anesthesia for one. Here it would not be obvious that one child deserves the anesthetic more than the other. We could also imagine that the child has an extreme allergic reaction to any anesthetic, such that the reaction would be worse than the surgery. Or, perhaps we are offering this proposition to one who just likes to watch children suffer. I am willing to grant Bambrough that such an insensitive person would not be able to offer an argument for his perversion that would be sufficient to overthrow our concern for the child. Yet, what is interesting is not the inability to make a case for suffering, but rather the fact that this same person would unquestionably assent to Moore's propositions without assenting to Bambrough's.

The general point to be made here is that moral propositions are *not* like Moore's propositions—no matter how apparently obvious they may be. Whatever moral propositions are, they first depend upon the kinds of facts Moore proposes, as well as upon related facts of the same order (e.g., that conscious people feel pain when cut). Moral propositions are not of the same order as Moore's "commonsense" facts, since they presuppose such facts, while the reverse is not the case. I believe we can accept this last point without having to resort to the kind of relativism and skepticism Bambrough successfully attacks elsewhere. But Bambrough is so zealous throughout the book in trying to show that the traditional problems thought peculiar to moral propositions are also problems for factual inquiry that he comes very close to obliterating any means for separating the one from the other—that is, he comes close to leaving us with no criteria for identifying or forming a class of moral propositions.

Nevertheless, the second chapter is not without significant value, for we also find one of the finest (in terms of concise precision of expression) refutations of the most common propositions advanced in favor of moral skepticism or relativism. These skeptical theses and their refutations are too numerous to summarize here. It is sufficient to note that Bambrough's rebuttals are not necessarily dependent upon his proof discussed above, which precedes them.

The central purpose of the third chapter is to refute the claim made by skeptics against moral objectivists that a belief in moral objectivism would entitle one to impose certain moral values on others. In response to this claim, Bambrough first points out that the skeptical objection is self-refuting. To argue that moral objectivism may lead to dogmatism is itself to take a moral stand by asserting the objective impropriety of moral authoritarianism. More important, however, is his argument that the truth or falsity of a moral proposition is in no way connected to the psychological propensity for authoritarianism. The *desire* to impose a value is logically unrelated to its truth value. Finally, Bambrough shows that one's freedom of inquiry is no more constrained by the recognition of a moral truth than is the freedom of scientific inquiry constrained by a sci-

tific truth: the truth being "forced" upon the moral researcher is analogous to the truth "forced" upon the scientific researcher. Here, however, Bambrough is somewhat off the point. The worry is not about whether moral philosophers will be allowed to conduct unhindered inquiries into the nature of morality but about whether the "objective" results of that inquiry will be imposed on others. Bambrough would do well to recognize (in addition to the arguments he does make) an old point often made by political libertarians: it does not follow from the fact that we know what is right that we therefore have the right to impose what we know.

The fourth chapter tries to avoid any misinterpretation that might arise from the previous chapter with respect to feelings. Bambrough's purpose here is to show that feelings are necessarily connected to moral judgments. An analogy is drawn between such propositions as "X is right" and "X is blue" to the effect that in both cases the speaker is in a unique position in the sense that he is giving a first-hand report of his feelings. Such reports are legitimate pieces of evidence for taking the assertion seriously. But Bambrough cautions us to distinguish between kinds of evidence and degrees of evidence. In both of the propositions just mentioned we must respect the first-hand report (the kind of evidence), but we need not conclude that therefore the evidence is sufficiently weighty to be beyond challenge by other kinds of relevant evidence.

Much of Bambrough's project concerns the thesis that logic and fact are an integral part of any moral judgment and cannot be artificially separated from such judgments without destroying the judgment itself. The fifth chapter of the book is a continuation of that project. Bambrough claims that if all matters of fact and logic were settled there might still be a disagreement of feeling, but this would not be a *moral* disagreement. Neither Hume nor any of his disciples has produced an example of a moral dispute in which nothing divides the parties but a matter of feeling. Indeed, Bambrough claims that to produce such an example is not even theoretically possible. Bambrough may be right that no genuine moral dispute is ever just about feelings, but one is led to wonder whether there might be some disputes in which the parties agree on fact and logic but still disagree about what is right. At least as the terms *fact* and *logic* are normally understood, it seems possible that a deontologist and a utilitarian could agree on the facts of a case and what their respective principles imply with respect to evaluating that case and yet still disagree about its moral value. It is not enough to ask that we broaden our meaning of *fact* and *logic* to solve such a case (as Bambrough does). We must recognize that there are some very basic metaphysical differences that separate the parties, especially if Kant is our deontologist. And since how we conceive of "facts" and "logic" is dependent upon our metaphysics, at least to some extent, broadening these terms to cover metaphysical disputes will only render them meaningless. Hume, for example, has a metaphysics which

holds that what is distinguishable is also separable. This leads him to conclude that there must be a single element among many other components to which the term *moral* is applicable. With this view in the background, Hume would simply deny that a dispute about feelings is not about morality (provided it's the right feeling). And because of his doctrine that what is distinguishable is separable, it does not matter if no real example of a dispute about just feelings has been found—one is still theoretically possible.

The question of conflicting moral perspectives is continued in the sixth chapter. Here Bambrough's main purpose is to show how much common ground and shared values exist between any two parties of a moral dispute. Sartre and Hume are attacked for believing that the ultimate foundation of moral judgments (and hence conflict) is an arbitrary assertion of will or feeling. For Bambrough, the nature of moral conflict is a true dialectic that rests, following John Wisdom, upon shared experiences and a shared humanity. And while Bambrough is quite right to argue that a dispute cannot be conducted without enough of a common basis for communication, one is nevertheless left in doubt about whether our "common experiences" are sufficient in themselves to resolve conflict. Perhaps what is needed is some rather uncommon thinking and reflection whereby some experience that is not so readily apparent is shown to be relevant. This last point is just the one John Wisdom makes about the value of metaphysics—its "paradoxes" illuminate the ordinary.

The seventh and eighth chapters are both devoted to a more detailed analysis of the nature of reason in morality. A number of important issues are discussed in the seventh chapter. In the first place, Bambrough shows that logic is itself essentially a normative science: not only is logic guided by standards of validity, but we must also commit ourselves to the *value* of sound reasoning. Once the normative character of logic has been established, Bambrough goes on to argue that there is not as wide a gulf between theoretical and practical reasoning as many philosophers have supposed. That is to say, the norms of logic and argument guiding the one are also applicable to the other. Moreover, we must consider not only the place of reason in ethics but also the place of action and attitude in theoretical reasoning. Bambrough's especially interesting discussion of commitment with respect to both theoretical and practical reasoning leads to an even more rewarding discussion of *akrasia* as it applies to theoretical reason. Theoretical *akrasia* would be the refusal to commit oneself to certain conclusions necessitated by a valid argument. Finally, Bambrough draws some parallels between such questions as, Why should I be moral? and Why should I believe what is true? The skeptical challenge in the first case can be met in ways similar to those used by recent philosophers in the second. In meeting this challenge, however, we must be careful to distinguish the grounds, or reasons, for accepting a position from the accompanying inducements for acceptance. Inducements are especially common in ethical

dialectics, but we should not—as so many contemporary theorists have done—lose sight of the reasons being offered in support of a position just because we are, at the same time, urging others to behave in a certain way.

The eighth chapter is an even deeper look into the nature of reason and its place in ethics. Bambrough attacks the view that the only fundamental way of justifying a conclusion is to derive it from something that is logically prior to it. Peirce, Mill, and Wisdom are cited to the effect that ordinary inferences do not require a universal principle for their validity. Particulars, or cases, are the final arbiter. Bambrough claims that the correct form of reasoning in ethics is also through cases and not a movement from the universal to the particular. For him, the movement is more from particular to particular. Going from the universal to the particular leads to skepticism or dogmatism, for the skeptic says that the starting point begs the question, while the dogmatist resorts to some form of intuitionism to avoid skepticism. The mistake philosophers have made is to think "that the foundations of our knowledge are to be looked for in the sky and not in the soil."

Yet, despite any claims by Bambrough to the contrary, this approach to ethics could ultimately come to ignore the very real role played by principles in making and forming ethical judgments and evaluations. To move from case to case, as Bambrough suggests, is likely to result in a kind of pragmatic intuitionism devoid of a general theory of basic principles. Bambrough does claim that principles will emerge from particulars, but little is said about what these principles will look like and how they might be of the type that would keep us from lapsing into expediency. It seems to me that the choice is not so much a matter of going from universals to particulars or vice versa, but a process of checking the one against the other. Thus, to continue Bambrough's metaphor, we know we are on the soil because we can find the sky, and we recognize the sky because we have had some experience with the soil.

Bambrough makes an excellent point later in the chapter when he argues that, just because debate continues about moral matters, that is no reason to conclude that there are no satisfactory answers. The skeptic seems to demand answers *sub specie aeternitatis*, but this is an impossible criterion to fulfill. We need not conclude that there is no truth just because we cannot examine every case. "You might as well say that I cannot know where the Eiffel Tower is because there are spatial relations between it and other objects in space that I have never considered and shall never consider and have no intention of considering." In this respect, moral knowledge does not differ from any other branch of inquiry.

By the time one gets to the last chapter, one suspects that Bambrough is drawing heavily from an older tradition. This suspicion is confirmed with the following admission, which also sums up the nature of the chapter: "It will be clear how close is the kinship between the argument of this book and the central conceptions of Aristotle's moral philosophy. The connections are close enough to permit a general account of Aristotle's *phronesis* to

serve also as a statement of the main conclusions of this work." The connections Bambrough draws between his own views and those of Aristotle are instructive and help illuminate much of what was said earlier. But he does not draw out the connections Aristotle himself saw between his moral epistemology and his (Aristotle's) more general metaphysical and epistemological theses. Some of the problems I raised earlier could be solved or clarified if Bambrough had been willing to make this move. It is unfair to demand of an author that he cover every related topic in a book, but there is no indication that Bambrough would draw the aforementioned connection if he could. And it is my view that a full appreciation of Aristotle's moral philosophy cannot be forthcoming until one is willing to see Aristotle's ethics in light of his larger system.

Nevertheless, Bambrough, as Moore, Wittgenstein, and Wisdom have done in other areas, offers us a foothold for beginning to take seriously some classical alternatives to the kind of moral skepticism popular since Hume. Moreover, there is much in this book that is helpful but that I did not cover in my comments here. Thus, the work is recommended with the qualification that its fundamental coherency is provided by the Aristotelian tradition that stands behind it.

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SELF-LOVE AND SELF-RESPECT

Richmond Campbell's stated aim in *Self-Love and Self-Respect: A Philosophical Study of Egoism* (Ottawa: Canadian Library of Philosophy, 1979) is to argue that "egoism is ultimately indefensible, in all its forms" (p. 5). His argument proceeds in two stages, the first considering impersonal, or universal, ethical egoism; the second, personal, or, as he calls it, "amoral" egoism. While each version is said to have its own peculiar flaw, they are all claimed to be self-defeating since none can be consistently practiced in such a way as to attain the ends that the theory prescribes.

The author considers two forms of universal ethical egoism: eudaemonic (or hedonic) egoism, which holds happiness to be the only thing of intrinsic worth, and pluralistic egoism, which can either hold that, in addition to happiness, other things are also intrinsically valuable, or make no claim at all about what, if anything, is intrinsically valuable. Eudaemonic egoism is self-defeating, Campbell alleges, because happiness cannot be attained if it is pursued for its own sake; this is the "paradox of happiness," and it is claimed to refute this version of egoism.

The pluralistic form of universal egoism, on the other hand, escapes the paradox of happiness, but falls prey to another difficulty, "the farmer's dilemma." Here a teleological standard of value is applied to a set of imagined conditions pertaining to two farmers, with the outcome that their acting singly and independently will produce a joint result that is worse, in their own eyes, than another result that they could have produced but did not: "their singlemindedness in pursuing their own preferences has prevented them from producing a possible outcome that they both agree is superior" (p. 67). The farmers' actions violate the Principle of Coherent Integration, which Campbell advances as a general requirement of rationality. Pluralistic egoism, conceived as a teleological system, is thus claimed to be irrational.

Amoral egoism, finally, because it makes no general claim about what all ought to do, but rather applies to one and only one individual, does not violate the Principle of Coherent Integration; it is, however, subject to a difficulty of its own. This is that, although amoral egoism requires self-love on the part of the agent, nevertheless, the agent's adoption of amoral egoism as a principle of action makes effective self-love impossible. Amoral egoism is self-defeating, therefore, because the very thing required for its realization is undercut and made impossible by its practice.

Campbell's argument suffers from a number of very serious defects. We begin with his conceptions of universal egoism and their respective refutations. As we have seen, he rejects eudaemonic ethical egoism on the ground that it implies that happiness is the only goal worth pursuing for its own sake, whereas the "paradox of happiness" shows that pursuit of such a goal is self-defeating. Here it must be observed, first, that while

eudaemonic egoism arguably must prescribe agents to seek their own happiness, it need not make the further claim that happiness is intrinsically valuable, nor that it is the *only* thing that is intrinsically valuable, nor that it ought to be pursued as if it were. Thus, whatever may be the merits of Campbell's treatment of happiness when pursued as the sole intrinsic value, none of it will have any relevance to a eudaemonic egoism that lacks that additional condition. Campbell's failure to take account of this is important, not merely because other possible, indeed plausible, forms of eudaemonic egoism escape his notice, but because the type of egoism that he singles out for criticism is not represented in any of the recent literature on the subject.¹ Here he is flogging dead horses.

Second, his treatment of the paradox of happiness is inconclusive. Paradoxes of hedonism are familiar figures in philosophy, going back at least to Butler,² and have equally familiar resolutions. Sidgwick's may be taken as representative:

though it [the Fundamental Paradox of Egoistic Hedonism] presents itself as a paradox, there does not seem to be any difficulty in its practical realization, when once the danger indicated is clearly seen. For it is an experience only too common among men, in whatever pursuit they may be engaged, that they let the original object and goal of their efforts pass out of view, and come to regard the means to this end as ends in themselves....there seems to be no reason why it should be difficult to do [this] to the extent that Rational Egoism prescribes: and, in fact, it seems to be continually done by ordinary persons in the case of amusements and pastimes of all kinds.³

Now, while Campbell brings forward just such a possible resolution as an objection to his own treatment of the paradox, he gives no sufficient answer to it. He says: "I can see no tidy way to formulate the difficulty which I think is inherent in this suggestion" (p. 49), and: "To spell out the nature of this difficulty in full...would take us far beyond the scope of the present chapter" (p. 50). But, in view of the importance which Campbell attaches to this paradox, his failure adequately to reply to a possible resolution of it must be seen as a significant lacuna in his argument.

We proceed to pluralistic egoism, the view that "a person ought, from a moral standpoint, always to do whatever will *benefit* him the most" (p. 63, emphasis in original). Because it does not claim anything to be intrinsically valuable, it eludes the paradox of happiness only to encounter the farmer's dilemma. Here we are asked to imagine two farmers each having to choose separately and independently of the other whether to plant wheat or flowers. A number of conditions are added, including (a) that while both of them love flowers, they appreciate them only from a distance, so that neither can enjoy his own flowers, and (b) that each farmer is willing to plant flowers and thus starve himself just so that the other can appreciate those flowers from a distance. So solicitous are they of each other that each

plants flowers for the other's sake, with the result that they both starve, this notwithstanding that each prefers that they both eat (which they could do had they both planted wheat) than that, as now, they both go hungry. This result is supposed to "show that teleology is not rational" (p. 69).

Now the first question that comes to mind with respect to this is, of course: Why may not the parties choose, from the beginning, the "possible outcome that they both agree is superior"? Campbell's answer is that such a choice is prevented by his requirement that "*the only values that are to form the basis of an agent's decision are the values of the outcomes of the actions open to him*" (p. 66, emphasis in original). This stipulation prevents the parties from mutually agreeing to plant wheat (perhaps enforcing their agreement by depositing "earnest money" with a third party) because then they would be making their decisions not by reference to what they could each individually do, which is what the italicized stipulation requires, but by reference to the outcome which they could achieve jointly. But if it is this stipulation that prevents the parties from taking precisely that course of action that would produce "a possible outcome that they both agree is superior," then their failure to do so can hardly be charged to teleology. Further, the stipulation, which Campbell insists is a part of the act-teleology that he imposes on the farmers, is surely not a part of rule-teleological systems (for example, Hospers's "rule-egoism"), which easily escape the dilemma.⁴ Further still, Campbell seems unaware that, in addition to the teleological version he criticizes, universal egoism can be, and has been, formulated (i) deontologically,⁵ (ii) as a "mixed teleological-deontological" doctrine,⁶ and (iii) in a way that is ambiguous between the two.⁷ His failure to consider these, as well as other more promising alternatives than those he finds difficulty with, is fatal to his project of overturning egoism "in all its forms."

One might wonder in any case what the relevance of the farmer's dilemma is to egoism *per se*, since, as Campbell points out, the farmers "cannot be called egoists in any ordinary sense of the word" (p. 75); to the contrary, "it is hard to imagine more altruistic individuals. Each is prepared to go hungry in order to provide aesthetic enjoyment for the other" (p. 92). In point of fact, therefore, the most that Campbell could claim to show is that egoism, along with any other system embodying act-teleologism plus the restrictive stipulation he attaches, is subject to a farmer's dilemma. But far from showing that there is anything inherently wrong with egoism, this shows only that there is a limitation, or at least a certain consequence, of such an act-teleological doctrine.

Campbell claims that what is bad about the farmer's dilemma is that it violates what he asserts is a general requirement of rationality, the Principle of Coherent Integration. This principle, which requires a sort of harmony among different individuals, obviously "calls for justification."⁸ Campbell attempts to provide it by deriving the principle from two more basic principles, those of Practical Reason and Moral Consistency. However, each of

these must in its turn be justified. The proposed justification of the Principle of Moral Consistency (MC) is characterized as follows: "My strategy will be to answer three possible objections; when these objections are cleared away, the plausibility of MC should be evident" (p. 76). It scarcely needs to be pointed out, however, that such a procedure does not amount to a justification. Quite aside from whether there may be other and more serious objections than those that he undertakes to answer, any rationally warranted principle must have positive evidence of some kind behind it. Campbell provides none. Thus, not only does Campbell not show the Principle of Coherent Integration to be a general requirement of rationality; he fails to establish that it is true.

The author's discussion of individual, or amoral, egoism takes up almost two-thirds of his book. Given that individual egoism has no presentday supporters, this emphasis is a matter for some surprise.⁹ Surprising also is his argument here, for the entire discussion is of types of love, their nature and conditions. The general thesis is that amoral egoism is self-defeating because, although self-love is logically a part of amoral egoism, effective self-love is nevertheless impossible to the egoist because it requires his acknowledgement that the satisfaction of others' interests is as worthy as his own, which is an admission that the egoist cannot make. In the author's words: "Because the egoist must regard his own true desires as more worthy of gratification than those of any other person, he is therefore incapable of desiring what he must desire as an egoist: he cannot, in any fundamental way, desire to benefit himself *for his own sake*" (p. 300, emphasis in original).

This is open to several objections, of which we shall mention three. First, amoral egoism does not in fact require self-love on the part of the agent. A policy of acting in one's interests requires a motive, surely, but there are more motives to action than love. Self-interested conduct does not, in particular, presuppose or require the Pickwickian type of self-love that Campbell elaborates at great length, following theories of Erich Fromm. Second, although it is required by his argument (e.g., at pp. 275-76, 299, 300), the amoral egoist need not have any view about the relative worth of others' satisfactions as against his own. He may, of course, *prefer* that his own interests be satisfied, at least if the occasion arises in which his interests conflict with those of others. But such a preference need not be based upon, nor need it give rise to, any view of the relative *worth* of their satisfactions as opposed to his own. Third, there is the logical blunder that underlies Campbell's claim that the amoral egoist has self-love. He defines a self-loving person as one who "*regards his self-identifying desires* [read: true desires] *as worthy of gratification just because they are his true desires*" (p. 236, emphasis in original). The amoral egoist is then said to have self-love on the ground that he so regards his desires: "It is clear that, as an Amoral Egoist, E [the Egoist] has unconditional self-love, in the sense explained at the end of the last chapter. For E does regard his real desires as being wor-

thy of gratification just because they are his" (p. 274). The argument is fallacious: a self-lover may do x, but it does not follow that one who does x is a self-lover (fish swim, but some swimmers are not fish). Suffice it to say that Campbell's treatment of amoral egoism is significantly marred by confusion, questionable claims, and *non sequitur*.

It is needless, I think, to pursue additional defects of Campbell's book, for we have adequate reason already to judge it to be confused, poorly argued, incomplete in its treatment of its subject, and neglectful of relevant important scholarship.¹⁰ Far from showing that egoism is indefensible in all its forms, the author does not make a convincing case against any one of them.

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1. Two recent survey articles of egoism make no mention of the type of egoism Campbell criticizes. See Tibor R. Machan, "Recent Work in Ethical Egoism," *American Philosophical Quarterly* 16 (1979); and Edward Regis, Jr., "What Is Ethical Egoism?" *Ethics* 91 (1980).

2. Joseph Butler, *Fifteen Sermons Preached at the Rolls Chapel*, Sermon XI: "Upon the Love of Our Neighbor."

3. Henry Sidgwick, *The Methods of Ethics*, 7th ed. (Chicago, 1907), pp. 136-37; cf. *Autobiography of John Stuart Mill*, chap. 5: "I never indeed wavered in the conviction that happiness is the test of all rules of conduct, and the end of life. But I now thought that this end was only to be attained by not making it the direct end. Those only are happy (I thought) who have their minds fixed on some object other than their own happiness; on the happiness of others, on the improvement of mankind, even on some art or pursuit, followed not as a means, but as itself an ideal end."

4. John Hospers, "Rule-Egoism," *Personalist* 54 (1973).

5. Ramon M. Lemos, "Egoism and Non-Egoism in Ethics," *Southern Journal of Philosophy* 9 (1971).

6. Eric Mack, "Egoism and Rights," *Personalist* 54 (1973).

7. C. D. Broad, "Certain Features in Moore's Ethical Doctrines," in *The Philosophy of G. E. Moore*, ed. Paul Schilpp (Chicago, 1942), pp. 44-45.

8. P. 73; "The formal Principle of Coherent Integration demands, in effect, that we integrate our aims with those of others, even when such integration requires us to compromise in our efforts to achieve our own goals for ourselves or humanity" (p. 104).

9. J. A. Brunton, who seemed to endorse individual egoism in 1956 ("Egoism and Morality," *Philosophical Quarterly* 6 (1956), gave it in 1975 "an indecent burial" ("The Devil Is Not a Fool, or Egoism Re-visited," *American Philosophical Quarterly* 12 (1975).

10. In addition to the works already mentioned, we note particularly Jesse Kalin, "Two Kinds of Moral Reasoning: Ethical Egoism as a Moral Theory," *Canadian Journal of Philosophy* 5 (1975), which is relevant to Campbell's argument at several points, and Kalin's "Lies, Secrets, and Love: The Inadequacy of Contemporary Moral Philosophy," *Journal of Value Inquiry* 10 (1976), which has particular bearing on Campbell's treatment of love.

THE SELF AND ITS BRAIN

Though it has had an immense influence outside of philosophy, the thought of Karl Popper continues to be neglected and misunderstood by most professional philosophers. Nor do we need to look far for an explanation of the fact that Popper's philosophy has received more serious attention from social theorists, working scientists, historians of art, and practicing politicians, for example, than from the main body of academic philosophers. Popper's conception of the proper approach to philosophy has put him in permanent opposition to the dominant schools of our age, whose view of the subject he has ceaselessly criticized.

Popper has always denied that there is an esoteric method peculiarly appropriate to philosophy, and he has always insisted that philosophical problems grow naturally from difficulties in other areas of inquiry. Against both logical positivism and linguistic philosophy, whose major exponents he knew personally when the seeds of these movements were sown in the Vienna Circle during the interwar years, Popper claims that the problems of philosophy are to do with the world and our knowledge of the world. They are not pseudoproblems, to be dissolved by some method of linguistic or conceptual analysis that shows them to be devoid of significance, but genuine questions to which a diversity of meaningful answers may be proposed. Philosophy is, in fact, simply a critical investigation, at a high level of abstraction, of our commonsense beliefs.

In the theory of knowledge, Popper's distinctive contribution is his suggestion that what distinguishes science from myth, metaphysics, and pseudoscience is the falsifiability of its claims about the world. In sharp contrast to popular conceptions of science derived from the works of Bacon and Descartes, Popper asserts that science has no foundation of certainty either in observation or in the order of our ideas and that no formula can be found that guarantees scientific discovery or the growth of knowledge. According to Popper, science is a creatively conjectural enterprise, in which bold hypotheses (themselves often stumbled upon unawares, or grasped in a flash of intuitive insight) are propagated and then subjected to severe testing by attempted refutation. Similarly, in philosophy we consider questions suggested by our circumstances as reflective creatures who find themselves in a largely unknowable world, and the appropriate procedure is to adopt a critical approach in which rival views are scrutinized as to their adequacy to the demands of the current problem situation.

In *The Self and Its Brain: An Argument for Interactionism* (Berlin, Heidelberg, New York: Springer-Verlag, 1977, 597 pages), Popper has collaborated with his friend, the Nobel Prize-winning neurophysiologist Sir John Eccles, to produce a book of the first importance in which this ap-

proach to philosophy is well exemplified. In it the ancient problem of the relation of body to mind is treated, not as a result of a linguistic or conceptual confusion, but as a real difficulty in our thought about ourselves. The rival accounts of this relation—the various sorts of materialism and of dualism, for example—are all canvassed as more or less satisfactory responses to this difficulty. At one level, the book may be seen as a sustained polemic against reductionism. According to Popper and Eccles, the conception of man as "nothing but" a physico-chemical mechanism is at once scientifically unsupported, philosophically inadequate, and morally pernicious. Their aim is to reinstate "the ghost in the machine," that troublesome wraith of Cartesian philosophy, which it has been the passionate concern of several generations of materialists to exorcise. At another level, the book may be seen as an application to the mind-body problem of Popper's theory of a three-tiered world, comprising not only material objects and states of mind (which he calls "World 1" and "World 2," respectively) but also a domain of intelligibles, virtual objects or abstract entities (which he calls "World 3").

The book—which is a handsomely produced and remarkably inexpensive volume—has three parts. In the first part, written by Popper, a philosophical refutation of materialism is attempted in an argument of unparalleled erudition and clarity. In the second part, Eccles gives an absorbing account of the neurophysiology of consciousness, proposing the hypothesis that the mind is an independent entity active in causal interactions with the "liaison areas" of the dominant cerebral hemisphere. The third section is based on twelve conversations between the two men, recorded in late September of 1974 at the Villa Serbelloni on Lago di Como, and brings out clearly some important differences in view between them.

Popper's contribution contains many very good things. He contends that nothing can show *a priori* the superiority of the materialist position, and, in a fascinating section on the self-transcendence of materialism in modern science, he shows how at least some versions of materialism belong to a phase of scientific thought now long obsolete. He adduces some important and, in my view, wholly conclusive arguments against the doctrines of parallelism and epiphenomenalism, which deny to mind the causal potency it is thought to possess in ordinary thought and language. He gives us a marvelously fresh account of the history of the mind-body problem, rightly giving special attention to the theories of Descartes, Leibniz, and Spinoza. His contribution also contains what is in many respects the most provocative and constructive section of the book, a chapter on the self in which an evolutionary approach to the phenomenon of selfhood is espoused.

Undoubtedly the most controversial part of Popper's argument against materialism, however, is that which appeals to his theory of a Third World of abstract entities. Popper shares with Plato, the logician Frege, and the influential contemporary American philosopher W. V. Quine, the belief

that a domain of objective structures must be postulated that is independent of the realms of matter and mind and that can interact causally with them. His "World 3" differs in several important respects from Plato's realm of essences, from Frege's third realm of thoughts, and from the domain of classes, or sets, postulated by Quine (who, interestingly, combines the commitment to abstract entities with a rejection of mentalism), but it has in common with these accounts the fundamental commitment to a pluralist view of the world. If I am not mistaken, it is his appeal to the reality of the Third World, which Popper invokes partly in order to account for certain features of evolution by natural selection, that constitutes his crucial argument against the most powerful contemporary variant of materialism, the so-called identity theory. This very influential view proposes the theoretical identity of mental and physical events: as a matter of fact, rather than of logic, the mind is claimed to be identical with the nervous system (or certain aspects thereof). While the identity theory has the advantage over other doctrines of allowing for the causal potency of the mind, argues Popper, it involves a view of the world that neglects the emergence in it of life, mind, and abstract objects. Thus Popper reveals that his argument against this most attractive form of contemporary materialism *presupposes* the truth of the "Three Worlds" doctrine. If we can avoid postulating World Three, there is every reason to suppose we can do without World Two, as well.

Some of the weaknesses of Popper's argument for World Three have been identified by Paul Feyerabend in his masterly review of Popper's *Objective Knowledge* (*Inquiry* 17 [1974]: 475-507). Feyerabend notes correctly that none of Popper's arguments for the autonomy of abstract objects establishes their irreducibility in terms of mental or physical states and processes. Pointing out, as Popper does, that such things as numbers, arguments, and theories exert a causal influence in the mental and physical realms cannot by itself show that such things do not themselves belong to those realms: to show a causal connection is not to mark an ontological distinction. Too often, as Feyerabend remarks, Popper proceeds by excluding certain things from the physical and mental realms and then triumphantly discovers them in World Three. He even elevates this game of hide-and-seek into a methodological principle, stipulating (bizarrely) that we are to resort to Occam's razor only *after* we have decided which entities are irreducible. Where Popper abjures this procedure, his arguments often take him on unfortunate excursions into the philosophy of mathematics.

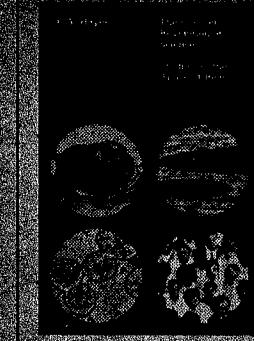
The present reviewer is even more reluctant than Feyerabend to follow Popper into what has become a forbiddingly technical area of inquiry. Three points may be worth making, however. First, it is far from clear that the advantages of Platonism in mathematics can be purchased by Popper unless he forgoes the Hegelian satisfaction of allowing error and progress into the Third World. Secondly, Wittgenstein's far more adequate and fruitful work in the philosophy of mathematics may remind us of a point

that Popper has neglected and that is of fundamental importance for all areas of philosophy: there is an indispensable place for the notion of the independently real even in a philosophy that adopts a radically constructivist or conventionalist view of mathematical knowledge. One may allow that mathematical theorems and calculations, like moral judgments, may be publicly testable and defeasible without allowing that (in mathematics or in morals) there is knowledge of any realm outside of human practices and conventions. And since acknowledgement of the public character of mathematical notions involves no ontological commitment, it is compatible with a physicalist ontology. Thirdly, and finally, Popper's philosophy contains no resources to resist physicalism, since his only arguments for World Two are arguments that invoke World Three. If, as I have argued, Popper's postulated World Three is unnecessary, he has no reason to move beyond the First World of physical objects and laws.

It is their common commitment to a pluralist theory of what the world contains that motivates Popper and Eccles in their argument for interactionism. Their views diverge in other areas, with Eccles displaying a strong concern to preserve the theoretical possibility of the survival of human personality beyond bodily death, to which Popper is comparatively indifferent and which is in any case uncongenial to his evolutionary mode of thought about man's place in the universe. Popper and Eccles both believe that the currency of a mechanistic view of man has contributed to the modern disrespect for human life and dignity—a belief that may be contested by those who, like the present reviewer, see no logical or empirical connection between materialist positions in the philosophy of mind and contemporary inhumanity. Their most important shared commitment, however, is to a conception of the task of philosophers as self-critical conjectural thought about man's relation to the world—a view that sets them apart from the mainstream of current philosophical opinion. It is because this book exemplifies the virtues of such a conception of philosophy that all philosophers should read it—even though few will find its argument finally persuasive.

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The image shows the front cover of the book 'The Counter-Reformation of Science' by F.A. Hayek. The cover is dark with white text. At the top, it says 'THE COUNTER-REFORMATION OF SCIENCE'. Below that is a thin horizontal line, followed by 'Studies on the Abuse of Reason'. At the bottom, it says 'By F. A. HAYEK'. There are four small circular images on the cover: two on the left showing geometric shapes and two on the right showing organic or cellular structures.

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