Toward Moral Science

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1. Introduction

A text's success is a function of conversations it starts, not conversations it stops. So, I thank this symposium's commentators. Notably, they all treat *Living Together*[1]—as Billy Christmas says (p. 88)[2]—as "a work in progress." When they offer corrections, they are not correcting or winning so much as brainstorming about what comes next. Some (notably, Peter Boettke) treat the occasion as an opportunity to take stock, reflecting not only on pages written but on lives lived. In important ways, they are assimilating what they have read and taking it in stride. No author could hope for more. In these respects, this is the best set of commentaries that I have seen or heard of.

2. Overture

What would make the work of academic philosophers important? On the one hand, our compartmentalized academic siloes, emerging in the nineteenth century, illustrate both specialization's benefit and over-specialization's cost. It is like specializing in making shoes for the left foot, then subjecting our work to peer review by expert left-foot cobblers whose agendas are unlike those of any other reader. They select for rather than against over-specialization. Navigating the shoals of this process is partly a task of remembering that we once aspired to ask questions that (answerable or not) could give a generation something to think about.

For much of the twentieth century, academic moral philosophy was a quest (at least among expert reviewers) for a decision procedure—a formula for picking the right act in all conceivable

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[1] David Schmidtz, *Living Together: Inventing Moral Science* (New York: Oxford University Press, 2023).

[2] All citations to the symposium essays will be via parenthetical in-text page references.

situations. One simple proposal was utilitarianism, which says that the right act is whatever promises the best available cost-benefit trade-off. Utilitarianism starts from a highly plausible intuition that we should do the best we can. What departs from common sense is not that but rather the very idea that morality is about following a decision procedure. Once reconstructed as a decision procedure, utilitarianism was bound to be read as an attempt to specify necessary and sufficient conditions rather than as a nugget of common-sense wisdom. Peter Singer simply took the decision procedure to its logical conclusion when he said that if we have a dollar in our pocket, and if anyone in the world has a better use for that dollar than we do, then being moral requires sending that dollar to that person.[3] Your history—how much you have already given—is irrelevant. How much are you obliged to give? Utilitarianism's answer, as simple as it is chilling, is: *more*.

As Boettke notes (p. 43), my effort to craft a more habitable moral theory led to *Rational Choice and Moral Agency*.[4] To me, the heart of the human condition is an observable fact: agents who make up communities choose their destinations individually. Jennifer Baker interprets me as committed to individualism (p. 62). Similarly, Mark Pennington reads *Living Together*'s focus on incentive compatibility as implicitly making the "separateness of persons" its point of departure. Pennington and perhaps Harrison Frye may see humans as political animals, which would invite a focus on how separate persons build *relationships* as contrasted with Baker's compatible yet contrasting focus on a more *intra*-personal issue of how separate persons build *selves*.

Pennington holds that taking seriously the separateness of persons would move theorizing in directions of a "strategic consequentialism" and a "strategic deontology" (p. 78). He sees these twin perspectives underlying my treatment of justice as traffic management. In passing, some background. Strategic deontology reconstructs deontological morality as choosing maxims universalizable for a kingdom of *players*: we ask not what behavior we

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[3] Peter Singer, "Famine, Affluence, and Morality," *Philosophy & Public Affairs* 1, no. 3 (1972): pp. 229–43.

[4] David Schmidtz, *Rational Choice and Moral Agency* (Princeton, NJ: Princeton University Press, 1995). Boettke has long been doing as much as anyone to show that "Ethics, Politics, and Economics" is not really an "interdisciplinary" field. It is instead the field that treats the human condition as a whole question rather than as artificially siloed half-questions that, isolated from the context that makes them real questions, are unanswerable.

could universalize but what strategy we could universalize. Notably, cooperation is universalizable as a *behavior* but if *players* respond to our unconditional cooperation by accepting the invitation to free-ride, that is a problem. Although behavior that encourages free-riding is not universalizable after all, standard deontology cannot see that, because when it asks what behavior can be universalized, it is asking the wrong question. It assumes away the fact that we live among players. We should instead be choosing a strategy, and the universalizable *strategy* for engaging other players is reciprocity. Strategic consequentialism reconstructs consequentialism as asking not how to optimize our partner's payoff (which we would do by cooperating unconditionally), but how to optimize our partner's strategy (which we do by teaching our partner that it pays to reciprocate).

Given that background, I think I understand why Pennington would see these twin perspectives underlying my treatment of justice as traffic management. I ask what has a history of working, not what would work if only it were universal law or if only everyone complied. I depart from these faux-idealisms somewhat as I imagine strategic consequentialism and strategic deontology would. I ask: (1) What encourages people to see themselves as having an open road to where they want to go? (2) What has a history of encouraging people to choose destinations that involve being of service? But I did not mean to align my theory either with strategic consequentialism or strategic deontology. I meant only to note that both consequentialism and deontology would be more true to their spirit if they were to reinvent themselves by facing up to strategic challenges that constitute the actual human condition.

On my view, there is no perspective from which disregarding individual interest is affordable. If you care about the common good, then your main tool for doing something about it is to learn how to narrow the gap between individual interest and the common good. Incentive compatibility is a legitimate ideal and a hard-won achievement, even if achievable only to a degree. Adding excellent detail to Baker's individualist interpretation, Christmas interprets me as saying: "Any institutional arrangement involves some scope for individual freedom of choice and thereby some variables beyond our control. Whatever we might want to *promote*, there is always some-thing we must, of necessity, *respect*" (p. 92).

Moral agents are like drivers. We choose destinations individually. Yet, being ethical requires more than merely having a goal. It requires a skill set. Like good drivers, good neighbors learn to

stay in their lanes. They learn to avoid collisions. They learn to drive defensively. They embrace common courtesy to other drivers. Above all, they learn to see other drivers as fellow travelers with destinations of their own.

Baker says that I treat theorizing "as something other than winning an argument." (p 70). She further observes that I treat theorizing about justice as something other than theorizing about what people are for. Instead, I see justice as traffic management: that is, as what could help everyone to navigate their lives as social animals despite their having different destinations.

We can observe that people stop at red lights and proceed when their light turns green. People line up for service on a first-come, first-served basis. Often, people hear a prospective partner saying no and treat that as ending the negotiation. As we observe these norms, we can ask and sometimes even test how an observably manifest norm is working and ask ourselves whether we approve of it working that way.

Do we need to *theorize* about what we approve of?

Simplifying is part of the job of a map.[5] Knowing this, I wanted to avoid over-simplifying and I wanted to avoid fooling myself into thinking that there is one uniquely rational way to think about it. I wanted a map that could help us to locate ourselves and illuminate the challenge of starting from where we actually start, namely, with a task of living a life, morally endowed with a will to do the best we can, but facing a reality that "the best we can" is not a single thing but instead a complex constellation of things worth doing. Our pursuits unfold *within the limits* of a complex constellation of constraints, some self-imposed. We can ask ourselves why we constrain ourselves in a particular way, say, with monthly budgets. Analogously, if our community makes it illegal to kill one to save five, we can ask why. Why would our community take that option out of the hands of individual members?

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[5] To be useful, a map has to simplify, even to a point of representing three-dimensional objects as two-dimensional objects, which makes distortion unavoidable. When mapping morality, I saw an analogous trade-off. We needed to outgrow the idea that morality is a jingle—a snappy slogan, in the same way chemists needed to get at arguing about whether everything is water. Andrew J. Cohen says (p. 114 n. 10) we ought to accept my claims that "[n]o map represents the only reasonable way of seeing the terrain" and "[k]nowing where maps clash" is helpful. See Schmidtz, *Living Together*, pp. 31–32.

When I see my work through the lens proposed by Baker in particular, it seems fair to say I treat individualism as a descriptive premise and as a normative conclusion. Individualism is a descriptive premise insofar as individuals observably make decisions. Individualism is a normative conclusion insofar as it bears on what we need to do in order to thrive as the social animals we are. The connection Pennington makes is therefore striking, and Boettke sees it, too. Effective traffic management—literally and metaphorically, including commercial traffic—requires decision-makers to understand that they live among other decision-makers. As Frye observes, if we were to try to design a traffic system on an assumption that we must agree on destinations, we would not get anywhere worth going. As a matter of observation, effective traffic management enables drivers to know what to expect from each other. A driver does not need to care where others are going (and that is a good thing). Neither does a traffic manager, but a traffic manager succeeds when everyone understands what others are expecting and what others will recognize as staying in their lane, and when everyone sees staying in their lane (as mutually understood) as a tolerably good way to get where they want to go. To Frye, not needing to agree on destinations is the key.

Justice is not merely peace. Beyond that, justice is about keeping the peace without presuming a license to subjugate. It is about finding ways to respect the fact that it is in our neighbor's veins to choose for themselves and that our only truly peaceful option is to treat choosing as their right and their responsibility. Ideally, we aim not to keep the lid on an inherently explosive pressure cooker, but rather to reconcile people to seeing their lane as an open road such that staying within their lane is a self-affirming option—a way of making progress.

When I wrote *Rational Choice and Moral Agency*, I had not yet encountered Adam Smith, but (perhaps by osmosis) I was getting a glimmer of what I would find in Smith's *Theory of Moral Sentiments*.[6] I do not know when Baker and Neera Badhwar discovered Smith's moral psychology, but while their work trends in that direction, Baker and Badhwar are also at the forefront of extending Aristotelian virtue theory, so I am pleased that they would recognize my theory's personal strand as consonant with Aristotelian elements of theirs.

Jean Hampton (at a departmental seminar in 1993) nicely introduced my work to her colleagues by saying that rational choice theory has so far studied what we can get, but I study what we can be.

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[6] Adam Smith, *The Theory of Moral Sentiments*, ed. D. D. Raphael and A. L. Macfie (1759; repr., Indianapolis, IN: Liberty Fund, 1982).

Consistent with that, Baker treats (and sees me as treating) the self as a hard-won achievement, not a theoretical given.

Durably high-minded Aristotelian self-interest presupposes an overriding aim of making sure that the self we cultivate is worthy of our interest. Intriguingly, Baker sees the process of our becoming *selves* as a series of error-prone fits and starts and failed experiments that may—but probably won't—culminate in our becoming the self we dream of being. In my words, a life is like writing a novel. We decide whether to be that novel's hero, but following through is an achievement. It takes work, practice, and enough humility to learn from mistakes.

Responding to my remark about our heroic self having nothing to hide, Badhwar wisely chides, "Only a perfect being has nothing to hide, but I doubt there is any such being. Not only with others, but even with ourselves, we lack complete transparency" (p. 55). Badhwar has a point, and I did not intend to set the bar unrealistically high. So, consider that life is lived one day at a time. A life is a series of episodes. While episodes have outcomes, the fact remains that in real life, the day after we graduate, retire, or get married, we wake up and get on with the rest of our lives. On a normal day, we wake up to a life that is a process, not an outcome to settle once and for all. I have never met anyone whose whole life observably was aimed at an ultimate target. For most of us, at least, the truth is that we have plans, but life pretty much comes down to living one day at a time. We walk fine lines between diplomacy, tact, honesty, other people's privacy, too much information, dignity, letting your guard down, laughing at life's absurdity, and so on, but still, having nothing to hide is a *daily* challenge. Know this: today, you can afford to be true to yourself. Of course, you want some privacy and do not want everything you do to be televised. But there will not be moments that you want to lie about. Tomorrow will give you the grandest gift imaginable: another chance to take your best shot. If you wake up realizing that you said the wrong thing yesterday, apologize. Be as humble as heroes sometimes need to be, then get on with your day.[7] There are better and worse ways of turning out to be only human and there is no such thing as handling that challenge once and for all.

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[7] Badhwar offers a nice salute to my reflections on reasons all the way down, going back to David Schmidtz, "Rationality Within Reason," *Journal of Philosophy* 89, no. 9 (1992): pp. 445–66. A key conclusion is that reasonable beings stop searching for reasons when there is insufficient reason to bear the cost of further search.

This bears on theorizing about justice. To see justice being done is to see it done in the context of a particular episode. Scales balance or fail to balance within an episode. We *see* that the runner with the fastest time deserves the gold medal, but we can see that only because we know that we need not know everything. Instead, tracking a runner finishing first settles who gets the gold—albeit defeasibly. A question can arise about whether the fastest runner broke a rule by taking a performance-enhancing drug. But the bare fact that we could tell a story about how a runner came to have features that culminated in a winning run is not enough to defeat a desert-claim. The medal is for winning, not for winning in a historical vacuum. In any case, life is full of episodes of needing to sort out what different people have done and can still do, here and now, to be deserving. We observably have the tools to do that, although of course there are many theories that cannot explain how.[8]

Consider functionally critical limits on what a judge needs to know about a case's history. In *Armory v. Delamirie* (1722), a chimney sweep asks a jeweler to appraise a found ring.[9] The jeweler decides to keep it for himself. Chimney files suit. Jeweler argues in court that Chimney was not the ring's rightful owner. The judge sets Jeweler's argument aside, because primordial rightful ownership is not the question before the court. The question is whether there was a wrongful transfer from Chimney to Jeweler. If so, Jeweler needs to give back what he wrongfully took. In this case, a judge understood that his court's specialized role in serving justice was to resolve a conflict that had brought those litigants before his bench. The judge would have been wrong to see himself as having a mandate to impose his moral vision by, say, requiring litigants to contribute to famine relief. Strikingly, then, even *courts* need to stay in their lanes. A court's job is to resolve conflicts in such a way that litigants can see that the matter got settled, without prejudice, and they can live with the

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[8] The Big Bang theory of desert says that so long as there is a causal factor such as nature or nurture for which an agent is not responsible, the agent cannot be deserving. This is a theory trying too hard to be a proof. It is a matter of observation, not proof, that we sometimes sort out what someone has done at the margin to deserve an award. We sometimes sort out what people have it in their veins to do going forward, too, which is part of what we are doing when deciding whether someone deserves a chance. See my "How to Deserve," in David Schmidtz, *Person, Polis, Planet* (New York: Oxford University Press, 2008), pp. 93–116.

[9] *Armory v. Delamirie*, 1 Strange 505, 93 Eng. Rep. 664 (1722).

verdict going forward, dignity intact. If Jeweler loses today, it will not be because Jeweler is a second-class citizen.

3. What Is Moral Science?

As Christmas notes, *Living Together* starts with philosophy of science and an observation that science is a study of contingency. Badhwar likewise sees me as arguing that good moral and political theories must consider lessons from the social sciences, hence the subtitle: *Inventing Moral Science.* But just to stress: I see social science not merely as something to consider but as a place to *start*. I treat observation as what occasions theorizing. Observation is what raises questions worth answering in the first place.[10]

Living Together hardly mentions Charles Darwin, but if I had thought of it, I would have observed that neoclassical economics is a child of Darwinian times. Europe in the late 1800s was an ecological niche primed to select for anything couched in the vocabulary of survival of the fittest. At that moment, Alfred Marshall gave us a meme that was bound to go viral: a picture of profit-maximizing firms, red in tooth and claw, driving inferior competitors to extinction. Marshall was familiar with Darwin and Herbert Spencer and fond of biological examples. He was a humanist, too, yet Marshall's two-dimensional logic of supply and demand curves, crossing in price-quantity space, seemed (elegantly) to say everything worth knowing. Thus, as the 1800s ended, philosophy was not the only field losing its tether to what I call moral science. Anything called science commands reverence to this day. Yet as the twentieth century dawned, observation was becoming peripheral: a source not of our questions so much as our illustrations. Fundamental discovery was a trail blazed by explorers of the blackboard.

I do not know how well David Hume (in his late twenties

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[10] Smith spent his last decades continuously co-editing and co-revising the two main volumes of his life's work as complementary aspects of a single statement. A new essay depicts Frances Hutcheson as inspiring his favorite students, Smith and David Hume, to "develop a science that could detect patterns and regularities in society and produce useful knowledge on which governments and legislators could draw to improve the order and the welfare of the nation" (p. 63). Torbjørn L. Knutsen, "The Scottish Enlightenment: Francis Hutcheson, David Hume, and Adam Smith," in *Key Thinkers of the English, Scottish, and American Enlightenments*, ed. Sabrina Ramet and Torbjørn Knutsen (Cham, Switzerland: Palgrave, 2024), pp. 61–82. The whole volume is interesting.

when his *A Treatise of Human Nature* was published) understood his own skepticism, but when he observed that we could not deduce an ought from an is, he was not being skeptical about *ought* but about deduction. When he said we cannot deduce causation from observed correlation, he was not being skeptical about causation but was instead seeing limits of deductive methods of reasoning. He was imagining experimental alternatives.

Anyone who observes an infant daughter touching a glowing stove knows she ought to move her hand. The inference is invalid, but what that suggests is that validity is over-rated. Smith, for his part, did not *prove* that tariffs are unjust. Rather, he did what Frederic Bastiat would do in the nineteenth century. He reported evidence that tariffs were hurting people.

Christmas notes that I do not define moral science (p. 87). Perhaps that is to be expected from a book aiming to be moral science rather than philosophical analysis. I will accept Christmas's invitation, after a fashion, but let me observe in passing that defining has a history. Plato's protagonist Socrates ridiculed his foils for trying to clarify their meaning by offering mere examples. Socrates wanted definitions. We infer that Socrates was a genius from his flair for humiliating interlocutors' attempts. Still, clarity remains a noble cause, even if the defining game no longer serves the end, so let me try to clarify how I use the phrase.

A. *Don't Prove; Observe*

The phrase "moral science" has been used in various ways, but I was reflecting on what made the work of Smith and Hume unlike the analytic methods I was taught. Hume's subtitle references "an attempt to introduce experimental methods of reasoning into moral subjects."[11] Hume had a sense of reasoning processes launched by observation rather than by indubitable axioms. He could see that gathering evidence is not like proving.

Smith, running with Hume's embryonic scientific method, did not perform controlled experiments, but he did study observables such as tariffs. Smith looked for pairwise relations, ways in which *y* appears to be a function of *x*. Smith was alive to the relevance of observable co-variance and to how co-variance could serve as evidence, but not proof, of causal connection.

We jump from is to ought, and often do so without mistake,

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[11] David Hume, *A Treatise of Human Nature*, ed. L. A. Selby-Bigge (1739; repr., Oxford: Clarendon Press, 1896).

even though our inference is not deductively valid. Proof is rare. Evidence is everywhere. But evidence does not turn inductive insights into necessary truths. If we eat mushrooms and get sick, we are wired to treat correlation as evidence of causation and to infer from the experience that we do not like mushrooms. Should we avoid mushrooms? That depends on reality: on whether eating mushrooms is safe, *not* on the validity of our jumping to the conclusion that it isn't.

What would it be like to have evidence rather than proof? There is a fine line between being guided by a hypothesis and being in its grip. Psychologists observe that we are not adept at walking that line. Evidently, it is humanly impossible to search for evidence without being guided by criteria for deciding what to count as finding it, which is a conundrum, because confirmation bias seems like an unavoidable and unsolvable problem. It is only human for people with a hypothesis to be interested in whatever seems to corroborate it. What does not corroborate is not what we are looking for, and therefore does not grab our attention. Something as simple as the order in which we receive bits of information affects what we infer from it.[12] But I suppose that is exactly the point. If evidence is all there is, then there will not be one uniquely rational response to it. Evidence that other people see something different will not be evidence that they are unreasonable.[13]

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[12] Imagine identical clones given identical information sets. Confirmation bias implies that these clones would reach different conclusions if the identical bits of information were presented in a different order. Prior bits of information, provisionally accepted as true, become hurdles to our accepting later bits of information that weigh against bits already accepted. But later bits, rejected on grounds that the evidence for them is not compelling enough to warrant rejecting bits already accepted, would have been provisionally accepted had they been received first. Neither clone makes any clear mistake, yet they reach different conclusions. The problem is that they are only human and being human involves processing information as it comes in, one bit at a time. Our only mistake is assuming that those who process bits of incoming information in a different order are unreasonable. See David Schmidtz, "Freedom of Thought," *Social Philosophy & Policy* 37, no. 2 (2020): p. 8.

[13] Philosophers have a penchant for weaponizing the idea of reasonableness. I have had colleagues who wanted to find in it a meta-level proof of classical liberalism. I do not mean it that way. We may have evidence that our best option in the long run is to mind our business and let others be so long as others mind their business and let us be, but it is not worth trying to misrepresent such evidence as even hinting that our view is the only reasonable one.

B. Observe What Works

Badhwar reports that "liberal societies rank high in happiness and prosperity," while oppressive societies—working against rather than with the fact that people choose for themselves—rank low in both (p. 52). Smith saw the same, even in the eighteenth century when evidence was only just beginning to mount. Twentieth-century moral philosophy was theorizing about what to do, until G. E. M. Anscombe's "Modern Moral Philosophy" signaled a change.[14] Smith, in contrast, was theorizing about how things work and about what helps communities get past famine being endemic, which was unlike theorizing about what to do.[15] Indeed, Smith seemed to be not *at all* concerned with what we count today as moral theory. He did not try to specify "*the* criterion" of rightness or goodness. Smith reported what he observed, then largely left readers to connect the dots.

He would have seen truth in commonsense advice to do the best we can. He would have seen truth in the commonsense question "What if everyone did that?" He would have counted it as good advice to ask what Jesus or a person of wisdom would do. But would Smith have treated anything as an analysis of rightness or goodness? I see no reason to pursue that sort of analysis and, I suspect, neither would Smith. To me, reasons for endorsement tend to be far more useful as nuggets of commonsense wisdom than as inevitably unsuccessful specifications of necessary and sufficient conditions.

If I saw public education increasing opportunities for the otherwise disadvantaged, that would count for a lot. If I saw it correlating to increasing life expectancy, decreasing infant mortality, rising quality of life in general, decreasing rates of violence, I would count such things as progress without trying to analyze rightness and goodness in terms of them. We all need to judge what to count as better, but I would place a premium on observing what people count as better and trying to learn from seeing what they count as progress. Is it

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[14] G. E. M. Anscombe, "Modern Moral Philosophy," *Philosophy* 33, no. 124 (1958): pp. 1–19.

[15] Amartya Sen offers a striking conjecture, namely, that in the twentieth century, there were no famines in democracies. Amartya Sen, *Development as Freedom* (New York: Anchor Books, 1999), pp. 51–52. The idea was crude but apt for polemical purposes. Ready-to-hand counter-examples (Nigeria, Zimbabwe) were not mere nit-picking. But still, Sen's work is the sort of work that Smith wanted to do. Manifestly, philosophers should engage Sen's thesis by doing whatever it takes to identify and articulate the observed correlation's underlying causal structure.

good for famine to be a distant memory rather than one bad harvest or one bungled tariff away from being your immediate future? I say yes. I also say that we do not need a theory of the good to decide that. We decide in the same way a toddler decides that if she finds that her hand *is* resting on the hot plate, then she *ought* to move it. The toddler has a *moral sense*, as Enlightenment thinkers were calling it, and in that specific way, so do you.

I am impressed that Smith could let evidence just be evidence. It need not be a setup for a proof. Somewhat as chemists got past needing to debate whether everything is water, Smith got past needing to debate whether everything is utility, universalizability, or whatever. Upon learning that tariffs are hurting people, I could say, "I pray that I never find that I have been defending anything that hurts people the way that tariffs do." Upon finding that our community has made famine a thing of the past, I could say, "That works for me. Must I prove that those who say otherwise are unreasonable?"[16]

What works? Peter de Marneffe makes a telling point, namely, that *there are propositions we have reason to believe regardless of whether believing them works.* He offers Darwinism as an example (p. 100). What vindicates Darwinism has nothing to do with uses to which Darwinism can be put. We could imagine leaping from a premise that the theory of natural selection is *true* to a conclusion that eugenics is *good*. That would be a bad leap, but de Marneffe correctly notes that natural selection's truth is not contingent on whether it is a springboard for bad leaps.

So, yes, Darwinism is like that. Some concepts are like that, but justice is not one of them. This is not to deny that de Marneffe has a crucial point: namely, if justice requires *x*, so be it. More specifically, I cannot rebut a claim that justice requires *x* by noting that *x* is not in my interest.[17] I get it. That justice is a conversation-stopper is part of what we need to communicate when we use the word. *If* justice

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[16] I thank Paul Dragos Aligica for pressing me to be at least a bit clearer about this.

[17] I understand why Thomas Hobbes would say that if obeying a command would be suicidal, that voids the duty to obey and throws us back into a state of nature. See Thomas Hobbes, *Leviathan*, ed. W. G. Pogson Smith (1651; repr., Oxford: Clarendon Press, 1909). That does not make personal interest something to which justice is accountable, but it does suggest that justice for a community—what members of a community are warranted in expecting from each other—depends on what members of a community can realistically expect from each other.

requires you to give back what you took from me, then your duty to give it back is not contingent on whether giving it back is in your interest. But why do we need justice to have that overriding importance? What trumps personal interest? Why?

C. Justice Beyond Me

There is a worthiness built into justice that is not built into Darwinism. If *x* is not worth wanting, then *x* is not justice. But that reveals something importantly substantive about justice.

If you are on the road, and if we expect you to stay in your lane, it will not be because we expect you to see that doing so is in your interest. Justice is bigger than that. Neither will it be because we expect you to see yourself as a mere means to other people's ends. Justice is bigger than that, too. What we expect you to understand is that staying in your lane is your contribution to an overall pattern of mutual respect that serves everyone well and makes you fit for life in our community. Furthermore, it is in your interest, and everyone's, for everyone to see their duty to stay in their lanes as nondiscretionary. Taking other people's stuff without permission is not a matter for individual discretion, not even when individuals imagine evidence that seems to weigh in favor of taking it. Or suppose you say, "If ethics is about killing one to save five, so be it." In fact, our community's justice takes that decision out of our hands, period. No individual decides whether killing falls within the purview of doing the best we can. Our lanes do not leave us free to do whatever we want, or even to do whatever we imagine would save five lives. Our lanes are what other people need to be able to depend on us to stay within. Part of what they need us to understand about staying in our lane is that they have not given us a license to kill, period.

Making a further related point, de Marneffe says: "[L]egitimate concerns about abuse of power cannot justify us in concluding that there is *no such thing* as the 'proper distribution of the benefits and burdens of social cooperation' or no true conception of social justice" (p. 101). I agree: at least there is such a thing as an *im*proper distribution. But what is the point of seeing a distribution as departing from justice? What would it be like to learn that we have reason to change our mind about whether to count *x* as unjust? Doing justice need not be in my interest, but if justice has what it takes to trump my interest, then we have to know what it takes to do that.

Consider a directly related question that may not seem directly related: Is there such a thing as a proper *distributor*? One feature of

proper distributors, plausibly, is they are not corrupt. I see this as related because it warns me that one feature of a proper distribution is that it does not license creating a kind of power that has a robust history of being captured by monsters.

This can explain why justice has an importance that transcends personal interest. *Justice does not subjugate, yet it does coordinate.* Asking people to stay in their lanes must leave people free to pursue ends of their own choosing. It must not ask people to regard themselves as mere means to the ends of others or invite would-be tyrants to see subjects as mere means.

Beings like us—who have destinations but cannot get anywhere unless we cooperate—need boundaries; yet, *seriously* needing boundaries entails needing boundaries we and all our neighbors can afford to respect. Many thinkers (including Thomas Hobbes and Immanuel Kant) defend modest assistance programs as ways of keeping the peace. Crucially, being serious about property rights implies intending to institute a system of property rights such that our neighbors can afford to respect them. We do not want neighbors to be desperate. No one can afford to have neighbors who cannot afford to keep the peace.

In passing, suppose I say, "I accept that justice would require cutting off the left hand of anyone caught stealing *even if the person caught stealing had been me*." Of course, that implies that justice is barbaric, even as it notes something important about what cannot defeat a claim of justice. Yet, I gather that there was a time when people did say 'justice' when referring to their license to cut off the hand of anyone caught stealing. I am not sure what we could have said to them. We might have said, "That kind of punishment does not secure law and order. It secures a state of nature. It turns the rule of law into a mortal enemy." In a community like that, people cannot afford to be convicted—or even charged, given that false convictions will be rampant if courts are too barbaric to embrace a maxim like "Better a thousand guilty people go free than that one innocent person be falsely convicted."

Baker and de Marneffe seem to have quite different readings here. Baker wonders why I (and Smith) seem to believe in a modest welfare state and in modest redistribution. By contrast, de Marneffe wonders, "Does Schmidtz believe that his concerns about the inevitable abuse of political power constitute sufficient reason for the government to do nothing to promote equality of opportunity? If not, what system of education, in his view, would adequately address these

concerns?" (p. 106).[18] To Baker, I would respond that Smith was not doctrinaire about much of anything. Yet he did observe how public education was working in Scotland. He could see that it was not guaranteed to work yet was not guaranteed to be abused either. He was cautiously optimistic about that, not giddy. He was pessimistic more generically about "men of system" and yet also inclined to judge cases one at a time. He did not deduce much from axioms and neither do I. To de Marneffe, I would respond, regarding the inevitable abuse of political power, that I did not say abuse is "inevitable." I see, as Smith saw, a troubling logic that *invites* corruption and is *prone* to abuse.[19] Yet Smith himself spent his time trying to educate future statesmen to resist incentives that inevitably would *tempt* them. He must not have viewed their succumbing to temptation as likewise inevitable.

In passing, commenting on my chapter on corruption, de Marneffe says, "Schmidtz writes, 'An orientation toward conflict resolution . . . weighs against creating power to ram through a thick conception of justice, which implies that when it comes to society's basic structure no *thick* conception of justice is a *true* conception' (p. 131). This is an invalid inference from a false premise" (p. 100). To fill in the ellipses in this quotation, I wrote: "An orientation toward conflict resolution *could move a society in the direction of being less vulnerable to corruption*." The following sentence started with a pronoun: "*It* weighs against creating power . . . ." Because I was reporting on what we can learn from our history of inviting corruption, I should not have started the next sentence with a misleading pronoun but should instead have said: "*The risk of inviting corruption* weighs against creating power to ram through a thick conception." My second

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[18] Has public education done a lot of good? Yes. (It helped me, although public education today obviously is not what it should be, theoretically could be, and in living memory was, when the most intellectually attractive option for half of a community's geniuses—its female geniuses— was to be a schoolteacher.) Is it guaranteed to do a lot of good? No. Do we want it going forward? There are risks, rewards, and alternatives. Observation suggests that structures that invite corruption are a problem but not necessarily one that stops the conversation. If a system of education can be corrupted to a point of no longer serving its ostensible purpose, that is reason for wanting to use only the most incentive-compatible, least corruptible means to the end. Parish-based public education in Scotland manifestly did great things. Is public education doing great things here and now? That is a hard question, but anyone who has been teaching first-year college students for a long time has to wonder.

[19] Schmidtz, *Living Together*, p. 175.

mistake in that passage was using the word "implies" as ordinary speakers do—as a synonym for "suggests" rather than a synonym for "entails." I was working with an observation, not a premise, and gathering evidence, not deducing. But philosophers do not use "implies" in this ordinary way and would of course read me as trying to deduce. If Oxford allows, I will correct both mistakes in the forthcoming paperback.

De Marneffe also observes (p. 99) that the traffic management vocabulary is useful for expressing the idea that "effective traffic management is not about agreeing how to rank destinations. Liberal justice does not task travelers with even knowing other people's destinations, much less with ranking them."[20] Christmas likewise says (p. 92) that my "ideal is everyone choosing for themselves."[21]

Is choosing for oneself a moral or a political ideal? Can it be one without also being the other? In any case, when I described the ideal as everyone choosing for themselves, I think the context was religion, which is to say, what I had in mind was a political ideal. Somehow, we know that a religion is a leap of faith. We know there is nothing reasonable in convincing ourselves that our own way of leaping is *the* way that cannot reasonably be rejected. Reasoning, even at its best, starts from whatever is available to a person in a particular time and place. Where reasoning leads is too path-dependent for us to have any reason to expect all tokens of reasoning to converge. Rudimentary adulthood is acknowledging that we live among people who are perfectly aware that however compelling our reasoning may seem from where our reasoning started, it will not be compelling from where their reasoning started.

As Baker notes, my theory aims to be realistic in the sense of treating it as basic that responding successfully to the human condition typically consists not in reaching consensus so much as in making consensus unnecessary (pp. 68–70). We reach an understanding about what to regard as minding our own business. Half the country's population may think we reached the wrong conclusion about whether getting an abortion counts as minding our own business. We never reached consensus that it was acceptable. The consensus we reached was that we needed to stop thinking about it. It was settled—until it wasn't. I do not know whether freedom of religion is the same.

As Baker puts it, justice as traffic management makes it clear that for justice to be what it needs to be to contribute to a community's

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[20] Schmidtz, *Living Together*, p. 19.
[21] Schmidtz, *Living Together*, p. 82.

flourishing, justice cannot be a license to dictate other people's destinations. People have profoundly different ideas (even about something as simple as knowing what they are entitled to by virtue of getting in line for a COVID-19 vaccination [pp. 67–68]), so it must be something that people with profoundly different ideas can live with.

Baker says that my view "depends on a very particular and unusual notion of what humanity is" (p. 70): "Justice at its most ideal is traffic management among people who see the humanity in each other."[22] She says that this is an idealism and an individualism that recognizes what we share.[23] The human condition is not a shared destination so much as a shared nature that leaves us needing to choose for ourselves what we are for. She sees my individualism as focused on how we are "self-driven and self-creative" yet surrounded by people facing the same problem (p. 72).

What is the most important part of the idea of staying in one's lane? The right to say no is the core of individualism. That is what makes it possible for people to show up at the marketplace trusting in their right to go home in one piece if they cannot find anyone with whom they are better off trading. That is what makes it rational to risk seeking medical assistance: you need to know that the doctor is not looking at you, sizing you up, and thinking "*one versus five*."

We show up only when we deem it is safe enough to show up. When we show up, it is on the basis of a clear mutual understanding of what we have a right to walk away from. We would not trust our lives to people who went around saying, "If justice requires me to use your internal organs to save five lives, so be it." Instead, we need to be able to trust people to understand that they have their lane, we have ours, and that an awful lot of what might look good to them in theory is, as a matter of fact, not their call. You may realize some day that society was wrong to expect you to stay in *that* lane, but that is life. Nothing guarantees that you will never regret your decision; neither can

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[22] Schmidtz, *Living Together*, p. 27.

[23] I have worked to characterize realistic idealism. As Andrew J. Cohen notes (p. 110 n. 3), I hold: "That is not to say that ideal theory is hopeless. Realistic idealism identifies *x* as worthy of aspiration, starting from a sober assessment of problems here and now" (*Living Together*, p. 79). I explicitly advocate theorizing about best responses to a real problem—not from what our problem would need to be in order for our proposed solution not to be glaringly incompetent. To me, ideal theory done competently is not about insulating philosophers from being accountable for having made empirical assumptions that might be false.

anything guarantee that you will never regret trusting what once looked like the collective wisdom of a sober community. You live in a community that pressures you to stay in your lane of approved range of opinion. And that's the human condition. It is a problem that you have to live with.

So, my individualism says that your destination is your own, but crucially, the self on behalf of which you choose is a self that by nature seeks an esteemed place for itself in a social world. Smith was not resisting that fact; he was working with it. His ideal was not merely to discipline our personal interest but to educate it. Smith might have agreed that an unending quest for trinkets is evidence not of loving oneself too much, but of loving oneself too little.[24]

Badhwar finds it striking that I see political theory as more fundamental than moral theory (p. 57). Of course, we were taught that moral theory is where the best philosophers do the heavy lifting, but at some point, I noticed that I had no reason to believe it. No one *observes* that what we now call moral philosophy is foundational. We got into a habit of treating it that way, and that habit comes at a cost. Observing what works is a place from which we can start that can discipline our thinking about the human condition's framework of political realities, given that we are not talking about what works for hermits. We are talking about what helps social animals cope with the specific world they actually face, what facilitates people being of service, earning esteem, and making sure they belong, which is a matter of their doing enough to be comfortably sure that their world would not be better off without them.

Seemingly resonating with Baker, Christmas says that I invoke "a merely political liberalism" that lowers the stakes of politics, makes social life a matter of navigating among alien life plans without supposing we need to agree on what our plans should be, and in that way makes social life a positive-sum game or, Christmas suggests, "a *possibly-positive-sum game* of peaceful coexistence" (p. 93).[25] I will see whether the text of the paperback edition can be adjusted to reflect Christmas's way of putting it.

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[24] See Schmidtz, *Living Together*, pp. 182–83.

[25] When it turns out that not everyone wants what we want, a day of reckoning will consist in our having to decide whether we can let people be or whether there is some reason why we cannot and we have no decent alternative to trying to subjugate them: as a preemptive first strike, as revenge, or simply as a matter of righteous belief.

D. Justice Beyond We

I struggled for years to articulate a theory that could handle the fact that our observable social life is not a choice between self or world with nothing in between. Social animals live in local communities, and we are accountable, in a way that our theories cannot see, to more close-knit communities. Communities have resources that theories lack for giving substance to (1) our plans to be of service and to (2) the lanes within which we pursue our plans.

Boettke talks about *Rational Choice and Moral Agency* setting out a theory about what we have reason to endorse from a "we-perspective" (pp. 43–44). Crucially, the "we" perspective does not merely *correct* the "I" perspective. It *informs* the "I" perspective. Moral theory, as I thought at the time, answers two questions: "How should I live?" and "How should we live?" But the gap between these perspectives is not what game theory makes it appear to be. Rather, it is of the essence of each perspective that one needs to be sensitive to the other. The "I" of the first question is not a hermit; it is instead the social and political animal just described for whom success in life is about carving out a place in a community and making an estimable contribution to it. Our sociality is the crucible that occasions our eventually having both opportunity and need to assert our separateness. At a certain stage of maturation, it dawns on us that the world does not revolve around us, that others seem to think they do not owe us very much, and that they have no reason to think otherwise. If they are going to esteem us, we will need to do something to deserve it. Our capacity for self-inspection kicks in. We start noticing opportunities to be worthy of esteem. Then, after we seem to have done all the right things yet are not getting the esteem to which we were starting to feel entitled, we are humbled. We respond by reaching for another stage of maturation, realizing that adult self-esteem is grounded in what *we* deem worthy, not in what others deem worthy. What others think matters only so much—and hurts only so much. All that is post-social, not pre-social. Our thriving as individuals involves learning how to make sure that when people need a job done well and come to us needing someone they can trust, they are coming to the right place. Our communities become places where it is an honor to be of service, and where being of service has nothing to do with being *merely* a means to the ends of others. Being of esteem-worthy service is instead how we come to feel that life is worth living.

In turn, the "we" of the second question is a community that flourishes by respecting the observable fact that community members have their own lives to live. A good community becomes good by crafting lanes that members can trust others to respect. Staying in their lanes must be incentive compatible.[26]

What is a moral "we-perspective" that can avoid unrealistically and unimaginatively equating truly moral concern with concern for everyone in the world? Theories have a difficult time articulating any alternative, but communities need to be places where people understand that a *lot* of morality is about identities and responsibilities between "I" and "the world." Imagine a sports league. The league needs players to identify with particular teams. The league does not need players to identify with the league itself. Of course, it can be good for players to feel *some* obligation to act as ambassadors for the league per se, but the point is that a league needs players to be loyal to something distinct: a team. A league cannot afford players who don't care which team wins.[27]

From a global perspective, we recognize that in many situations a global perspective is *impoverished*. It elevates theoretical community above real community. The "we" perspective with which we function in communities fallibly embraces everyone whom it occurs to us to see as relevant partners in decisions we face. It expands and contracts case by case. It sometimes occurs to us that we failed to consider interests that a more thoughtful person would have considered. We could have included people in such a way as to make for a better and more inclusive community and it disheartens us that we missed the opportunity to make them feel esteemed. But we have no formula for identifying the precise boundaries of "we" called for by a particular situation. We have no decision procedure. The empathy driving our we-perspective is a practiced skill, not a given recipe, and embracing the world is not this skill set's ultimate fruition. Theoretically embracing the world would often be a way of treating the

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[26] Adam Smith could observe incentive compatibility furthering the wealth of nations. He could observe failures of incentive compatibility under-mining the wealth of nations. He also observed compliance even in the face of failures of incentive compatibility, and to that extent took himself to be observing that moral education has a point. See Smith, *Theory of Moral Sentiments*, e.g., I.ii.3; also see, II.iii.1, II.iii.2, III.ii.

[27] I thank Chris Coyne and Paul Lewis for discussing how this meta-phor illustrates how our theorizing about the "we" perspective differs from how we experience it in practice.

flesh-and-blood people around us as not special or even fully visible.

Unless we are committed to observing what has a history of making it normal for individuals to act in ways that serve the common good, we are only faux-committed to the common good.

E. What Communities Observably Do That Theories Observably Cannot Do

Getting in line and waiting your turn is an equality that we can perceive as such only by perceiving the situation's dynamics. Snapshots of red and green lights out of context—where some get to move while others are expected to stop—tend to mislead. What we need to see is the *dynamic* pattern. Where there is vertical mobility, there is a vital equality even though it will not be observable in a snapshot. I frequently use the word *realistic*, but sometimes I might substitute a more concrete and (as it happens) related idea, namely, *temporally located*. It matters that we decide in real time and that the consequences of our decisions play out over stretches of time. It seems like a truism to say that, ideally, no one would ever starve, but the truly practical ideal is to make progress toward putting the prospect of starving behind us.[28]

Regarding opportunity more generally, it is a fact that kids born in ghettoes have potential that it would be horrible to waste. If their lives are wasted, it is because their potential is wasted, not because they do not have any. But equal opportunity in real time is a mirage. Siblings raised by the same parents manifestly is as close as we could ever come to literally equal opportunity, but as any sibling can tell you, it is only so close. Equality of outcome is justice as conceived by children. Adult justice is wanting children not to be *held back*.

Regarding inherited inequality, we have represented inherited wealth as a problem; indeed, it is a real problem that can be manifest in several ways. Still, we have a word for describing one generation having something for the next generation to inherit: progress. Progress is children having opportunities that their parents or grandparents did not have. Inheriting wealth or opportunity is a good problem to have.

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[28] John McWhorter recently mused that "it is easier to pretend that change hasn't happened than to admit that it happens slowly." John McWhorter, "Amy Wax Is Dangerous, But Not for the Reasons Most People Think," *New York Times*, October 3, 2024,
https://www.nytimes.com/2024/10/03/opinion/amy-wax-academic-freedom-penn.html.

More would be better. The bad problem is being born into poverty with little or no prospect of making progress.

This is not to deny that inheritance of opportunity is a real problem. It was a problem the way I was raised and a bigger problem for children growing up with even more violence, even more substance abuse, and even less information than I grew up with. When I was twenty, I had a budget of ten dollars per month for food. Due more to my own stupidity than to any unalterable shortage of money, my weight dropped to 118 pounds. Although I never missed a meal, a typical meal consisted of cream of wheat with reconstituted powdered milk. Still, my childhood was rough, but it was not brutal. I had decent enough parents, decent siblings, and I stumbled into opportunities that turned out to be good enough indeed in retrospect, even though they looked like nothing at the time.

When advantages are heritable, the second generation is not born on a level playing field. That is a problem, but somehow, for real people, the problem is not about whether people are born with identical life chances, but something else: are life chances impoverished or are they good? Dynamically, is opportunity itself a frontier on which progress is being made? Will progress continue? Are improvements in life circumstances widely dispersed? Are they prospects from whom no one is excluded?[29]

Without vertical mobility, a society will not be a place of opportunity (equal or otherwise) and will to that extent be a powder keg. Autocratic rulers may keep the lid on for a while, but there will be a blowup and people will get hurt. Respect for the letter and spirit of a society's ways of managing traffic (including commercial traffic) is a lot of what the next generation of students and readers need to learn. People want to get ahead and wanting that is not wrong. However, the legitimacy of getting ahead presupposes that we get ahead by

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[29] I was surprised by de Marneffe saying, "Does [Schmidtz] agree that barriers to entry based on hereditary social class, religion, sex, race, or ethnicity are unjust? If so, he does not say" (p. 104). On the one hand, I abhor cheap talk and recoil from saying anything that could be read as aiming to appease today's cancel culture. And yet, my remarks in *Living Together* on Martin Luther King (p. 95), Thurgood Marshall (p. 157), hereditary class (p. 22), xenophobia (p. 21), and religion (pp. 18, 82, 102, 220) were heartfelt. I have a long chapter (chap. 15) on the rule of law, zoning, and civil rights, culminating in a discussion of *Plessy v. Ferguson*, 163 U.S. 537 (1896). I did not write a whole book on these topics, yet this book is about the right to say no (mentioned twenty-seven times), which to me is all about freeing people from the shackles of second-class citizenship.

contributing. We get ahead by helping our partners and customers to make their own contribution, by their own lights. Retired people often want to "give back." That too tends to be legitimate, but not as a way of giving back what one "took" earlier in life. Being moral is not about planning to sin first and repent later. A moral plan is a plan to mind our business from the start with a view to making the world a better place.

What is covered by our right to say no? Communities play a pivotal role in setting boundaries in one place rather than another. As Pennington notes (p. 79), "the right to say no is not a weapon of mass destruction. It is a device whose purpose is to facilitate commerce, not prevent commerce, so it must not enable people to gridlock the system."[30] Pennington sees cases like *Hinman v. Pacific Air* illustrating the point that Hinman saying "no" to Pacific Air was not a way for people like Hinman to stay in their lane. It falls on communities to recognize habitable limits, case by case, of a right to say no. When a neighbor says, "I say no to you feeding your children, unless you bribe me to waive my veto," the court will say, "*Neighbors need to understand that feeding our children is not on the list of what they can veto*."

As most judges understand, a right to say no is meant to free people to be of service to the community, not free to prevent others from being of service. Theory, though, does not get us to that conclusion. A community gets there as it confronts evolving needs to settle questions such as whether flying over someone's land at a particular altitude is trespassing.

While a hallmark of theoretical consistency is declining to draw arbitrary lines on which social animals depend, communities realize that theory is neither the last word nor the first and is seldom if ever decisive. Pennington interprets the *Hinman* case as teaching us that what counts as trespassing turned out to be, as a matter of observable historical fact, an endogenous emergent property of a community's ongoing effort to manage, minimize, and resolve conflict. Once a court declines to count flying overhead at a certain height as a trespass, people in our community have reason to see that as setting a precedent for what to expect from each other going forward.

It can be a normatively significant fact that a judge has decided a case and that the decision sets a precedent for further judgments that will influence what people expect and have good reason to expect from each other going forward. It does not always go well. It can be predictable that people will not be able to afford to comply with a

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[30] Schmidtz, *Living Together*, p. 151.

precedent, in which case that precedent, far from settling the matter, will instead tip people into a Hobbesian war. These are facts from which real normativity emerges.

Judges know this. Facts per se need not have *entailments* in order to provide people with reason to do one thing rather than another. Even if facts do not *entail*, rational agents still recognize that facts have implications for what they ought to do. Facts give people reason to expect one thing rather than another, including from each other. Crucially, facts give us reason to anticipate what *others* expect. Some facts, such as our community's history of court verdicts, determine what we are warranted in expecting. Making a promise likewise changes what people are warranted in expecting and what people can represent as a legitimate grievance in the event of being disappointed.

Andrew J. Cohen speculates that even if objective facts do not support a "thick" ideal of social order such that *every* society should be arranged that way, there will be objective facts about what happens when a society arranges its social order in one way rather than another (p. 120). Yes. Traffic signs can work. Traffic lights can work. Traffic circles can work. It's a choice.

But it matters what communities have chosen. It also matters that a community's choices can turn out to have unanticipated downsides that require a course correction. It mattered that, in 1896, "separate but equal" *conceivably* could have turned out well yet *predictably* would turn out to be incompatible with a dignified peace and would need to be overturned.[31] Moreover, our mutual expectations and our ideals need in practice to be responsive to novel challenges of traffic management just around the corner that have never been problems until, suddenly, they are.

F. Outcome Is Rare; Process Is Everywhere

We came to see justice as pertaining to slicing a pie. Pie is an imagined outcome. We draw a circle on a blackboard, call it a pie, and tell students to imagine slicing it. The only thing left for justice to be is a question of how to do that fairly. But when we treat wealth as just sitting there on the table, unencumbered by history, the human condition is what we are setting aside.

If, instead, we ask how bakers ought to be treated, a judge tasked with keeping the common good in mind will not even try to imagine separating that from what would motivate bakers to bring pie

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[31] *Plessy v. Ferguson* was overturned by *Brown v. Board of Education*, 347 U.S. 483 (1954).

to the table. We could imagine that we need an easier question, something representable as a blackboard drawing, and not apt to be disconfirmed by observation.

If that is what happened, then philosophy got shortchanged—and so did justice. Pie is not real. It is a metaphor for something we imagine that we would see if we could look at a snapshot of an observable process. What is real is people showing up with something to sell, then going home with whatever they got in exchange for whatever they sold. Then they get up the next day with whatever plan seems best for circumstances that have a way of changing.

If people are agents, whose due has something to do with what they have brought to the table, we might ask, "What have they earned?" That might lead us to realize that there is a serious question: "What, if anything, can we safely assume is ours to divide?" If we ask that, one answer that would suggest itself is, "If it isn't ours, then it isn't ours to *divide* either."

We can observe gradients in a way, but we cannot in the same way observe peaks. Peaks too are theoretical constructs that we impose because that is how we were taught. There may be such a thing as a peak, after all—a point relative from which further progress is inconceivable—but that will be a matter of contingency, not necessity. Scholars who insist they cannot imagine a slope without imagining a peak are being misled by a metaphor.

If it helps, consider an analogy (that is more than a mere analogy). Natural selection can climb a gradient, too, but not toward a peak. There is no peak destination at which natural selection aims. Natural selection climbs an ever-shifting gradient of fitness but not *toward* anything. We observe things being selected for, and that's it. As with natural selection, we can observe the market process's gradient but not its target. We observe progress: better products becoming more widely available at lower cost. We do not observe the process approaching the peak from which further progress will be inconceivable. If we see ourselves as making progress, we see it by comparing where we are to where we started.

Progress is something; we see something in context. We see a pathogen operating on a gene pool, selecting for resistance. If we have reason to count developing resistance to that pathogen as progress, it is only by reference to an ecological niche where that pathogen operates.

What guarantees that progress will continue? In most situations humanity has been in, nothing guaranteed that progress would continue. And sometimes it did not.

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G. The Gap

Consider a thought experiment:

> *Triage*: Someone brings me to a hospital emergency ward. A triage nurse says, "our selection of a treatment is aimless unless we are able to specify an ideal of perfect health." I say, "Nurse, I'm bleeding out . . ." The triage nurse says, "Whoa! Hang on! Switching to nonideal mode!" Or even less realistically, imagine the triage nurse saying, "The reason for beginning with ideal theory is that it provides, I believe, the only basis for the systematic grasp of these more pressing problems."

In our world, no triage nurse will ever say this, because no one with an actual problem would ever dream that *starting* with ideal theory provides the only basis for a systematic grasp of it. A triage nurse gripped by ideal theory would know that the challenge is to *shake it off* and get on with confronting the actual problem. There is a role for ideal theory, but identifying realistic ideals *postdates* a systematic grasp of pressing problems. Good theorizing is a *response* to our confronting a problem worth solving. Genuinely useful theory is an extract: general lessons we draw when we respond as courts of justice respond to quotidian problems constituting the actual human condition. Judges in their right mind never *defer* figuring out what works until *after* deciding what would be ideal.

John Rawls could see academic philosophy moving aggressively in the direction of topics like abortion, punishment, international justice, just war theory, racial justice and reparations, and so on. Such topics were close to his heart in a personal way, but not in his wheelhouse as a theorist. He wanted to see a theorist's job as a job that (ideally) could be completed before all the "applying" involved in applied ethics. We can take something important away from Rawls's theorizing, namely, as humanists we want there to be progress and if egalitarianism cuts against that, then so much the worse for egalitarianism. However, justice is not about leaving behind the least advantaged as the acceptable cost of progress. Instead, justice *ideally* facilitates progress that improves quality of life for everyone, including the least advantaged.[32]

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[32] This is quite close to how Rawls puts it in his early statements of

In our world, there is a theoretical gap between our collective interest in compliance and our individual interest in complying. How much compliance we can predict in practice is a function of that gap. To succeed in truly imagining a proposed system, we have to anticipate what the system's logic makes *predictable*. If you wanted to make some other pattern of behavior predictable, then you needed to choose what would have made that other pattern predictable. If nothing could have made that other pattern of behavior predictable, then that other pattern is not a realistic ideal.

This is not to reject ideals. Instead, it is a reflection on how we would know whether what we are choosing is genuinely ideal. Genuinely caring about the common good and therefore caring about what would be conducive to it involves minding the real gap between individual and collective interest and caring about what can close it. Truly caring about the common good precludes ignoring the gap. If *x*'s logic makes noncompliance predictable, then choosing that predictably peace-disturbing logic is not ideal.

As noted, Smith *observed* (which is not to say he proved) that commercial society is conducive to progress. Yet, commercial society's frameworks of governance were corruptible. Its referees are players, and the game that referees play cannot be incentive compatible. Commercial society *would* liberate human productivity and foster human progress if only its referees were idealized angels, but anyone who is willing to do whatever it takes to acquire political power is not an angel.[33] (Smith anticipated a neoclassical insight that

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the difference principle. It is only later that he (gratuitously, I say) says that we need a principle that picks out a unique point on the pareto-frontier, namely, the point that is *maximally* advantageous to the least advantaged. Rawls's first statement, appearing in "Justice as Fairness" in 1958, is:

> The conception of justice which I want to develop may be stated in the form of two principles as follows: first, each person participating in a practice, or affected by it, has an equal right to the most extensive liberty compatible with a like liberty for all; and second, inequalities are arbitrary unless it is reasonable to expect that they will work out for everyone's advantage, and provided the positions and offices to which they attach, or from which they may be gained, are open to all.

John Rawls, "Justice as Fairness," in John Rawls, *Collected Papers*, ed. Samuel Freeman (Cambridge, MA: Harvard University Press, 1999), p. 48.

[33] Smith, *Theory of Moral Sentiments*, VI.ii.2.

an efficiency and an unleashing of productivity occurs when people take the background as given and become "price-takers" who take the best deal on offer. But he also could see that referees could not and would not be price-takers. They were crafting institutions, not taking them as given.) Smith's response, which he knew perfectly well is not good enough, is to teach our students, especially the ones who someday will fight for the reins of power, that money and power will not fulfill them. What will fulfill them is being esteemed for accomplishments that they know are worthy of esteem. Students are social animals. They will take their cue from what they perceive to be esteemed by the people around them, even when it comes to choosing for themselves what to want. Nothing is guaranteed to stop them from blindly climbing a gradient of wealth and power, but it might help a few of them, perhaps enough to be worth a try.[34]

So, Smith did what he could. He wrote a book appealing to a more enlightened, stoic, virtue-theoretic self-interest, exhorting future public servants to be unshakable in their conviction that the goal worth wanting is the goal of being worthy of esteem. Smith taught that the material rewards of our stations must be seen as the trinkets that they are: amusing distractions from the interest that a truly admirable character takes in being above reproach.

Smith was observing the human condition and teaching his students that they have a higher calling than winning. Is that good enough? There is no meta-level incentive compatibility to make the rise of truly public-spirited statesmen guaranteed or even predictable. It is a matter of teachers getting up every day and swimming against a tide, knowing that reaching a student once in a while and giving them a glimpse of a more honorably Aristotelian self-love will make the world a bit more civilized and a bit more conducive to progress than would otherwise have been the case. That's the deal. That's the ideal—or as close as we can get to it.

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[34] I sometimes speak as if an ideal must be "worth a try," but it occurs to me to wonder whether the locution "worth a try" often is better suited to describing means than to describing ends. My original example involved standing on the roof of a tall building and saying, "Ideally I would be able to fly like Superman." Then you reply, "It's worth a try." That teed up my observation that it would be false to describe flying like Superman as worth a try. It now occurs to me that what makes flying like Superman a false ideal is facts about what will happen if we try. Trying is not desirable, because succeeding is not feasible. I will have to give this more thought.

4. Not All Problems Have Solutions

One thing we know about tomorrow: it will be a problem. Solving it will take ingenuity. There will never be an end to history, philosophy, or political economy.[35] Smith explored, and I followed him in exploring, how some societies have made famine a thing of the past, indeed, to a point where, in a society devoting only one percent of its workforce to agriculture, over-production would some day be a bigger challenge than under-production. Through it all, however, I have never doubted this: not all problems have solutions. Here are examples of problems that human ingenuity may never solve.

A. Alienation

I do not think there is a political solution to the problems of alienation, discussed by Frye, some of which he gives a novel twist. He sees the opacity of market life rather than the drudgery or meaninglessness of work as what today is leaving people unmoored and discontented, even as it enriches them (p. 124). That is an interesting thought.

I currently live near ground zero for the opioid crisis, a state in which per capita consumption of heroin, methamphetamines, and other corrosive drugs is exceptionally high. I can go for a walk any time and see people on the streets, for whom, quite plainly, nothing is working. They seem able-bodied and young enough to be entering their prime as contributing neighbors. Is market society the problem? I have no theory about that. Yet, whatever the problem is, market society observably is not solving it, at least not today.

On the other hand, I also see a department of neurochemistry on the verge of delivering a marketable treatment that promises to turn off neural pathways to addiction, seemingly without side effects. It seems impossible, but that also seemed to be the case at one time with developing cures for what had been viciously lethal forms of breast cancer. We will see. If we do discover a simple, reliable way to turn off neural pathways to addiction, you will not see me trumpeting that markets have solved yet another problem. That would be silly. This is not a team sport. I do not need to gather excuses for cheering for an "ism." I will, of course, observe that market societies are where people develop both the passion and the tools for making seemingly

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[35] As Andrew J. Cohen notes (p. 109), in *Living Together* I say, "That is not to say ideal theory is hopeless. Realistic idealism identifies *x* as worthy of aspiration, starting from a sober assessment of problems here and now" (p. 79).

miraculous contributions, without pretending that the process is simple or inevitable.

Relatedly, Frye worries that when alienated, people fall under the spell of populists and demagogues (p. 124). If a demagogue can convince naïve people that "we have to do something! Anything would be better than this!" then naïve people, having no idea of what has a history of working and no sense that solving real problems takes time, are on their way to becoming pawns. Frye articulates the worry nicely. It seems to be a real problem that is not going away.

B. Socialism

Weaponizing socialism is, Pennington observes, a problem, related to Frye's concern about alienation. Pennington worries that the conclusions of science are never more than provisional (p. 82). Proponents of socialism can maintain that conclusive proof is lacking and, therefore, for all we know, socialism might work better if we try it again.

That is the human condition. Inferences from evidence are reasonable but seldom compelling. Nothing in the moral science of *Living Together* even tries to refute experimenting with socialism.

We have lessons to learn about what to expect in the same way we have lessons to learn from observing what happens when we put our hand on the hot plate. Suppose you say, "If justice says you have a duty to put your hand on the hot plate, then so be it." Fine, except for the fact that justice does not say that. The only non-question-begging reason you could have for thinking justice requires *x* rather than *y* is that the people who constitute our communities behave in ways that are more useful and agreeable to self and others when they see justice as requiring *x* rather than *y*. That is not proof. It is not philosophical analysis. It is not guaranteed to survive inspection by future generations. But it tends to be the best we can do.

Is there a point where experimenting with socialism is like touching the hot plate again? At some point, you wonder how any sane person could think we will get a different result next time, but then you realize that we are talking about people with amnesia. More precisely, every time a teenager reaches voting age, it is as if our community has suffered a concussion. Our community starts asking all over again, "Why hasn't anyone thought of price controls? Why not tariffs? Why not make the rich pay their fair share (where "fair" means nothing other than more)? Why hasn't anyone thought of abolishing private property and collectivizing the agricultural sector?" They would say,

"It is appalling that the society that put a man on the moon still hasn't figured out how to make health care free," except that no one remembers putting a man on the moon. Young people know that it happened, sort of, but they "remember" it in the way that we remember inventing aqueducts.

Moreover, as a relevant matter of observation, socialism need not fail. There have been successful experiments. Successes have recognizable features working in their favor. We would do well to learn that it is not good to keep experimenting with large-scale central planning, as if some day central planning will have a different result. However, at a scale closer to that of G. A. Cohen's campout,[36] the possibility of socialist management that does not create dictatorial power is worth keeping in mind. The Friendly Societies of the nineteenth and early-twentieth centuries were forms of not-for-profit mutual insurance that worked especially well with medical technology available at the time. Again, Hutterite society figured out a structure of radically decentralized accountability that enabled the separate cells of Hutterite society to thrive. Hutterite rules are not rules I would choose for myself. They entrench degrees and dimensions of leveling that would appall a liberal egalitarian. Still, we somehow grasp that we do not own Hutterite communes and that we have no right to take them over and run them by our lights. Still, if Hutterites live within our borders, then they are bound by our rule of law, liberal though our law may be when it comes to dictating forms of life. Accordingly, if Hutterites were to decide not to teach their children to read, we would step in—not because we can prove to American Hutterites that they are unreasonable, but because (1) they are American and (2) American parents have no right to mangle their children. Still, we hesitate, and for good reason.

G. A. Cohen professed to have no interest in camping. He was being disarmingly funny, yet the remark was revealing. If he were choosing where to live, he would never have picked a Hutterite colony. Countries at the top of his list, judging from his actual life choices, were the U.K., the United States, his native Canada, Scandinavia, Western Europe, and other homes of market democracy. Christmas says that many factors are seen as undermining socialism's *feasibility*, when what they truly undermine is socialism's *desirability* (p. 89). By the lights of G. A. Cohen's revealed preferences, socialism's *desirability* (writ small or large, all the way from weekend camping to

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[36] G. A. Cohen, *Why Not Socialism?* (Princeton, NJ: Princeton University Press, 2009), chap. 1.

living under a hegemonic socialist superpower) was hypothetical, yet history amply confirms its *feasibility*. We can say no one has tried "real" socialism, but G. A. Cohen knew perfectly well what happens when people *try* to try. Like just about everyone else who ever had a choice, G. A. Cohen's choices revealed his preference for communities that (however imperfectly) "try to try" markets, democracy, and freedom.

There is a more general point to make here. Andrew J. Cohen and I disagree to some extent about ideal theory, but he does not exaggerate the disagreement and neither should I. In particular, I suspect that we have no disagreement about idealism per se. Our disagreement concerns ideal *theory*. My view is that we launch a realistically adult idealism by starting with the human condition, what the problems are, what works as responses to those problems, and ultimately working toward an empirically informed view about what we have enough experience to count as an ideal response.

The literature produced by ideal theorists has yet to produce an actual token of ideal theory. Instead, these theories have been defending the possibility of envisioning the perfect answer unconstrained by consideration of what the question is. But I am not arguing against the theoretical possibility. I am asking whether a theory realistically can get humanity to a better place by eschewing the responsibility to learn from experience what is worth wanting.

C. Climate Change

Climate change, Pennington observes, is a problem (pp. 84–85). Nothing in *Living Together* promises that climate change is a storm we will be able to weather. Market society has lifted us out of poverty, but suffice it to say that what was an effective adaptation to the most recent problem is not guaranteed to be an effective adaptation to the problem just around the corner. And climate change is hurting us right now. Meanwhile, for some reason, we do not want to admit that socialism has no history of responding to environmental problems. Instead, without meaning to say anything positive about the West's environmental record, socialist dictatorships have a history of savaging our water supply and our atmosphere and dismissing environmental concern as bourgeois. We need to look elsewhere to find the political will to mount an effective response.

More generally, the history of bureaucracies inspires no confidence that bureaucracies are part of the solution. I edit an environmental ethics textbook and I try to keep up with the literature as

well as to recruit authors who can help each other keep their finger on the pulse of this issue. I am optimistic that acting locally can and will help, even if only to some small degree. (Do philosophers note that the LED illumination under which they now have the option of working requires roughly ten percent as much energy? Is that a drop in the bucket or is it one among many frontiers of real progress?) I see urban ecology as a field that will interest many and that will not simply be depressing. In any case, I want to encourage the study of urban ecology.

D. Governance

Failing to see governance as a specialization is a problem. Are organs of governance predictably degraded by people thinking that a government's proper role is to do everything worth doing? What do we mean when we say that a referee's job is to let the players play? What happens when people start thinking that a referee's job is to make sure their team—the team they call justice—wins, no matter what the cost? Demagogues grossly misrepresent how great our lives will be if only we give them enough power. They will not stop. We can count on that.