

American Philosophical Association–Pacific Division annual meeting,  
San Francisco, Wednesday, March 30,  
Westin St. Francis Hotel  
1:00-4:00, session 2E,  
with Debra Satz, Stanford University, chair  
John Broome, Oxford University and Stanford  
Deirdre McCloskey, University of Illinois at Chicago  
Margaret Schabas, University of British Columbia

## **Hobbes, Rawls, Buchanan, Nussbaum, and All the Socio-Political Virtues**

Deirdre Nansen McCloskey<sup>1</sup>

A case can be made that a flourishing human life must show seven principal virtues. Not 613 or 8 or 1, but 7.<sup>2</sup> The case in favor of four of them, the “pagan” or “aristocratic” or, most relevant here, “political” virtues of courage, justice, temperance, and prudence, was made by Plato and Aristotle and Cicero. In the early 13<sup>th</sup> century St. Albert the Great summarized Cicero’s claim that every virtuous act has all four: “For the knowledge required argues for prudence; the strength to act resolutely argues for courage; moderation argues for temperance; and correctness argues for justice” (quoted in Houser 2002, p. 306). In sophisticated ruminations on the virtues until the 18<sup>th</sup> century the four persisted, as for example in Adam Smith’s *The Theory of Moral Sentiments* (1759/1790).

The pagan four are the political virtues in many senses – for example, in the ancient sense of contributing to the survival and flourishing of a *polis* containing political animals. A hoplite in the phalanx of the *polis* needed courage, prudence, temperance, and justice, all four. So did a politician speaking to the Athenian assembly. When Athens ignored any of them – for example, justice in its treatment of Melos or prudence in its expedition to Syracuse – the results were distressing. Vices undermined Athenian flourishing, as they will do (White 1984, pp. 76-80, 301-02).

The other three virtues for a flourishing life, adding up to the principal seven, are faith, hope, and love. These three so-called “theological” virtues are not until the 19<sup>th</sup>

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<sup>2</sup> Or so I argue at length in *The Bourgeois Virtues: Ethics for an Age of Commerce* (Chicago: University of Chicago Press, 2006).

century regarded as political. Before the Romantics and their nationalism and socialism they were thought of as achieving the salvation of an individual soul. We seek the City of God, not a city of humans. "The theological virtues are above the nature of man," wrote St. Albert's student St. Thomas Aquinas around 1270. "The intellectual and moral virtues perfect the human intellect and appetite in proportion to human nature, but the theological virtues do so supernaturally" (Aquinas c. 1269-1272, Ia IIae., q. 62, art. 2). The theological virtues could also be called "peasant," to contrast them with the aristocratic four, or "Christian," without implying that Christians have been especially skilled at achieving them. The case for the three Christian virtues is made very early in the history of that great Jewish heresy. When in about 50 AD St. Paul in his first extant letter praises the theological three he appears to be drawing on a tradition already established among the emergent Christians (1 Thess. 1:3; 5:8). His most famous statement of it, adorning now many cards from Hallmark, is of course 1 Corinthians 13: "Faith, hope, and love, these three abide. But the greatest of these is love."

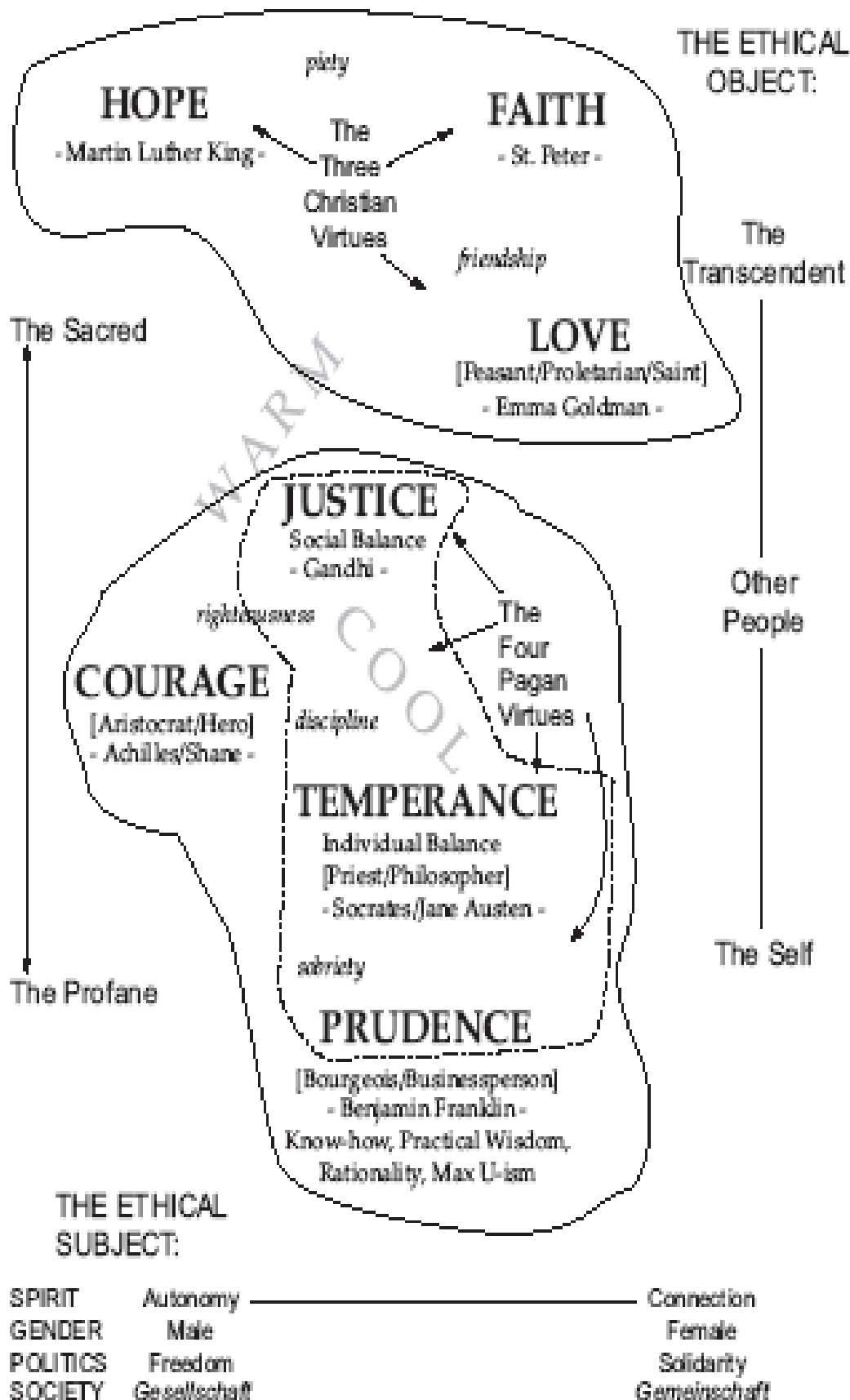
The theological virtues can be given, however, entirely secular meanings. The "love" in 1 Corinthians 13 is *agape*, transcendent love, not *eros* or even *philia*. In a world in which God has died, a human without some sort of love for the secular transcendent – science, art, the nation, baseball – is not flourishing. Faith is the virtue of identity and rootedness. It is backward looking: who *are* you? Hope is forward looking: who do you wish to become? Both sustain humans, and indeed can be viewed, with *agape*, the virtue of connectedness, as the characteristically human virtues. A woman without faith is no person. She is as we say "hollow." A man with no hope is without a life project. He goes home this afternoon and shoots himself. And who is to stop him, without connectedness?

The four pagan virtues and the three Christian make an odd marriage, consummated in the middle of the 13<sup>th</sup> century by Aquinas in his analysis of the virtues. The seven often contradict one another. No free, adult male citizen of Athens, for instance, regarded love by any definition as a primary virtue. It was nice to have, doubtless – see the *Symposium* – but in no sense "political," and was devalued therefore in a world that took politics as the highest expression of human virtue. Aristotle admires most of all the virtue of *megalopsyche*, the great-souled-ness, translated literally into Latin as *magnanimitas*. Magnanimity is the virtue of an aristocrat, someone with the moral luck to be able to exercise it from above.

By contrast the virtue of love, as Nietzsche said with a sneer, accompanies a slave religion. It is, he almost said, feminine. When in the late 1930s Simone Weil, a French secular Jew on her way to Christianity, witnessed a religious procession one night in a Portuguese fishing village it struck her that "Christianity is pre-eminently the religion of slaves, that slaves cannot help belonging to it, and I among others" (quoted in Cole, 2001, p. 116). Love – even in its social forms emphasized in the 19<sup>th</sup> century as an abstract solidarity – begins as personal, pacific, Christian, and yielding, quite contrary to the macho *virtù* of a free adult leader of Athens or of Rome or of early 16<sup>th</sup>-century Florence. Alasdair MacIntyre notes that "Aristotle would certainly not have admired Jesus Christ and he would have been horrified by St. Paul," with all their embarrassing talk of love

(MacIntyre 1981, p. 172). The pagans were not lovelorn, at least not in their philosophies. The Christians claimed to be so.

From about 400 BC to about 1749 AD the moral universe was described as mixtures of the Seven Principal Virtues, containing hundreds of minor and particular virtues. The tensions among the seven, and their complementarities, too, can be expressed in a diagram:



Minor though admirable virtues such as thrift or honesty can be described as combinations of the principal seven. The seven are in this sense primary colors. They cannot be derived from each other, and the other, minor colors *can* be derived from them. Blue plus red makes purple, blue plus yellow makes green. But you can't get red from maroon and purple. Honesty, that bourgeois virtue, is justice plus temperance in matters of speech, with a dash of courage and a teaspoon of faithfulness. A vice is a notable lack of one or more of the virtues. Aquinas was the master of such analyses, and provides scores of them in showing that the seven are principal. "The cardinal virtues," he notes, "are called more principal not because they are more perfect than all the other virtues but because human life more principally turns on them and the other virtues are based on them" (Aquinas, *Disputed Questions* [1267-72], Art. 1, p. 112). Courage plus prudence yields enterprise, another bourgeois virtue. Temperance plus prudence yields thrift, said also to be bourgeois. Temperance plus justice yields humility, said to be Christian.

Various moderns have tried to make up a new color wheel, with "integrity" or "civility" or "sustainability" as primary. Thus a *New Yorker* cartoon in 2002: a man who looks like he's just returned from a grilling by a Senate committee about Enron and other accounting disasters says to his little son, "Honesty is a fine quality, Max, but it isn't the whole story." Making up new primaries is like depending on purple and green, or chartreuse and aquamarine. These are good and important colors, among my favorites. But they are technically speaking "secondary," or even "tertiary," the palette of Gauguin and Matisse against that of late Van Gogh and late Piet Mondrian. In the ethical case the faux primaries are accompanied by no tradition of how to mix or array them.

The tensions and complementarities are embodied in the diagram. In ethical space the bottom is the realm of the profane, where prudence and temperance rule. The top is the realm of the sacred, of spiritual love and of faith and hope. Moving up is moving from self-disciplining virtues (prudence, temperance), whose main object is the self, through altruistic virtues, whose main object is others (love of humans; justice), and finally to the transcendent virtues (faith, hope, and love of a transcendent), whose main object are God or physics or the betterment of the poor. That is, bottom to top is the axis of wider and wider ethical objects (cf. Aquinas c. 1270, *Iae-Ia Q. 96, art. 3; and Q. 54 art. 2*).

Prudence and justice in the bottom and middle are calculative and intellectual. They have often been thought since Plato and the writers of footnotes to Plato to be the most characteristically human of virtues. They were glorified especially by the hard men of the 17<sup>th</sup> and 18<sup>th</sup> centuries in Europe fleeing from religious faith and hope and love. Immanuel Kant elevated a combination of prudence and justice called "pure reason" to the very definition of a human and a citizen.<sup>3</sup>

By the grace of Darwin, however, we now see that calculative virtues are not particularly human. They can be found in the least human of beings, in ants justly sacrificing themselves for the queen, or dandelions prudently working through the cracks in the sidewalk. The terminology is of course figurative, a human attribution, not Nature's

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<sup>3</sup> Kant is of course not really quite so snappily summarized. Pure reason is also the character of setting ones own goals in life, which amounts to a secular version of faith, hope, and love. So Kant gets the transcendent in by the back door.

own way of putting it. But that is what we are discussing here: human figures of speech, since Nature has no words. Natural history has taught us since 1859 to realize that the lion is not actually “courageous,” ever, but merely prudent in avoiding elephants, with a bit of justice, perhaps, in acknowledging the hierarchy of the pride.

Courage and temperance are emotion-controlling and will-disciplining, and therefore, we now realize, more characteristically human than prudence and justice. And the most human virtues are those secularized theological virtues, faith, hope, and love, providing the transcendent ends for a human life. The rest – even courage and temperance – are means.

The triad of temperance-justice-prudence near the bottom and middle is cool and classical, and therefore recommended itself in the 18<sup>th</sup> century to early theorists of the bourgeoisie such as David Hume and Adam Smith. Hume called them the “artificial” virtues, following in substance Grotius and Pufendorf, because they are the virtues necessary for the artful making of any community whatever. The coolness of temperance, justice, and prudence was particularly beloved by men who had seen or had vividly imagined their communities collapsing in religious war and dynastic ambition, of Jesuit and Presbyterian, of Habsburg and Bourbon and Stuart. The excesses of faith and hope and the transcendent parts of love severely spooked the men of the 18<sup>th</sup> century. Both Hume and Smith had witnessed from afar the Jacobite rising of 1745, with nothing like sympathy – they were not wild Highlanders or Jacobites, and certainly not Catholics, but lowland Scots of a deistic or even atheistic bent, who had made their peace with Englishry. And so they omitted faith, hope, and transcendent love. Smith intended to write a book each for temperance, prudence, and justice, and actually completed two of them.

The other, “natural” virtues of courage, love, hope, and faith impart warmth and meaning to an artfully made community. Sometimes too much warmth and meaning. The Scottish followers of Francis Hutcheson admitted love of other humans, as benevolence, and admitted courage, as enterprise, but rather off to the side of their main concerns. They certainly had no business with faith, hope, and *agape* – Hume for instance being very fierce against their religious forms, “celibacy, fasting, and the other monkish virtues.” Imparting warmth and meaning was decidedly not what the Scots of the Enlightenment had in mind. That is a later and Romantic project, and these were not Romantics.

Left to right in the diagram exhibits the gendered character of the virtues, masculine and feminine in the conventional tales. Left-right expresses the gender of the ethical actor, or subject, as up-down expresses the purpose of the actor, or object. Conventionally, of course, women are supposed to think of the world from the perspective of right-side love, or of its corresponding vices, such as envy and jealousy. Men are supposed to think of the world from the perspective of left-side courage, or its corresponding vices of cowardice, vainglory, self-absorption. Another name for the right side in the diagram is “connection”; and for the left, “autonomy.” Frank Knight, who was more than an economist, believed that even ordinary human desires could be reduced “in astonishingly large measure to the desire to be like other people, and the desire to be different” (Knight 1922, p. 22). The theologian Paul Tillich called them “participation” and

“individualization,” and noted that there is a “courage to be” but also a “courage to be a part,” that is, to participate (Tillich 1952). Michael Ignatieff calls the one side “connection and rootedness” and the other side “freedom”: “a potential contradiction. . . arises between our need for social solidarity and our need for freedom.” We have rights, he noted, which is a good thing, allowing us to achieve our left-side projects of hope and courage regulated by justice. But we need “love, respect, honor, dignity, solidarity with others,” Ignatieff declares, on the other, upper-right-hand side, and these cannot be compelled by law (Ignatieff 1984, pp. 17, 15). Hence Hume's odd vocabulary of the “natural” as against the “artificial,” law-enforced virtues.

The seven are a roughly adequate philosophical psychology. Any full description of the human virtues would do just as well, surely, so long as it names them and does not collapse them all into duty or utility or contract from behind a pre-natal veil. Confucian thought, or Native American traditions, or African traditional law and custom, have local versions of the Western Seven.

You can test their adequacy by imagining a person or a community that notably lacks one of them. A loveless life is terrible; a community without justice is, too. Philippa Foot, one of the rediscoverers of virtue ethics, wrote in 1978 that “nobody can get on well if he lacks courage, and does not have some measure of temperance and wisdom [her word for prudence], while communities where justice and charity [the King James Bible's word for love] are lacking are apt to be wretched places to live, as Russia was under the Stalinist terror, or Sicily under the Mafia” (Foot 1978, pp. 2-3).

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But so what, for political theory?

Martha Nussbaum's book, *Frontiers of Justice: Disability, Nationality, Species Membership* (2006), attempts to add the love of others to the accepted axioms of political philosophy. She criticizes on this count the strictly Hobbesian/ Gauthieresque contractarian's assumption of Prudence Only; or the Lockean/ Rawlsian contractarian's Prudence-With-A-Version-of-Justice. In a brief, bumper-sticker version of a complicated project, Nussbaum's book is about love-adding: bringing in our care for others from the start. She says that such a supplement will preserve the contractarian program in political philosophy – the masculine “strength” and parsimony of which she sometimes admires – yet yield a civil society that treats with appropriate dignity the severely handicapped, the old, the foreigners in poor countries, and the animals.

Throughout the book she defers to John Rawls, whom she evidently loved and esteemed. In criticizing David Gauthier's strictly economic, Prudence-Only contractarianism, however, she makes a point which undermines Rawls and is I think very important in itself. I want to call it the Nussbaum Lemma:

### **The Nussbaum Lemma**

I think it implausible [she writes] to suppose that one can extract justice from a starting point that does not include it in some form, and I believe that the purely prudential starting

point is likely to lead in a direction that is simply different from the direction we would take if we focused on ethical norms from the start (p. 57).

The Nussbaum Lemma is profoundly right, and it is – as she shows in her book – devastating to the project since Hobbes in 1651 of pulling a just rabbit out of a purely prudential hat. You can't get virtue *J* from a starting point consisting only of virtue *P*. Virtue *J* has to be in from the start. You have to put the rabbits into the hat if you are going to pull them out.

A technical implication, and Nussbaum's point in effect throughout – although as I say she bows respectfully towards Rawls – is that the Lemma applies also to Rawls' argument. Prudence in Rawls is supplemented by the justice-imitating features of the Veil of Ignorance, similar to the Veil of Uncertainty in the writings of James Buchanan and Gordon Tullock (Buchanan and Tullock 1962). But as can be proven on a blackboard or in actual societies depending on ones intellectual tastes, it is implausible to suppose that one can extract full justice towards the handicapped, the globally poor, or the animals from a starting point that does not already include love of others and full justice, at the start, in some veiled form if you wish. That is Nussbaum's theme.

Another and less friendly technical implication is that the Nussbaum Lemma applies also to her own project in her own book. *You can't stop with prudence, justice, and love of others*. It is implausible to suppose that one can extract faith, temperance, hope, courage, the fullness of love (connection, including connection with nature, say, or science, or God, or the poor), and other qualities constituting as I have claimed human flourishing from a starting point that does not, in Nussbaum's words, "include them in some form." And it seems likely that attempting to do so will lead in a direction that is simply different from the direction we would take if we focused on ethical norms from the start.

What of it? This: political and economic philosophy needs to be done with all seven of the virtues, not merely with some cleverly axiomatized sub-set. My point, and Nussbaum's if she would but admit it, is that to characterize people with one or another of the boy's-own "models" said since 1651 to suffice for theories of justice or politics will not do. Characterizing humans as Prudent Only, or even as prudent and just, with love of others tacked on, will not do. People also have identities (faith), and projects (hope), for which they need courage and temperance, those self-disciplining virtues. And they all have some version of transcendent love – the connection with God, the traditional object, though as I say the worship of science or humanity or the revolution or the environment or art or rational-choice models in political science have provided modern substitutes for Christianized *agape*.

The usual reply, as Nussbaum notes, is that political theory is only concerned with the *minimum* conditions for a peaceful society. The other virtues are supplementary – thus the Humean terminology of "artificial" and "natural" virtues, following Pufendorf. But the reply does not appear to work. The artificial virtues of prudence, temperance, and justice regularly need the protection, so to speak, of the natural virtues of courage, love, faith, and hope. After all, that is Nussbaum's point – that a society without love of handicapped children or of the foreign poor is flawed. Often enough the flaw causes the collapse of the artificial virtues themselves, as when an unloving contempt for animals



brutalizes a society in its attitudes towards human justice. Likewise, without what James Buchanan calls an “ethic of constitutional citizenship,” a constitution that originates from merely the selected virtues of prudence and justice, even if cleverly axiomatized, will not survive. This pessimistic conclusion has been the theme of much of Buchanan’s work, especially since the 1960s. The implication is that the virtues of faith and courage and hope must somehow arise to protect the constitution of liberty.

Beyond the “protective,” ancillary role of the natural virtues in sustaining even the minimum conditions for a peaceful society, the entire set of seven virtues is necessary to get the project going in the first place. This is important. Full human beings – not saints, but people in possession of their own whacky and personal and, alas, often idiotic versions of all seven human virtues – are the only beings who would be *interested* in forming a human society. The point is similar to the one that the British sociologist of science Harry Collins makes about the ever-receding promises of artificial intelligence (Collins 1990). What we mean by human intelligence, such as the common sense that the AI group in Texas has signally failed to program, arises out of having been a human child. An automaton would have to be raised as a beloved child, with the DNA to respond, in order to have the full-blown human intelligence we seek to replicate. The *zoon politikon*, in other words, is a human, not an automaton, and has much more than prudence, justice, and a secular version of love.

To put it still another way, suppose you have in mind to make fully flourishing human being (or fully flourishing living beings *tout court*, if you include the animals, and even the trees). If this is your end, namely, a society consisting of such beings, then your social-scientific means must as Nussbaum says “focus on ethical norms from the start.” You have to put the rabbits into the hat. In order to have a society that shows prudence, justice, love, faith, hope, courage, and temperance you need to arrange to have people who are . . . . prudent, just, loving, faithful, hopeful, courageous, and temperate “from the start.”

The “start” is called “childhood,” mostly ignored in Western political philosophy (it is not, by the way, in the Confucian tradition). A political/ economic philosophy needs to focus on how we get in the first place the people who are prudent, just, loving, etc., and who therefore would *care* about the capabilities of good health, emotional attachment, affiliation, etc., or about the appropriate constitutional changes to obviate prisoners’ dilemmas, or about the categorical imperative, or about the greatest happiness. This is what feminist economics has been saying now for three decades, and what also comes out of some development [note the word] economics, and even, reluctantly but persistently and embarrassingly, out of such unpromising-looking fields as game theory, experimental economics, behavioral economics, realist international relations, the new institutionalism, and constitutional political economy.

The excellent little primer on ethics by the late James Rachels begins with a “minimum conception of morality” underlying any ethical system whatsoever. In describing “the conscientious moral agent” at which the analysis must begin Rachels selects unconsciously from the seven virtues. The conscientious moral agent will be in part “someone who is concerned [that is, who has love, connection] impartially [who has

justice] with the interests [having prudence to discover these] of everyone who is affected [justice, love, faith]. . . ; who carefully sifts facts [prudence again]. . . ; who is willing to 'listen to reason' [justice plus temperance = humility]. . . ; and who, finally, is willing to act on the results [courage]" (Rachels 1999, p. 19). Since all this is quite an arduous task, a *bonum arduum*, as Aquinas put it, a hard-to-achieve good, he'd better have hope, too.

That is, ethics, even the political ethics we call political theory, must *start* from an ethical person imagined as The Ethicist or The Political Theorist---who turns out to have all seven of the Western virtues. The rabbits are already in the hat. Think of how impossible it would be to come to the conclusions of Kantian or utilitarian or Sen-Nussbaum or Buchanan-Tullock political ethics if The Ethicist or The Theorist did not *already* have the character Rachels praises of concern, impartiality, carefulness, humility, courage, and so forth. Frankly, my dear, he wouldn't give a damn.

The economist Mark White has arrived at a similar conclusion. He says that a Kantian ethical theory posits a prudential and an ethical self, the choice between them being determined by a probability, *p*, that one has the strength of character to follow the ethical self. This seems to fit Kant, and as White points out it also fits John Searle's notion of a "gap" in decision-making allowing for free will. One is reminded, too, of Stuart Hampshire's account of free will. But White realizes that something is fishy. "Is the probability distribution, representing ones character, exogenously given? Though that would make things much simpler, I should think not; it is crafted by our upbringing, and even to adulthood one can act to improve his character. Of course, this. . . [suggests] the question: to what goal or end does one improve character?" His reply is that "in the Kantian model . . . we assume that a rational agent's true goal is to be moral" (White 2005, p. 15). But that is the goal of being a virtuous person. The argument is circular.

Annette Baier made a related point, and one related to Nussbaum's project, about characteristically male ethical theories. "Their version of the justified list of obligations does not ensure the proper care of the young and so does nothing to ensure the stability of the morality in question" (Baier 1994, p. 6). It is not merely a matter of demography. It is a matter of more fundamental reproduction, as the Marxists say. Somehow the conscientious moral agent assumed in the theories of Descartes and Kant and Bentham and Buchanan and Rawls and Nussbaum must appear on the scene, and must keep appearing generation after generation. "The virtue of being a *loving* parent," Baier says, "must supplement the natural duties and the obligations of [mere] justice, if the society is to last beyond the first generation." Imagine a human society with *no* loving parents. We have examples in children war-torn and impoverished, boy soldiers or girl prostitutes. One worries – perhaps it is not so – that the outlook for them becoming conscientious moral agents, and making a society in which humans (or trees, for that matter) can flourish, is not very good.

What is required for *any* ethics, in other words, is a conscientious moral agent, a virtuous person. Virtuous: namely, having the seven virtues in some idiosyncratic combination. Kant himself said so. In his *Reflections on Anthropology* he praised "the man who goes to the root of things," and who looks at them "not just from his own point of view but from that of the community," which is to say (wrote Kant), *der Unpartheyische*

*Zuschauer*. The phrase is precisely the contemporary translation of Adam Smith’s ideal character from whom at least the artificial virtues are said to flow, the Impartial Spectator.<sup>4</sup> Adam Smith’s system in *The Theory of Moral Sentiments* was the last major statement of virtue ethics before its recent revival in departments of philosophy and especially among female philosophers. Especially in Part VI of the *Theory*, added in 1790, he reduced good behavior to five of the seven virtues: prudence, justice, love (“benevolence”), courage (“fortitude”), and temperance (the last two being “self-command”) (Smith 1759/90, p. 236). Hope and faith and transcendent love are absent, as monkish, but the ideal bourgeois he praises in the early pages of Part VI slips them in anyway, secularly, as Smith did in his own life.

By admitting that *der Unpartheyische Zuschauer* begins his system, Kant undermines it, since the impartial spectator is not *derivable* from maxims justified merely on grounds of pure or practical reason. Kant’s system is supposed to ground everything in maxims that a rational being would necessarily follow. It doesn't. What Peter Berkowitz said about Kant's political philosophy could also be said of his ethical philosophy, that he “makes practical concessions to virtue and devises stratagems by which virtue, having been formally expelled from politics, is brought back in through the side door” (Berkowitz 1999). Or as Harry Frankfurt puts it,

There can be no well-ordered inquiry into the question of how one has to reason to live [such as Kant's], because the prior question of how to identify and to evaluate the reasons that are pertinent [that is, those favored by a conscientious moral agent, the Impartial Spectator] in deciding how one should live cannot be settled until it has first been settled how one should live. . . . The pan-rationalist fantasy of demonstrating from the ground up how we have most reason to live is incoherent and must be abandoned.

Frankfurt 2004, pp. 26, 28.

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You might well say to all this philosophical heavy lifting, Valley-Girl style, “Duh! We need to raise children with ethical values? People need to be good already in order to want to be good? Double duh!”

I agree. But the intellectual tradition of economists since 1789 and of political scientists since 1969 does *not* wish to acknowledge – especially at the start – all the virtues in a flourishing being. It wants to start simply, with a nearly empty hat, such as “Pareto optimality,” and then pull from it a complex ethical world. It wants to reduce the virtues to one, ideally the virtue of prudence, and derive the other virtues, such as a just polity, from the prudence. It does not want to talk about how we arrange to have on the scene in the first place an ethical actor who by reason of her upbringing or her ongoing ethical deliberations wishes the greatest happiness for the greatest number, or the application of

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<sup>4</sup> The passage is noted and the identification with Smith asserted by a German translator in 1926 of *The Theory of Moral Sentiments*, Walther Eckstein, quoted in Raphael and Macfie, eds., “Introduction,” to *Theory* (ed. of 1976), p. 31.

the categorical imperative, or the following of constitutional instructions from behind a veil of ignorance.

It hasn't worked, not at all, this boy's game, and it's time that economists and political theorists admitted so. So-called "welfare economics" has recently shown some faint stirrings of complexity in ethical thought, as in the works of Amartya Sen, and more in the works of younger economists and philosophers inspired by his tentative forays. But most academic economists and political theorists, such as Buchanan and Nussbaum, continue working the magician's hat.

The hat does not contain a living theory of moral sentiments. Instead of a nice set of seven cuddly rabbits, the theorists have supplied the hat with a large, Victorian, utilitarian parrot, stuffed and mounted and fitted with marble eyes. Sen complained of the "lack of interest that welfare economics has had in any kind of complex ethical theory," and added: "It is arguable that [utilitarianism and]. . . Pareto efficiency have appealed particularly because they have not especially taxed the ethical imagination of the conventional economist" (Sen 1987, p. 50). Time to give the dead parrot back to the pet store – though the economist/salesman will no doubt keep on insisting that the utilitarian parrot is actually alive, that Pareto optimality will suffice, that though the parrot *appears* to be dead, kapot, over, a former parrot, in fact he's merely pining for the fjords.

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Sen and Nussbaum have long advocated a minimum standard of human flourishing, that is, capabilities. It is a rich and Aristotelian list:

#### How Nussbaum's List of Capabilities Lies Down on the Seven Virtues

Not dying prematurely	Justice
Good health	Justice, temperance
Secure against assault	Justice,
Use of imagination	Hope, justice, courage
Emotional attachment	Love, faith
Practical reason	Prudence, hope, faith
Affiliation	Love, justice
Love of other species	Faith, temperance
Play	Courage, hope
Political and economic rights	Justice

Source: Nussbaum 2006, pp. 76-78

Justice figures in so many of the capabilities because Nussbaum wants them to be liberal-political, that is, agreeable to all, the result of an "overlapping consensus," as the liberal tradition and Nussbaum express it. Such artifice will require of course an other-respecting virtue named something like "justice."

But notice again: in order to have the disposition to work for this or that capability *one has to have at the start the virtues of wishing and being able to do so*. It is *not* enough to rely on prudence or justice or even love of others. Adam Smith writes in a well-known passage that if *love* for our fellow humans was all we had to depend on, then the

extermination of the Chinese would trouble us less, really, than the loss of a little finger (Smith 1759 [1790], p. 136; cf. Rousseau 1775, p. 121). It takes a sense of abstract propriety, he argued, a virtue separate from love and not translatable into it, to want to give a damn for a foreign people whom you have never seen and whom you can never love. The moral sentiment – I would call it a sense of justice, though Smith would not – impels the man within to scold a self that is so very selfish as to save the finger rather than the entire race of Chinese. “What is it,” he asks, “which prompts the generous upon all occasions and the mean upon many to sacrifice their own interests to the greater interests of others? It is not. . . that feeble spark of benevolence. . . . It is reason, principle, conscience, the inhabitant of the breast. . . . The natural misrepresentations of self-love can be corrected only by the eye of this impartial spectator,” *der Unpartheyische Zuschauer* (Smith 1759/90, pp. 308-313).<sup>5</sup>

But the same can be said of the other virtues. Take the actual person of the late James Buchanan as a case in point. It takes a character of hope, which Buchanan actually had on his better days, to have an interest in constitutional reform. It takes a character of faith to worry about the corruptions of Me-ism in American society. It takes a character of courage to stand against the Northeastern establishment in intellectual life. Characters – not wind-up toys of Prudence Only, or even prudence with a version of justice, or even of love of others – have to be in the theory and in the theorist's breast at the start. The hat needs to be full (full of rabbits or variously colored parrots as you wish), representing all seven of the virtues.

Economics since Bentham, and in sharp opposition to Smith, has been by contrast the pure theory of prudence. Econowannabes like political scientists and political theorists are thrilled when economists suggest that *all* you need is prudence. If the theorists find they can't get away with Prudence Only they add a mechanism in Rawlsian style to imitate justice. If they find they can't get away with that, they add love of others, as Nussbaum does.

All this “if they can't get away with” suggests, just as the Nussbaum Lemma asserts, that the project is mistaken. It is *not* a good idea to start with a parsimonious description of human beings. There is no “strength” in Ockham's Razor. *Essentia non sunt multiplicanda praeter necessitatem*: Essences must not be multiplied more than is necessary. All right, yes, one cannot but agree: no more than is *necessary*. But the Seven Virtues, or some other rich, Aristotelian or Confucian description of the flourishing life, *are* each of them necessary. To get *der Unpartheyische Zuschauer*, to get those capabilities, to get a minimally peaceful community, to get a constitution under which we want to live we need humans, we need humans, not wind-up toys or stuffed parrots.

A Virtue-Ethical Theorem seems to follow from Nussbaum's Lemma. *Looking at the matter in the Nussbaum-Lemma way undermines invisible-hand arguments*, which have so fascinated us since Mandeville. They do not entirely undermine them. I am not suggesting that we abandon the insights we gain from thinking of ethics at two levels, the individual and the society, and asking how the one level relates to the other. Relating one level to the other is an important merit of the Virginia School of constitutional political

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<sup>5</sup> Smith, *Wealth*, 1776, III.3.5, p. 137. I wish he hadn't said "reason," which makes the passage sound Kantian.

economy – though the School very much wants to get along on Prudence Only. As Smith said in *The Theory of Moral Sentiments*, to start where Mandeville starts, with selfish prudence only, will not produce humans (Smith 1759/90, pp. 308-313).

Oddly, the so-called Virtue-Ethical Theorem reinstates an older and simpler view of how to go about political philosophy. The wider our list of virtues for flourishing, or the wider our list of capabilities, and therefore the more rabbits, parrots, or virtues we have to put into the hat at the start, the stronger is the Nussbaum Lemma. And therefore the more implausible does it become that some “immensely simple model” (as Bernard Williams once put it) will turn out to give a livable human society, as though from an invisible hand (Williams 1985, p. 127; cf. p. 197, “reductive theory”). Or a hat.

In other words, the civic republican notion that the way to have a good society is to arrange somehow to have a bunch of good people – which in the light of invisible hand liberalism seems primitive and moralistic and insufficiently social scientific – turns out to be much more plausible and scientific than we liberals thought. My “theorem” is that the more seriously we take full human flourishing the more true becomes Orwell’s apology for Dickens’ ethic: “‘If men would behave decently the world would be decent’ is not such a platitude as it sounds” (Orwell 1940, pp. 150-151).

In still other words, an economics or political theory that takes human flourishing seriously should start with the virtues – and finish with them, too, since by the Nussbaum Lemma they end up pretty much the same, *and that is what we want in humans*. To put it in terms that begin to edge towards Virginia Political Economy, the seven virtues are what a flourishing individual wants for herself. They are what she chooses, when she has the capability to choose.

Nussbaum and Buchanan and I start from an anti-utilitarian assumption that Prudence Only won’t suffice. But neither will other little sub-sets of the virtues. It is humans who make and honor constitutions, not partial monsters. There is no point to the modern, post Machiavellian/Hobbesian reduction of the theoretical project to a simple few of the virtues. The simple few lead to societies in which free riding and moral hazards are rampant. If we want flourishing people we need to raise up virtuous people. It’s not such a platitude as it sounds.

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A vivid realization that economists need to talk about actually existing politics is the great merit of the Virginia School of public choice. The school asks what governments can in fact do, considering that the governors have their own agendas – for example, the acquisition of large and secret bank accounts in Switzerland and the monopoly of violence at home to achieve them. Buchanan and friends are the reply to Nussbaum’s nostalgia for collectivism.

But consider the Nussbaum Lemma and the Virtue-Ethical Theorem. Is a full ethics missing? “The Madisonian vision, with its embodied ethic of constitutional citizenship,” as Buchanan noted in one of his elegiac pieces after the 1960s, “is difficult to recapture once it is lost from the public consciousness” (Buchanan 1989, p. 372). Of course it would be easier to have the ethic of a constitutional citizen were one involved, as Madison and

his founding brothers were, in making and defending an actual, new constitution. Still, Buchanan was rightly advocating an appreciation of constitutional issues, as against a game of maximizing within a given constitution, which he believes characterizes the Me Generation. He noted over and over again that “if we [in Prudence-Only style] are considering games with effectively large numbers of players, there may exist little or no incentive for any single player to participate actively in any serious evaluation of the rules,” that is, evaluating the constitution of the game (Buchanan 1989, p. 370). There is no point in voting in a large election about the constitution if casting the vote costs even a tiny inconvenience, five minutes to go to the polls, a spot of rain, a longish line. He concludes that “participating in the discussion of constitutional rules must reflect the presence of some ethical precept that transcends rational interest for the individual” (Buchanan 1989, p. 371).

Suddenly we are back in an ethical world. “We remain,” Buchanan wrote in 1992, “ethically as well as economically interdependent.”<sup>6</sup> The most obvious sort of ethical precept, other-regarding, may not do the trick, since it inhabits only the middle regions of the virtue diagram: “The individual may be truthful, honest, mutually respectful, and tolerant in all dealings with others; yet, at the same time, the same individual may not bother at all with the maintenance and improvement of constitutional structures” (Buchanan 1989, p. 371). He plays checkers with a good will, refraining from cheating, say, but does not enter into the question whether the 10 x 10 board is better than the (long-computer-solved, if still challenging for real humans) 8 x 8 board. In other words, Buchanan’s idea of “constitutional citizenship” is a transcendent ethic, at the *top* of the diagram of the virtues. We vote because we have faith in the traditions of American democracy or hope for its future or some less dignified yet still transcendent imagining, not because we irrationally expect to influence the outcome of a senatorial campaign in which 5 million other citizens of Illinois are going to the polls. *Sic transit* a rational-choice theory of democracy.

In 1989 Buchanan wrote that “Each one of us, as a citizen, has an ethical obligation to enter . . . into an ongoing . . . constitutional dialogue” (Buchanan 1989, p. 369). But where does the inclination to fulfill our ethical obligations come from? Not, as Buchanan showed repeatedly, from Prudence Only. He wrote in 1978 that “*Homo economicus* has assumed . . . a dominant role in modern behavior patterns” (Buchanan 1978, p. 366). He attributes the sad slip towards Prudence Only to larger polities, national politics – the K

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<sup>6</sup> Buchanan 1992, p. 359. By the way, let me mention here a technical economic objection to an argument he makes in the essay – finding himself in agreement, startlingly, with such men of the left as Nicolas Kaldor and Martin Weitzman. He argues that inducing people to enter markets rather than staying at home reaps gains for all in the division of labor. So we should, for example, get housewives out of the house. But the argument applies only to internationally or regionally *non-traded* goods. Elementary education or sewerage or policing or the local theatre scene must be the goods exhibiting the non-convexities he speaks of, since steel and wheat and other traded goods will not. Entry allows international or regional specialization, and more and more so in the modern world. The specialization exhausts the gains from the division of labor in making steel and wheat that Buchanan expects from inducing housewives to get a market job.

Street fishery, for example – and the “observed erosion of the family, the church, and the law” (remember: it’s 1978). Is that right?

Buchanan was the greatest student of the Iowa/Chicago economist Frank Knight. Like Knight, he was essentially a theologian. . . who dismisses theologies. He had a tragic, Protestant vision, as Robert Nelson has described it (Nelson 1991). We are sinners in the hands of an angry God, and God has arranged all sorts of prisoners’ dilemmas and free-riding problems to stand in the way of a second Eden that naïve optimists like Anglicans and Catholics think are approximately attainable. We may not in fact be among the elect. The more there are of us in total, the further we get from small congregations staffed with Puritans watchful of each other’s behavior, the more likely is damnation. As early as 1965 Buchanan was asserting that “the scope for an individualistic, voluntaristic ethics must, of necessity, be progressively narrowed” (Buchanan 1965, p. 327). In 1978 he exclaimed in anguish, “Is not man capable of surmounting the generalized public goods dilemma by moral-ethical principles that will serve to constrain his proclivities toward aggrandizement of his narrowly defined self-interest?” (Buchanan 1978, p. 366). But immediately he answered, No, not under the large-polity conditions of modern governments.

The underlying dilemma that Buchanan worried about for so long is that although private goods are best provided in anonymous markets, public goods are best provided in face-to-face communities, two people playing checkers or two people married or a small town in Tennessee filled with Church of Christers. It is the classic dilemma of modern public finance, noted by Wicksell and the Italian students of public finance and James Buchanan. The only solution is ethical, and Buchanan was not optimistic about getting it.

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But the paradox in economists like Buchanan or Tullock – this is my Nussbaumian criticism of the Virginia School – is that the *ethical* change that Buchanan in particular advocates to solve the large-polity problem, or the big change in institutions, necessarily supported by an ethical change, is undermined by the very Prudence-Only framework he brought to the task. That is, the rhetoric of Prudence Only corrupts the public discussion of getting beyond Prudence Only.

One of Buchanan’s contributions to Prudence-Only theorizing, for example, was his 1975 paper, “The Samaritan’s Dilemma,” arguing that the Samaritan has every incentive to “pass by on the other side,” especially if the road is thronged with passers by. But wait. The Samaritan in the gospel of Luke (10:33-34) did not in fact pass by on the other side, for reasons that had precisely nothing to do with prisoner’s dilemmas or Prudence Only. That of course is the point of the parable. Suppose everyone around the Samaritan, and especially his professor of economics or of rational-choice political science or of law and economics à la Richard Posner, was saying, “Why be a sucker? Only a fool would bother to help this jerk, under Prudence-Only ethical rules. Come on, Samaritan, pass by on the other side.” It’s the effect of two centuries of Benthamism in economic discourse, which came itself out of a bourgeois turn in public rhetoric from the 17<sup>th</sup> century on. “Perform,



oh polity, cost-benefit studies of the draining of the Somerset Levels. Consider whether a friend is worth the bother. Don't be a sucker, or a hero, or a saint."

But why *do* we talk about ethics, or about getting lists of capabilities correlated with ethics, or about forming constitutions on the basis of ethics assumed at the start? We do so because we are exchanging persuasions in the way we exchange goods. Adam Smith spoke of the "propensity to truck, barter, and exchange," which Buchanan wished to place at the center of economics, as arising from the "faculty of reason." So much for Prudence Only and the reason half of the Enlightenment project. But Smith added, and believed in, "*the faculty of speech*," which is the other, freedom half, persuasion's role in the economy, ignored after his death (Smith 1776, p. 25, italics supplied; cf. McCloskey and Klamer 1995; McCloskey 2007; McCloskey 2016, Chp. 51). We are, as Smith said, orators through our lives. We preach. And what we preach is the seven virtues.

Buchanan complained about "lawyers [turning to] economic theory for new normative instructions," by which in 1978 he probably meant that same professor of law and economics, soon to be Seventh Circuit Court of Appeals Judge, Richard Posner (Buchanan 1978, p. 366). But what has given Posner his influence – I mean aside from his crushing if regularly misled energy and brilliance – is his retailing of just those theories of Prudence Only to which James Buchanan and Gordon Tullock and numerous other of their colleagues so notably contributed. Don't be a sucker. Defect.

We need direct ethical change, and that is to be achieved not by a Fifth Great Awakening but by the recovery of explicit and full ethical talk. Only *that* will protect the constitution, or result in wide capabilities, or give birth to a society of love. Buchanan dismissed direct ethical change with the anti-clerical's sneer: "Rather than hope for a 'new morality,' I shall focus on the potential for institutional reform that may indirectly modify man's behavior towards his fellows" (Buchanan 1978, p. 360). Hard-nosed and practical. Prudence only. No preacherly talk of ethical conversion.

But institutional reform, in turn, is only possible if we stop speaking of people as I'm-All-Right-Jack maximizers and start insisting that they are complete ethical beings. Not saints or heroes, I mean – this is in line with the Scottish and American Enlightenment's admiration for the bourgeois virtues – but anyway people trying to evince all seven, though often failing in a fallen world.

The change in the talk of professors won't of course suffice. People outside the academy, too, need to adjust their rhetoric to an ethical world, a world emptied of content by 20<sup>th</sup>-century "emotivism" in ethics and the long fascination in the West with prudence as a plan of life. But changing our ethical rhetoric inside the academy will help. "I am sure," wrote Keynes in 1936, "that the power of vested interests is vastly exaggerated compared with the gradual encroachment of ideas," and so the subsequent career of Keynesianism showed, in its rise and in its decline.

John Adams doubted "whether there is public Virtue enough to support a Republic." By contrast, Madison expected political competition, like economic competition, to make it "more difficult for unworthy candidates to practice with success the vicious arts by which elections are too often carried" (quoted in Prindle 2003, pp, 98, 70). Adams stands for a civic republicanism depending on individual virtue, Madison for

a liberalism depending à la Buchanan and Tullock on constitutional structures. Either individual virtue *is* necessary for the polity to thrive, or else ingenious structures can offset the passions with the interests. I suggest that the only way we are going to get the ingenious structures of Madison in the first place is in a polity with the public virtues of Adams. And in turn the only way we are going to get public virtues is to start talking about them. Yes (to use the anti-clerical rhetoric of emotivism), we professors of political economy and political philosophy *should* “preach.” Since when has urging virtue on our friends been a bad idea? Answer: since the clerisy in the West got embarrassed by religion. I would suggest gently: Get over it.

The analogy in ethical theory is the contrast between act utilitarianism and rule utilitarianism. Buchanan’s example of playing a game within a given set of rules is act utilitarianism. And, as he explained to us for fifty years, act utilitarianism has great problems. In a game of chess, for example, do you cheat when your opponent goes to the bathroom? The monster of Prudence Only assumed in most economic theorizing would. Therefore, said Buchanan, we have to rise to the level of *rule* utilitarianism. We formulate for ourselves and others by mutual constitutional agreement some extensive rules of the game. No cheating. A bishop moves on the diagonal. No adding dead pawns when he goes to the bathroom. No taking out a .38 and threatening him. It is Hobbes’ and Locke’s or Rawls’ or Buchanan and Tullock’s or Nussbaum’s social contract (Buchanan 1987, p. 73).

But I repeat: why would anyone follow the social contract? The answer is not, as Hobbes supposed, Prudence Only. That premise of political and social theory doesn’t work, as has been repeatedly demonstrated by the slow collapse of the rational-choice model in the face of the Folk Theorem and cross-cultural laboratory results, not to speak of the experience of actual human institutions, such as Elinor Ostrom studied (1990, 2010). The answer is Buchanan’s “constitutional citizenship.” But in order for it in turn to work it must be supported by a third level, above the rules and constitutions, namely, educated character. *Ethos*. Ethics.

You can think about it in a little table, where the next lower solves the problem of a higher row:

The ethical level of ↓: recommends	as social policy ↓:	but leaves unsolved the problem of ↓:
act utilitarianism	central planning, Bergson/Samuelson welfare economics	rent seeking, selfish interests
rule utilitarianism	constitutional change	motivating the changers
ethics	policies to get virtuous people	how exactly to do this

Buchanan sometimes rejected ethical reasoning in terms that echo the so-called “emotivism” I mentioned, of logical positivism and other hard-nosed theories, such as Hobbes’ in 1651: “Good and evil are names that signify our appetites and aversions” (Hobbes 1651, I, Chp. 15, p. 82; and I, Chp. 6, p. 24). In 1975 Buchanan disdained ethical discussion as “pure escapism; it represents empty arguments about personal values which spells the end of rational discourse.” We must proceed “on the presumption that no man’s values are better than any other man’s” (Buchanan 1975a, p. 89).

I don’t think Buchanan could really have meant this. Emotivism is also called the “hurrah-boo” theory. Many “realist” thinkers, which is not Buchanan’s party, have really meant it. Ethical and aesthetic preferences, Oliver Wendell Holmes wrote in 1902, are “more or less arbitrary. . . . Do you like sugar in your coffee or don’t you?” (Holmes to Lady Pollock, Sept. 6, 1902 in Holmes-Pollock, p. 105). Hurrah. In the same year: “Our tastes are finalities” (quoted in Alschuler 2000, p. 24). Boo. In the fourth year of the Great War he wrote to Harold Laski, “When men differ in taste as to the kind of world they want the only thing to do is to go to work killing” (quoted in Luban 1992, p. 244).

I am saying that there was a tension in Buchanan’s thought, this lack of comfort with ethical thinking in a man very given to ethical thinking. Like Frank Knight, Buchanan was an ethical thinker, “admittedly and unabashedly” celebrating, for example, constitutional political economy precisely for its “rationalization purpose or objective” (Buchanan 1991, p. 128). He was not by any means a laughing amoralist, with a preference more or less arbitrary, hurrah-boo.

A paper by Buchanan and Viktor Vanberg in 1991 declared that people’s preferences have but two components, theories and interests. “A person may oppose the imposition of a highway speed limit because it is predicted to be unenforceable (a theory-component) or because he or she enjoys driving at high speeds (an interest-component)” (Buchanan and Vanberg 1991, p. 128). The declaration is mistaken. There is also an *ethical* component: “High speed is good for the human spirit,” the ethicist may say, or “No government should interfere.” It seems apparent that human preferences are affected by ethical reasonings. The ethical component often has nothing to do with the person’s own

pleasures – she may not know how to drive, for example, or herself be terrified by high speed, but nonetheless advocate ethically speaking the right to high speed for others.

The reason the third, ethical component matters is that the veil-move in contractarian philosophy is supposed to leave only the theory component, what Buchanan and Vanberg call, following Hayek and Rawls, “the knowledge problem,” since one does not know where one’s interests will be located in the rule-guided world thus enacted. But the deduction is mistaken. The veil does take away interest, let us suppose. But it leaves theories *and ethics*, a knowledge problem *and an ethical problem*.

The point applies equally to Hobbes and Gauthier and Rawls and Nussbaum. The veil-move takes away particular, local, historical interest. That’s good, and in particular it is just by a liberal, egalitarian definition of justice (not by, say, the justice of obeying your queen). From behind your veil you don’t advocate slavery, because for all you know you may end up as a slave. But as human beings actually are, and must be if the constitution is to endure, the veil-move leaves aside the ethical component, which is to say virtues other than a “justice” derived from tricks with prudence and dubious assumptions about attitudes towards risk. People after bourgeois English Quakerism detested slavery, and not merely because of an unsupported expression of taste, but for new and ethical reasons more or less cogent, elaborated in the past two centuries: “Slavery is inefficient”; “Slavery corrupts even the master”; “Slavery violates the categorical imperative”; “Slavery would not be chosen from behind a veil of ignorance.” These are ethical positions, whose justification depends on a full human being holding them.

Buchanan had earlier written that it would be “empty to evaluate imagined social states without consideration of the structure of rights, or rules, that may be expected to generate them” (Buchanan 1975b, p. 208). It is what he and I would have agreed is wrong in Martha Nussbaum’s book. We can call his assertion the Buchanan Lemma. One could use it to explain why one might not agree with Nussbaum’s statist /NGO-ist proposals for foreign aid.

But, as in Nussbaum’s case, our new Lemma applies to the very writer who formulated it, namely, Buchanan. Nussbaum returns thereby the critical favor. It would be empty to evaluate imagined constitutions, say Nussbaum and McCloskey, without consideration of the structures of *ethics* that may be expected to generate them.

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I am advocating what can be conceived of as the next step in Nussbaumian capabilities or the next step in Buchananesque constitutional reform: namely, taking all the human virtues seriously. You could call it a humanistic science of economics, gradually emerging from the slow, dignified, and long-awaited collapse of the Samuelsonian program. It might be called the “second-stage classical economics” that Vivian Walsh recently advocated, because after all it was in fact the program of the blessed Adam Smith (Walsh 2000). Or it might simply be called “Smithian.”

Buchanan long argued that to do economics we don’t need Samuelson’s or Arrow’s Max U, that strange character obsessed with prudence only (Buchanan 1964). Smith didn’t

need it, for example. Keynes didn't need it. Hayek didn't need it. The Samuelsonian program was initiated by an amazing paper by a very young Samuelson in 1938 on revealed preference and fully launched in his modestly entitled Ph.D. dissertation of 1947, *The Foundations of Economic Analysis*, followed shortly by a book by his brother-in-law Kenneth Arrow, which Buchanan harshly reviewed at the time on the same grounds that I don't like it. Samuelson founds economics on maximizing individuals. In the political sphere, articulated first by A. C. Pigou in the 1910s and 1920s at Cambridge and then mathematized in the 1930s by Samuelson's friend at Harvard, Abraham Bergson, and by Brother Arrow, maximizing societies depend on maximizing individuals. Not so, said Buchanan.

The people are not merely "individuals," note. I am not here criticizing methodological individualism. They are *maximizing* individuals. The mathematics of maximization, a mathematics already a century and a half old in the 1930s, became the dominant tool of economists after Samuelson (John Hicks had independently invented it in England). By the 1970s some economists, who themselves rose to dominate this part of the profession, demanded that everybody found even the study of inflation, unemployment, and growth, namely, macroeconomics, on "micro-foundations," that is, on the Samuelsonian method of Max U. It didn't work, but it is still taught with the utmost and most pointless rigor in graduate programs in economics. In the same decade another group of economists, who later came like their teachers to dominate the rest of the profession, demanded that everybody found the study of face-to-face interactions, namely, bargaining situations and the faculty of speech, on game theory, that is, Max U in another guise. That didn't work, either, though again it resulted in a gratifying large number of endowed chairs for bright young men.

Buchanan and a small group of other economists, including latecomers to this campaign such as Sen and me, say that Max U is "close to a social moron," as Sen put it once, not a suitable character on which to found a social science. We are not attacking mathematics or methodological individualism. These have their faults, but they have their virtues, too. We say merely that economics or political philosophy should not be about a dubious individual psychology, proven mistaken over and over again in the laboratories, or about a desperately partial ethics invented by some very bright theorists in early modern times but not therefore to be judged adequate for all time. Economics should be about exchange, and political philosophy should be about the conditions for making and keeping constitutions.

In other words, the very formulation of economic theory, and the more so the very formulation of political theory, as a constrained maximization problem or as a non-cooperative game or as micro-foundations of macroeconomics makes it impossible to take other virtues seriously. It's Bentham's move. You therefore find economists and evolutionary psychologists and the like saying, for example, that "love" (they commonly use the scare quotes) is merely getting the most for yourself, even if by the intermediate step of getting something for the beloved. Or you find them claiming the justice will spring from a group of Max Uers. Buchanan and company reject Max U. My point is that in doing so the Buchanans create a space for a full ethics, which they sometimes admit.

Indeed, *only* a non-Max U economics has such a space. The kiss of Bentham is the kiss of death to a humanistic science of economics or an adequate political theory.

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The argument here that we need to re-ethicize the social sciences, I am very willing to admit, has its own unresolved tensions, chiefly: by what mechanisms do I imagine that the next ethical step will take place? If our hope must rest partly in ethical change, what is the basis for the hope?

One small contribution the ex-Samuelsonian economists can make is to stop talking of Prudence Only, as Buchanan did, as the ideal constitution of liberty. It is not, and economists and calculators have done damage by obsessing on it all these years since Samuelson first mathematized it, or since Bentham first formalized it, or since Mandeville first put it into verse, or since Hobbes first declared it the natural law of humans, or since Machiavelli first whispered it in the ear of the prince. A contribution the *non*-economist clerisy can make to an ethical change is to cease talking of voluntary exchange as exploitative, or as easily second-guessed by the better Swedish bureaucrats, as Nussbaum does. Prudence Only at the level of an ideal bureaucracy is just as partial and unethical as Prudence Only at the level of individual motivation. We need to inquire into how to make good people, including our governors, in the world as it is.

The choice of an ethical character is so to speak a within-person constitutional choice. We should be investigating how to produce good people, because good people make good political and economic choices. After all, flourishing lives for human beings, and for the animals and plants we care for, too, is what we seek.

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