

in which lawyers can develop suitably sensitive and directed consciousness. Those who gave us this justice system understood and accepted that offer of a moral consciousness. We should not reject or misinterpret it. Our complex work is built and depends on an ethic as real as the printed words of Graham's *The Consciousness of the Litigator*, though far more meaningful and infinitely more satisfying.

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The Ethics of the Market

John Meadowcroft

Basingstoke, United Kingdom: Palgrave Macmillan, 2005 (175 pages)

John Meadowcroft's *The Ethics of the Market* is a truly valuable contribution to a literature that, rather than merely emphasizing the efficiency benefits of the capitalist system, defends the market economy on purely ethical grounds. Perhaps more of a primer than a work of original research, Meadowcroft's book, however, offers an immense service by wrestling with the most popular arguments in political philosophy and debunking them, following the footsteps of an impressive number of mentors—from John Locke to Friedrich von Hayek, from Adam Smith to Robert Nozick.

Going back to the basics of classical liberalism is necessary in the contemporary era especially because of the common yet mistaken view that there is no longer a war of ideas to be fought. As Meadowcroft writes in the very first page, "It is now widely held that the central debate in political economy has shifted from the question of whether capitalism is the most efficacious economic system to the question of how the state should manage and regulate a market economy" (1). However, "while it is undoubtedly true that the state socialist alternative to capitalism has withered away, it is nevertheless the case that many of the regulatory measures implemented in contemporary liberal democracies impose equal if not greater restriction on economic freedom and individual liberty than the direct interventions that were undertaken during the post war consensus" (2). Meadowcroft clearly has a point here, and perhaps it is so exactly because of the apparent general consensus over the comparatively higher benefits inherent in a market arrangement of the economy.

Such a consensus, however, confronts us with at least two perils. The first is the technocratic attitude toward the market's regulation—an attitude that is predominant among the Western elite and that sees in the free economy nothing but an instrument to be twisted to obtain any desirable social end via an appropriate setting of rules. Social engineering in market's clothes is by no means less harmful than its collectivist twin brother. The second is the general shift of the debates in social sciences from highly theoretical (albeit sometimes ideological) discussions to the technicalities of public policy. These latter are certainly well worth studying, but the proper task of political philosophy, at least, should be looking to ideas at the highest possible degree of generality.

Meadowcroft's attempt is precisely to work in that sphere by confronting a variety of authors—from giants such as Rawls and Cohen to eclectic followers of theirs such as Otsuka—on the first principles of the market economy. Generally speaking, *The Ethics of the Market* cannot but go back to the Lockean thesis on self-ownership. Nozick and Rothbard (though the latter is an author somehow neglected by Meadowcroft) are here the polar stars.

However, the writer tackles his polemical targets with a distinctive touch that reminds of the earlier masters in classical liberalism—those who “appreciated the socially and morally beneficent consequences that followed when people traded with one another in commercial markets” (5) but also believed, quoting Montesquieu, that “wherever manners are gentle there is commerce; and wherever there is commerce manners are gentle.” We are reminded here of Benjamin Constant's distinction between the freedom of the ancient and the freedom of the modern, or, closer in time, of Joseph Schumpeter's thesis on imperialism or Ludwig von Mises' approach to international trade.

Commerce is, à la Spencer, understood as a symptom if not a cause of civilization itself. Departing from the brutal rule of an autocratic and centralized political system, evolution is leading us to a society where contract rather than status is the rule and people are allowed to cooperate peacefully rather than fighting with one another. “The market is a social process in which individuals learn that their ends can be achieved only if they can be reconciled with those of other people” (18). Such a sketch of the market economy is quite the opposite of the one drawn by those who consider a free economy good enough to produce wealth but driven by a warlike competition that necessarily needs to be tempered if it is to be preserved in the first place.

Meadowcroft's treatment of Nozick's entitlement theory of justice (57–67) is superb and makes it persuasively clear that “a just society must be one in which individuals have the freedom to use their justly acquired resources as they wish” (66). He then fairly presents alternative options (from Cohen to Steiner though necessarily focusing the most on John Rawls' powerful philosophical legacy). Meadowcroft is right in bringing his reader back to empirical data: “The evidence suggests that within real world market economy there has been no polarization between rich and poor during the past century” (77), he writes, dissipating some of the fuzz over the apparent inequality-creating character of a market economy.

Also, Meadowcroft appropriately underlines the aporias in some alternative approaches, including the idea of “equality of opportunity” that “appears to imply that life is a race from a single start line to a single finish line in which (without some form of intervention) some people are better equipped than others and hence destined to win” (80).

Where Meadowcroft is less persuasive is when he sides with Hayek in arguing that “it is an appropriate role of the state to provide ‘the certainty of a given minimum of sustenance for all’ as part of the framework within which the market operates” (83) and thus claims that doing so is not to accept that “the distribution of income and wealth cannot be left solely to the market” (83).

In particular, his argument that “a guaranteed minimum income may be achievable only where a functioning market economy has first created an appropriate level of material prosperity” and thus that “this wealth also enables to citizens of free market economies to be guaranteed a subsistence level income to ensure that no one need ever go without the basic essentials of life as a result of a loss of income due to some misfortune or foolishness” (85) is somehow out of tune with the rest of his book. Saying that a minimum income scheme is not “a redistributive measure but should constitute part of the basic institutional framework within which a market economy operates” (85) is clearly a bit too audacious, especially because by doing so we are de facto comparing a general allocation scheme with the basic tenets of the rule of law.

On this point, Meadowcroft seems to abandon his brave defense of the market economy in the search of some more intelligent way of structuring the welfare state we are all living in. This is far from being a meaningless quest and, though it does not really feel at home here, it does not diminish the book’s value for the reader.

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Economy and Morality: The Philosophy of the Welfare State

Yuichi Shionoya

Cheltenham, United Kingdom: Edward Elgar, 2005 (355 pages)

In *Economy and Morality*, Yuichi Shionoya has attempted a philosophical defense of the welfare state—a state that combines capitalism, democracy, and social security (welfare). While agreeing that outright socialism is inefficient, Shionoya believes that the market economy has sacrificed justice and excellence in the search for efficiency. A moral third way between socialism and the laissez-faire economy is needed.

Although an attempt to resolve economic and moral issues is welcome, *Economy and Morality* has deep-rooted problems. The two major shortcomings are Shionoya’s dependence on assumptions of common values and his readiness to rely on state coercion as a correction for the inadequacies of the free market.

Shionoya’s book depends heavily on the assumption that all people will agree with his moral values. Religion is thus of little use to Shionoya because religions differ on moral values. To Shionoya, moral values must be universalizable. Shionoya relies on the assumption that man has a shared, logically deducible moral sense. The priors from which the deduction must begin appear to be a mandate to human survival and coexistence. According to Shionoya, “a moral value is universally acceptable to all persons in a society who have a common interest in social coexistence,” (28) and “a moral value is universally valid as the standard that enables the survival and coexistence of human beings, permitting the pursuit of their plural conceptions of the good” (30). Later, virtue is linked to “a wide range of socially established cooperative human activity” (108).