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FROM BODO ETHICS TO DISTRIBUTIVE JUSTICE

ABSTRACT. Concern with material equality as the central form of distributive justice is a very modern idea. Distributive justice for Aristotle and many other writers for millennia after him was a matter of distributing what each ought to get from merit or desert in some sense. Many, such as Hume, thought material equality a pernicious idea. In the medieval village life of Bodo, villagers knew enough about each other to govern relations through norms, including, when necessary, a norm of charity. In more complex modern societies, economic destitution cannot so well be handled by individual charity, but now it can be handled by states. Hence, we begin to conceive of the idea of distributive justice as driven essentially by concern for material equality. The difference in state capacities is largely epistemological: states today can know much more about their citizens.

KEY WORDS: Bodo ethics, charity, distributive justice, egalitarianism

1. EGALITARIANISM

Concern with material equality as the central form of distributive justice is a very modern idea. Distributive justice for Aristotle and many other writers for millennia after him was a matter of distributing what each ought to get from merit or desert in some sense. The idea of equality was arguably anathema to Aristotle and most other theorists, including Catholic philosophers, until modern times, indeed until the nineteenth century. A common view was that social hierarchy and its attendant inequality was natural. This inference was likely little more than a naturalistic fallacy of deriving ought from is, but it seemed compelling to most writers. In the seventeenth century, the Levellers in England pushed for equality as essentially a Christian requirement. But theirs was an odd voice in the history of concern with justice before the recent era.

David Hume, writing about 1751, saw distributive justice in the modern sense as pernicious. He attributed concern with such an abstract principle to writers who argued from pure reason with no attention to the possibilities of their actual world and to such religious fanatics as the Levellers (discussed further below). Although he may have had a lingering commitment to arguments from merit, his actual statement of the problems with egalitarian distribution could hardly be more modern in its arguments. He wrote that:

ideas of perfect equality . . . are really, at bottom, impracticable; and were they not so, would be extremely *pernicious* to human society. Render possessions ever so equal, men's different degrees of art, care, and industry will immediately break that equality.



Or if you check these virtues, you reduce society to the most extreme indigence; and instead of preventing want and beggary in a few, render it unavoidable to the whole community. The most rigorous inquisition too is requisite to watch every inequality on its first appearance; and the most severe jurisdiction, to punish and redress it. But besides, that so much authority must soon degenerate into tyranny, and be exerted with great partialities; who can possibly be possessed of it, in such a situation as here supposed? Perfect equality of possessions, destroying all subordination, weakens extremely the authority of the magistracy, and must reduce all power nearly to a level, as well as property. (Hume 1975, p. 194)¹

In this passage, Hume raises three of the standard arguments against equality, which can be stated in contemporary vocabulary as follows. First, giving a potentially capricious government of knaves the power to achieve equality gives it the power to do much else, including very undesirable, tyrannous things. Second, equality entails reduced incentives to those who are especially productive and leads to a trade-off between equality and efficiency of production (Okun 1975). Finally, hierarchy, and hence likely inequality, is virtually necessary for achieving many desirable social goals, including simple order.

Hume canvassed these problems after first granting a view, later developed by F. Y. Edgeworth (1881) and other utilitarians, that, with typical inequality, we must “rob the poor of more satisfaction than we add to the rich, and that the slight gratification of a frivolous vanity, in one individual, frequently costs more than bread to many families, and even provinces” (Hume 1975, p 194). Despite this clear, essentially utilitarian appeal of equality, however, he thought it a bad idea because impracticable to achieve.

Incidentally, Hume demolished Aristotle’s and other’s views of distributive justice based on merit as also utterly impracticable. Hence, he supposed, “the civil magistrate very justly puts these sublime theorists on the same footing with common robbers, and teaches them by the severest discipline, that a rule, which, in speculation, may seem the most advantageous to society, may yet be found, in practice, totally pernicious and destructive” (Hume 1975, p. 193). In essence, he plumped for *laissez-faire* distributive justice. This is not quite the libertarian justice of, say, Robert Nozick (1974), because it depends merely on what happens and not on whether the way things happen meets some pristine libertarian or other principle. Hume also argued against the direct application of a utilitarian principle as a short-sighted violation of principles of justice:

¹Many of the views of Hume cited here were first expressed in Hume (1978), but they are more accessibly and often more clearly stated in Hume (1975).

Cyrus, young and inexperienced, considered only the individual case before him, and reflected on a limited fitness and convenience, when he assigned the long coat to the tall boy, and the short coat to the other of smaller size. His governor instructed him better, while he pointed out more enlarged views and consequences, and informed his pupil of the general, inflexible rules, necessary to support general peace and order in society (Hume 1975, pp. 304–305).

For solid utilitarian reasons, a law of property must be established and must be applied to cases. Hume's fundamentally pragmatic criticisms of egalitarianism, reward by merit, and direct invocation of utility are compelling. Certain aspects of these criticisms will weigh heavily in the discussions of ethics and distributive justice that follow below.

There is one further criticism of efforts to achieve egalitarian redistribution in Hume's time that is implicit in the first passage quoted above but that should be emphasized. Relevant variants of it are arguably even more devastating criticisms of the direct application of principles of merit and utility in assigning property. The criticism, in essence, is that central government could not know enough to achieve equality of resources or income. In Hume's time it did not even know how many citizens there were and it knew remarkably little about them. It is a striking and novel feature of the US Constitution, written in 1787, that it mandated that a national census be taken every decade. The basic data from such a census would be necessary for representative democracy to be kept equally representative over time through reapportionment of legislative positions. Hence, the concern with political equality forced enumeration and efforts to know about the population long before concern with economic equality was taken seriously in politics. That prior concern helped in leading the way to knowledge that would make measures of economic equality and inequality possible. Without such knowledge, concern with economic equality was purely theoretical, not practical.

2. BODO ETHICS

Before national governments gained much capacity for implementing programs of egalitarian redistribution, local communities may long have had such capacity for their restricted populations. Axel Leijonhufvud (1995) characterizes the village society of eleventh century France in which the villager Bodo lived. We have detailed knowledge of that society from the parish records of the church of St. Germaine. Today one would say that that church is in the center of Paris, but in Bodo's time it was a rural parish distant enough from Paris that many of its inhabitants may never have seen

Paris. Virtually everything Bodo consumed was produced by about eighty people, all of whom he knew well. Indeed, most of what he consumed was most likely produced by his own family. If anyone other than these eighty people touched anything he consumed, it was salt, which would have come from the ocean and would have passed through many hands on the way to St. Germaine, or it was spices, which would have traveled enormous distances and passed through even more hands.

In life as organized in Bodo's village, everyone could assess everyone else and their contributions to their own families' lives as well as to the lives of all the other villagers. They had the epistemology to do for their villagers what modern states can still do only relatively poorly today.² All in that village were known intimately to all. The situation of Bodo's village, although not of France in general, was very nearly that of Gerrard Winstanley's ([1652] 1973) vision for the organization of economic life, each family producing primarily for itself.

Ethics in Bodo's society must have been a compound of religious values and social reciprocity. We must rely on each other to some extent and our failures of reliability will be known to everyone. Any of us who are utterly unreliable are likely to become pariahs to everyone else. Much of the simplistic morality of common sense fits such a society fairly well. That morality is a set of minatory constraints: do not fail to keep your promises, do not lie, do not cheat or steal, and so forth. Bodo ethics is essentially a set of rules, norms, or expectations for regulating daily life in small communities with generally close knit relations. Bodo ethics may still be much of the quotidian ethics of people today. But it cannot ground a principle of quasi egalitarian distributive justice in a large and complex society. And it cannot even be very good for regulating broader relations with those – virtually everyone – outside a very close-knit community.

A striking feature of Bodo ethics is that it is relatively enforceable by the community. An individual need not rely on self-regulation to be moral. The knowledge that the whole community has of each individual's adherence to the local moral code allows community members to sanction miscreants. An enormous part of the debate about morality in the modern secular world is about how individuals can be motivated to act morally. That question is answered easily for Bodo's world. The community spontaneously enforced its morality as a set of compulsory norms. This did not guarantee compliance, but it exacted a toll for non-compliance.

In his concern with fitting morality to the passions, Hume was intermediate between the world of Bodo and the contemporary theorists' tendency to

²Differences in the epistemologies of states and individuals are important in many contexts, especially in the law (Hardin 1994).

think of morality as a pure requirement motivated essentially by its rightness. He supposed that although one might use reason to establish a moral principle, reason would not motivate one to follow that principle (Hume 1975, pp. 286–289, 294). In Bodo's society, neither reason nor one's own Humean passions (beyond a desire to live well with one's neighbors) was likely to be necessary to motivate moral behavior for most people. The incentive to avoid sanctions from one's peers must commonly have been sufficient motivation to act according to the local moral code.

The apparent hostility of small, close communities to outsiders might derive in large part from the fact that such communities cannot as well enforce their moral principles on outsiders who happen through. Indeed, one might even expect a local community to hold outsiders not merely as strange but also as immoral. The transition from such communities to larger, more diverse societies entails a transition in the very basis of morality away from communally enforceable norms to ingrained principles and to legal constraints.

3. BODO JUSTICE

Although there might be substantial material inequalities in Bodo's village society, these would not rival the scale of the inequalities of global society in our time or even of the inequalities within contemporary nations. Some of the inequalities in Bodo's world might have been accepted as somehow natural and right. But the inequalities at the bottom of the social hierarchy of those unable to produce for themselves might elicit charity. Such charity would not be akin to the fairness that lies behind John Rawls's (1971) theory of distributive justice, but would simply be beneficence. Bodo ethics must commonly have included a principle of distributive justice, albeit most likely only a principle of establishing a lower bound on how impoverished a person could be and not even roughly a principle of egalitarianism. Egalitarianism is a later invention of utopian thinkers and, eventually, moral philosophers.

In Bodo's society, charity might be subject to a principle of fairness—not fairness toward the poor but fairness toward one's peers in shouldering a share of the burden of charity. Such fairness can be assessed in such a community because so much about everyone is a matter of common knowledge. In a larger society, the knowledge to judge the fairness of one's charity is likely to be absent. Charity therefore becomes a very vague principle in a larger society. Indeed, in the odd vocabulary of Germanic ethics from Grotius, Pufendorf, and Kant, charity is an imperfect duty (Schneewind 1990). That is to say, one has a duty to be charitable but one cannot be

expected to be charitable in every possible case. Rather, one's duty is merely to be charitable some of the time, at one's own more or less willful discretion. In the quasi legal form of Germanic ethics, one has, on the contrary, a perfect duty to keep promises. If I have promised to do something for you tomorrow in return for what you do for me today, it would be immoral of me to decide tomorrow at my willful discretion that this is one of my promises I will refuse to honor. I must keep every promise, subject to reasonable conditions, but I need not – indeed, cannot – act on every instance of potential charity.

Bodo's world was different. To speak anachronistically, one might have a virtually perfect duty of charity in his world in that one's duty would be to contribute a *fair share*, where fair is defined as a matter of reciprocity toward one's fellow contributors. This duty of fairness is not, as in Rawls's theory, a duty toward the indigent, with whom there is no issue of reciprocity. There is no such perfect duty in a large society because your acting charitably to every qualified supplicant would reduce you to their state.

In Rawls's (1971) theory of distributive justice, of course, one does have a duty of fairness toward those less well off. That duty derives from the fact that the benefits one receives from the society's productivity are largely socially, and not personally, determined. I produce what I seem to produce because I am part of this very prosperous, highly integrated, productive society, not simply because I am productive in my own right. Hence, if we could have organized the society in ways that would have made those who are poor under the present organization relatively well off, then I have some duty of fairness toward those who are losers from the way we did organize it (Hardin 1988, p. 132).

In Bodo's society, this argument might seem much less compelling. The society did little better than produce subsistence through each independent family. Economic inter-relatedness was far less extensive than it is today in advanced societies. Bodo's family's consumption depended primarily on their own production. Of course, their access to their bit of land was socially governed, so there was at least some degree of dependence on the larger social order for his family's welfare and for the lesser welfare of the indigent. Because this order could have been different, there was still some sense to Rawls's argument that, in fairness, Bodo owed something to those slighted by the particular choice of social order. Bodo and his fellow villagers would not have granted this point, but they likely did think they had a duty of charity, which in their system was merely another moral principle, not a separate political principle.

Bodo justice was possible at all only because villagers could be relatively sure of their knowledge of each other, including the knowledge whether

someone genuinely was poor. Such knowledge of all by all made Bodo ethics work as a normative imposition that could be enforced spontaneously by all against all. Bodo justice through charity must have worked in a similar way. And as Bodo ethics cannot be translated to large-scale society, so too charity toward the very poor, a central part of Bodo ethics, cannot easily be sustained through the transition from village to large-scale society. That is, in the large-scale society, such charity cannot be organized simply at the level of the individual charitable actor. While charity might be adequate to handle a limited distributive justice in a small community, it is apt to fail in a larger society.

4. FROM BODO'S VILLAGE TO MODERN SOCIETY

Village beneficence toward the poor became legally codified in England's sixteenth century Elizabethan poor laws, which required towns and villages to look after their own poor (Townsend [1786] 1971). These laws implicitly supposed that villagers would have the knowledge to carry out a policy of charity, knowledge that a national government at that time could not have. They also implicitly were grounded in the fact that the national government, as noted below, might not have been able to collect taxes in a way that could have secured transfers from the better off to the poor. Yet these poor laws were arguably introduced just when – and maybe because – the society was shifting from village-level to larger-scale organization. Indeed, imposition of the poor laws became increasingly complex, with destructive restrictions on mobility, as the level of social organization changed.

Mobility had to be restricted for perhaps two reasons. First, if your village provided better aid for its poor than mine did, I therefore had incentive to move to your village if I was poor. This problem afflicts American welfare policy today because some jurisdictions, such as New York, California, and Wisconsin, are more generous in their welfare programs than are others, such as Mississippi and Texas. Second, only one's own villagers could know whether one was poor. This second problem might have been more acute for the English poor laws, which were nationally mandated but were of epistemological necessity locally implemented.

Arguably, the poor laws were a response to an ongoing transition away from village organization to a larger social organization of economic life. Yet, they actually hampered that transition. They were therefore one of the targets of economic critics of pre-industrial, mercantilist organization of English society. Many, especially conservative, critics of contemporary welfare policies cite the experience of the Elizabethan poor laws as proof

that welfare policies cannot work as intended. A crucial element in the failure was the possibility of general knowledge of all by all at the village level, knowledge that cannot be ours to have in our mass society.

The poor laws grew out of a time when the center was ignorant and knew it was. They are like the early history of jury trials. The origin of the idea of a jury of your peers was that your peers, that is, your fellow villagers, were more likely than a circuit judge, who passed through only occasionally, to know whether you were likely to have committed some crime. Hence, your peers, those who knew you best, were asked to pass judgment on you (Green 1985, pp. 14, 16). Village charity was similarly action taken on a judgment of ones peers. Juries today are supposed to be virtually ignorant of the defendants whom they judge. Governments today approach that extreme position in determining who merits welfare support.

In Hume's time, one could argue persuasively that there was still essentially no capacity to achieve egalitarian distributions. At his writing, for example, there had not yet been a genuine income tax imposed on any society, and the invention of the income tax may correlate very strongly with the philosophical invention of egalitarianism as distributive justice. It is only with an income tax and welfare policies to distribute the tax revenues that the modern idea of distributive justice seems causally possible. Government must be extremely well organized and must be able to monitor its citizenry in substantial detail before it can redistribute with any hope of producing much greater equality. Most contemporary discussions that advocate egalitarianism in some form either explicitly or implicitly take such government capacity for granted.

If one supposes that intellectuals typically have ideas only after the ideas have become at least partially evident in the actual world, it must come as no surprise that theories of egalitarian justice are essentially a twentieth century phenomenon. It has been the demands of wartime that led to the invention and development of the income tax. The first such tax was levied in 1799 in England during the Napoleonic wars. The first in the United States was levied during the Civil War, although a later income tax was ruled unconstitutional by the Supreme Court.³ The re-introduction of a tax in the US after an amendment to the constitution allowed it came just in time for World War I, and that tax was massively expanded during World War II. While the US has never used much of its tax revenues for welfare programs to reduce poverty, such programs have been common in Germany

³ The constitution provided for the levying of a head tax on the states to fund federal programs. That system did not work very well.

from the time of Bismarck and have been especially well developed in many European nations and most notably, perhaps, in Sweden.

The possibilities of monitoring and collecting data on an entire national citizenry have been sharpened by the demands of tax collections and have become good enough to allow welfare programs to be relatively accurately targeted. The scale and capacity of government in such matters today would stymie anything Hume imagined. The epistemological constraints that restricted relevant knowledge to locals during the era of Bodo and the early Elizabethan poor laws have finally been broken in the twentieth century.

5. CAUSAL THEORIES OF EQUALITY

Let us turn now to societies after the time of Bodo. There have been at least two major contributions to egalitarianism that were founded in a causal account of how to achieve it in such societies, just as the Elizabethan poor laws were a causal theory of how to achieve a modest level of distributive justice in their time. These two contributions are therefore not merely ideal theories. Rather, they essentially respond to the provocation of an Aristotelian vision that sees inequality as ineluctably right for essentially causal reasons. The two causal theories were the seventeenth-century English Levellers' pure concern with equality coupled with their program of how to achieve it by giving each family its modest plot of farm land, and Karl Marx's effort to fit merit with equality through his labor theory of value that would assign workers very nearly equal incomes.

The program of the Levellers was political and religious rather than philosophical. In their vision society would be completely organized around farming. In such a society, equality of at least land might have been conceivable, so that one could imagine inequalities of fortune that fit the Aristotelian concern with merit but in a context of genuine equality of the basic resource: land. If you and I have equal land holdings, and you produce more with yours, then it would seem easy to suppose you deserve to have more than I do. In that case, I must be guilty of sloth and you must be industrious. This vision of distributive justice fits with Bodo ethics. It is historically ironic that this vision of the organization of society had passed before the modern idea of distributive justice rose to prominence. The Levellers' program addressed a society that was no longer what they envisioned. The vision fleetingly fit frontier societies, such as in the United States, Canada, and Australia in the nineteenth century. It also comes close to describing what appears to be the vision of the peoples of such land-

poor subsistence economies as those of Burundi and Rwanda, Edward Banfield's (1958) Montegrano, and many others.

The obvious problem with Leveller justice is that it required retrogressive economics and the achievement of equality by substantially driving down the prosperity of a large fraction of the population for no further reason than to reduce them to the state of simple farmers with limited land. This was not a causal concern as, say Rawls's difference principle is a causal concern. In Winstanley's vision it was strictly a Christian moral concern to make life purer and more righteous, in part through the frugality that would deny any chance of slipping into the Christian vice of avarice. Hence, the more righteous life of a Winstanley Christian was a life of relative poverty. Although Winstanley would plausibly not have quarreled with Hume's complaint that equality would produce extreme and general indigence, achieving distributive justice through equal poverty is not a laudable goal for most people today – other than perhaps certain religious fundamentalists, such as the Taliban of Afghanistan.

Marx's labor theory of value, which was conceived as both political and philosophical and which has arguably driven the most extensive political program of egalitarianism, was an alternative way to make egalitarianism fit a theory of merit. In this theory, the value of a product is supposed to be the sum of the labor inputs to produce it. If each contributor to its production is awarded his or her contribution in labor value, workers will be essentially equalized. The owners of capital will be reduced to no greater wealth than workers because they can accumulate only their own labor value. As a result, under a fully functioning socialist society, incomes will be relatively equal and wealth differences will be nominal. A simple way to move to such a society is to socialize property, so that wages are the only factor in people's economic lives.

Unfortunately, the labor theory of value reduces the incentive to invest in one's human capital in order to earn higher wages. In a supply and demand market for labor, the return on human capital can be substantially higher than the total of investment costs plus wages before the investment. But if the incentive for investment in human capital is reduced, even eliminated, then productivity must be relatively stagnant. Hence, Marx's value theory would seem to violate Rawls's difference principle by blocking the use of wage differentials to enhance total production in order to have more to distribute even to the poorest in the society.

Of course, the imposition of such a theory also risks the problems Hume cites in his remark "that so much authority must soon degenerate into tyranny, and be exerted with great partialities" (Hume 1975, p. 194). Not even he might have imagined the extent to which this problem would ruin lives and

pollute politics in many of the supposedly socialist experiments of the twentieth century. These problems are, of course, not inherent in the labor theory of value. Rather, they are merely the nearly inescapable results of setting up governments powerful enough to gain control over economic distribution. A problem of such government is that there is little reason to suppose that those most committed to its socialist agenda would succeed in gaining or holding power. Rather, those most talented in political intrigue would hold power and they could be expected to use power in large part for their own benefit rather than for the socialist program.

These are the standard complaints of those who, with Hume, insist on taking account not merely of normative theories but also of practical considerations of human possibilities. Such considerations generally undercut all utopian programs and all programs that are the creation of pure reason. In particular, they undercut the expectations or requirements of such programs that people be motivated in ways not consistent with our actual experience of typical human beings. Some people might actually be Kantians, or rights-respecting libertarians, or religiously committed idealists – contrary to Hume’s pragmatic belief that government must be designed to survive even if knaves come into office. The fate of the Kantians, libertarians, and religiously committed leaders, however, might too readily be that of the victims of the Moscow show trials of the late 1930s, when many idealistic socialists were brutally purged by Stalin.

Defenders of utopian visions sometimes argue that all that is needed to make their programs work is enough time to create a new socialist, virtuous, or religious person. Humeans cannot have a credible answer to such claims, because Humeans depend too heavily on experience to ground their arguments. All they can say is that experience shows little evidence that such persons can be created by present societies. They can then assert their skepticism that some other society could create such people, but they cannot argue against this possibility from evidence, because it is virtually impossible to prove an impossibility.

6. IDEAL THEORIES OF EQUALITY

We are left with ideal theories, such as that of Rawls. Such theories are sometimes taken to imply little more than ground for criticism of current political and economic arrangements with no practical program for meeting the criticism. Rawls commended further work on institutional possibilities to show how his difference principle could be implemented. Virtually no such work has been done in the intervening decades since his book was

published in 1971 – perhaps for compelling epistemological reasons and the underdevelopment of the requisite social science. Rawls himself has drifted off into odd work on defending the cultural integrity of other nations with arguments that seem to violate the positions of his work on distributive justice (Rawls 1993). Perhaps he is confused, or perhaps he now abandons her earlier views (although, if so, one would expect him to say so), or perhaps, oddly, he supposes that cultural considerations, somehow defined, trump principles of justice to some extent.

An even more distressing possibility is that Rawls now writes from the spirit of the times rather than from the reason that he earlier seemed to advocate. Even more distressing is the possibility that the earlier reason was itself merely the spirit of those times. Rawls's initial arguments were philosophically ad hoc, with egalitarianism and elements of Humean reciprocity and arguments from fairness that were essentially Rawls's own invention. The theory later turned increasingly Kantian (Rawls 1996) as though in keeping with anti-utilitarian philosophical fashions in moral and legal theory (Hart 1979). And now it turns multicultural in keeping with what one might call anti-philosophical fashions of these times (Rawls 1993).

Part of the problem of Rawls's earlier theory of distributive justice is that it seemed implausible to try to fit it to the entire world, and yet it also seemed morally wrong not to do so. If the theory were fitted to the entire world, it might entail radical redistributions that would run afoul of Hume's strictures on impracticability. Applying it to the entire world might also heighten the problems it had with intergenerational justice, which seems likely to get in the way of further economic development. Also, such a move would seem to exempt coverage of societies that are so backward as not to participate in the international economy, so that they do not come into consideration as subject to a Rawlsian principle of fairness that is founded on reciprocity (this part of the foundation of Rawls's theory is itself Humean [see Hume 1975, p. 192; Barry 1989]). Indeed, a wealthy nation that wished to exempt its populace from having any obligation to redistribute part of its wealth to impoverished nations might simply withdraw from economic exchanges with those nations. The result of such a move by the wealthy nations would be to raise their own costs very slightly while devastating the economic prospects of the poorest nations, which would be reduced very nearly to economic autarky.

7. CONCLUDING REMARKS

Bodo ethics might be a crudely acceptable compromise for quotidian ethics in modern societies – except that its enforcement through the sanctions of village norms must generally fail in our context. Ethics cannot be seen as simply the governance of relationships among close-knit groups or communities. It must govern relationships in a complex society in which, as Leijonhufvud (1995) notes, the typical French citizen walking the streets of Bodo's St. Germaine today interacts indirectly with millions of people, not merely with eighty. In our context, we face relationships with vast numbers of other people, with whom we cannot expect to be in a rich enough network of broader relations as to ground enforcement of any norms. Relationships that can be organized by norms that are locally, spontaneously enforced are no longer part of many, if any, important aspects of our lives. Indeed, we cannot even expect that the norms we might hold dear would be shared by many of those with whom we naturally deal.

Instead of such normative control of our dealings with others, what we need is something more nearly like Hume's institutional utilitarianism (Hardin 1988, chapters 3 and 4). With the institutions for accomplishing this, we might also be enabled to choose and enforce some principle of distributive justice. At the very least, we might hope to do as Bodo ethics would have us do, and institute welfare programs that would not attempt to achieve equality but that would alleviate the worst forms of poverty in our society.

When the first modern, large-scale democracy was being created by the American constitution of 1787–1788, the greatest fear of its creators, such as James Madison, was the possibility that the majority would use democratic institutions to expropriate the wealthiest property owners. Nothing even vaguely like that has ever happened. The only major instances of massive expropriation anywhere have been under the aegis of authoritarian governments. Some democratic governments in Europe have socialized certain sectors of their economies, but they have done so largely by buying out the owners and not merely expropriating them. Democrats seem, oddly, to support grievous inequalities even though the majority have been, at least in the short term, worse off than those who own most property. One might argue that they are somehow enlightened enough to see that, in the future, they might prosper better from an unequal organization of the economy than from a more nearly equal organization of it. But it seems unlikely that such a belief drives most citizens in their seeming support of the nominal status quo.

Much of contemporary political philosophy concerning distributive justice continues to be subject to the criticisms levied by Hume two and a half

centuries ago. The epistemological constraints that made redistribution a pipe dream then have partly been overcome and it would now be possible to know with moderate accuracy about the varied levels of income and wealth that different citizens have. Hume's other pragmatic concerns, however, still seem compelling. Thoroughgoing equality seems hopeless because it would come at such a high cost in other concerns, such as, especially, productivity and the continued innovation that might eventually make poverty no longer a scourge of humanity. Serious efforts at equality still seem likely to threaten, if not 'extreme indigence,' at least substantially reduced expectations for many people immediately and for perhaps everyone in the longer run.

The worst failing of contemporary political philosophy is its frequent irrelevance to actual and plausible conditions. Theory far outruns possibility. For Hume and many others, this must be a devastating criticism, one that undercuts practical and even intellectual respect for the musings of such philosophy. Part of the problem is perhaps a tendency to continue to conceive ethics as though it were for the society of Bodo rather than for a modern, complex, highly interrelated society. But part of it is merely the lack of attention to possibility.

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