

First, he should read more extensively in the vast literature on Catholic social economics between 1940 and 2000. He might begin with Richard's Mulcahy's *The Economics of Heinrich Pesch*, Dempsey's *The Functional Economy*, Danner's *The Economic Person*, and anything in the *Review of Social Economy* by Waters, especially his 1993 article, "A Review of the Troops: Social Economics in the Twentieth Century" and his 1988 article, "Social Economics: A Solidarist Perspective."

Second, as Hadas is intent on reconstructing economics, he needs to organize his thinking and writing around the subjects presented in any introductory principles text, asking himself the question, What difference does my thinking make in the way that conventional economists think about economic affairs?

Third, Hadas needs to keep his writing accessible to the busy reader and keep in mind the warning from German Jesuit Pesch about the boundaries that set one discipline apart from another: "religion cannot produce grain."

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Morality, Political Economy, and American Constitutionalism

Timothy P. Roth

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A book should be judged by its purpose and by how well it succeeds in fulfilling that purpose. The purpose of Timothy P. Roth's book is to demonstrate that "both in its public philosophy and in its economics, our republic has strayed from the Founders' vision" (viii). This is a very large ambition, and necessarily raises the questions: What was the founders' vision (chapters 1–3); and, how have we strayed from it (chapters 4–8)?

According to Roth, the American founders "had a distinctive republican vision" (1) centered not on protecting their oligarchic economic interests but on creating a new order of the ages dedicated to the "republican self-government" (3–4), which they enshrined in "the American Constitution" (vii). This republicanism had a political component (limited government, civic morality, and political participation) and an economic one ("the commercial republic"). "Central to all of this," Roth argues, "was the Founders' understanding of human nature" (1).

By his own lights, Roth's contribution to scholarship on the founding is to show us that the founders embraced a distinctive understanding of human beings, which he describes as a "Smithian/Kantian conception of the two-person self" (vi). It is from this understanding of the self, according to Roth, that we can trace both the founders' political and economic views.

What is the Smithian/Kantian understanding? Human beings have a moral sense or "innate sense of justice" (25) animated by the idea that "morally equivalent persons be treated impartially" (24): Smith's theory of moral sentiments meets Kant's categorical

imperative (21). For the founders, this structure of the self means that human beings have and feel a “duty to respect the moral law,” which requires us to treat persons with impartiality both politically (the Constitution’s “ancillary precautions” against faction) and economically (the “commercial republic”). While universal, this sense of a moral duty has to be cultivated by education because “we are subject to heteronomous impulses” such as self-love (24).

Unfortunately, Roth argues, American politics and economics have deviated from this view because we have adopted a public philosophy of “modern liberalism” (106), which sees the human being as an “autonomous self” ungoverned by moral law (72). Drawing on the work of James Buchanan, he concludes that we have abandoned limited, constitutional government in favor of “the economist’s theory of the state,” which is rooted in value-free “social welfare theory” (84) that seeks “the maximization of a social welfare function” for the nation as a whole (130). We have therefore rejected the founders’ understanding of political economy, which held that economic questions are above all a matter of doing impartial justice to *individuals* (41). This is a sound critique worthy of Roth’s purpose.

It is questionable, however, whether Roth finally achieves his higher goal of reviving the founders’ vision. The fundamental problem is that he does not actually understand the founders as they understood themselves. Clearly, the founding generation cared about justice—they risked their lives in a revolution because they could not tolerate the king’s injustice—but Roth produces no evidence to show that Washington, Adams, Jefferson, Madison, or Hamilton derived their understanding of what constitutes justice from Smith or Kant.

They must have, in Roth’s view, because the founders had a “prior ethical commitment to the moral equivalence of persons” (71). Roth’s logic seems to be this: the founders were committed to justice; Adam Smith and Immanuel Kant offer an understanding of the self that provides a rational foundation for such a commitment; therefore, the founders had a “Smithian/Kantian understanding of the self” (25). Over the last forty years, however, many scholars have discussed at great length the founders’ sources for their ethical understanding of “public right,” as Jefferson put it (Jefferson himself cited “Aristotle, Cicero, Sidney, and Locke”). Roth mentions only a few of these scholars (for example, Forrest McDonald, George Carey, and Jack Rakove), and then mainly to support his conclusions rather than to serve as interlocutors. Nor does he spend much time on the founders’ sources themselves, except for a cursory and somewhat inaccurate treatment of the ancients (and no discussion of the Bible).

The need for a greater historical sense can be seen in the very simple fact that in presenting the founders’ views, Roth, a contemporary economist and student of philosophy, often does not talk as the founders talked. None of these statesmen referred to “what I shall call the Smithian/Kantian understanding of the self” (24). Indeed, as Roth sometimes realizes, the most that he can accurately say is that the view of someone like Jefferson concerning human nature is “roughly congruent with Adam Smith’s characterization of the moral sense” (19) and “consistent with” Kant (24). Why then impose Smith and Kant

as the thinkers through which to understand the founders, except that they seem to form a useful theoretical construct?

Indeed, if our goal is to understand the founders' sources as they understood them (as Roth's must be), why not turn to thinkers that founders such as Jefferson and Madison did acknowledge as important, for example, John Locke? "I do not deny—in fact it is indisputable," Roth admits, "that the Founders and members of the founding generation were familiar with, and influenced by Hobbes, Locke, and Montesquieu" (19). But "the Founders and their contemporaries drew upon many sources" (19). This is, of course, true, but the question, as Roth says, is: "What did the Founders and their contemporaries mean by justice?" (11). As we can see from the Declaration of Independence and every state constitution from the founding era (a source that Roth ignores despite his focus on "American constitutionalism"), political justice was defined during the founding above all as securing the people's authority to govern in order to protect the "unalienable rights" of individuals to life, liberty, and property. Impartiality was important, but not as the *definition* of justice; it was the means of doing justice. Impartiality means that we should treat others politically and economically as we would want to be treated (24). It does not tell us how we should want to be treated. Natural rights doctrine does, and, as Jefferson said, it supplied the principles of justice on which the American Whigs (like Washington, Adams, Henry, Madison, Hamilton, and almost all the founders) took their stand for independence and made their constitutions—both in itself and as the explicit lens through which they understood their "English inheritance" (100).

Despite acknowledging that "much has been made of Locke's influence" (19), Roth contends that the founders were ultimately "not Lockean" because they departed from Locke by holding that human beings have an "innate sense of justice" (19). Here, his argument runs into serious trouble. First, both Jefferson and Madison explicitly agreed that the *first* work (though, of course, not the only work) that Americans should read in order to understand "the principles of government on which the constitutions of this State [Virginia], and of the United States were genuinely based, in the common opinion" is Locke's *Second Treatise of Government*, which outlines "the general principles of liberty and the rights of man, in nature and in society" (Report of the University of Virginia Board of Visitors, 1825). Second, Roth never demonstrates (beyond a brief citation from Gertrude Himmelfarb) that the founders read Locke as a Hobbesian who offers no grounds for an ethical commitment to justice (here he should consider Michael Zuckert's impressive work on Locke and the Founders). Ironically, in arguing that the founders embraced "a Kantian understanding of justice" (11), Roth actually highlights a quote from Benjamin Rush suggesting that the founders read *Locke*, not Kant, as providing such a notion of justice (11). Finally, even if Locke rejects a commitment to justice that comes before our own good, Roth's epitome of the American embrace of the moral sense, Jefferson, does the same. Jefferson explicitly says that when our preservation is in imminent peril, "the law of self-preservation overrules the laws of obligations to others" (consider, for example, Jefferson's stance on breaking treaties or abolishing slavery in Virginia; "Opinion on the French Treaties," April 28, 1793).

This is not to say, in some kind of mathematical formula, that the founders equal Locke, or vice versa. Some founders agreed with Locke in more of his thought, some in less, including his understanding of human nature. Even when they did agree on natural rights, they sometimes drew quite different practical conclusions, as Roth notes (e.g., Jefferson against Hamilton on political economy). Nor could anyone deny that the founders profited from Smith, and perhaps were influenced by Kant, but to downplay an indisputably important source of their public philosophy to prove that America was founded on a “Smithian/Kantian understanding of the self” is not doing impartial justice to the founders. It certainly does not help us to understand why “modern liberalism” has been so successful in distorting their original moral vision.

Roth’s book has a worthy purpose: Scholars do need to renew and deepen their understanding of the founders’ political and economic principles. It is questionable, though, how much this book ultimately contributes to that renewal.

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