

benefitted from a coauthor with an applied ethics background to further focus the paper's big policy social justice perspective. While an ambitious attempt to widen the perspective of how intellectual property law impacts the greater society, this volume could have been a much stronger scholarly work if its coauthorship were expanded to law and philosophy and/or business, ethics, and society scholars—beyond the circle of IP/antitrust attorneys and industrial organization/law and economics economists who have traditionally operated with a general concept of social welfare maximization as a broad public policy concept. Hopefully this recommendation will be adopted in a follow-up volume.

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**The Moral Rhetoric of Political Economy:
Justice and Modern Economic Thought**
Paul Turpin
New York: Routledge, 2011 (163 pages)

When I accepted the task of reviewing Professor Turpin's book, it seemed to be a rather straightforward exercise. However, I must confess that I have struggled to complete the task. My problem is not that I did not understand what Turpin was driving at; the book's message is pretty clear. My problem is the message itself. It seems to me that the author is trying to square the proverbial circle. Eventually, I made my way through the book, but I would not recommend it to others.

Turpin argues "that markets and commutative justice are distorted, and distort us, by our acceptance of the idea that commutative justice is the only justice that matters" (6). What is important for Turpin is to argue for some combination of commutative justice coupled with some idea of distributive justice. In attempting to make this argument, the author suggests that an alternative rhetorical discourse in society would give rise to a different view of justice, namely, one more attuned to Turpin's concerns. As the author writes, "The purpose of this book is to search out these presumptions and assumptions in an examination of how our attitudes about justice are influenced by our attitudes toward economics" (14). Finally, Turpin argues "that the neglect of relational issues as matters of distributive justice has aggravated the feelings of fragmentation and alienation so commonly identified with modern life" (105).

Thus, Turpin aims to attack a natural-law concept of the purpose of government along with the corollary free market that results from the equal protection of everyone's private property. By examining the work of Adam Smith and Milton Friedman, the author seeks to show that there have been unintended consequences to an unhindered, self-regulating free market. However, from the very outset Turpin's approach seems very much misplaced.

First, to argue that Smith and Friedman are advocates of the free market on the same philosophical basis is absurd. Smith's work is rightly attached to the natural-law philosophy that held sway in the academy from the rise of Greek thought to Smith's age.

Friedman, on the other hand, was a positivist who basically accepted Turpin's Kantian position. Friedman's promotion of free enterprise rested solely on his belief that markets are efficient and, hence, the best means of economy. He, nevertheless, welcomed utilitarian arguments pointing to instances of so-called market failure and was more than willing to accept distributive intervention in these cases. In fact, that is the majority opinion among economists today. Their thought exists on a spectrum that ranges from Friedman's belief in market efficiency to that of figures such as Keynes and Stiglitz who see much greater inefficiency and the need for greater intervention. In Greek thought, the natural-law philosophy was assumed to apply at the city-state level only. However, the notion of the natural was continually pressed down so that it was being applied to the level of the individual by John Locke's time. The work of the sixteenth-century Spanish scholastics at the School of Salamanca was paramount in this process. Turpin shows no apparent awareness of this activity. After Smith, natural law philosophy began to be attacked and has since been largely ignored.

With this said, it seems to me that Turpin's book is at best irrelevant because what he advocates is actually the majority opinion not only in today's academy but also in public life. Political positivism was born in the academy in the late eighteenth and early nineteenth centuries and spread rapidly. By the late nineteenth century, it was being rapidly adopted as the foundation for political action. In fact, from the twentieth century on, the course of political action has been the very dialogue that Turpin argues needs to take place. What has this dialogue given us? A century of increasing hardship marked by the bloodshed associated with numerous communist revolutions, two destructive worldwide wars, and a cadre of social democratic economies that are rapidly heading off the financial cliff as governments incur ever-greater debt to support the redistribution of property. These things have occurred because people have abandoned the commutative justice at the heart of natural law thought in favor of Turpin's melting pot approach. Because Turpin's position is already the majority opinion, and has been for quite some time, what possible purpose can his arguments serve? It seems to me that Turpin is like the young man who has murdered his parents and is begging the court for mercy because he is now an orphan.

The struggle for the freedom of the individual is an ancient one. In that struggle, the move toward commutative justice has been greatly aided by Judeo-Christian thought. When Moses wrote the first five books of the Bible he told his audience in the very first chapter of the first book that they were created in the image of God. In fact, he stressed the point and applied it to every man and woman. Now the idea that someone bore the image of God was not new at the time that Moses penned those words. In fact, the phrase was commonplace. However, it was not applied to everyone; it was only assumed to be true for the king. Therefore, Moses was saying something very radical. He was saying that all people were sovereign and that their sovereignty ought to be respected. If that is the case, then we should affirm commutative justice and advocate for it everywhere.

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