

# TAKING SIDES 立场

辩证思维训练  
第二辑

# 13

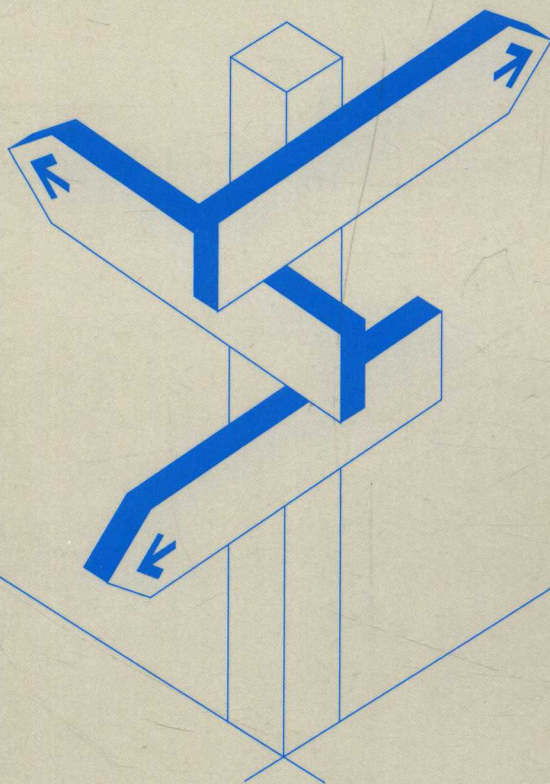
第13版 13TH EDITION

CLASHING VIEWS IN  
BUSINESS ETHICS  
AND SOCIETY

Lisa H. Newton  
(美) Elaine Eliason Englehardt 编  
Michael Pritchard

## 企业伦理篇

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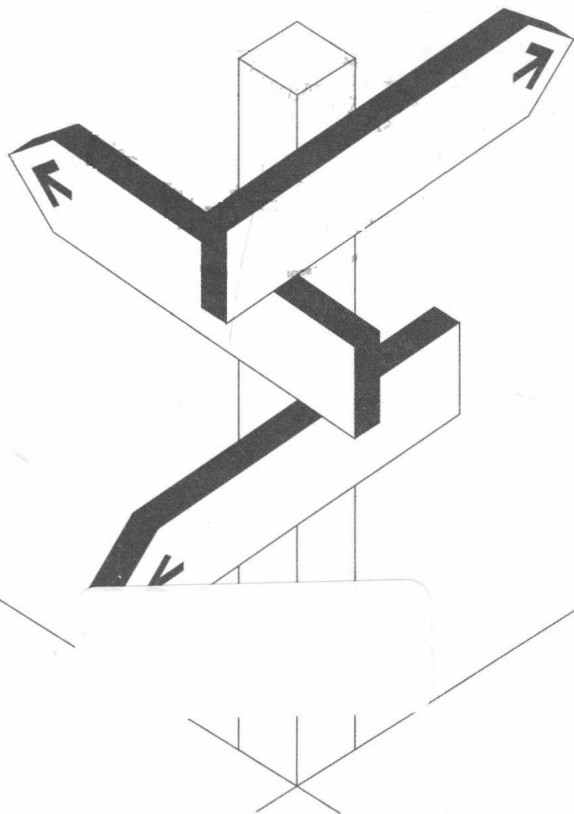
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Lisa H. Newton, Elaine Eliason Englehardt, and Michael Pritchard  
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Members of the Academic Advisory Board are instrumental in the final selection of articles for each edition of TAKING SIDES. Their review of articles for content, level, and appropriateness provides critical direction to the editors and staff. We think that you will find their careful consideration well reflected in this volume.

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## TAKING SIDES: Clashing Views in BUSINESS ETHICS AND SOCIETY

Thirteenth Edition

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# 英语思辨，攻错他山

朱绩崧

学界奉为圭臬的《牛津英语大词典》(*The Oxford English Dictionary*)在side (n.)<sup>1</sup>条目的18.a.义项里，把18.b.所收词组“to take a (or one's) side, take sides. Also to hold side (with one)”里的side解释为[t]he position or interests of one person, party, etc., in contrast to that of an opposing one, 个人立场相反、党派利益对立之意，了然无疑。

惜我愚钝，近年才明白，take sides不仅仅是英语词典里的一个词组，甚至可说是英国议会制度的根本；而议会制度，实在是英国对人类文明进步最大的贡献之一：通过take sides，把思辨，而非独断专行，尊奉为国事决策那不可撼动的核心机制。我们不会忘记，电影《铁娘子》(*The Iron Lady*)里梅里尔·斯特里普(Meryl Streep)新学一口英国腔就来西敏宫滔滔激辩的场景，那不是骂街，虽然嘘声迭起，那是两股思想在龙争虎斗，最终推进历史。

谈到西方好争论、善思辨的传统，古希腊已臻化境，垂范千古。但这并不意味着我国真如某些评论家所言，为定于一尊的儒学所戕害，使得读书人唯服从传承是务，从不挑战权威。

《古文观止》读到最后几卷，便会看到编注者吴楚材、吴调侯叔侄鼓励读者对古时定论大胆质疑的用心。如建文忠臣方孝孺的名篇《豫让论》，标新立异，一反古说，直指春秋时代为主雪仇的刺客豫让“不能扶危于未乱，而捐躯于既败者”，不配“国士”之誉。

甚至，在我们历史课本一向蔑之为“埋头故纸”、“皓首穷经”的乾嘉学派里，多数学者的考据也都具有很高的思辨性。从王念孙的《读书杂志》、刘宝楠的《论语正义》，到戴震“由字义以明经义”的治学方法和段玉裁《东原先生年谱》所载的戴氏札记——“仆生平著述最大者为《孟子字义疏证》一书，此正人心之要。今人无论正邪，尽以意见误名之曰理，而祸斯民，故《疏证》不得不作”——从文本到现实，立场鲜明，无不指向对真理的上下求索。

读书为求真。这句话，是儿时由老师灌输给我的，我不曾怀疑过。可也正是老师告诉我“乾嘉学派在历史上的作用是反动的”、“高考答题时，如遇到岳飞，不能勾选为民族英雄，他打的仗是人民内部矛盾”等等当年不容我怀疑辩驳的“事实”。

往事固不可追，令我大失所望的却是“寓教于乐”、“反对应试教育”了不知凡几年，中小学生在变本加厉地背记历史、语文的“标准答案”，到了



易只字则为错的地步。有人甚至把中小学生语文水平的普遍降低归咎于英语课太多,视母语、外语修习为零和博弈,全然不去审视、拷问、批判当下严重阻碍思辨与创造的文科教育体制本身。试问这样的教育,又如何能培养出活泼泼的人来?如何能引导他们求真?

求真,真真何其不易也。有时,权威发声,莫敢深究。有时,缺乏条件,无从寻觅。信息爆炸、思路开阔的今天,更多情况下是众说纷纭,莫衷一是,乃至有时在“是”与“非”这两者之间,都不知何从矣。

而相对综合型、重意合(parataxis)的汉语,英语是分析型语言,重形合(hypotaxis),语法规则更明确,对指代、性数格一致等形式要求更高,且有强烈的时态观。不能不说,这在很大程度上避免了汉语常见的因文害意:把一些站不住脚的歪理,用华丽辞藻一包装,就算是“美文佳构”了。

(这方面,韩愈的个别名作,如为名教张目的《原道》,可算反面教材,远逊柳宗元的《驳复仇议》。后者的论理,简朴而流畅,本质上与今天英美法院经典判词如出一辙,堪称我国古代taking sides的典范。)加之英美学者好辩的传统在当代通过课堂教育、学术论文等形式得以强化,思辨的局面委实优于我国。

我素为古罗马倾倒,曾读国人编著的几种罗马史,又看了英国剑桥大学克里斯托弗·凯利(Christopher Kelly)教授写的《罗马帝国简史》(*The Roman Empire: A Very Short Introduction*),后者末章呈现的学者思辨生动别致,过目难忘,非我国传统重介绍“史实”的史书可比:20世纪初,英国历史学家、律师、自由党政治家詹姆斯·布赖斯(James Bryce)认为罗马帝国与大英帝国非常相似,都能维持高水平的内部和平与秩序,民人深谙工程技术,勇猛活跃,不畏困苦;牛津古代史教授弗朗西斯·哈弗菲尔德(Francis Haverfield)进一步说明,罗马帝国的成功,在于把行省居民同化为一个秩序井然、富有凝聚力的文明;曾奉职印度的英国古典学会会长埃弗林·巴林(Evelyn Baring)持不同看法,在“同化”问题上,大英帝国与罗马帝国有不可弥合的区别,单论印度语言、宗教、种族的多样性,就和罗马人征服的任何地区不同;哈弗菲尔德不同意巴林,认为英国之所以有印度问题,是因为征服印度时,印度已经发展成发达社会,文明形态稳固;牛津的古代史专家、考古学家D. G. 霍加斯(D. G. Hogarth)也反对巴林,认为罗马帝国有三个阶段,即“尚未同化”、“有意同化”、“积极同化”,大英帝国对印度犹处“尚未同化”的第一阶段。

把学者taking sides过程中的各种观点陈列出来,供读者思辨,是我国各阶段教材的短板。同时,也应注意,为提高我国学生的思辨水平以及英语能力,taking sides的内容不宜学科专业化程度过高(上述关于罗马帝国与

大英帝国的争辩即有此虞），还是具有一定社会影响力、为民众熟知的话题更宜为组织教材的出发点。

美国著名的*Taking Sides*丛书，其宗旨正在于满足成长中的思考者兼英语学习者的需要。这套书系，诞生于20世纪80年代，迄今出版52种专题分册，多数一版再版，其中传媒凡12版，经济、环境达15版，社会、教育更已有17版之多。畅销程度，不劳赘言。

从题材看，外研社首批择取的七册分别覆盖了社会、教育、经济、环境、科技、大众传媒与全球性问题，无一不是当下公众话题的焦点。但呈现的手法却很“单一”，即先提出问题，再摆出正反双方最典型、最具说服力的论证，最后引导读者作进一步的阅读与思考：

问：计算机对学生成长是否有副作用？

正：有。学校对电脑技术的迷信与滥用，导致学生心智发育与创造力受损。

反：无。如对电脑善加利用，能促进教学革新，从而使学生获益。

后记：“学校”或许正在由“地点”转变为“概念”，随着计算机技术的进步，许多教育手段都不必在课堂实施，但随之而来有许多新问题，需要探讨。多媒体能让学生与更多的信息产生互动，但往往也减少了学生与学生、学生与所在环境之间的互动。相关研究请见……（扩展阅读涉及三十余处学术资源）

（《教育篇》第10话题）

目录并不冗长，但当读者学完全书，必会惊喜地发现，自己在这一领域的知识结构已搭建得初具规模。摆在面前的问题往往庞大空疏，报章常见，迄无公断。从这个角度思考，有这样的道理可知；从那个方面切入，有那样的结论可得。读者的任务，就是跟着两派的思路各走一遍，最终判定哪派有理。当然，结果也可能是两派皆不尽善，或者需要修正调和之后才能获得正解。但无论如何，这一过程本身，实在是智力上的一次奥德修斯式的旅行（an intellectual odyssey）。

之所以要用荷马史诗的隐喻，是因为读*Taking Sides*与看街边吵架或中学生议论文最根本的差别，就是需要调用的思想、学术资源极多。以《社会篇》第8话题为例，菲利普·迪瓦恩（Philip E. Devine）在得出“酷刑不可保留”的结论之前，将自由主义政治学、康德学说、功利主义、自然法等一一引出，要言不烦。对迪瓦恩这位哲学学者而言，这些理论或许早已熟烂于胸。



但对一般读者而言，为了确证作者没有断章取义，至少得就上述内容再读通几本导论、简介之类的书。顺便一提，酷刑当否的问题，我在近年畅销的一部法律通俗读物《法治》（*The Rule of Law*）论恐怖主义的一章中，也曾读到评论。作者、已故英国前首席大法官汤姆·宾厄姆（Tom Bingham）反对向恐怖主义犯罪嫌疑人施以酷刑的理由本质上与孔子的“己所不欲，勿施于人”无异，认为这是对法治原则的破坏。与迪瓦恩相较，其说直指人心，唯于学理微缺然。

事实上，*Taking Sides*书系所选文章，无论篇幅修短，莫不观点鲜明，针锋相对，而每一方都有强大的理据支撑，乍看难以撼动。由此，我们也不得不感叹，人类文明在今天呈现出的多样性，自有其道理，无论是同一文明内还是不同文明间发生的碰撞冲突，其背后都有复杂的理性动因，绝非皂白可以分明，需要我们全面观察，深度分析，最终选定立场。

我出身英文系，工作后常应媒体之邀，写些时事评论。落笔之前，现已养成习惯，会去新浪微博、知乎、Quora等网站，浏览各方的理性评论，在争议极大的问题上，熟悉*Taking Sides*封面上印的那两个词：Clashing Views（对立观点）。这是我在“后大学”时期补上的一堂课。

回想本科求学时，这方面所受教育几乎为零。教育的重点是背同义词、反义词与词形变化。文章，读通便好，却读不透，因为读通之后，总觉所言有理，不会想着去倾听“不同的声音”。这个弊端，到写毕业论文时曝露无遗：说明文还凑合，议论文就写不好了。名虽论文，连核心的论点都渺不可寻。这几年，本专业内，我还常常看到号称博士论文的研究综述，或者连文献回顾都没有的论文。

为了矫正这一通病，不少学校从编教材上下功夫，课文引入争议性话题，意在以此激发学生的critical thinking——“批判性思维”遂成高校英语教师培训班级极为青睐的广告亮点。可惜，在我有限的学术视野内，能一变风气的作品，尚阙如焉。我看到过浅尝辄止者，其内一篇课文，取自美国某小报，讲一对夫妻人工受孕后离婚，胚胎留在医院冰箱里，不知如何处置，遂对簿公堂。最终，作者只是提出问题，没能向学生指出解决的途径。如果有至少两种具备一定思想深度与差异性的观点呈现在教材里，附上扩展研读的书目、提要，教育的效果定会面目一新，我们也会真正地开始在语言教育中培养思想者，而不只是机械的记忆者、复制者。这一任务，如前所示，*Taking Sides*完全胜任。

我乐于推荐该书系作精读教材的另一项理由在于语言质量。就量而言，目前的精读课（Intensive Reading），阅读量普遍过低，一两千词的文章，一读就是十天半月，课程设计者不明白唯有大数量与短时间的结合，方成就

intensive之效。与此相比，以本书系一卷之量，读一学期，日均1500词左右，恰到好处。以质而论，本书系符合我的外语习得理念：中高阶学生，应以非虚构作品（non-fiction）为“主食”。例如，本书系中有大量美国国会证言（congressional testimony），思维严谨，语言地道，学习西方法律、外交以及高等翻译等专业的学生如能熟读成诵，其英语学习的眼界势必更上层楼。从实用的角度看，有理、有力、有节的明快文风才是日常工作、生活所需，是语言的“常态”；文学作品中因作者意图而创造出的丰富表达，只是语言的“变态”。由常入变，初地坚固，发展空间亦大。反是，恐事倍功半。

至于“泛读”，也有一个基于*Taking Sides*的策略可行：各个话题牵涉到的著作，一学期可读上三五本。如读《环境篇》，可辅读雷切尔·卡森（Rachel Carson）的《寂静的春天》（*Silent Spring*）；读《科技与社会篇》，可辅读阿道司·赫胥黎（Aldous Huxley）的《美丽新世界》（*Brave New World*）。此时，不妨多些文学作品，加深对“精读”义理的体悟思辨，可全“文以载道”之功。

此外，*Taking Sides*对如今各高校流行的英语辩论也有直接的指导作用，无论其辩题还是论据，都可在模拟阶段直接取用。我更相信，认真研读过本书系的学生，其论文一定不会沦为简介、综述，不会抄袭维基、百度，因为他们掌握了论文写作的核心技术：如何灵巧运用事实与逻辑来作严肃的学术之论，而非执着于印象、习惯、偏见的意气之争。

总之，希望*Taking Sides*书系的引进，能综合我国英语学生的语言习得与思维训练，既提升交流的效率，更开启求真的法门，在乱云飞渡的当今时代，帮助读者迅速达成思想之质与辞藻之文的兼美共谐。

# Preface

The principle by which we naturally either approve or disapprove of our own conduct, seems to be altogether the same with that by which we exercise the like judgments concerning the conduct of other people. We either approve or disapprove of the conduct of another man according as we feel that, when we bring his case home to ourselves [i.e. when we imagine ourselves into his situation], we either can or cannot entirely sympathize with the sentiments and motives which directed it. And, in the same manner, we either approve or disapprove of our own conduct, according as we feel that, when we place ourselves in the situation of another man, and view it, as it were, with his eyes and from his station, we either can or cannot entirely enter into and sympathize with the sentiments and motives which influenced it. We can never survey our own sentiments and motives, we can never form any judgment concerning them, unless we remove ourselves, as it was, from our natural station, and endeavor to view them as at a certain distance from us. But we can do this in no other way than by endeavoring to view them with the eyes of other people, or as other people are likely to view them.

—Adam Smith<sup>1</sup>

**T**his volume is the thirteenth edition of *Taking Sides: Clashing Views in Business Ethics and Society*, and is edited by Lisa H. Newton, Elaine E. Englehardt, and Michael S. Pritchard. In this book we ask you, the reader, to examine the accepted practices of business in the light of justice, rights, dignity, and human needs. As Adam Smith notes in the preceding paragraph, we ask you to consider what moral imperatives and values should be at work for you and for others. Specifically we ask this in the light of business practices.

This method of presenting opposing views on an issue grows out of

the ancient learning method of dialogue. Two assumptions lead us to seek the truth in a dialogue between opposed positions. The first assumption is that the truth is really available to us and that it is important for us to find it. The second is that no one of us has the entire truth, or truth with a capital T. The way to reach the truth is to form our initial opinions on a subject and give voice to them in oral and written forms. These opinions must pass the test of public discussion in that it presents information in a sensible manner. Then we let others with differing opinions reply, and while they are doing so, we listen carefully. The truth that comes into being in the public space of dialogue—literally, the space between the two disputants—becomes part of our opinions on other related matters. We now have more informed opinions, and they are reliably based on the reasoning that emerged in the course of airing the compiled arguments.

Each issue in this volume has an *Introduction* that sets the stage for the debate as it is argued in the YES and NO selections. The introductions do not preempt what is the reader's specific task: to achieve a critical and informed view of the issue at stake. In reading an issue and forming an opinion, readers should not feel confined to adopt one or the other of the positions presented. There are positions in between the given views, or totally outside them, and the *Suggestions for Further Reading* that appear with each issue should help you to continue your study of the subject. *Learning out comes* are given as part of the introduction to each issue. These should be part of the reader's ongoing evaluation of the complexities of the issues. Additionally, information about the authors of the articles is found at the end of the book.

## Note

1. Adam Smith, in D. D. Raphael and A. L. Macfie, eds., *The Theory of Moral Sentiments* (vol. 2, p. 226, Oxford, 1976).

# Topic Guide

**T**his topic guide suggests how the selections in this book relate to the subjects covered in your course.

All the issues that relate to each topic are listed below the bold-faced term.

## **Capitalism and the Corporation**

1. Can Capitalism Lead to Human Happiness?
2. Is Risk the Best Theory for Capitalism?
3. Can Ethics Codes Build "True" Corporate Ethics?

## **Should the Government Be Responsible to Bailout Financial Institutions to Avert an Economic Disaster?**

4. Was the Financial Industry Responsible for the Economic Meltdown of 2008?

## **Human Resources: The Corporation and The Employees**

5. Does Blowing the Whistle Violate Company Loyalty?

6. Is Employer Monitoring of Employee Social Media Justified?
7. Is CEO Compensation Justified by Performance?

## **Consumer Issues**

8. Should Advertising Directed at Children Be Restricted?
9. Should We Require Labeling for Genetically Modified Food?
10. Should Patenting Genes Be Understood as Unethical?

# Introduction

**P**hilosophy is a conversation; philosophical ethics is a conversation about conduct, the doing of good, and the avoiding of evil. Business ethics is a conversation about right and wrong conduct in the business world. This book is aimed at an audience of students who expect to pursue careers in business, who know that there are knotty ethical problems out there, and who want a chance to confront them ahead of time. The method of confronting them is an invitation to join in a debate, a contest of contrary facts and conflicting values in many of the major issues of the millennium. This introductory essay, in effect a short text on the major components of business theory, should make it easier to join in the argument. Managing ethical policy problems in a company takes a wide background—in ethics, economics, law, and the social sciences—that the book cannot hope to provide. But since some background assumptions in these fields are relevant to several of the problems we take on, we will sketch out very briefly the major understandings that control them. There is ultimately no substitute for thorough study of the rules of the game and years of experience and practice, but an overview of the playing field may at least make it easier for a novice to understand the object and limitations of the standard plays.

Business ethics was generally known as the world's most famous oxymoron (a term that contradicts itself into impossibility) until the last 30 years. Then came the alarming newspaper headlines. Foreign bribes, scandals on Wall Street, exploding cars, conflicts over whistleblowers, and civil rights in the workplace suddenly came into the headlines and would not go away. Now we know that value questions are never absent from business decisions and that moral responsibility is the first requirement of a manager in any business. Out of all this has emerged a general consensus that a thorough grounding in ethical reasoning is essential prepara-

tion for a career in business.

This book will not supply the substance of a course in ethics. For that you are directed to any of several excellent texts in business ethics (see “Suggested Readings and Internet References”), or to any general text in ethics. *Taking Sides* teaches ethics from the issue upward, rather than from the principle downward. You will, however, come upon much of the terminology of ethical reasoning in the course of considering these cases.

## Economics: The Capitalist Background

Capitalism, as we know, is the product of the thought of Adam Smith (1723–1790), a Scottish philosopher and economist, and a small number of his European contemporaries. The fundamental “capitalist act” is the *voluntary exchange*: Two adults, of sound mind and clear purposes, meet in the marketplace, to which each repairs in order to satisfy some felt need. They discover that each has that which will satisfy the other’s need—the housewife needs flour, the miller needs cash—and they exchange, at a price such that the exchange furthers the interest of each. The *marginal utility* to the participant in the free market of the thing acquired must exceed that of the thing traded, or else why would he make the deal? So each party to the voluntary exchange walks away from it richer.

Adding to the value of the exchange is the *competition* of dealers and buyers; because there are many purveyors of each good, the customer is not forced to pay exorbitant prices for things needed (it is a sad fact of economics that to the starving man, the marginal value of a loaf of bread is very high, and a single merchant could become unjustly rich). Conversely, competition among the customers (typified by an auction) makes sure that the available goods end in the hands of those to whom they are worth the most. So at the end of the market day, not only does everyone go home richer (in real terms) than when he came—the voluntariness of the exchange ensures that—but also, as rich as he could possibly be, since he had available all possible options of goods or services to buy and all possible purchasers of his goods or services for sale.



Sellers and buyers win the competition through *efficiency*, through producing the best quality goods at the lowest possible price, or through allotting their scarce resources toward the most valuable of the choices presented to them. It is to the advantage of all participants in the market, then, to strive for efficiency, that is, to keep the cost of goods for sale as low as possible while keeping the quality as high as possible. Adam Smith's most memorable accomplishment was to recognize that the general effect of all this self-interested scrambling would be to make the most possible goods of the best possible quality available at the lowest possible price. Meanwhile, sellers and buyers alike must keep an eye on the market as a whole, adjusting production and purchasing to take advantage of fluctuations in *supply and demand*. Short supply will make goods more valuable, raising the price, and that will bring more suppliers into the market, whose competition will lower the price, to just above the cost of manufacture for the most efficient producers. Increased demand for any reason will have the same effect. Should supply exceed demand, the price will fall to a point where the goods will be bought. Putting this all together, Smith realized that in a system of free enterprise, you have demonstrably the best possible chance of finding for sale what you want, in good quantity and quality, at a reasonable price. Forget benevolent monarchs ordering things for our good, he suggested; in this system we are led by an "*invisible hand*" to serve the common good even if we think we are being selfish.

Adam Smith's theory of economic enterprise and the "wealth of nations" emerged in the Natural Law tradition of the eighteenth century. As was the fashion for that period, Smith presented his conclusions as a series of iron laws: the Law of Supply and Demand that links supply, demand, and price; the law that links efficiency with success; and ultimately, the laws that link the absolute freedom of the market with the absolute growth of the wealth of the free-market country.

To these laws were added others, specifying the conditions under which business enterprise would be conducted in capitalist countries. The laws of *population* of Thomas Malthus (1766–1834) concluded that the

supply of human beings would always reach the limits of its food supply, ensuring that the bulk of humanity would always live at the subsistence level. Since Smith had already proved that employers would purchase labor at the lowest possible price, it was a one-step derivation for David Ricardo (1772–1823) to conclude that workers' *wages* would never exceed the subsistence level, no matter how prosperous industrial enterprise would become. From these capitalist theorists alone proceeded the nineteenth-century assumption that society would inevitably divide into two classes, a tiny minority of fabulous wealth and a vast majority of subsistence-level workers.

## The Marxian Critique

For Western political philosophy, history emerged as a significant factor in our understanding with the work of the nineteenth-century philosopher G. W. F. Hegel (1770–1831), who traced the history of the Western world as an ordered series of ideal forms, evolving one from another in logical sequence toward an ideal future. A young German student of Hegel's, Karl Marx (1818–1883), concluded from his study of economics that Hegel had to be wrong: The phases of history were ruled not by ideas, but by the *material conditions* of life, and their evolution one from another came about as the ruling class of each age generated its own revolutionary overthrow.

Marx's theory, especially as it applies to the evolution of capitalism, is enormously complex; for the purposes of this unit, it can be summarized simply. According to Marx, the *ruling class* in every age is the group that *owns the means of production* of the age's product. Through the seventeenth century, the product was almost exclusively agricultural, and the means of production was almost exclusively agricultural land: Landowners were the aristocrats and rulers. With the emergence of commerce and industry, the owners of the factories joined the ruling class and eventually dominated it. It was in the nature of such capital-intensive industry to concentrate within itself more capital: Its greater efficiency would, as