

must bar the door to keep lawyers from taking advantage of them.

Fix the substantive law, and procedural law will no longer be a problem. Ever-burgeoning state and federal laws—such as state workers' compensation systems, federal civil rights laws, the new Americans with Disabilities Act, or any of the countless other recent laws inevitably described as "Lawyers' Full Employment Acts"—have made litigation a boom business. Not to be outdone by legislators, judges have created more reasons to sue, such as their expansion in personal-injury law, which was criticized by Olson's Manhattan Institute colleague Peter Huber in *Liability: The Legal Revolution and Its Consequences*.

Whether these largely paternalistic efforts by judges and legislators are good policy is another debate—or, more accurately, a thousand other debates. But a

good legal system should stand by its government, right or wrong, and carry out public policy as efficiently as possible.

Each of these thousand debates over policy, however, must consider the costs of achieving its aims through the courts. And only nonlawyers, who bear the cost (financial and otherwise) of the litigation frenzy, can answer this. The lawyers who profit wildly from it can hardly be objective. No one will stop the expansion in laws and legal rights until nonlawyers—still, at last count, a majority in America—decide enough is enough.

Perhaps, after all, Olson's book is not just for lawyers. Legal procedure may be too important a topic to be left solely in their hands.

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themselves with its creation.

David Novak, a scholar in the area of Jewish law and ethics, shows how moral theologians in the Jewish tradition have generally been more attentive than their Christian counterparts to the ways in which human societies actually function. Their efforts have sometimes generated interesting compromises to preserve the intention of the religious law without interfering unduly with wealth-creating transactions among members of the community. Biblical law, for example, required the cancellation of debts during each sabbatical (seventh) year and also condemned any refusal to extend credit in anticipation of the sabbatical year. When commercial loans became more important than loans to the unfortunate, the rabbis developed a legal procedure that made it possible for loans to be repaid during the sabbatical year without literal violation of the biblical law.

George Weigel completes the explanatory portion of the book with an informative essay on the evolving relationships among Roman Catholics' social and economic experiences in the United States, American Catholic moral theology, and Roman social thought in the wake of the encyclical *Rerum Novarum*, issued in 1891. He raises the important question of whether the historic Roman Catholic hostility toward capitalism originated in a reaction to capitalism itself or in the hostility toward "modernization in general" that was so marked in the late 19th century, the era of the first social encyclicals.

Discussion of the relationship between "The Market Economy and Roman Catholic Thought" does not seem to have advanced much beyond where Daniel Willey, a French Catholic economist, left it almost 30 years ago, when he explored the issue in an article with that title. (Willey's essay is available in an English translation in Volume 9 of *International Economic Papers*.) Weigel's extensive learning, keen interest in the topic, and subtlety of mind equip him well to advance this important discussion, and his essay is a substantial contribution.

In the last third of his essay, however, Weigel, like the remaining authors, goes beyond historical description and expla-

Is God a Capitalist?

BY PAUL HEYNE

The Capitalist Spirit: Toward a Religious Ethic of Wealth Creation
 Edited by Peter L. Berger, San Francisco: ICS Press, 192 pages, \$18.95

If the title recalls Max Weber, that was apparently the editor's intention. Peter Berger believes that there has been only one important ethic of wealth creation developed in Christian history, and that Weber's interpretation of the phenomenon in *The Protestant Ethic and the Spirit of Capitalism* is essentially correct and still helpful for understanding contemporary developments.

Weber was trying to explain the events that generated an ethic of wealth creation among certain groups with theological roots in the thought of John Calvin. As the subtitle of *The Capitalist Spirit* suggests, however, the authors Berger has assembled (some of them, at least) are trying to produce an ethic. The question that kept nagging at me was, Why? Of what use is an ethic of wealth creation designed by intellectuals? Can a meaningful ethic, one that will actually inform and guide behavior, ever be designed?

The dark words that kept recurring to me as I read these efforts were *rationalization* and *ideology*. This kind of enterprise almost never generates any fruitful dialogue, for the simple reason that it is not intended to do so. It is intended to round out, shore up, and otherwise fortify positions already reached. What we sorely need in this area is something quite different: light shed upon the sources of our intense disagreements.

Robert Grant, a specialist in the New Testament era, pretty much confines himself to such description and explanation. He shows that the first-century founders of Christianity and the Apostolic Fathers of the second century had little interest in capital formation or the production of wealth, were overwhelmingly hostile to the acquisitive mindset, and were far more inclined to advocate the sharing of wealth than to concern

nation to begin *constructing* a religious ethic of wealth creation. I have learned a great deal over the years from George Weigel the historian, political analyst, and cultural critic. But I have also learned to apply Occam's razor to the theological fortifications that he erects to buttress his positions. I found the first two-thirds of his contribution stimulating, insightful, and informative. But his discussion of the resources available for constructing a Roman Catholic ethic of wealth creation for the United States seemed to transform an illuminating essay into a partisan tract.

Among the contributors to this volume, Michael Novak has labored the longest and most strenuously to construct a religious, more specifically Christian, and still more specifically Roman Catholic, ethic of wealth creation. He is currently scouting for resources in the Scottish Enlightenment. David Hume, Adam Smith, and their colleagues, much like Novak today, were trying to persuade an intellectual culture deeply hostile to the pursuit of wealth that commerce generated moral as well as material benefits. That is a challenging and worthy task. But is it really helped along by all the theologizing that Novak stirs in?

On Page 64, for example, Novak begins recounting "nine distinguishable arguments" advanced by Hume, Smith, and others "in favor of the turn toward a capitalist economy." On Page 78, these become "nine moral arguments in favor of creative economies" with "a profound relationship to Jewish and Christian theology." Must all sound social arguments receive Christian baptism? When Novak criticizes the dubious theology and even more dubious economics of anticapitalist theologians, he does valuable work. When he tries to substitute capitalist theology for socialist theology, however, the arguments become vague, strained, and sometimes pretentious.

Walter Block is the most insistent ideologue in the book. His essay in defense of the libertarian religion may prove edifying for some readers of this magazine, but it will surely not persuade any religious socialists. Block lays out the lib-

ertarian creed with clarity and enthusiasm: self-ownership, private property, and the Great Commandment ("Thou shalt not steal"). He concludes with an altar call. All people of religious persuasion are really libertarians, he assures us, at least insofar as they embrace the Great Commandment, a commandment that provides for no exceptions and that contains in embryo the entire corpus of the libertarian philosophy.

Block will find no converts in the congregation to which he is ostensibly preaching because he has not addressed their principal objection to his religious creed. They will protest that he cannot establish individual property rights claims with both the clarity and the moral legitimacy that are essential to sustain his absolutist claims. But Block has a faith that can move mountains, as shown by his proposal to solve the "conundrum" of "the naked public square" by *privatizing the public square*. (That suggestion appears in endnote 30 on Page 115.)

The final essay in the volume is by the author of *The Naked Public Square*, Richard John Neuhaus, who should have pointed out to his colleague that "the public square" is the forum in which we discuss the values undergirding our com-

mon life, not a parcel of real estate. Neuhaus's essay, titled "Wealth and Whimsy," employs theological arguments about divine grace, drawn largely from St. Paul, to claim that theologians ought to take the production of wealth much less seriously.

Neuhaus objects to the "earnest moralizing of the economic sphere" that can be found in so many theological and ecclesiastical pronouncements on the economy. "Efforts to theologize economics," he astutely observes, "tend to produce dismal theology." The catch, of course, is that Neuhaus himself theologizes economics in an effort to make his case for taking economic life less seriously.

To the reader who protests that I am too hostile toward theological economics, let me confess that I used to produce it myself. And there is no one quite so intolerant toward sin as a reformed sinner. I'll get around soon to reading *Centesimus Annus*, the new social encyclical commemorating the 100th anniversary of *Rerum Novarum*, but only because I want to find out whether John Paul II has finally learned a little economics.

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Dousing the Fire

BY JOHN A. BARNES

World on Fire: Saving an Endangered Earth By George Mitchell, New York: Scribner's, 247 pages, \$22.50

The dust jacket of this screaming, hysterical look at our collapsing planetary environment (or "ecosystem," which is the currently favored word) carries a photograph of a smiling, cheerful-looking Sen. George Mitchell (D-Maine). As you read this catalogue of the horrors humanity supposedly faces unless we rapidly adopt Mitchell's draconian solutions, you might ask yourself: Why is this man smiling?

After all, anyone who even browses through this book will find little to laugh



Mitchell: Why is this man smiling?