tional quality—it, or what directly follows from it, is meant to do all the work.

The work the principle does is directed at topics clustering around the notion of markets and market exchanges. The topics range from just prices to drugs, from coercive exchanges to monopoly pricing, from market failure to obligations of charity. Virtually every chapter contains prescriptions for public policy as well as discussions of a more abstract nature. The no-harm principle seems to be employed in deciding everything from the meaning of fairness to the ethics of taxation. In this respect, Burke, like Mill before him, seems to saddle himself with the burden of having one principle solve every social-political question. Whether any single principle can bear all that weight is an open question, but it is perhaps most problematic when no broader philosophical traditions are drawn upon to anchor the theory.

No real positive defense, for example, is provided for the no-harm principle (again suggesting its fundamental nature). We are simply launched into its meaning and implications. The procedure thus seems to be to undermine any intuitions or arguments to the contrary, leaving the no-harm principle (and its implications) as the only principle left standing. The problem here, though, is that any competing positions are themselves undermined by the no-harm principle, making the whole project look somewhat circular—a procedure that may possibly be legitimate if the no-harm principle is itself a first principle. In any case, the principle is said to imply a host of libertarian/classical liberal conclusions, so one could regard Burke's project as a working out of the logic of such a principle and how it might respond to some of the more significant claims against it, rather than as an attempt to derive libertarian principles from a theory in basic ethics.

The no-harm principle itself has two main conditions: (1) one must be made worse off after an action than one was before it, and (2) only actions that directly cause or produce the first condition will qualify as harming actions. Failure to act or having one's condition worsened by impersonal powers (e.g., economic forces) does not qualify as causing and therefore as harming under the second condition. A large part of the ethical arguments of the book are spent on various rebuttals to the idea that failure to act or market processes cause someone harm. There are a number of valuable discussions along these lines, especially when it comes to the economic dimensions of the argument. Moreover, the emphasis on direct causation is certainly a worthy one. But that emphasis seems both at times misapplied and misplaced. Consider first blackmail. We are told that it involves a threat to cause someone harm and thus violates the no-harm principle. But here the application of the causal condition seems misapplied. I am not a cause of any lessening of your condition by suggesting I'll tell your spouse about your extramarital affair. Your spouse, not I, will be the only causal agent by the conditions of causality specified by Burke.

As to misplaced emphasis, there are at least two problem areas. First, Burke is more concerned about defining the meaning of "causation" than of "worsening" one's condition, i.e., he is more concerned about the second rather than the first condition of the no-harm principle. This is probably because the first condition is too messy to adequately control. At one point he tells us, for example, that only those things that "impair the integrity of the person" will count as harms or losses (p. 193). What exactly this means is undoubtedly at least somewhat ambiguous. If we do give it a great deal of substance, we could probably criticize blackmail but, in my view, at the expense of Burke's causal principle.

Second, notice that the no-harm approach seems not to be one based on rights. This is important because there is no necessary connection between rights and what are ordinarily called harms. One may have one's rights violated without being harmed (indeed one could even become better off ["if he hadn't broken into your house, you wouldn't have captured him and gotten all that reward money"]), and one may be made worse off without one's rights being violated. Consequently, either a notion of harms or rights will be fundamental, and one expects from Burke that the work will be done by harms (or more accurately, no harms). Unfortunately, all sorts of things fit the two conditions for harming that we would and should allow, e.g., telling the truth about someone to their economic detriment (p. 58).

This suggests there is a difference between justified and unjustified harming. We are told, however, that the no-harm principle is the only absolute value (p. 189), suggesting that it must be the basis for determining the difference between what is justified and unjustified. But either the no-harm principle works in light of some other moral commitment or it does not. If it does, then we should be clearer about that other standard and how it helps us discriminate between justified and unjustified harming. If it does not, then, except in cases of retaliatory harming for violating the no-harm principle itself, we should be able to use the principle to determine the difference between the rightful and wrongful, the justified and unjustified. But the principle itself seems to depend upon the prior existence of such distinctions. The admonition of the principle is not "do no harm," but only "do no wrongful harm."

There is some indication that, the foregoing claim about absolute value notwithstanding, the whole project is meant to rest on ordinary moral intuitions, or "common conceptions of morality" (pp. 181ff). Fair enough. But what we find here is less an unpacking of ordinary moral beliefs than an attempt to reform them. Many of these reformations deserve our allegiance. Nonetheless "harm" is too broad, fuzzy, and derivative a notion to do the work expected of it here. Part of the problem comes, of course, because to speak of harms is to have to pay attention to being better and worse off. This is inherently ambiguous (at least for ethicists, if not economists) in a way rights are not. For while there may be many disputes in theories of rights, the end product of any given theory is never itself subjective. Harms, by contrast, can never escape the subjective element.

Whether a person is better or worse off seems in the end to at least partly depend on the person's own attitude about his condition.

The reader's confusion is only compounded when Burke talks of punishment, a subject he apparently takes as important to the book's thesis. We are told that "all laws inflict punishment" (p. 40), presumably including laws that accord with and protect the no-harm principle itself. The circularity problem seems to be present here as well, and distinctions between being punished and penalized, harmed and injured would probably have helped to alleviate confusion.

But Burke is certainly correct about us having a basic antipathy toward harming innocent people, and in this respect the book is quite helpful in pointing out ways in which harm may be done and the political implications that follow therefrom. For those unfamiliar with markets, economic issues, and the interface that can occur between ethics and economics, the book should be especially valuable. There is much to be said in favor of a project that seeks to put the free market in line with people's basic moral convictions, and in this respect at least Burke's book makes a valuable contribution.

Douglas J. Den Uyl
Bellarmine College