Mark L. Jones's *Professions and Politics in Crisis.* Durham, North Carolina : Carolina Academic Press, 2021. ISBN: 9781531021979. Paper $55.00

> "It was the best of times, it was the worst of times, it was the age of wisdom, it was the age of foolishness, it was the epoch of belief, it was the epoch of incredulity, it was the season of Light, it was the season of Darkness, it was the spring of hope, it was the winter of despair, we had everything before us, we had nothing before us, we were all going direct to Heaven, we were all going direct the other way–in short, the period was so far like the present period, that some of its noisiest authorities insisted on its being received, for good or for evil, in the superlative degree of comparison only." –Charles Dickens, *A Tale of Two Cities*, 1

§1. Introduction

Is it too cliched a gesture to quote Dickens in epigraph, so smartly upon the opening of a book review? Perhaps so, in most cases. But not, I think, in this case–and every case is a *this case*, as Professor Mark L. Jones's intriguing work, *Professions and Politics in Crisis*, reminds us. Each is a particular case of grasping at the Law and Justice (duly capitalized), and perhaps even Truth with universal intent. And that in the midst of largely indissolvable complexities of characters, contexts, facts, intentions, precedents, and procedures.

Jones's tome is a weighty case indeed. The author's intentions and motivations are clear, consistent, and, I think, intelligible to students of Michael Polanyi. Jones grapples with the demonstrable expressions of existential distress and confusion which afflict the conduct of liberal democratic (particularly American) political life, with a focus upon the legal profession upon which the civil conduct of convivial life in liberal democratic societies rests.

Professor Jones ably rests his argument for the facticity of such crises upon both polling data and common observation, highlighting particular forms of reported existential ennui of our times, e.g., a lack of sense of joy at work, high levels of emotional and mental turmoil, and substance abuse. He employs the vast corpus of Alasdair MacIntyre (and behind MacIntyre the full weight of the Western Aristotelian and Thomistic traditions) both to (i) succinctly and in general terms diagnose the nature of the ennui on the personal, professional, and political levels;

and (ii) provide a picture of a state of affairs in which such crises are *not* systematically cultivated and provoked.

In general terms, Jones, following MacIntyre and the tradition, dissects the ennui in terms of a lack of *flourishing* in the sense of the Greek *eudaimonia*. *Eudaimonia* is taken in the meaning presented by Aristotle in the *Nicomachean Ethics*–that is, as a way of life that can be called flourishing and blessed, for it is a life spent actively cultivating and expressing the virtues and potentialities of a human being. We may briefly recall that the English "virtue" derives from the Latin *virtu* (more or less literally meaning being and acting as a mature man or *vir*). *Virtu* in turn translates the Greek *arete*, which means literally "excellence" in the sense of the excellence proper to a thing when fully and finely achieved or expressed. Jones himself prefers the term "excellence" to "virtue," though the two may be used synonymously, as I shall do here.

Being a flourishing human being, then, is necessarily to be practicing a life in accordance with human virtues. Preeminent among the virtues are those of reasoning, deliberation, and contemplation–those most like the immortal and divine, in Aristotle's turn of phrase. Underlying them and their effective actualization, however, lie the virtues of character. Among the marks of an excellent, mature, or professional character and which we revisit with Jones are such qualities as moderation, courage, prudence, generosity, friendship, and so forth.

Then, adjacent to those internal goods are the external natural and social goods of one's life–Jones's "*goods of effectiveness*." These consist mainly in wealth and material resources, good reputation, public honours, social recognition, and such imponderables as good looks and charm, good health, proper education, and generally being well favoured by fortune and birth.

Succinctly, to flourish and have a good life is to have the effective means to cultivate excellence and live virtuously. Jones' argument puts rubber to the road when he takes this traditional starting point and asks larger questions: what are the conditions which must obtain for such a life to be cultivated personally, professionally, and politically? Jones, like MacIntyre, sustains that liberal democratic society impedes and undermines the good life, correctly understood. On the one side we are given the liberal ideals of individual preference maximization, constrained freedom (i.e., maximizing every individual's freedom by assuring that they don't impede each other's preference maximization), and a studied skepticism and neutrality with regards to "values." In opposition to these, Jones and Macintyre hold

up the counter-image of a Republic of Virtue. In such a Republic, life in general would be ordered in such a manner as to cultivate personal and collective excellence.

The question, though, is raised: What would such a Republic of Virtue be, concretely, if it is not to be dismissed as yet another utopian or millenarian project? Does the Republic have any empirical reality to it?

Professor Jones ably and quite exhaustively addresses these questions. Following MacIntyre, he draws the reader two fleshier images. One image is of an existentially and collectively well-balanced fishing village dubbed Piscopolis. Piscopolis itself is nothing more than an abstract version of empirically existing fishing villages found in liberal social-democratic Denmark in the 1980s. Jones's second image is of Juropolis: the community of American legal professionals (lawyers, judges, academics, and others). Jones bases Juropolis upon both Piscopolis and the actual legal community of the United States of America.

§2. Piscopolis–Fishing for Flourishing

In a nutshell, Piscopolis embodies an active balance and mutual attunement between one's personal good and the common good. Here, because the specifically human good is that of the actualization of virtues of mind and character, a new question is raised. We now ask too: is there even a potential natural harmony between the personal and the common? If so, then how is such a harmony cultivated?

In approaching these questions, Jones draws the figures of two individuals, Drew and Cash. Drew is a fisherman who embodies this harmony in his daily life. Cash does not. The reasons for the dichotomy are illustrative and, to my mind, draw out many elements of Aristotelian ethics that are easily misunderstood. To appreciate what I mean by this, it is helpful to describe what Jones is *not* doing. He is not positing a sort of virtuous hero in Drew. Drew is not a man of unusual natural gifts of character who has formally or informally educated himself to virtue. Nor is Drew a monk or classical philosopher whose contemplative life has ordered his soul. Nor, on the third hand, has he been molded into shape by an abstract collective or general will. Drew is a normal Joe. He possesses the modest schooling, living, and work alongside others of anyone in a fairly tight-knit (by modern, urban, liberal-democratic standards), small fishing village, with the expected human range

of positive and negative relationships and foibles. Piscopolis is not an idealized collectivist commune.

Drew is a man of good character and common sense, in part due to his upbringing, in part due to the necessities of getting along in life. He has a straightforward love for his home. He has access to a vocation that promises a good and sustainable livelihood–the means of effecting a good life. He feels no internal or external pressure to jump ship from Piscopolis in pursuit of such means of effectiveness. Moreover, on an un-muddied, un-philosophic level, he quite understands the deeper satisfaction arising from the goods of excellence, as opposed to the pursuit of goods of effectiveness beyond what is actually needed for a good life.

How did Drew cultivate such a decent character? In brief, we could say by starting out good (or basically, potentially good) and then being daily embroiled in an apprenticeship of virtue through his relationships. Jones here puts much emphasis on the relationships involved in fishing and posits a hard case. We assume that Drew's reasons for joining a fishing crew are pecuniary, not some heroic pursuit of virtue or "authenticity". He gets on board as a young man because he wants to make a good living, and he probably has at least vague aspirations for a home, a stable romantic partner, and spending money at the end of the week. He may also have caretaking relationships with others, such as parents or siblings, which may motivate him.

Nevertheless, the actual, lived life on a small fishing crew is an apprenticeship not just in the techniques of fishing but in the character of a good fisherman, a reliable crewmate, and an upstanding, mature citizen of the village (i.e., personal, professional, and civic virtues). This is so because being on the same boat, and being jointly and proportionally responsible to the common good of the whole crew and its enterprise, demands a deeper and more particular cultivation of Drew's character which inextricably ties Drew's good to the good of his fellows.

To be a good mate, Drew must be reliable. He must have courage on the seas. He must be prudent and teachable. He must be magnanimous in helping to cultivate and support newer crewmates. He must know what he's doing and be able to be counted upon to take care of others and those they care for, as they would for him and for his, if injuries or deaths occur. All in all, the demands of becoming an excellent fisherman–a certain commonsense knowledge and the habits of good character, justice, friendship, and responsibility–conspire to make Drew a better human being.

Moreover, experience gives Drew knowledge of the interdependence of his crew's excellence with that of the neighbouring or overlapping crafts, such as net-making, boat-building, and so forth for the overall end of hauling fish. These, in turn, rely upon the variety of other work and endeavours in the village and upon the flourishing of the village as a whole. Drew, as a mature man, knows that his ability to live a good life is bound up in his cultivation of what Jones terms *virtues of independence* such as temperance, courage, and prudence, and also *virtues of acknowledged dependence*. These include his ability to give and receive generosity, give and accept good will and friendship, and to submit to the demands of justice. Maturity and excellence, paradoxically, demand a recognition of interdependence–and particularly the humility to accept one's present and future dependence in the face of disaster, age, disablement, and death.

§3. The Case of Fishing for Cash

Cash, by contrast, being neither intrinsically better nor worse as a human being than Drew, finds himself aboard a very different boat. The vessel which he crews is owned and operated by a large corporation. The overriding concern at every outing is the accumulation of goods of excellence (profits) which are earmarked for investors. The bonds of camaraderie among the crew are noticeably looser, as Cash and crew find themselves as salaried employees and the goods of excellence are tacitly subordinated to the pursuit of another's external goods.

"Job turnover" increases on board as crewmates come and go. All feel less "in it together" when times are good or bad, as the work environment itself becomes less about excellence of performance or craft and more about efficiency and material accumulation. The work itself proportionally loses meaning, as do the relationships as they become more transitory and unstable. Individual fisherfolk on the boat are thrown onto themselves individually, for the situation and setup make it less likely that one can count on one's crew to be there for oneself, one's family, or each other when disaster, birth, old age, sickness, or death ensue.

Fish get caught, and money gets made, but flourishing becomes an individual exception rather than the natural consequence of jointly pursuing the common good. Rather than hanging together, aboard Cash's boat, each hangs separately.

While I have sharpened the point to make it clearer and pithy, it should be said that Jones' point is subtler than a black and white distinction. It is not that

Drew's is a crew of saints and Cash's of devils, nor that their relative saintliness or devilry is determined by abstract collective forces. Rather, it is the confusion of goods of effectiveness for goods of excellence which confuses the growth of happiness.

This confusion of ends happens simply by making the excellence of performance, craft, and the person *secondary* to the lesser (and naturally subordinate) goods of efficiency and the accumulation of means. While a crew organized with a view to excellence may overcome a young Drew's immature, individualistic goals through the education of his person, Cash's growth is impeded. While there will still likely, at least for a time, be excellence and virtue on the job, it will have to persist in spite of the lack of meaningful common goods. We might even say that it would take heroic efforts on the part of a department of human resources to make up for the lack. If the situation aboard Cash's boat is generalized across the village–as it is typically in a liberal-democratic state–then the psychological, spiritual, and civic knit loosens and develops holes.

§4. Juropolis–The Polis of the Law

That much said is about Piscopolis for the sake of Juropolis–Jones's appellation for the far-flung fabric and network of the American legal profession. Jones's concern with the legal profession is itself personal, professional, and political. Personally, he is a professor of law and is concerned by the statistics revealing deep anomie amongst his colleagues. Professionally, he has concerns about degradations in the achievement and even maintenance of excellence of his profession, particularly as the pursuit of the goods of effectiveness begins to drive its direction.

Politically, Jones is concerned for the legal profession because its purpose of seeking the Law and rendering Justice for society as a whole is crucial for mitigating, if not rectifying, the problems of liberal-democratic culture and the liberal-democratic state. In this, Jones echoes Alexis de Toqueville's famous observation in *Democracy in America* that the legal profession in the USA was that persistent aristocracy of virtue or merit which steered the democracy away from its worst inclinations.

The essence of Jones' discourse on Juropolis is a laying out of its four constituent groups and the challenges which beset each. The four interdependent foundations of Juropolis are judges, lawyers, scholars, and legal councillors to

legislators. The place of each in relation to each other and the whole of Juropolis is straightforward. *Legal councillors* aid in shaping the form and content of legislation. *Scholars* both educate on and contemplate the Law and Justice as universal standards. *Lawyers* debate them on behalf of their clients. *Judges* listen, deliberate, and attempt to render Justice under the Law in the unique cases before them. This service of open-ended deliberation, contention, and seeking is, we might say, a tradition of transcendence in which the substance of Justice and the good is ever expected to emerge in infinite future manifestations.

Still, this is the ideal, and as both Polanyians and Aristotelians would recognize, the achievement of the best possible good can be marred by failures or corruptions at an underlying comprehensive layer of knowing and being. In the case of Juropolis, Jones notes various ways in which goods and means of effectiveness are either lacking (thereby undermining goods of excellence) or else have subtly or not so subtly supplanted the goal of excellence altogether.

Too much concern with wealth on the part of firms, crushing student debt loads, stifling caseloads, and other problems of distributive justice are one set of problems affecting each party of Juropolis from the inside. Pressure to submit to the willfulness of legislators, in spite of the Law, and a notable hesitancy to engage in *pro bono* services–thus making Justice inaccessible to many citizens–are two other notable factors marring the sense of meaningfulness of the legal profession on both the personal and collective levels.

As Jones argues persuasively, the travailles of the legal profession are the problems of liberal-democratic states as a whole. When functioning at its best, or near best, Juropolis adds a leaven of transcendental tension to the lump of liberal-democratic society, which might otherwise slide towards anomie or majoritarian tyranny. Thus does the legal profession as a whole serve the greater commonwealth.

One matter which Jones does well to point out, and Polanyi scholars might note, is the subtle undermining of virtue and meaning in life (i.e. moral inversion) which may arise with a widespread or institutionalized misdirection of energies. One cannot “hang together” and show natural and interdependent concern for oneself, one’s crew, and the common good without the means, a proper understanding of human ends, and institutions which foster, or at least don’t impede, the flower of virtue.

Jones thus shows the subtle, less dramatic ways in which lesser forms of moral inversion may manifest–forms less flagrant than Polanyi's Minotaur or quotidian nihilism but still concerning for all that. Jones does not seem of the opinion that his colleagues, students, or fellow citizens are by and large "humans masked as beasts" in Polanyi's turn of phrase. Rather, he seeks to indicate that his profession's traditional pursuit of the goals of excellence is impeded or corrupted by very specific issues, requiring specific treatments and remedies in order to restore health.

All in all, Jones' diagnostic and prescriptive skills are put to good use. He deploys MacIntyre's tremendous corpus alongside the facts and findings of the law profession's own assessment of itself to craft a tome which is exceedingly thorough and joins theoretical and practical understanding to good ends. Concerned practitioners of other professions and trades may do well to follow the model which he has drafted–particularly if they are concerned to affect positive, pragmatic changes for the common good of their fellows.

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