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## Fisherman Jack: Living in "Juropolis"- The Fishing Village of the Law

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# Fisherman Jack: Living in “Juropolis”- The Fishing Village of the Law

by Mark L. Jones\*

This Symposium celebrating and honoring the scholarship and teaching of my dear friend and colleague Jack Sammons provides a fitting occasion to follow up on a suggestion he made to me a couple of years ago.<sup>1</sup> The occasion is especially fitting because, as I proceed with my account, I invite us to think about how Jack himself embodies and exemplifies this account in his own life. Specifically, I will extend Alasdair MacIntyre’s short and partial narrative image of fishing crews and the fishing village and apply it to the “fishing village of the law,” which I call “Juropolis.”<sup>2</sup> In doing so I will also rely upon several of

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\* Professor of Law, Mercer University School of Law. Oxford University (B.A., 1974; (M.A., 1979)); University of Michigan (L.L.M., 1983). This Article is an expanded version of my remarks at the Symposium held on October 3, 2014. I thank my good friend Jack Sammons for his (as always) helpful comments on an earlier draft of the article. But I also thank Jack for the more than three decades of inspiration and mentoring that have resulted in this Article and in the much longer version of it entitled *The Story of “Juropolis”-Trawling for Justice in the Fishing Village of the Law* to be published elsewhere, as well as so much else besides. I owe him more than I can possibly say.

1. Jack made this suggestion in an email exchange in March 2012 after I attended a talk he gave to the Mercer University Philosophy Department in which he described his work and the scholars who influenced it. This said, any deficiencies in my account in this Article are solely my responsibility, not his. Emails from Jack Sammons (Mar. 24, 2012) (on file with author).

2. For MacIntyre’s portrayal of two contrasting types of fishing crews and their relationships in the fishing village, see Alasdair MacIntyre, *A Partial Response to My Critics*, in *AFTER MACINTYRE* 284-86 (John Horton & Susan Mendus eds., 1994)

MacIntyre's works presenting the general theory that his narrative image illustrates.<sup>3</sup> In some important respects I draw inferences from what MacIntyre has written in these sources. However, I trust that my inferences are fair and reasonable ones.

The Article is part of a larger project developing several narrative images of which MacIntyre's communitarian image of fishing crews and the fishing village is the foundational one.<sup>4</sup> The project has two related goals: first, to reinforce lawyers' and law students' vocation to the values and virtues of professionalism—for example, the values and virtues that Pat Longan seeks to cultivate in his wonderful course on *The Legal Profession*,<sup>5</sup> and second, to dramatize why such vocation is important for living a good life in the law that is meaningful, satisfying, and fulfilling—a life that is “happy” in the Aristotelian sense, a life that is a “flourishing” life.<sup>6</sup>

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[hereinafter MacIntyre, *Partial Response*]. MacIntyre explains that “[m]y descriptions of these will be of ideal types, defining the extremes of a spectrum on which there are many points. But that there are in fact fishing crews whose lives embody one extreme or the other is beyond doubt.” *Id.* at 284. Almost the entirety of what MacIntyre has to say about these two types of fishing crews in this portrayal is quoted in the footnotes in this Article.

3. See generally ALASDAIR MACINTYRE, *AFTER VIRTUE* (3d ed. 2007) (1981) [hereinafter MACINTYRE, *AFTER VIRTUE*]; ALASDAIR MACINTYRE, *WHOSE JUSTICE, WHOSE RATIONALITY?* (1988) [hereinafter MACINTYRE, *WHOSE JUSTICE?*]; ALASDAIR MACINTYRE, *THREE RIVAL VERSIONS OF MORAL ENQUIRY: ENCYCLOPAEDIA, GENEALOGY, AND TRADITION* (1990) [hereinafter MACINTYRE, *MORAL ENQUIRY*]; ALASDAIR MACINTYRE, *DEPENDENT RATIONAL ANIMALS* (1999) [hereinafter MACINTYRE, *RATIONAL ANIMALS*]; *THE MACINTYRE READER* (Kelvin Knight ed., 1998) [hereinafter *MACINTYRE READER*].

4. The other three narrative images are Plato's Allegory of the Cave, the medieval legend of the search for the Holy Grail, and the classical Greek myth of Theseus and the Minotaur. Jack is not only the consummate citizen of Juropolis, the fishing village of the law; his life in Juropolis also exemplifies and indeed inspires my use of these other three narrative images, which will be developed in a subsequent article.

5. These five values and virtues of legal professionalism are competence, fidelity to the client, fidelity to the law and its institutions, public service, and civility. See Patrick E. Longan, *Teaching Professionalism*, 60 *MERCER L. REV.* 659 (2009) [hereinafter Longan, *Professionalism*] (describing the course as it had developed up until that time); Patrick Longan & Timothy Floyd, *Mercer Law School's Focus on Professionalism*, 2 *BLOOMBERG L. REP.*, Jan. 31, 2011, at 13 (describing the course after significant restructuring and also describing the Law School's Public Interest Practicum), available at [www.skglf.com/media/pnc/6/media.1296.pdf](http://www.skglf.com/media/pnc/6/media.1296.pdf); see also *First Year Course on Professionalism*, *MERCER LAW SCHOOL*, <http://law.mercer.edu/academics/centers/clep/education.cfm> (describing how the course begins the process of cultivating practical wisdom in implementing the five values).

6. ARISTOTLE, *THE ETHICS OF ARISTOTLE: THE NICOMACHEAN ETHICS*, 63-64, 66-67, 73-76 (J.A.K. Thomson trans., rev. Hugh Tredennick 1976) [hereinafter ARISTOTLE, *ETHICS*].

Fisherman Drew: Achieving Excellence in the Craft  
or Practice of Catching Fish

Imagine that you are a crew member on a fishing boat. Your name is Drew (Andrew if male or Andrea if female).<sup>7</sup> At some times the seas are smooth and catching fish is easy; at other times the seas are heavy and catching fish is much more difficult.<sup>8</sup> What qualities or attributes does Drew need to do well as a crew member in the craft or practice of catching fish? And what exactly does doing well mean?

Simply put, as in the case of any type of craft or practice, Drew needs various kinds of theoretical knowledge, practical skills, and qualities of character (dispositions, attitudes, or virtues), with the “master virtue” of practical wisdom (*phronesis*) at their apex. A practically wise practitioner, a *phronimos* in the practice, has the ability to access, draw on, and conduct other relevant qualities or attributes to reason about ends and means and is then motivated to translate thinking into action, so as to do the right thing in the right way at the right time for the right reason. In other words, such a practitioner has good judgment and acts on this good judgment.<sup>9</sup> Moreover, by possessing and exercising these qualities in this way, Drew achieves the “internal goods” of the practice of catching fish.

To understand what it means to achieve “internal goods” we must first set out the well-known definition of a “practice” that MacIntyre articulated in his seminal book *After Virtue*:

By a ‘practice’ I am going to mean any coherent and complex form of socially established cooperative human activity through which goods internal to that form of activity are realized in the course of trying to

7. Saint Andrew is a patron saint of fishermen. *St. Andrew*, CATHOLICS ONLINE, [http://www.catholic.org/saints/saint.php?saint\\_id=109](http://www.catholic.org/saints/saint.php?saint_id=109).

8. To help stimulate the audience’s imagination, at the Symposium I showed two video clips: Antony Gilman, *fishing boat*, YOUTUBE (Jan. 15, 2011), <https://www.youtube.com/watch?v=Mqt5Zn3iTNQ> (at 4:30-5:20) (fishing crew unloading the catch); Geoff Mackley & Bradley Ambrose, *Incredible video-fishing boats in rough seas*, YOUTUBE (Jan. 19, 2011), <https://www.youtube.com/watch?v=ByGSMmenPDM> (at 0:00-0:40) (fishing boat in rough seas).

9. For a more detailed discussion of the qualities or attributes discussed in this paragraph, including the “master virtue” of practical wisdom, see Mark Jones, *Practical Wisdom and Vocation in Professional Formation: A Schematic Account*, in TOWARD HUMAN FLOURISHING: CHARACTER, PRACTICAL WISDOM, AND PROFESSIONAL FORMATION 193-98 (Mark L. Jones, Paul A. Lewis & Kelly E. Reffitt eds., 2013) [hereinafter TOWARD HUMAN FLOURISHING]. The practical reasoning involved in exercising practical wisdom may be intuitive and instantaneous or conscious and deliberate, depending on such factors as complexity, ambiguity, or novelty.

achieve those standards of excellence which are appropriate to, and partially definitive, of that form of activity, with the result that human powers to achieve excellence, and human conceptions of the ends and goods involved, are systematically extended.<sup>10</sup>

In addition to ends or goals, internal goods, and standards of excellence, a practice also involves the use of technical skills that serve the goods and ends, as well as obedience to rules.<sup>11</sup> Moreover, practices are borne and sustained by institutions, such as a university, a farm, or a hospital,<sup>12</sup> or especially relevant for our purposes, such as a fishing firm or a law firm.

As the passage quoted above suggests, achievement of the "internal goods" of a practice is guided and measured by the practice's standards of excellence.<sup>13</sup> Helpfully, then, in a later work MacIntyre also refers to these internal goods as "goods of excellence."<sup>14</sup> I will use the later term "goods of excellence" in this Article.<sup>15</sup> We can call the qualities or attributes needed to achieve the goods of excellence, including the master virtue of practical wisdom, "qualities of excellence."<sup>16</sup> By becoming a particular kind of person—the kind of person who possesses and exercises the necessary qualities of excellence—a practitioner in a practice achieves at least three main types of goods of excellence: the excellence of the practitioner's performance, the excellence of the result of this performance, and the excellence of the way of life that is lived out

10. MACINTYRE, *AFTER VIRTUE*, *supra* note 3, at 187. This is a rather abstract definition, and so MacIntyre gives examples of what is and is not a practice as he defines it. He suggests that Tic-tac-toe, throwing a football with skill, bricklaying, and planting turnips are not practices, but the game of football, chess, architecture, farming, the enquiries of various sciences and of history, painting, and music, *are* practices. *Id.* So also are the making and sustaining of family life and, in the ancient and medieval world, the making and sustaining of cities and nations or, in other words, politics in the Aristotelian sense. *Id.* at 187-88. And, most relevant for our purposes, so is fishing and, although MacIntyre does not mention it, the practice of law.

11. *Id.* at 190, 193.

12. *Id.* at 194, 222.

13. *Supra* note 10 and accompanying text.

14. MACINTYRE, *WHOSE JUSTICE?*, *supra* note 3, at 32.

15. I will do so even when citing to sources in which MacIntyre employs or reverts to the earlier terminology, unless use of the earlier terminology is appropriate for sense or for quotation.

16. Somewhat mysteriously, perhaps, MacIntyre himself does not appear to use the phrase "qualities of excellence" for those qualities needed to achieve "goods of excellence," even though he does use the phrase "qualities of effectiveness" for those qualities or attributes needed to achieve "goods of effectiveness." *Id.* at 32. As discussed below, *infra* notes 21-32 and accompanying text, there are important contrasts between "goods of excellence" and "goods of effectiveness" or, using MacIntyre's terminology in *After Virtue*, between "internal goods" and "external goods."

as a practitioner in the practice.<sup>17</sup> Moreover, even though I will sometimes continue to refer to them separately, the qualities of excellence are themselves incorporated within these goods of excellence.<sup>18</sup> In Drew's case, then, Drew achieves at least three main types of goods of excellence of the practice of catching fish: the excellence of Drew's performance as a member of the fishing crew; the excellence of the result of Drew's performance as a crew member; and the excellence of Drew's way of life as such a crew member.<sup>19</sup> And Drew's qualities of excellence are themselves incorporated within these goods of excellence.<sup>20</sup>

In *After Virtue* MacIntyre contrasts internal goods with "external goods" such as money, power, fame, or prestige.<sup>21</sup> In the later work in which MacIntyre calls internal goods "goods of excellence," he calls such external goods "goods of effectiveness."<sup>22</sup> Here again then<sup>23</sup> I will

17. I infer that any practice involves these three types of goods of excellence (the excellence of the practitioner's performance, the excellence of the result of this performance, and the excellence of the way of life that is lived out as a practitioner in the practice) from MacIntyre's discussion of the "internal goods" of the practice of portrait painting as it developed in Western Europe between the late middle ages and the eighteenth century. See MACINTYRE, *AFTER VIRTUE*, *supra* note 3, at 189-90 (tracing development of iconography to naturalism to synthesis of naturalistic portrait as icon, and of seventeenth century mythological faces in French painting to eighteenth century aristocratic faces). In this discussion MacIntyre identifies two different kinds of "internal goods." The first is "the excellence of the products," and these are themselves of two kinds, namely, "the excellence in performance by the painters and [the excellence] of each portrait itself." *Id.* at 189. The second is "the good of a certain kind of life[,] . . . [of] the painter's living out of a greater or lesser part of his or her *life as a painter*." *Id.* at 190.

18. Thus, MacIntyre's identification of excellence in performance and the excellence of a certain kind of life as internal goods makes it clear that acquiring and demonstrating these qualities of excellence, and becoming the kind of person who does so, are themselves included within the goods of excellence of the practice. See *also id.* at 188 (identifying as internal goods of playing chess "the achievement of a certain highly particular kind of analytical skill, strategic imagination and competitive intensity").

19. See MacIntyre, *Partial Response*, *supra* note 2, at 284 (discussing "productive crafts such as farming and fishing, architecture and construction" and explaining that "[t]he aim internal to such productive crafts, when they are in good order, is never only to catch fish, or to produce beef or milk, or to build houses" but "to do so in a manner consonant with the excellences of the craft, so that not only is there a good product, but the craftsperson is perfected through and in her or his activity"); see *also id.* at 285 (discussing a type of fishing crew that values "excellence in fishing[,] . . . excellence in playing one's part as a member of such a crew[,] . . . and . . . achievement of the goods of the common life of such a crew").

20. *Supra* note 18 and accompanying text.

21. MACINTYRE, *AFTER VIRTUE*, *supra* note 3, at 188, 194.

22. MACINTYRE, *WHOSE JUSTICE?*, *supra* note 3, at 32. As noted above, *supra* note 16, MacIntyre calls the qualities or attributes needed to achieve goods of effectiveness "qualities of effectiveness."

employ the later term "goods of effectiveness" in this Article.<sup>24</sup> There are several critical differences between goods of effectiveness and goods of excellence. First, there are always alternative ways of attaining goods of effectiveness, whereas goods of excellence can only be attained by engaging in a particular practice or type of practice.<sup>25</sup> Second, anyone can readily identify and recognize goods of effectiveness, but only those with experience in the practice can identify and recognize goods of excellence.<sup>26</sup> Third, someone entering a practice often already has an existing desire and goal to attain extrinsic goods of effectiveness, but he or she can only properly form a desire and goal to attain intrinsic goods of excellence after entering the practice and discovering these goods.<sup>27</sup> Fourth, although practitioners compete for both types of goods, goods of effectiveness will belong to individuals alone, generally on a zero-sum basis, whereas goods of excellence benefit and belong to the entire community of practitioners as "common goods" of the practice.<sup>28</sup> Fifth, to flourish in a practice the practitioner requires an adequate amount of goods of effectiveness, but the flourishing itself consists predominantly in achieving the goods of excellence of the practice.<sup>29</sup> Sixth, because

23. See *supra* notes 14-15 and accompanying text for use of the later term "goods of excellence" when talking about "internal goods."

24. Similarly, too, I will do so even when citing to sources in which MacIntyre employs or reverts to the earlier terminology, unless use of the earlier terminology is appropriate for sense or for quotation.

25. See MACINTYRE, *AFTER VIRTUE*, *supra* note 3, at 188.

26. See *id.* at 189-90.

27. MACINTYRE, *WHOSE JUSTICE?*, *supra* note 3, at 45; Alasdair MacIntyre, *The Theses on Feuerbach: A Road Not Taken*, in MACINTYRE *READER*, *supra* note 3, at 225-26 [hereinafter, MacIntyre, *Feuerbach*].

28. MACINTYRE, *AFTER VIRTUE*, *supra* note 3, at 190-91, 194; see also Alasdair MacIntyre, *Politics, Philosophy, and the Common Good* (1997), in MACINTYRE *READER*, *supra* note 3, at 239-40 (distinguishing among "[r]ival conceptions of the common good," specifically a common good that is a kind of summing of the separate shares of individuals in goods of effectiveness and a common good that consists in interdependently shared goods of excellence "such as the excellence in cooperative activity achieved by fishing crews") [hereinafter MacIntyre, *Common Good*].

29. On the nature of human flourishing, see ARISTOTLE, *ETHICS*, *supra* note 6, at 63-64, 66-67, 73-76 (the good, the *telos* or "final end," of human beings is "happiness" in the sense of doing well or living well, in other words flourishing, and this consists in "an activity of [the rational] soul in accordance with virtue"); MACINTYRE, *AFTER VIRTUE*, *supra* note 3, at 148-49 (discussing Aristotle's account of the human good). On the need for an adequate amount of external goods, see ARISTOTLE, *ETHICS*, *supra* note 6, at 79-80, 84-85, 254; see also *id.* at 303-07 (discussing the external good of having friends); see also ARISTOTLE, *THE POLITICS OF ARISTOTLE* 253 (R.F. Stalley, rev., Ernest Barker trans., 1995) ("[T]he best way of life, for individuals separately as well as for cities collectively, is the life of goodness duly equipped with such a store of requisites as makes it possible to share in the activities of goodness.").

institutions bear and sustain practices,<sup>30</sup> they are particularly concerned with attaining and distributing goods of effectiveness,<sup>31</sup> whereas the practitioners of the practice are particularly concerned with attaining goods of excellence, at least when the practice is “in good order.”<sup>32</sup>

In order to flourish in the craft or practice of catching fish, then, Drew needs an adequate amount of goods of effectiveness, but Drew flourishes mainly by achieving the practice’s goods of excellence and qualities of excellence. But what determines the nature of these goods of excellence and qualities of excellence? How does Drew *know* what is excellent performance as a crew member, what is an excellent result of such performance, and what is excellent about the way of life involved? How does Drew *know* what qualities of excellence are needed to achieve these goods of excellence? How does Drew *know* what is the practical wisdom of the craft?

30. *Supra* note 12 and accompanying text.

31. MACINTYRE, *AFTER VIRTUE*, *supra* note 3, at 194. Specifically, institutions “are involved in acquiring money and other material goods; they are structured in terms of power and status, and they distribute money, power, and status as rewards.” *Id.*

32. Of course, the reader will suspect, correctly, that the relevant separations are not quite as sharp in practice (pun intended) as the Article text suggests, for at least three reasons. First, there is in fact a complex relationship between goods of excellence and qualities of excellence, on the one hand, and goods of effectiveness and qualities of effectiveness on the other. For a good discussion of this relationship and of the overlaps and distinctions involved, see MACINTYRE, *WHOSE JUSTICE?*, *supra* note 3, at 30-46. Second, institutions are often just practitioners of the practice organized, individually or collectively, in a particular way. This is especially true of a “small business” form involving a solo practitioner or just a few partners. Sometimes, of course, the separation between the institution and the practitioner may indeed be much greater, as in a large corporation (or even a partnership) employing many hundreds or even thousands of people in which the practitioners of the practice may be subject to the decisions of distant “managers.” In either case, however, MacIntyre cautions us that

[S]o intimate is the relationship of practices to institutions—and consequently of the goods external to the goods internal to the practices in question—that institutions and practices characteristically form a single causal order in which the ideals and the creativity of the practice are always vulnerable to the acquisitiveness of the institution, in which the cooperative care for the common goods of the practice is always vulnerable to the competitiveness of the institution.

MACINTYRE, *AFTER VIRTUE*, *supra* note 3, at 194. Third, then, because practitioners who carry on their practice within sustaining institutions are in fact concerned with attaining both goods of effectiveness and goods of excellence, the crucial question centers on the relative subordination of these distinct types of goods of a practice. This question, in turn, is related to the question of whether a practice is “in good order.” See *supra* note 19 (productive crafts attending to “excellences of the craft” when they are “in good order”). For further discussion of this point, see *infra* notes 74-80 and accompanying text.



One straightforward answer is that Drew learns these things from the community of practitioners of the craft, specifically from fellow crew members, who apply their standards of excellence to guide and measure performance, result, and way of life in both advertent instruction and inadvertent instruction through example.<sup>33</sup> Yes, but where did *they* acquire their *own* understanding of these things? Here again, we can give the same straightforward answer—they learned these things from *their* fellow crew members. And this means, of course, that we are talking about the tradition of the practice that is handed on from one generation of practitioners to the next, albeit always subject to change and evolution at the hands of those who are the current crew members and members of other fishing crews, the broader community of fishing crews.<sup>34</sup>

Well, again, yes, but where does this understanding of the tradition of the practice come from most *fundamentally*? At this point we are confronted with basic questions about the point and purpose of the practice? *Why* are crew members doing what they do? To be sure, this is how they flourish in the practice.<sup>35</sup> But the point and purpose of a practice cannot just be to enable the practitioners to flourish in the practice. And so MacIntyre talks about the “shared *telos*” of the practice or craft, its “final cause” (the ultimate end or the ultimate reason for the sake of which it exists), that is pursued by the community of practitioners,<sup>36</sup> he also refers to this shared *telos* as “some conception of a

33. See MACINTYRE, *AFTER VIRTUE*, *supra* note 3, at 190 (“To enter into a practice is to accept the authority of [its] standards and the inadequacy of my own performance as judged by them.”); see also *id.* at 191 (explaining that a practice’s goods of excellence “can only be achieved by subordinating ourselves within the practice in our relationship to other practitioners”); MACINTYRE, *RATIONAL ANIMALS*, *supra* note 3, at 89, 91-92, 99, 107-08 (discussing the dependence of apprentices upon more expert practitioners to teach them about the goods of excellence, including the practical wisdom of the practice, in networks of giving and receiving within practices). And so MacIntyre refers to

[A] crew whose members may have initially joined for the sake of their wage or other share of the catch, but who have acquired from the rest of the crew an understanding of and devotion to excellence in fishing and to excellence in playing one’s part as a member of such a crew.

MacIntyre, *Partial Response*, *supra* note 2, at 285; see also *supra* note 27 and accompanying text (formation of desires and goals by those entering a practice).

34. See MACINTYRE, *AFTER VIRTUE*, *supra* note 3, at 221 (explaining that practitioners in a practice are the “the bearers of a tradition” through which the practice has been “transmitted and reshaped,” perhaps even “through many generations”).

35. See *supra* notes 29, 32 and accompanying text (discussing how practitioners flourish in a practice).

36. MACINTYRE, *MORAL ENQUIRY*, *supra* note 3, at 62, 64.

finally perfected work” or “ultimate excellence.”<sup>37</sup> The practice evolves as its practitioners pursue this shared *telos* or “ultimate excellence” through argument and criticism within the tradition of the practice. Thus:

The standards of achievement within any craft are justified historically. They have emerged from the criticism of their predecessors and they are justified because and insofar as they have remedied the defects and transcended the limitations of those predecessors as guides to excellent achievement within that particular craft. Every craft is informed by some conception of a finally perfected work which serves as the shared *telos* of that craft. And what are actually produced as the best judgments or actions or objects so far are judged so because they stand in some determinate relationship to that *telos*, which furnishes them with their final cause.<sup>38</sup>

In sum, what is the *telos* or “ultimate excellence” of catching fish? Perhaps we could say that it is the provision of a particular form of nutritious food source, fish, which will sustain the physical well-being of the fishing village community. Of course, the crew members and the broader community of the fishing crews will have a particular understanding of this ultimate excellence, and all the specific standards of excellence, goods of excellence, and qualities of excellence will flow from this understanding. They will be entailed by and included within it. This particular understanding of the ultimate excellence is the overarching common good of the practice. It is also a good of excellence—the practical ultimate good of excellence—and the specific standards, goods, and qualities of excellence that are entailed by and included within it are specific ends or specific common goods of the practice. The ultimate excellence may be unchanging but the particular understanding of it *may well* change—What species of fish? What size? What age? And so forth. As this happens, as the practice community’s particular under-

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37. *Id.* at 64. For example, “[t]he *telos* of moral enquiry . . . is excellence in the achievement not only of adequate theoretical understanding of the specifically human good, but also of the practical embodiment of that understanding in the life of the particular enquirer.” *Id.* at 62-63.

38. *Id.* at 64. The progress in the “standards of achievement,” that is, in the standards of excellence, within the tradition of a practice occurs by “transcending through criticism and invention the limitations of what had hitherto been reasoned in that tradition.” MACINTYRE, *AFTER VIRTUE*, *supra* note 3, at 222 (also characterizing a “living tradition” as “an historically extended, socially embodied argument,” in part about “the goods the pursuit of which give to that tradition its particular point and purpose”); *see also* MACINTYRE, *MORAL ENQUIRY*, *supra* note 3, at 64-65 (explaining that the type of rationality or reasoning that is specific to a practice or craft is always historically situated and inseparable from the tradition of the practice).

standing of their overarching common good changes, or as their understanding of the best way of achieving it changes, so correspondingly the specific common goods of the practice will also change. Thus the community of fishing crews may well discover that new knowledge, skills, or virtues are needed in the light of experience. Perhaps we could call this The Lexus Principle because the original Lexus motto or slogan, "The Relentless Pursuit of Perfection," guiding and inspiring Lexus automobile engineers to achieve ever greater excellence of the Lexus product, enables one readily to grasp the point.<sup>39</sup> And to repeat, the Lexus Principle does not preclude argument about either the overarching common good or the specific common goods of the practice; indeed, if the tradition of the practice is a living one, it *presupposes* such argument.<sup>40</sup> This, after all, is *how* the practice evolves.<sup>41</sup>

### Fisherman Drew: Living in the Fishing Village

So far we have imagined Drew at sea as part of the fishing crew on the fishing boat. Now let us imagine Drew in the fishing village after returning safely to harbor.<sup>42</sup> What is life like? What do the inhabitants do? What are their commitments and relationships with one another? In addressing these questions we will assume that the fishing village is a local and small-scale community that is relatively isolated and largely self-sufficient. This is truer historically than today, of course. But it is important for the account in this article that we make this assumption. For MacIntyre these are critical features of the ideal more or less complete local community or *polis*.<sup>43</sup> Only such a *polis* community (or

39. On the original Lexus motto, see *Lexus*, WIKIPEDIA, [http://en.wikipedia.org/wiki/Lexus\\_\(Brand\\_Development\)](http://en.wikipedia.org/wiki/Lexus_(Brand_Development)) (last visited Jan. 21, 2015).

40. *Supra* note 38 and accompanying text.

41. *Id.* Importantly, however, MacIntyre cautions that progress in achieving excellence within the tradition of a practice is rarely "straightforwardly linear," and there may also be "sequences of decline as well as of progress." MACINTYRE, *AFTER VIRTUE*, *supra* note 3, at 189-90 (discussing goods of excellence of the practice of portrait painting).

42. Again to stimulate the audience's imagination, at the Symposium I showed some slides of the Cornish fishing village of Mevagissey. Google Images, <http://images.google.com> (search "Images for Mevagissey") (last visited Jan. 21, 2015).

43. I address these and other features of such an ideal local community at length in the much longer version of this Article referred to in the introductory note. My understanding, both there and here, is largely informed by MacIntyre's accounts in MACINTYRE, *RATIONAL ANIMALS*, *supra* note 3, at 63-154, and MacIntyre, *Common Good*, *supra* note 28, at 246-52. In *Rational Animals* MacIntyre identifies an ideal type of complete local community which is intermediate in scale between the family and the modern state, and "within which the activities of families, workplaces, schools, clinics, clubs dedicated to debate and clubs dedicated to games and sports, and religious congregations may all find a place."

its partial local community analog) can resist what MacIntyre regards as the destructive influences of the modern liberal democratic state and the large-scale market economy that it harbors and promotes.<sup>44</sup> In its essence a *polis* is “a kind of community in which each individual’s achievement of her or his own good is inseparable both from achieving the shared goods of practices and from contributing to the common good of the community as a whole.”<sup>45</sup>

Regarding activities in the fishing village, the inhabitants are engaged in all kinds of crafts or practices that make up their way of life. Let us

MACINTYRE, *RATIONAL ANIMALS*, *supra* note 3, at 131, 135. In that work, he does not use the term *polis* to describe such a local community. *Id.* In *Common Good*, however, he does use the term *polis* when describing the ideal local community. For MacIntyre’s discussion of Aristotle’s account of the ideal *polis*, see MACINTYRE, *RATIONAL ANIMALS*, *supra*, at 103-08.

MacIntyre’s accounts can best be understood as proceeding from neo-Aristotelian premises or, in light of the evolution of his views as articulated in *Rational Animals*, from the premises of Thomistic Aristotelianism. For a good summary description of the “dialectic” among competing moral traditions, yielding “the best theory so far,” see MACINTYRE, *AFTER VIRTUE*, *supra* note 3, at 275-77. For MacIntyre’s reasons for reaching the conclusion that Thomistic Aristotelianism rationally defeats all rival “traditions of enquiry,” both earlier and later, including liberalism, see MACINTYRE, *WHOSE JUSTICE?*, *supra* note 3 and MACINTYRE, *MORAL ENQUIRY*, *supra* note 3. For a brief discussion of MacIntyre’s evolution from Aristotelianism to Thomistic Aristotelianism, see Kelvin Knight, *Introduction*, in MACINTYRE READER, *supra* note 3, at 19-20 [hereinafter Knight, *Introduction*]. For a longer discussion of this evolution, see Gilbert Meilaender, *Dependent Rational Animals: Why Human Beings Need the Virtues and the MacIntyre Reader*, *FIRST THINGS* (1999), <http://www.Firstthings.com/article/1999/10/dependent-rational-animals-why-human-beings-need-virtues-and-the-macintyre-reader>. MacIntyre recognizes that his dialectical argument is incomplete because it does not examine Jewish, Islamic, Indian or Chinese “traditions of enquiry.” MACINTYRE, *WHOSE JUSTICE?*, *supra* note 3, at 10-11.

Despite the evolution in his views, MacIntyre continues to lay great emphasis upon the notion of human flourishing, albeit tempered by a new awareness of our biological nature and human vulnerability, disability, and dependence. MACINTYRE, *RATIONAL ANIMALS*, *supra* note 3, at x-xi, 63-79 (chapter 7 on “Vulnerability, flourishing, goods, and ‘good’”). MacIntyre concedes that *After Virtue* was mistaken in supposing it was possible to develop an ethics independent of biology. *Id.* at x.

44. For discussion of the destructive influences of the liberal democratic state and the large-scale market economy upon local communities and their practices and of resistance to these influences, as far as possible, in the ideal *polis*, see MACINTYRE, *AFTER VIRTUE*, *supra* note 3, at 226-28; MacIntyre, *Common Good*, *supra* note 28, at 246-50, 252; MACINTYRE, *RATIONAL ANIMALS*, *supra* note 3, at 131-33, 142, 145. For MacIntyre’s identification of partial local community analogs, where resistance may still be mounted, such as households, neighborhoods, parishes, and workplaces (including farms and fishing crews), see MacIntyre, *Common Good*, *supra* note 28, at 248; MACINTYRE, *RATIONAL ANIMALS*, *supra* note 3, at 145.

45. MacIntyre, *Common Good*, *supra* note 28, at 240-41.

begin by recalling Drew's fishing boat.<sup>46</sup> We have already talked about the practice of catching fish in which the fishing crew members are engaged. But of course they cannot catch fish without the fishing boat and fishing nets. This means that that at least two other crafts or practices in the fishing village are involved in Drew's practice of catching fish—boat building and net making.<sup>47</sup> Like the practice of catching fish, each of these other two distinct practices, boat building and net making, has an ultimate excellence.<sup>48</sup> Each one also has an overarching common good, which is the practitioners' particular understanding of this ultimate excellence and which entails and includes specific standards of excellence, goods of excellence, and qualities of excellence (including the practical wisdom of the craft) as specific ends or specific common goods of the practice.

Although distinct, the three craft communities engaged in their respective practices of catching fish, boat building, and net making combine in and co-constitute a larger craft community jointly engaged in "the common practice of fishing," and the practitioners of all three craft communities directly participate in this common practice. All three practices are ordered to the ultimate excellence and the overarching common good of the common practice.<sup>49</sup> Thus, the overarching common good of the common practice entails and includes all three overarching common goods and all the specific common goods of each of the three distinct practices. In addition to co-constituting the common practice, because these distinct practices are necessarily interdependent and interpenetrating we can say that they co-constitute one another as well, even though their practitioners do not directly participate in one another's practices. For example, Drew does not build boats or make nets, and the boat builders and net makers do not catch fish.

But, of course, there is much more going on in the fishing village than just fishing. In addition there are various craft communities of practitio-

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46. See *supra* note 8 (videos depicting fishing crew and fishing boat).

47. Those who might question whether net making is a practice may wish to read the following discussion of net making and baiting in Louisiana fishing. Sheila Richmond, *Nets and Net Making in the Delta*, FOLKLIFE IN LOUISIANA, [http://www.louisianafolklife.org/LT/Articles\\_Essays/deltaNets.html](http://www.louisianafolklife.org/LT/Articles_Essays/deltaNets.html) (last visited Jan. 21, 2015).

48. The ultimate excellence of the practice of boat building would be something like: the building of seaworthy vessels designed for the effective pursuit and catching of fish; and that of the practice of net making would be something like: the construction of durable nets designed for the effective catching of fish.

49. As the activities of the boat builders and the net makers in the fishing village are entirely derived from the activity of the fishing crews, the ultimate excellence and overarching common good of the common practice of fishing would seem to be the same as that of the practice of catching fish.

ners engaged in other productive crafts or practices in which Drew does not participate—for example, physicians, teachers, plumbers, police officers; there may even be a lawyer or two.<sup>50</sup> There are also other practitioner communities engaged in other kinds of practices in which Drew *does* participate—for example, the practice of the making and sustaining of family life,<sup>51</sup> the practice of a particular religious community to which Drew belongs, or the practices of various civic communities to which he or she belongs, such as musical, theatrical, or athletic performance, or volunteer fire fighting. Here again, all of these practices are guided by pursuit of an ultimate excellence and by a particular understanding of this ultimate excellence which is their overarching common good and which entails and includes specific standards of excellence, goods of excellence, and qualities of excellence as specific ends or specific common goods of the practice.

All the particular fishing village communities engaged in the various practices discussed above combine in and co-constitute the entire village community which includes all of them and its common way of life. Politics is the common practice of the village community as a whole. The larger political community of the fishing village or *polis* forms around the political conversation, in which all of the inhabitants who can reason independently are jointly engaged.<sup>52</sup> Everything that is said above regarding the particular practices in the fishing village is also true of the practice of fishing village politics, including the perennial potential for argument about the overarching common good and the specific common goods of the practice.<sup>53</sup> Despite this potential for argument, the fishing village is viable as a *polis* because the inhabitants share a language as well as “modes of deliberation, formal and informal, and a large degree of common understanding of practices and institutions,” including a

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50. With respect to teachers, see *infra* note 98 and accompanying text.

51. For discussion of this practice, see MACINTYRE, AFTER VIRTUE, *supra* note 3, at 187-88; MACINTYRE, RATIONAL ANIMALS, *supra* note 3, at 133-35.

52. The political conversation includes not just independent practical reasoners but also those speaking as proxies (in matters of justice) on behalf of “those whose exercise of reasoning is limited or nonexistent.” MACINTYRE, RATIONAL ANIMALS, *supra* note 3, at 130.

53. It is vital to reiterate that, for MacIntyre, politics as a “practice” in this sense is only possible in an ideal form of complete local political community that is small-scale, relatively isolated, and largely self-sufficient—in other words a *polis*—or possibly its partial local community analog. *Supra* notes 42-45 and accompanying text. MacIntyre is adamant, then, that the modern liberal democratic state is not a *polis* and modern politics is no longer a “practice.” See generally MacIntyre, *Common Good*, *supra* note 28 (for several salient contrasts between politics in a *polis* and politics in a modern liberal democratic state). Using the terminology of this Article, this means that modern politics does not have an overarching common good that entails and includes standards, goods, and qualities of excellence as specific ends or specific common goods of the practice.

“shared practical understanding of the relationships between goods, rules, and virtues.”<sup>54</sup> Regarding virtues, MacIntyre emphasizes in particular the virtues of justice, courage, truthfulness, temperance, and acknowledged dependence (including just generosity), as well as practical wisdom.<sup>55</sup>

A proper comprehension of the “common and highest good for human being” and its implementation (“realization” in both senses, then) is the ultimate excellence of political practice.<sup>56</sup> The inhabitants’ particular understanding of this ultimate excellence is their overarching common good, the greater common good of the entire fishing village. For MacIntyre, informed by the premises of Thomistic Aristotelianism, this overarching common good is maximal human flourishing, tempered by an awareness of our biological nature and human vulnerability, disability, and dependence.<sup>57</sup> To achieve this overarching common good,

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54. MacIntyre, *Common Good*, *supra* note 28, at 241, 247, 249; *see also id.* at 251 (referring to “a large measure of agreement not only on its common good, but on human goods in general”).

55. It is important to say something now about the virtues as MacIntyre understands them. In *After Virtue*, MacIntyre stressed that in the pre-modern moral tradition of the virtues, the virtues are those qualities that enable their possessors to do three things, that is, “to achieve the goods internal to practices, . . . the goods of a whole human life[,] and the goods of those types of communities in and through which the goods of individual lives are characteristically achieved.” MacIntyre, *Partial Reponse*, *supra* note 2, at 288. For MacIntyre’s account of these functions of the virtues, see MACINTYRE, *AFTER VIRTUE*, *supra* note 3, at 191-96, 221-23 (justice, courage, and truthfulness necessary to obtain the internal goods of practices, to resist the corrupting power of institutions, and to sustain the traditions of practices and other traditions), *id.* at 201, 203 (virtues in achieving unity of a human life), *id.* at 219-20 (virtues in sustaining communal search for the good). For further discussion of these virtues and for identification of additional virtues, see MACINTYRE, *RATIONAL ANIMALS*, *supra* note 3, at 71, 76-77, 105 (stressing the importance for human flourishing of becoming an excellent practical reasoner, that is, acquiring and exercising the virtue of practical wisdom), *id.* at 87-98, 120 (discussing the intellectual and moral virtues, including justice, courage, truthfulness, and temperateness, which are necessary if we are to learn how to become independent practical reasoners within networks of giving and receiving), *id.* at 99-101, 108, 119-28 (discussing the “virtues of acknowledged dependence,” which are necessary “to sustain relationships of uncalculated giving and receiving” in these networks and which comprise various virtues of giving that combine together into a “just generosity” disposing those who have received to repay the resulting debt by giving in turn and to do so even when the giving is disproportionately asymmetrical to the receiving, as well as various virtues of receiving, including appropriate gratitude).

56. *See* Knight, *Introduction*, *supra* note 43, at 20 (explaining that for MacIntyre politics is “[t]he practice of reasoning towards, and of implementing” what is “rationally agreed to be the common and highest good for human beings”); *see also supra* note 37 (MacIntyre’s characterization of the “telos of moral enquiry”).

57. For discussion of MacIntyre’s evolution towards Thomistic Aristotelianism, *see supra* note 43.

all the practices and their goods within village life must be properly ordered to it.<sup>58</sup> And this proper ordering is achieved by allocating rewards and resources (time, talent, and treasure, according to the current expression in religious circles) according to norms of justice that are consistent with exercising the virtue of just generosity.<sup>59</sup> Thus rewards and resources are allocated to the various practice communities according to desert or contribution to the common good, with due recognition of the needs of those inhabitants who experience various kinds of disability or dependence.<sup>60</sup> In this way, then, the respective common goods pursued by all of these practice communities, when properly ordered, co-constitute the overall common good pursued by the village community as a whole.

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58. See MacIntyre, *Common Good*, *supra* note 28, at 240-41. MacIntyre elaborates [A] conception of the common good of a kind of community [a *polis*] in which each individual's achievement of her or his own good is inseparable both from achieving the shared goods of practices and from contributing to the common good of the community as a whole. According to this conception of the common good the identification of my good, of how it is best for me to direct my life, is inseparable from the identification of the common good of the community, of how it is best for that community to direct its life. Such a form of community is by its nature political, that is to say, it is constituted by a type of practice through which other types of practice are ordered, so that individuals may direct themselves towards what is best for them and for the community.

*Id.*

59. See MACINTYRE, *RATIONAL ANIMALS*, *supra* note 3, at 129 (discussing norms of justice). For further discussion of the virtue of just generosity, see *supra* note 55 and *infra* notes 81-87 and accompanying text.

60. See *id.* at 129-30, 144-46 (discussing allocations according to norms of justice); *supra* note 55 ("virtues of acknowledged dependence," including the virtue of "just generosity," within networks of giving and receiving). There can, of course, be tensions among the claims of the various practice communities. Thus, in email correspondence with me, Jack gives as examples that "the means of harvesting certain sea creatures can conflict with the means of harvesting others or the requirements of the distribution of the catch (give us more blowfish, the Japanese restaurants would say) are not always harmonious with the goods of fishing, and so forth." Email from Jack Sammons (Oct. 24, 2014) (on file with author). The proper ordering of the practices and their goods within fishing village politics would resolve these tensions so as to sustain the practices and the village and thereby achieve the overarching common good of maximal human flourishing. Whether the inhabitants would choose centralized decision-making or decentralized local market forces as the appropriate mechanism is another question. So also is the complementary possibility that mutual care and concern of the various practice communities for one another in the course of engaging in their respective practices may also help to resolve these tensions. This mutual care and concern is discussed further below.



## Commitments and Relationships

Let us turn now to some of the standards of excellence, goods of excellence, and qualities of excellence that are entailed by and included within the overarching common good of the practice of fishing village politics as specific ends or specific common goods of this practice. Here we consider three critical points about the inhabitants' perceptions, values, motivations, and commitments, and their resulting relationships with one another. Moreover, because the particular practices in the fishing village are ordered to the overarching common good of the village as a whole, because the ethos of the fishing village's politics and its way of life permeate all these practices, and because extensive direct and indirect interdependencies exist among these practices,<sup>61</sup> these commitments and relationships are also reflected in the standards, goods, and qualities of excellence of these particular practices as well—for example, in the standards, goods, and qualities of excellence of Drew's practice of catching fish. Understanding, then, that something similar could be said of all the inhabitants of the fishing village, let us again focus on Fisherman Drew. We will not only describe some of Drew's fundamental commitments, which demonstrate Drew's concern for and dedication to pursuit of the common good (and thus the virtue of civic mindedness),<sup>62</sup> but also ask why Drew has these commitments. What makes it rational to do so? What answer could Drew give if put to the question?<sup>63</sup>

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61. These interdependencies are discussed below, *infra* notes 71-73 and accompanying text.

62. Whatever other virtues they may entail, Drew's concern for and pursuit of the common good are also manifestations of the virtue of civic mindedness or public spiritedness.

63. It is important to understand that here we are concerned with rational justification for Drew's commitments, not necessarily with Drew's actual reasons for everyday decision making and action. MACINTYRE, *RATIONAL ANIMALS*, *supra* note 3, at 156-60. Indeed, for Drew to offer, or to seek, such justification before acting in accordance with such commitments in any given set of circumstances, may well be inconsistent with possessing the virtues and character that are presupposed in these commitments. *Id.* For an intriguing account of how Drew's character will tend to develop in such a way that Drew becomes the sort of person possessing various sensibilities and virtues, merely as a result of participating in the practice of catching fish, see Jack L. Sammons, *The Common Good of Practices*, 9 FIU L. REV. 69 (2013) [hereinafter Sammons, *Common Good*]:

Practices "tend towards their own elaboration regardless of our explicit intentions." In other words, once introduced to the way of thinking a practice has on offer—think the practice of carving (and wood) or Fish's practice of literary criticism (and texts broadly construed)—we find ourselves perceiving things, even well-known things, in new ways. This is an autonomous tendency not dependent upon taking up the practice in any full sense; a course or two might do. Through their elaboration, practices bring things into their own. They "gather" as

First, Drew cares about and appropriately promotes and pursues the common goods of all the various practices that make up village life. Thus, Drew wants to achieve the goods of excellence and qualities of excellence of all the practices in which Drew is engaged.<sup>64</sup> Moreover, Drew wants *others* to obtain the goods of excellence and qualities of excellence of the practices in which *they* are engaged as well. This includes both those practices in which Drew is also engaged, such as catching fish, and those practices in which Drew is not engaged.

As already suggested at several points in the earlier discussion,<sup>65</sup> Drew seeks his or her true good and understands that this true good consists in living a flourishing life that is meaningful, satisfying, and fulfilling—a life in which Drew realizes his or her capacities or potential, a “happy” life as Aristotle would say—and that this predominantly requires achieving the goods of excellence and qualities of excellence of those practices to which Drew is “called”<sup>66</sup> as well as an adequate amount of goods of effectiveness.

Crucially, Drew also understands that his or her flourishing is dependent on others achieving *their* flourishing as well. How so? Let us consider the practice of catching fish. Drew depends on fellow crew members who value and acquire the goods of excellence and qualities of excellence to teach apprentice Drew what he or she needs to know,<sup>67</sup> to

Heidegger would put it, and thus tend to connect to the rest of the community’s life in ways such that the practice (and the character it requires) is thought to be worthy. This is, of course, only a tendency, a “gentle law” as Heidegger described it. Nevertheless, through it, the stability of practices (that Fish so admires) tends to become the stability of one’s life.

*Id.* (quoting Charles Spinoza, *Derridean Dispersion and Heideggerian Articulation*, in *THE PRACTICE TURN IN CONTEMPORARY THEORY* 199, 200 (Theodore R. Schatzki et al. eds., 2001)). This process, which occurs in any practice is, of course, intensified and amplified in an environment such as the fishing village.

64. Regarding “excellence in fishing and . . . excellence in playing one’s part as a member of [the] crew,” *supra* note 19, MacIntyre explains that “[e]xcellence of the requisite kind is a matter of skills and qualities of character required both for the fishing and for achievement of the goods of the common life of such a crew.” MacIntyre, *Partial Response*, *supra* note 2, at 285. For a fuller account of the types of qualities of excellence that are needed, see *supra* notes 8-9 and accompanying text.

65. *Supra* notes 29, 32, 35, 45, 56-58, 64 and accompanying text.

66. In the language of Frederick Buechner, these are the practices in which Drew’s “deep gladness [meets] the world’s deep hunger” for material or spiritual nourishment. FREDERICK BUECHNER, *WISHPFUL THINKING: A SEEKER’S ABC* 119 (1993).

67. See *supra* note 33 and accompanying text (discussing how Drew learns about the goods of excellence and qualities of excellence from fellow crew members); *supra* note 55 (discussing the “virtues of acknowledged dependence” including the virtue of “just generosity” needed by Drew’s teachers).

stimulate competition in striving for excellence,<sup>68</sup> to correct Drew's mistakes,<sup>69</sup> and to perform well (perhaps even by saving Drew's life) so that deficiencies in their own performance do not impede Drew's performance.<sup>70</sup> But Drew's success as a crew member also depends on other types of practitioners valuing and striving for goods of excellence as well.<sup>71</sup> For obvious reasons Drew depends directly on the net makers who make and repair nets and boat builders who make and repair fishing boats, whose practices co-constitute Drew's own practice of catching fish and the common practice of fishing.<sup>72</sup> But, perhaps less obviously, Drew also depends indirectly on many other craft practitioners to do their jobs well—physicians to keep Drew well or treat Drew when sick, school teachers to give Drew the education he or she needs, plumbers to make sure Drew doesn't have to contend with a flood at home as well as at work! Moreover, Drew will not be very successful in the practice of catching fish if others cannot sustain their own practices or afford to buy the fish Drew catches. Therefore, Drew wants others to acquire adequate goods of effectiveness, especially money, as well as goods of excellence. And these sorts of interdependencies exist in the case of the other practices in which Drew engages as well.

Drew will certainly display these commitments, caring about and appropriately promoting the common goods of all practices in the village, in the practice of village politics, and they are among the qualities of excellence of the practice of politics. But, to repeat, because of the extensive direct and indirect interdependencies that exist among

68. MACINTYRE, *AFTER VIRTUE*, *supra* note 3, at 190-91.

69. MACINTYRE, *RATIONAL ANIMALS*, *supra* note 3, at 96-97.

70. Thus MacIntyre explains that

The dependence of each member on the qualities of character and skills of others will be accompanied by a recognition that from time to time one's own life will be in danger and that whether one drowns or not may depend upon someone else's courage. And the consequent concern of each member of the crew for the others, if it is to have the stamp of genuine concern, will characteristically have to extend to those for whom those others care: the members of their immediate families.

MacIntyre, *Partial Response*, *supra* note 2, at 285.

71. MacIntyre seems to gesture in the direction of such further interdependencies in the continuation of the passage quoted *supra* note 70:

So the interdependence of the members of a fishing crew in respect of skills, the achievement of goods, and the acquisition of virtues will extend to an interdependence of the families of the crew members and perhaps beyond them to the whole society of a fishing village. When someone dies at sea, fellow crew members, their families and the rest of the fishing community will share a common affliction and common responsibilities.

*Id.*

72. For discussion of these co-constitutive practices, see *supra* notes 46-49 and accompanying text.

particular practices and for other reasons, these commitments are also among the qualities of excellence of the various particular practices in which Drew is engaged, such as the craft practice of catching fish.<sup>73</sup> The same applies to the commitments discussed below.

The second critical point about Drew's commitments and relationships, then, is that in Drew's life, as in village life as a whole, goods of effectiveness are systematically subordinated to goods of excellence.<sup>74</sup> What does this mean? It means that Drew will not be greedy—in Drew's life greed is not "good."<sup>75</sup> Therefore Drew will resist the collective or individual temptation to cheat: Drew does not want to corrupt the goods of excellence of the practice of catching fish, for example, by lying about the type, weight, and quality of the fish that have been caught or by engaging in non-sustainable overfishing for short term gain.<sup>76</sup> It also means that Drew will be prepared to endure tough times when income is low, for as long as possible. He will not be a rat leaving a sinking ship and immediately change jobs or flee the village. As MacIntyre puts it,

73. *Supra* note 61 and accompanying text. In email correspondence commenting on a draft of this Article, Jack has also provided an additional reason: recognition of interdependency is a good of a practice because it is in the nature of all practices to seek their continuance and because each practice "teaches" others to appreciate its worth. Email from Jack Sammons (Oct. 24, 2014) (on file with author). On the latter point, see Sammons, *Common Good*, *supra* note 63.

74. Knight, *Introduction*, *supra* note 43, at 20; see also MACINTYRE, WHOSE JUSTICE?, *supra* note 3, at 32-37 (discussing, with focus on the ancient Greek *polis*, the systematic subordination of goods of effectiveness to goods of excellence and vice-versa, the associated contrast between a justice of desert based on excellence and a justice of reciprocity based on notional bargaining, as well as the complex relationship between goods of excellence and goods of effectiveness).

75. The allusion, of course, is to Gordon Gekko's speech to the stockholders of Teldar Corporation in the 1987 film *Wall Street*:

The point is, ladies and gentleman, that greed—for lack of a better word—is good. Greed is right. Greed works. Greed clarifies, cuts through, and captures the essence of the evolutionary spirit. Greed, in all of its forms—greed for life, for money, for love, knowledge—has marked the upward surge of mankind. And greed—you mark my word—will not only save Teldar Paper, but that other malfunctioning corporation called the USA.

WALL STREET (20th Century Fox 1987), available at <http://www.americanrhetoric.com/moviespeeches/moviespeechwallstreet.html>.

76. For an excellent and illuminating discussion of the notion of "cheating" as applied to a professional practice, in particular legal practice, see Jack. L. Sammons, "Cheater!": *The Central Moral Admonition of Legal Ethics, Games, Lusory Attitudes, Internal Perspectives, and Justice*, 39 IDAHO L. REV. 273 (2003) [hereinafter Sammons, *Cheater!*]. For further discussion of the risk of collective cheating and corruption by institutions, see *supra* note 32 and accompanying text. To resist such individual or collective temptations, Drew will need the virtues of justice, courage, truthfulness, and temperance in particular. For further discussion of these virtues, see *supra* note 55 and accompanying text.

Drew has developed an "allegiance to [his] fellow crew members and to the way of life of [the] fishing village."<sup>77</sup> Here MacIntyre contrasts a second type of fishing crew, and their management and owners, where the crew is "organized and understood as a purely technical and economic means to a productive end" and where the entire operation is driven solely or predominantly by moneymaking.<sup>78</sup> When times are bad crew members will jump ship, management will fire crew members, and owners will invest elsewhere.<sup>79</sup> One assumes also that a crew member in such a crew lacks Drew's concern for and dedication to the common good in other respects as well.

As this reference to management and (absentee) owners suggests, the systematic subordination of goods of effectiveness to goods of excellence is one major reason why the fishing village seeks to protect itself as much as possible from the destructive effects of the modern nation state

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77. MacIntyre, *Partial Response*, *supra* note 2, at 285-86:

For the members of such a crew and the inhabitants of such a village, the goods to be achieved in attaining excellence in the activities of fishing and in one's role within the crew will, for as long as possible, outweigh the economic hardships of low wages and periods of bad catches or low prices for fish. Of course no fishing crew can ever completely ignore the economic dimensions of their enterprise. But we have enough experience of members of crews preferring to endure the hardships of economic bad times in their trade, when they could have earned far higher wages elsewhere, for us to know that the subordination of economic goods to goods of practice can be a rewarding reality. For members of such crews, continuing allegiance to one's fellow crew members and to the way of life of a fishing community will therefore not be conditional upon the economic rewards being such as to enable one to satisfy one's initial antecedent desires, those that one brought with one when first initiated into the life of a fishing crew.

78. *Id.* at 284-85:

A fishing crew may be organized and understood as a purely technical and economic means to a productive end, whose aim is only or overridingly to satisfy as profitably as possible some market's demand for fish. Just as those managing its organization aim at a high level of profits, so also the individual crew members aim at a high level of reward. Not only the skills, but also the qualities of character valued by those who manage the organization, will be those well designed to achieve a high level of profitability. And each individual at work as a member of such a fishing crew will value those qualities of character in her or himself or in others which are apt to produce a high level of reward for her or himself.

79. *Id.* at 285:

When however the level of reward is insufficiently high, then the individual whose motivations and values are of this kind will have from her or his own point of view the best of reasons for leaving this particular crew or even taking to another trade. And when the level of profitability is insufficiently high, relative to comparative return on investment elsewhere, management will from its point of view have no good reason not to fire crew members, and owners will have no good reason not to invest their money elsewhere.

and its large-scale free market economy and why for MacIntyre the ideal *polis* is a local and small-scale community that is relatively isolated and largely self-sufficient.<sup>80</sup>

The third critical point about Drew's commitments and relationships is that Drew is committed to acquiring certain fundamentally important virtues and to exercising them in his or her relationships.<sup>81</sup> Here we need to say more about the virtue of just generosity. This virtue is in fact a combination of a constellation of virtues including justice, generosity or liberality, charity, doing good or beneficence, and taking pity or *miserordia*.<sup>82</sup> And MacIntyre's recognition of its importance is due to his evolution from neo-Aristotelianism to Thomistic Aristotelianism and a resulting emphasis upon our biological nature and human vulnerability, disability, and dependence.<sup>83</sup> Just generosity disposes the inhabitants to give quite disproportionately to what they have received, to give to those from whom they have not received or will not receive, and to give unconditionally in that the measure of giving is based on needs.<sup>84</sup>

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80. See *supra* notes 42-44 and accompanying text (discussing these critical features of the ideal *polis*).

81. Again, these virtues include justice, courage, truthfulness, temperateness, just generosity, practical wisdom, and civic mindedness. See *supra* notes 55, 59-60, 62 and accompanying text (for discussion of these virtues). We should perhaps also consider that the most fundamental virtue, or constellation of virtues, upon which indeed all other qualities of character depend for optimal efficacy may be a certain respect, even reverence, that Drew will have towards the goods of excellence and towards those with whom Drew is in relationship—a certain appropriate humility if you will. Let me quote Jack on this point, for it is his. In an email commenting on the draft for this article he says:

Becoming an expert within a practice, becoming the one listened to, is fraught with risks not only for the person, but for the practice because the practice requires a humility, a certain ongoing naivety, before its goods, that is, an understanding that the goods of practice, including fishing, always point beyond themselves from within the practice and are beyond our control, perhaps beyond our conceptual abilities, perhaps an art in this sense along the lines I argued at the end of the symposium. No "expert" can be an artist in this sense.

Email from Jack Sammons (Oct. 24, 2014) (on file with author).

As an example of "the value of naivety and the problems of expertise in our time," Jack unsurprisingly (for those who know him well) but endearingly points to Taylor Swift. Jon Caramanica, *A Farewell to Twang: Review: Taylor Swift's '1989'*, N.Y. TIMES (Oct. 23, 2014), <http://www.nytimes.com/2014/10/26/arts/music/taylor-swift-1989-new-album-review.html>.

82. MACINTYRE, RATIONAL ANIMALS, *supra* note 3, at 120-26. Thus "what the virtues require from us are characteristically types of action that are at once just, generous, beneficent, and done from pity." *Id.* at 121.

83. *Supra* notes 43, 57 and accompanying text.

84. MACINTYRE, RATIONAL ANIMALS, *supra* note 3, at 99-101, 108, 128.

Drew will manifest the virtue of just generosity in several ways. We have already seen that Drew will want rewards and resources (time, talent, treasure) allocated to practices based on desert or contribution to the common good and also that Drew will favor allocation of resources based on need—educating and training apprentices, for example, or taking care of the radically disabled.<sup>85</sup> In addition, however, Drew’s just generosity extends beyond the long-term relationships of members of the community to each other to include relationships of hospitality to passing strangers and relationships of assistance to those outside the community who are in urgent need.<sup>86</sup> Drew is disposed to act in accordance with just generosity because Drew understands that everyone may have something to teach us about our own good and about the common good and also that “this could have been [me].”<sup>87</sup>

#### Living in Juropolis, the Fishing Village of the Law: Fisherman Jack

Let us see how we can apply this narrative image of Drew’s life in the fishing crew and the fishing village to the legal profession. To begin with, MacIntyre’s focus is on local communities—either complete local communities like the fishing village *polis*, or partial local communities that have (or still have) distinctive *polis* features (like fishing crews, farms, other workplaces, households, neighborhoods, or parishes).<sup>88</sup> I would like to take matters in a somewhat different direction and suggest that we can apply the narrative image of Drew’s life in the fishing crew and the fishing village analogously to a legal *polis* that is very large, even national in scale. This legal *polis*, then, is the fishing village of the law, which I call Juropolis.<sup>89</sup> My premise is that there are two impor-

85. See *supra* notes 55, 59-60 and accompanying text (discussing these aspects of just generosity).

86. MACINTYRE, RATIONAL ANIMALS, *supra* note 3, at 123, 126, 128.

87. *Id.* at 100, 125, 128, 135-40. Regarding Drew’s sense that “this could have been me” or, as the saying goes, “There but for the grace of God, or Fortune, go I,” see OHM raider666, Joan Baez—There But for Fortune, YouTube (Sept. 22, 2013) <https://www.youtube.com/watch?v=rwXO0sbN4pc> (comp. Phil Ochs).

88. See *supra* notes 42-45 and accompanying text (complete or partial local communities).

89. Jack has written about the legal “polity” or “polis.” See, e.g., Jack L. Sammons, *Justice as Play*, 61 MERCER L. REV. 517 (2010) (polity) [hereinafter Sammons, *Play*]; Linda L. Berger & Jack L. Sammons, *The Law’s Mystery*, 2 BRIT. J. AM. LEGAL STUD. 1 (2013) (*polis*); Jack L. Sammons, *Origin of the Opinion as a Work of Art* (unpublished manuscript on file with author) (*polis*); see also Jack L. Sammons, *Some Concluding Reflections—Recovering the Political: The Problem with our Political Conversations*, 63 MERCER L. REV. 899 (2012) (polity).

tant similarities between the legal profession (and perhaps other self-regulated professions), on the one hand, and the fishing village on the other that justify this metaphorical application of the image. First, the inhabitants of both the fishing village and of Juropolis have a strong sense of identity—local village identity in the case of the fishing village and professional identity in the case of Juropolis.<sup>90</sup> Second, the jurisdictional boundary represented by the ability of the profession to self-regulate is functionally like the geographical and psychological boundary of a local community such as the fishing village. In principle (and I emphasize “in principle”) it enables the inhabitants of Juropolis to limit the destructive impact of the modern state and the large-scale market economy and thus to maintain their own distinctive identity.<sup>91</sup> And who are the inhabitants of Juropolis? Clearly, members of the legal profession are inhabitants. But so are those they serve—those who identify as clients or, more broadly, as subjects of the legal system who enjoy rights and owe duties under the law.

What practices do the inhabitants of Juropolis engage in and what can we say about them? Let’s focus on the legal profession. The legal profession is engaged in the common practice of maintaining the rule of law in Juropolis,<sup>92</sup> aimed at achieving the ultimate excellence of realizing justice,<sup>93</sup> and the community of legal professionals as a whole is formed around the resulting legal conversation.<sup>94</sup> The overarching

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90. For discussion of this terminology of “professional identity,” see, for example, Longan, *Professionalism*, *supra* note 5, at 663; Daisy Hurst Floyd, *Practical Wisdom: Reimagining Legal Education*, 10 U. ST. THOMAS. L.J. 195, 200-02 (2013).

91. See *supra* notes 42-44 and accompanying text (limiting this destructive impact in the fishing village *polis*).

92. See ANTHONY KRONMAN, *THE LOST LAWYER: FAILING IDEALS OF THE LEGAL PROFESSION* 134-35 (1993) [hereinafter KRONMAN, *LOST LAWYER*] (lawyers and judges engaged in the “common enterprise” or “common practice” of maintaining or producing the rule of law). Kronman regards lawyers and judges as having different roles within one common practice. As discussed below, I reframe these different roles as distinct practices that combine in and co-constitute, together with two additional distinct practices, the common practice of maintaining the rule of law.

93. See *id.* at 335 (discussing the “ancient and powerful idea” that “[d]oing justice . . . means honoring the rights and enforcing the duties that the law assigns”). Kronman is here discussing the role of the judge in ensuring the realization of justice, but the terms in which he writes can be abstracted from that particular context to describe the ultimate excellence of the common practice. Moreover, this formulation is not tautological because, normatively, there is a venerable distinction between law and justice, on the one hand, and Law and Justice (with initial caps), on the other. For one application of this distinction, see *infra* note 103 and accompanying text (discussing Jack’s understanding of the Justice which supervenes upon the Law).

94. For discussion of the nature of the legal conversation, see *Constitutional Relevance of Foreign Court Decisions*, C-SPAN, <http://www.cspanvideo.org/program/185122-1> (Jan. 13,



common good of this common practice,<sup>95</sup> which is the legal profession's particular understanding about what realizing justice means, entails and includes specific standards of excellence, goods of excellence, and qualities of excellence as specific ends or common goods of the practice.

But the legal profession and its common practice can be largely resolved into at least four distinct craft communities engaged in distinct practices that combine in and co-constitute the common practice in which they are all jointly engaged and that also co-constitute one another (this should sound familiar)<sup>96</sup>: judges engaged in the practice of adjudication; lawyers engaged in the practice of representing clients;<sup>97</sup> legislative counsel engaged in the practice of drafting legislation; and academic lawyers engaged in the practice of legal education.<sup>98</sup> Each one has a distinct role in maintaining the rule of law

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2005) (Colloquy between Justice Breyer and Justice Scalia at 24:55 minutes); Sammons, *Play*, *supra* note 89, at 519.

95. See *supra* notes 52-60 and accompanying text (for fishing village politics as the analog).

96. See *supra* notes 46-50 and accompanying text (for the three distinct craft communities jointly engaged in the common practice of fishing as the analog).

97. Representing clients is understood broadly also to include in-house counsel and lawyers representing government entities and non-profit organizations.

98. It seems that MacIntyre does not regard teaching as a practice. A.C. MacIntyre & J. Dunne, *Alasdair MacIntyre on Education: In Dialogue with Joseph Dunne*, 36 J. PHIL. EDUC. 1, 5 (2002) ("[T]eaching itself is not a practice, but a set of skills and habits put to the service of a variety of practices."). Whatever may be true of apprenticeship in other practices, including catching fish, I consider legal education to be a distinct practice in particular due to the rather clear institutional and functional divide between legal education and the practice of lawyering that developed, rightly or wrongly, after the era of apprenticeship in the office of a lawyer. One way to justify my position, reflecting a criticism that MacIntyre is sometimes insufficiently granular in giving examples of practices, is to argue that it is not teaching or education that is the practice but particular types of teaching or education that are distinct practices, including legal education. See Paul Hager, *Refurbishing MacIntyre's Account of Practices*, 45 J. PHIL. EDUC. 545, 555-56 (2011) (cavassing such arguments). Another way is to accept teaching or education as the relevant category but to argue that it is a practice that, like theology, is internal to other practices. I am indebted to Jack for this suggestion. Email from Jack Sammons (Oct. 24, 2014) (on file with author). For Jack's development of this claim regarding theology, see Jack L. Sammons, *Afterwards: Four Concerns*, 53 MERCER L. REV. 1159 (2002) [hereinafter Sammons, *Afterwards*]. Presumably, then, this cross-cutting practice would take the distinct form of legal education within our common practice and perhaps even within the other three distinct practices. A third way is to argue that teaching or education is itself a common practice that, whether or not internal to other practices, is constituted by distinct practices of teaching and education, including legal education. It is quite conceivable, then, that the distinct practice of legal education could co-constitute two common practices, the common practice of teaching or education, and our common practice in Juropolis. On all this compare H. PATRICK GLENN, *LEGAL TRADITIONS OF THE WORLD: SUSTAINABLE DIVERSITY IN LAW* 345-51 (3d ed. 2007 (discussing the multiplicity of internal

aimed at the realization of justice.<sup>99</sup> Thus each one has its own ultimate excellence and an overarching common good that is the craft community's particular understanding of this ultimate excellence, and these are ordered to the ultimate excellence and overarching common good of our common practice, realizing justice.<sup>100</sup> And each one has its specific standards of excellence, goods of excellence, and qualities of excellence<sup>101</sup> that are entailed by and included within its overarching common good as the specific ends or specific common goods of the practice. And of course, as in the case of any practice with a living tradition,<sup>102</sup> the overarching common goods of the common practice and of the four distinct craft practices, and the specific common goods that they entail and include, are controverted.<sup>103</sup>

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and cross-cutting lateral traditions within complex legal traditions).

99. Broadly speaking, all four craft communities are engaged in the practice of some type of translation: judges translate legal claims into the administration of justice; lawyers translate clients' intentional goals rooted in clients' practices into the language of *Juropolis*; legislative counsel translate legislators' intentional goals rooted in political activity into the language of *Juropolis* as a formal source of law; and academic lawyers translate students' intentional learning goals into expertise. For discussion of the translation done by lawyers, see Sammons, *Cheater!*, *supra* note 76, at 284-86; Sammons, *Play*, *supra* note 89, at 543-44.

100. I offer the following formulations of the respective ultimate excellences: of adjudication—actually to effect the proper distribution of the rights and duties that the ultimate excellence of our common practice, the realization of justice, calls for; of lawyering—to achieve the client's objectives within the framework of the law in an effective and responsible manner; of legislative drafting—to draft bills using language that is understandable and legally effective; and of legal education—to help prepare law students for their lives as practicing lawyers and to assist in the operation and improvement of the legal system through legal scholarship. All four are ordered to the ultimate excellence and overarching common good of our common practice, realizing justice, because the judge's role in ultimately deciding any issue is a central focus of each.

101. Again, these qualities of excellence include theoretical knowledge, practical skills, and qualities of character (dispositions, attitudes, or virtues), with the "master virtue" of practical wisdom (*phronesis*) at their apex. An example of relevant virtues would be Pat Longan's five values or virtues of legal professionalism in lawyering. See *supra* note 5 and accompanying text (identifying these five virtues). It should be noted that as law students acquire and exercise these five professional virtues they likely develop further the fundamental virtues of justice, courage, truthfulness, temperateness, just generosity, practical wisdom, and civic mindedness because the five professional virtues arguably presuppose and depend upon these same fundamental virtues in important ways. For discussion of these fundamental virtues, see *supra* notes 55, 59-60, 62, 81-87 and accompanying text. For further discussion of qualities of excellence in general, see *supra* notes 8-9, 16-18 and accompanying text.

102. See *supra* notes 36-38 and accompanying text (argument within a practice with a living tradition).

103. I elaborate on the controverted nature of all the relevant overarching common goods in the longer version of this article mentioned in the introductory note. Here I will just mention that in his recent work Jack has written provocatively on how we should

How might the metaphor work further? Here's one way: the fishing crews are the practicing lawyers trying to capture justice for their clients (and like different fishing crews they compete with one another for their share of the catch, especially if one thinks of the fishing crews over time making multiple castings of the net); the net makers are the judges and legislative counsel who provide the (re)sources for the capturing that the lawyers must skillfully deploy and "persuade" into the capturing; and the boat builders are the academic lawyers who help get the practicing lawyers to the place where justice may be found. Moreover, just as it is important for those engaged in the common practice of fishing to be committed to sustainability of this natural resource, so it is important for those engaged in the common practice of maintaining the rule of law to be committed to sustaining the legal conversation.<sup>104</sup> Like all analogies, of course, this one is inexact and incomplete (for one thing it makes the judges sound too passive), but hopefully it is not too forced.

But to be really like Drew and the other inhabitants of the fishing village we need to share Drew's perceptions, values, motivations, and commitments, and the resulting relationships with other inhabitants of Juropolis.<sup>105</sup> Do we? Specifically (and here I am addressing practicing lawyers, academic lawyers, and law students especially):

- Do we predominantly care about and want to pursue the overarching common good of our common practice in Juropolis, the realization of justice, and the overarching common good of our particular practice that is ordered to it?

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understand the ultimate excellence of our common practice, realizing justice, in effect suggesting what our overarching common good should be. Specifically, if I have him right, the inhabitants of Juropolis seek to overcome the limitations of reductive propositions and conceptions by engaging in a rhetorical conversation that is an existential/theological quest to discover (or, perhaps better said, to uncover) the experiential truth about that Justice which supervenes upon the Law, a truth that is about the meaning and purpose of *our* lives in Juropolis. Because this truth flows from our true identity, which is always a work in progress, Jack's understanding echoes MacIntyre's "provisional conclusion" in *After Virtue* that "the good life for man is the life spent in seeking the good life for man, and the virtues necessary for the seeking are those which will enable us to understand what more and what else the good life for man is." MACINTYRE, *AFTER VIRTUE*, *supra* note 3, at 219. As already implied by the discussion above, *supra* note 81, for Jack one central virtue that is necessary in the search for justice is an appropriate humility. For additional provocative insights suggesting how our common practice and its existential theological quest for meaning and purpose might connect with the practice of the theology as a practice internal to other practices, see Sammons, *Afterwards*, *supra* note 98.

104. I am indebted to Jack for articulating this particular part of the analogy. Email from Jack Sammons (Oct. 24, 2014) (on file with author).

105. See *supra* notes 61-87 and accompanying text (for Drew's commitments, which are the fishing village analogs); see also *supra* notes 46-60 and accompanying text (describing the various practices in the fishing village).

•Do we predominantly care about and want to attain all the specific goods of excellence and qualities of excellence that are entailed by and included in the overarching common goods of the practices to which we have been called?

•Consequently, while acknowledging our legitimate desire for goods of effectiveness, are we really prepared systematically to subordinate this desire to our desire to achieve the goods of excellence and qualities of excellence of these practices?

•Do we really understand that achievement of our own true good, our own flourishing, our own happiness, depends upon being the sort of person who can answer all the preceding questions in the affirmative?

•Moreover, do we understand that achieving the overarching common goods of our practices as well as achieving our own true good, our own flourishing, our own happiness, also depends upon the flourishing of others?

•Do we understand that this means we should want them to attain the goods of excellence as well as goods of effectiveness of practices too?

•Do we understand that it also means that we should acquire and exercise certain fundamentally important virtues, including the virtue of just generosity enabling us to do our part in preparing new members of the profession and in meeting the vast unmet legal needs in Juropolis so that all our fellow inhabitants can be properly fed justice?<sup>106</sup>

•Do we understand, further, how and why all these things are true—in other words, why we should have these commitments and how we should answer if put to the question?

•Do we understand, indeed, that having such commitments is at the heart of legal professionalism?

•And, finally, do we understand that one of the best things we can do is look at someone like Fisherman Jack and seek to follow in his footsteps?

If we do, we can be hopeful for the future of Juropolis. And, if the ethos of Juropolis is shared by other professional *poleis* and spreads beyond them,<sup>107</sup> then—reframing the words of Gordon Gekko—perhaps

106. On the vast unmet legal needs in Juropolis, see, for example, Longan, *Professionalism*, *supra* note 5, at 681; Luz E. Herrera, *Educating Main Street Lawyers*, 63 J. LEGAL EDUC. 189, 191-93 (2013). Herrera cites a 2011 study by the World Justice Project according to which “the U.S. ranked among the lowest developed nations in providing access to justice to its citizens. When compared with other countries, the U.S. ranked as 50th out of 66 nations in the ability of individuals to obtain legal counsel.” *Id.* at 193.

107. For one local initiative aimed at promoting the mutual sharing of gifts between Juropolis and other professional *poleis*, see Mark Jones, *Appendix A: Building Bridges and Discovering Commonality: The Story of Mercer University’s Professionalism and Vocation Across the Professions Project*, in TOWARD HUMAN FLOURISHING, *supra* note 9, at 217-24.

we can also be hopeful for the future of “that larger, malfunctioning [fishing village] called the U.S.A.”<sup>108</sup>

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Jack played a leading role in this initiative and is largely responsible for its turn towards practical wisdom as the central focus of the project's inquiries and activities. *See id.* at 9, 207-12, 237 n.2; *see also* Neil Hamilton, *Fostering Professional Formation (Professionalism): Lessons from the Carnegie Foundation's Five Studies on Educating Professionals*, 45 CREIGHTON L. REV. 763 (2012) (discussing the Preparation for the Professions Project, conducted by the Carnegie Foundation for the Advancement of Teaching, which is a national initiative with a similar aim).

108. *See supra* note 75 (quoting Gordon Gekko in the film *Wall Street*). Of course, like MacIntyre, I am being utopian here. *See* MACINTYRE, *RATIONAL ANIMALS*, *supra* note 3, at 145 (“These are of course Utopian standards, not too often realized outside Utopia, and only then . . . in flawed ways. But trying to live by Utopian standards is not Utopian, although it does involve a rejection of the economic goals of advanced capitalism.”). For a wake-up call that should be of special interest to this audience, but one that is symptomatic of the challenges faced both in Juropolis and in “the larger, malfunctioning [fishing village] called the U.S.A.,” *see* the documentary *Ivory Tower* (CNN television broadcast Nov. 20, 2014) (examining higher education in America, trailer available at <https://www.youtube.com/watch?v=eLdU7uts4ws>).