The Paradise Story: A Constitutional Economic Reconstruction
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Abstract

The paper draws on constitutional political economy, especially the works of James Buchanan, in order to analyse the paradise story. The paper applies constitutional economic concepts such as Hobbesian anarchy, predation behaviour, the natural distribution state, (dis-)armament investments, and constitutional contract. The purpose of this reconstruction is to better understand why ultimately the interactions between God and Adam & Eve broke down. The paper demonstrates that the Old Testament is rather modern in this respect, choosing a destructive conflict model at the outset. This provides a reference point for subsequent Bible stories when developing new, fairer, and more equally negotiated constitutional contracts between God and humans (especially through the new covenants of Genesis).

Area: economics of religious text; economics of religion; constitutional economics

Keywords: paradise story; Hobbesian anarchy; contested goods; natural distribution state; constitutional contract; (dis-)armament investments
The Paradise Story: A Constitutional Economic Reconstruction

I am a constitutionalist and a contractarian: constitutionalist in the sense that I recognize that the rules of order are, and must be, selected at a different level and via a different process than the decisions made within those rules, and contractarian in the sense that I believe that conceptual agreement among individuals provides the only benchmark against which to evaluate observed rules and actions within those rules.

James Buchanan, 1977, p. 11

The paradise story is well known for the dramatic breakdown of interactions between God and Adam & Eve. Why should this happen in paradise, an apparent place of abundance? A constitutional economic reconstruction here sheds new light on reasons why interactions between God and Adam & Eve may have been doomed from the outset. The paper argues that certain capital contribution-distribution conflicts between God and Adam & Eve had remained unresolved. I look in particular at systemic arrangements and the way they allocated certain gains or losses to Adam and Eve in relation to decisions they could make, especially with regard to appropriate or not to appropriate fruits from the divine trees. The paper shows that a constitutional contract between God and Adam & Eve, which should have resolved interaction disputes, was rather frail in the paradise story, with dilemmatic interaction conflict looming and even defining the paradise story.
I draw on Buchanan’s pioneering works in constitutional economics to illumine these issues: why interactions were instable in the paradise story, how predation was invited by the present state of affairs, how Hobbesian anarchy finally emerged, and how possibly even a situation of mutual loss (for both God and Adam & Eve) dominated the conclusion of the story. I discuss reasons why the Old Testament started its analysis of social interactions with such a destructive scenario and a related, dark model of human nature, and how subsequent stories resolved this issue. In this way, I interlink biblical studies with political economics, which Parker (2005: 441) complains has remained a much-neglected area in biblical research, at least for the past century or so. Parker (2005: 442) argues in this respect that the Bible is well capable of shedding “… light on the dominant political institutions and practices which inform the Western world.”

I introduce and explain concepts of constitutional economics as I proceed with my reconstruction of the paradise story. First, I remark on methodological issues and the kind of textual, narrative interpretation pursued in the paper. Second, I focus on the initial set-up of capital contribution-distribution arrangements between God and Adam & Eve and how they invited a breakdown of cooperation. Third, the paper looks at the actual process of how an apparent state of Hobbesian anarchy emerged, how a so-called ‘natural distribution state’ resulted, and how the initially rather one-sided distribution of a contested ‘good x’ (the divine trees) was forcefully changed by Adam and Eve. Fourth, I explain economic reasons why the Old Testament was well advised to start its analysis of social interactions with such

\(^1\) A detailed discussion of what happened after the paradise story in the Old Testament, and how this can be reconstructed in political economic terms has been provided elsewhere (See Wagner-Tsukamoto 2009).
a destructive story. I argue that this heuristically enabled subsequent stories to develop – partly economic, partly non-economic – answers for ways out of this predicament. Finally, I comment on reasons why Adam and Eve were modelled through dark ‘images’ of human nature, in economic terms as ‘predators’, as rather opportunistic reflections of economic man. This reinforces how I analyse the paradise story differently than mainstream theological approaches, which search for problems of human nature as such, i.e. Adam and Eve’s sinful, overly greedy behaviour (e.g. Armstrong 1996; Stratton 1995; Stordalen 1992; Westermann 1984; Plaut 1981; Rad 1963). As my economic reconstruction builds up, I also indicate how my reconstruction differs from less conventional, but still largely theological interpretations of the paradise story, such as postmodern ones (e.g. Parker 2005, 1999; Slivniak 2003; Ward 1995; Dragga 1992).

**Constitutional Economic, Textual Analysis and Narrative Interpretation**

Methodologically, the reading and interpretation strategy I follow for the analysis of the paradise story is grounded in textual analysis, following a narrative approach. The ultimate purpose of this methodology is to engage the reader with a constitutional economic perspective on the paradise story, constitutional economics providing the reading and interpretation schema through which biblical narrative is analysed. This should encourage, in our case, not only a constitutional economic understanding of the paradise story as such but also conversation and dialogue with other interpretations of the paradise story.

In short, a ‘story’ or ‘storytelling’ is analysed. I interpret the paradise story as mere ‘text’, as a piece of literature, free from questions of divine authorship or issues when different parts of the paradise story were written. I read the paradise story as a whole, how it presents itself today, or as it has presented itself for the past 2000 years or so, to pick up a phrase of Fromm (1967: 24). Fromm proceeded in this way when reconstructing the Old Testament in humanist, philosophical terms, or Brett (2000a: 58, 2000b: 73) did so, when bringing anthropological ideas to Old Testament interpretation, as did Valiquette (1999: 50) when discussing discourse elements of the Old Testament. Addressing the unity and coherence of the text is here of critical importance (Rhoads 2009: 222). In this connection, Brett defended the analysis of the final form of Genesis through methodological pluralism. Like Brett (2000a: 56, 58, 65-6) or Mayes (1993: 18-20), I argue that a wide range of interpretative interests and results of biblical analysis have to be accepted, including ‘social-scientific’ ones, although Brett or Mayes do not mention economics in this connection (and neither do Clines and Exum 1993: 17-20, Miscall 1998: 545, Carroll 2000: 7, Gunn 2000, or Rogerson 2000: 134).

Any communicative purpose and intentions of Old Testament text are open to debate but narrative analysis presumes such a purpose and intentions. Brett (2000a: 59-60) distinguished three different types of authorial intentions or purposes, which I subsequently return to when analysing the paradise story (See also Mayes 1993: 17). First, he distinguishes direct, explicit communicative intentions and purposes. They essentially reflect what an author is saying through the contents of the text (‘text itself’). Second, Brett talks about implied or indirect communicative intentions and purposes. They reflect implications of the text about its contents, assumptions, etc. They have to be deduced from the text by
means of generating hypotheses (‘deductions’, ‘hypotheses’). Third, Brett invokes the idea of the motive. This refers to reasons why an author is saying something, why a certain text was created in the first place (‘reasons why’). Miscall’s (1998: 540) idea of the ‘theme’ appears close to the idea of the motive, too. He defined a theme as an abstract idea or abstract concept that emerges from a narrative. As Brett (2000a: 59-60) stressed, these three types of intentions and purposes can be conceptually differentiated but they are likely to blend into each other and reflect a continuum.

In this paper, constitutional economics provides the theoretical and methodical approach for reading and reconstructing text contents of the paradise story. Here, my analysis swiftly focuses on what Brett termed implied or indirect intentions or purposes. Through applying the constitutional economic approach (or any other social science program), the area of direct communicative intentions is nearly immediately left since an elaborate scheme of methods and theoretical concepts is imposed on the biblical text. This imposition enables me to develop a ‘science of literature’ (Miscall 1998: 541) – here: an economic science of literature – when reading the biblical text. Besides implied or indirect intentions and purposes, I comment on constitutional economic motives and themes of the paradise story: why, from a constitutional economic perspective, the authors of the Old Testament created this story.

When I talk about intentions and motives, the paper inadvertently touches on potentially contentious questions of a canonical and normative reading of biblical text (as more generally reviewed by Brett 2000b: 66-7, 72-3). I enter a normative reading of the paradise story through only searching for constitutional economic intentions and motives of the authors of the Old Testament. In this way, I make projections whether the Old
Testament, from a constitutional economic perspective, is still relevant and ‘modern’ today. This reflects a special type of literary criticism of the Old Testament, drawing on the well-established research programs of social science disciplines, including their methodological approach, in particular their research ‘heuristics’ (Wagner-Tsukamoto 2003: 3-8, 11-19, 33-43, 68-9, 2009: 19, 26-8, 30-2; see also Homann and Suchanek 1989). I am not defending this approach to the paradise story on imperialistic, fundamentalist grounds, suggesting that constitutional economic interpretation were the only way to understand the paradise story. Rather, I justify my interpretations in pluralistic, methodological terms, arguing that a constitutional economic analysis of the paradise story yields new and different insights than previous interpretations, and that these insights speak for themselves in terms of originality and theoretical fruitfulness. As Carroll (2000: 6) noted: ‘Under the conditions of modernity the Bible may be freely used by all-comers, its meanings and significations negotiated under a thousand different reading schemes.’ (See also Clines and Exum 1993: 12-14; Clines 1993: 87; Brett 2000b: 70, 78, 80; Gunn 2000) In this respect, it is primarily a matter of difference rather than dominance or conflict when it comes to potentially competing interpretations of the nature, purpose, intentions and normativity of the text ‘Old Testament.’ Carroll (2000: 24) recommends that such a pluralistic approach to the Bible should be accepted and the more so if it ‘... can be allied to politics of liberation anchored to a democratic base of collective bargaining.’ How constitutional economics can enlighten readers about liberation and other democratic issues in the paradise story is a prime concern of the present paper.

To avoid a misunderstanding: When I argue for a plurality of possible understandings of the paradise story, I do not necessarily follow a postmodern approach, as outlined by Gunn (2000: 226). On grounds of the constitutional economic reconstruction pursued, I
argue for a coherent, ‘stable’ understanding of the text ‘Old Testament’ which aims to uncover one particular kind of ‘truth’ only – a constitutional economic one. In this respect, the paper is modern rather than postmodern. Pluralism enters my analysis through differentiation that compares different approaches to narrative analysis but does not aim to integrate differentiation into the analysis itself.

I indicated comparative points of pluralistic difference throughout the paper albeit this cannot be done in any comprehensive sense due to the constrained nature of writing a journal article and because of the enormous amount of material previously published on the paradise story. However, the comparisons I make should help readers to understand the value of a constitutional economic reading of the paradise story and make comparisons of their own between a constitutional economic one and other readings even if such readings of a different kind were not covered in the present paper.

At the Outset: Conflict-laden Contribution-Distribution Arrangements in Paradise

The paradise of Genesis is not a place of superabundance and unlimited leisure and free time. It is true that Adam and Eve were allowed to eat from nearly all plants and that they could subordinate nature for their purposes, but already this type of access to paradise came at a price. God expected Adam and Eve to contribute certain capital and this implied economic costs (Gordon 1994: 20-1; 1989: 1-3). In particular, God expected Adam and Eve to keep paradise cultivated (Gen. 2.15). God’s work pattern here showed the way: six days work and one day rest (Gen. 2.2-3). Gilboa (1998: 94, 97) noted in this connection: ‘Adam is put there to till and guard the garden. ... Idleness is not part of his life.’ In economic speak,
contributions in the form of human capital were expected (physical skills but also certain knowledge skills on how to properly cultivate paradise). Such capital contributions severely curtailed free time of Adam and Eve’s existence in paradise. Adam and Eve encountered scarcity in this respect – and this could instigate conflict.

Besides such capital contribution issues, distribution issues had an even bigger potential to derail peaceful interactions between God and humans. Adam and Eve were excluded to receive any share in fruits from the tree of knowledge and possibly also from the tree of life (‘the divine trees’). Gen. 2.16-17 is here explicit that Adam was not allowed to eat from the tree of knowledge. Regarding the tree of life, no such explicit ban exists at the outset but it is fair to say that the text is here vague and enigmatic ‘... whether Adam and Eve were created mortal or immortal’ (Slivniak 2003: 454). The much-debated question in this respect is whether Adam and Eve were prior to their theft from the tree of knowledge also banned to eat from the tree of life. Alexander (1992: 100) here proposed that such a ban existed for Adam and Eve from the outset. Similarly argued Otzen et al. (1980: 47) that ‘... eternal life is a divine prerogative’ in Near Eastern myths, including the paradise story. Wagner-Tsukamoto (forthcoming) also argued, albeit on grounds of an economic, rational choice interpretation, that Adam and Eve were banned from the outset to eat from the tree of life. However, others, for instance, Childs (1960: 44) or Kugel (1997: 69), have disputed this. They focus on Gen. 3.22, which only explicitly states a ban regarding the tree of life after the theft from the tree of knowledge had occurred. In addition, there are those who occupy some middle ground. For example, Dragga (1992: 7) suggested that God initially instated the serpent in Eden as the protector of the tree of life. Otzen et al
interpret the serpent along comparable lines. In this respect, a de facto ban existed for Adam and Eve not to eat from the tree of life from the outset.

In the following, when interpreting the ban regarding the divine trees and whether it extended to both trees from the outset I will indicate this possibly contentious issue in biblical debate by speaking of a ban that referred to the ‘divine tree(s).’ However, I noted, following Wagner-Tsukamoto (forthcoming), that I supported the position of an implicitly existing ban regarding the tree of life from the outset.

The ban not to eat from the divine tree(s) reflects an economic problem, as Brams (1980: 21-33) or Paris (1998: 52) generally noted. More specifically, regarding the divine tree(s), certain property rights were clearly set out in God’s favour, being exclusively allocated to God and God threatened Adam and Eve to be killed should they transgress this ban. Whether this threat was an effective, credible deterrent from a constitutional economic point of view has to be still assessed (See below) but it is worthwhile noting at this stage that Adam and Eve here even more strongly experienced scarcity and restricted access than in relation to the capital contribution issues mentioned above. In this respect, distributive, social conflict on a big scale could be expected to erupt.

It is interesting to note in this connection that Adam and Eve met contributive and distributive scarcity in paradise independent of the issue whether they were faithful to God or not. There was no prospect in paradise that God was willing to hand over a share in the divine tree(s) to Adam and Eve. Since God’s share in the divine tree(s) was exclusive (‘100 per cent’), there existed considerable temptation for Adam and Eve to appropriate fruit from the divine tree(s) and become like God (and the kind of very special capital God could
access in this respect). This contradicts Meeks (1989: 12) who argued that the God-fearing and faithful human being in the Old Testament would not encounter scarcity. Regarding the divine tree(s), distributive scarcity was encountered, as did Adam and Eve experience scarcity regarding their capital contribution of cultivation efforts in paradise.

Regarding the divine tree(s), I analyse ‘scarcity motives’ of the paradise story. Thus, I proceed differently than conventional theological interpretations or theological, postmodern ones (For such interpretations, see also Parker 1999: 19-21; Stratton 1995: 139-40; Ward 1995: 9-11; Dragga 1992: 5-9; Westermann 1984: 211-36; Plaut 1981: 38-9). In an economic reading, I relate the tree of life to scarce time capital – to mortality and the finiteness of human existence. In difference, the tree of knowledge reflects distribution conflicts regarding scarce human capital, especially philosophical knowledge and wisdom. Alexander (1992: 95) refers to such knowledge as knowledge about the ‘true state of the world.’ Such knowledge is necessary for developing an ethical code of behaviour. This quickly directs social analysis to a debate of social ordering and social contract, and how to overcome problems of conflict and anarchy. Looking at possible motives of the paradise story, I can thus argue that it was no coincidence that a first theft happened in relation to the tree of knowledge but not the tree of life. Theft from the tree of knowledge conceptually opened up a debate of ‘good and evil’ (‘destructive anarchy’, as Buchanan may term it) and how to handle and resolve this problem in contexts of social ordering, how to fairly construct bounds to freedom in a society². This abstract problem is of key interest to

² West (1981: 89), from a theological position, briefly touches upon this issue when he argues that the tree of knowledge ‘... conceives the bounds of man’s freedom.’ A constitutional economic reconstruction, as pursued in the present paper, specifies in detail how bounds were imposed and how a defection process in relation to bounds undermined the initial state of affairs in paradise.
Buchanan’s (1977: 5, 11-24) constitutional economics, too, and it is the potentially more challenging and more interesting problem in a treatise of social order than discussing the issue of eternal life (as reflected through the tree of life). One could even speculate in this respect that the paradise story (its authors) quite intentionally omitted at the outset an explicit ban regarding not to eat from the tree of life. If present, such a ban would have unnecessarily drawn attention to this tree, which, so I argued, is less relevant for analysing a motive of Old Testament text like handling and overcoming a breakdown in cooperation or ‘anarchy.’

An economic interpretation of ‘temptation’ regarding the divine tree(s) begins to unravel why interactions between God and Adam & Eve were frail from the beginning. Analytically, the Old Testament carefully constructed in this regard a start-up scenario for the analysis of social conflict, and as I outlined this can be comparatively economically interpreted. This sheds light on constitutional economic motives and themes of the paradise story. The potential contribution-distribution conflicts unearthed above show that the initial state in Gen. 2-3 was not as paradisiacal as conventional proposers of a ‘Paradise Lost’ tradition (Reviewed by Slivniak 2003; Ward 1995; Dragga 1992) imply. Critiquing this tradition, Slivniak (2003: 442) and similarly Alexander (1992: 98-99) suggested that the initial situation of Adam and Eve was bad because Adam and Eve were naked in paradise and they recognized this as a bad – but I would add here that this state only resulted because of Adam and Eve’s theft: after they had eaten from the tree of knowledge. My economic interpretation of the initial situation thus offers different insights into motives and themes of the paradise story: why the initial situation was bad and why this actually yielded, through a rather rational, self-interested process prior to the ‘fall’ that was driven
by contribution and distribution conflicts, to Adam and Eve eating from the tree of knowledge. I thus can ultimately predict the collapse of social order in paradise. From a constitutional economic point of view, the final breakdown of social order in paradise did not come as a surprise. My subsequent analysis now spells out this suggestion in detail.

**The Emergence of Hobbesian Anarchy: Adam and Eve Contesting ‘Good x’**

A key question of Buchanan’s (1975) constitutional economics is how interacting parties, including a lawmaker or sovereign, can overcome a so-called ‘natural distribution state’ (Buchanan 1975: 23-5, 31): in which constitutional-political order is not established or has broken down (See also the motto above). Buchanan compares the natural distribution state to Hobbes’s analytical starting point of the ‘war of all’, of destructive anarchy. He speaks in this connection of finding ways out of the ‘Hobbesian jungle’ (Buchanan 1975: 79, 81). Initially, the paradise story seems far removed from this scenario, Adam and Eve enjoying an abundance of goods and freedom offered to them in paradise. However, as the previous sections outlined, there were considerable conflicts looming regarding how certain goods and capital were to be contributed and distributed between God and Adam & Eve. Also, God had imposed this initial, political order regarding the allocation and distribution of rights and goods on Adam and Eve. No democratic process had yielded the prevailing social order.

Differentials in capital open up room for ‘predation’, as Buchanan (1975: 24-6, 56-8) put it, one party attempting to appropriate goods that belong to the other. As long as such potential conflicts are not resolved by constitutional contract, so Buchanan argues, both
parties can be expected to ultimately lose out since predation and defence against predation come at a high economic cost: One could speak of high ‘transaction costs’ to appropriate other parties’ goods, and to defend against other parties’ attempts at predation. Buchanan invokes in this connection the idea of ‘armament investments.’

Buchanan (1975: 23-8) analytically refers to such capital and related capital differentials that invite predation as the contested ‘good x.’ Such contests regarding ‘good x’, unless resolved through constitutional economic contract that ensures fairer distributions, throw back a previous but instable equilibrium (instable because of large capital differentials and unresolved, looming conflicts) into a worse state, the aforementioned ‘natural distribution state.’ Does such a sour state of affairs emerge in the paradise story regarding ‘good x’? And if so, what would Buchanan recommend to alleviate it?

Buchanan (1975) reasons that in the natural distribution state all goods except contested ‘good x’ are easily available to two interacting parties. This applies for the paradise scenario, ‘good x’ being the divine tree(s), and the two interacting parties being God and Adam & Eve. In the paradise of Genesis, ‘good x’ was even more one-sidedly distributed than Buchanan assumed: God’s share in ‘good x’ was exclusive, 100 per cent, while Adam and Eve’s share was zero. Since all other goods in paradise were available in abundance, Adam and Eve had little to offer to God to voluntarily let them participate in a share of ‘good x.’ Adam and Eve clearly experienced scarcity and ‘temptation’ to appropriate good x since their share in ‘good x’ was zero. God, on the other hand, did not experience any incentive to further appropriate ‘good x’ since his share was 100 per cent
and he may have felt naïvely safe in this respect, believing that a mere ban was sufficient to deter Adam and Eve not to eat from the divine tree(s).

Re-distribution problems regarding ‘good x’ were complicated in the paradise story since the value of ‘good x’ was defined by its exclusive consumption. If God had shared out ‘good x’, Adam and Eve would have become like God and this would have considerably devalued ‘good x’ for God. Hence, large conflict regarding the (re-)distribution of ‘good x’, the divine tree(s), could be expected.

As a result of these one-sided distributions of property rights, the peaceful state of affairs prior to Adam and Eve’s theft could be expected to be derailed since considerable conflicting interests existed between God and Adam & Eve regarding the distribution of ‘good x’. Buchanan (1975: 24) suggests that in such one-sided scenarios, ‘… each [party] would find it advantageous to invest effort, a “bad”, in order to secure the good x. Physical strength, cajolery, stealth – all these … might determine the relative abilities of the individuals to secure … quantities of x.’ The paradise story invoked predation and specifically ‘cajolery’ and ‘stealth’ through the snake metaphor, which I interpret further down in relation to the portrayal of ‘economic man’ in the paradise story. Buchanan (1975) reassures us here that costly armaments are needed to protect ‘good x’ from theft by the other party. God may not have done his job too well in this respect, only issuing a verbal ban and a related threat to Adam and Eve.

In general, God’s role in owning and protecting ‘good x’ may have been a confused one from the point of view of constitutional economics, relating to constitutional ordering (constitutional contract), post-constitutional ordering (law enforcement, policing, etc.), and
even private ordering (privately owning certain goods). These ambiguities in the paradise story illumine why Adam & Eve ultimately succeeded to steal ‘good x.’ I now outline these three issues in more detail, suggesting certain constitutional economic hypotheses and more specific motives of the paradise story.

First, as a constitutional rule-maker, God did not really conduct enlightened, democratic constitutional ordering, which would have involved subjects in the negotiation of constitutional order (Buchanan 1987b: 250; see also the motto above). Rather, a political order concerning rights and capital distributions and contributions was imposed on humans. This only changed later in the Old Testament, after the paradise story, when new covenants were negotiated in a freer and more equal way with the patriarchs. Democratic, enlightened social ordering through covenants then culminated in the Joseph story (Wagner-Tsukamoto 2009). Only at these later stages was God willing to even share out the one ‘good x’ which had remained his after the paradise incident – immortality, as reflected through the tree of life: The patriarchs received a ‘share’ in eternal life, being rewarded by God with longevity.

Second, prior to Adam and Eve’s defection, God omitted to make any real investments into the protection of the divine tree(s). No policing occurred and no armament investments are visible. He ‘only’ threatened Adam and Eve to be killed. As it turned out, this was not a credible deterrent since killing all humans would have devalued God’s creation in various respects, there being no-one to look after Earth, there being no competitor for scarce ‘goods x’, there being no-one to be faithful to God, etc. Thus, as a ‘law enforcement agency’ or ‘protective state’ (Buchanan 1975: 68-70, 95), God did not perform his job too well. Regarding their choice behaviour to eat or not to eat from the divine tree(s) and thus to contest ‘good x’, the paradise scenario granted – and had to grant – from the
outset control to Adam and Eve in certain respects, or as Buchanan (1995: 143, 147) may put it: Even if thought of as a master-slave relationship, the paradise story (had to) let Adam and Eve retain internal, personal control over at least one dimension of response behaviour. This is visible in the paradise story, Adam and Eve retaining certain rights from the outset, namely to choose and to transgress (regarding the distribution ban on ‘good x’).

In these respects, constitutional ordering (rule-making) and post-constitutional ordering (law enforcement) were too ambiguously, too unclearly set out in the paradise story. Of course, analytically and heuristically, this ambiguity is an important motive and theme of the paradise story. It invited the fall of humans. Thus, it was necessary and useful for storytelling in the Old Testament: Without it, the discussion of social conflict and the negotiation of new contracts between God and humans could not have become a topic in subsequent stories. I comment on this issue in more detail further down.

Third, regarding ‘good x’, God was also involved in private ownership. He solely owned the divine tree(s) as his property. They were anything than public goods and as the story confirms, God was a very unwilling trader in these goods. This dimension of his involvement in social interactions further complicated constitutional and post-constitutional ordering with Adam and Eve.

As a result of these ambiguities, a previously frail, but peaceful state of pre-contract constitutional order collapsed and was thrown into a worse, pre-contract state, the ‘natural distribution state’.
As a result of the actual or potential conflict over the relative proportions of \( x \) to be finally consumed [by the two parties], some ‘natural distribution’ will come to be established. This cannot be properly classified as a structure of rights, since no formal agreement is made. (Buchanan 1975: 24)

As a result of Adam and Eve’s theft, we find the natural distribution state emerge in the paradise scenario, which so closely resembles what Hobbes called the ‘war of all.’ However, as discomforting this state of affairs may be, it provides the foundation on which new, more stable, freer, more equally negotiated and mutually advantageous social order can emerge:

The ‘natural distribution’, secured upon investment of effort of attack and / or defense of \( x \), serves to establish an identification, a definition, of the individual persons from which contractual agreement becomes possible. … Mutual gains are possible in this way. (Buchanan 1975: 24-5)

As Buchanan here outlined, the new pre-contract state – the natural distribution state – is not the end of the story. Rather, it provides the (analytical) reference point and basic platform for constitutional ordering, on which freer, fairer and mutually advantageous constitutional order can be renegotiated regarding the contribution and distribution of goods and the allocation of rights, especially regarding ‘good \( x \).’ As Buchanan (1977: iv) claimed: ‘Individuals can [only] secure and retain freedom in constitutional contract; they
cannot do so in any other way.’ In this connection, Buchanan fundamentally departs from Hobbes regarding how to overcome destructive anarchy. Hobbes could only visualise an oppressive leviathan, with a sovereign taking away all rights from subjects, to overcome anarchy. In difference, Buchanan’s constitutional economics conceptualised a democratic process through which anarchy is resolved and a relationship between sovereign (a ‘state’) and subjects is ordered.

As Buchanan specified, natural distribution states are rather instable and mutually disadvantageous because of high costs they involve, each party having to invest for attack and defence regarding its share in ‘good x.’ For example, in the aftermath of Adam and Eve’s first attack, God faced armament investments regarding the defence of the one ‘good x’ which had remained truly his – the tree of life. Such costs are reflected by God putting ‘cherubim and a flaming sword’ in front of the tree of life (Gen. 3.24). This is fully overlooked by Dragga (1992: 4): ‘Following the human disobedience, the absence of a prohibition regarding the tree of life leaves Yahweh apprehensive.’ Buchanan’s constitutional economics (1975: 24-6, 56-8) predicts such armament investments for anarchic, pre-contract, natural distribution states in which only a predation-defence equilibrium exists. One could argue that Adam and Eve faced comparable costs, namely to invest in a possible arms race with God to ultimately circumvent and overcome God’s defences of the tree of life and thus appropriate the one remaining ‘good x’ and become truly like God. God ultimately ‘solved’ this problem by expelling Adam and Eve from paradise and thus their initial arena of social interactions. However, Old Testament storytelling does not end here, rather it begins – and from here, we can fundamentally inquire about economic motives of the paradise story.
In general, models comparable to the ‘natural distribution state’ permeate not only Buchanan’s constitutional economics. In abstract, generic terms, this theme can be identified through dilemma scenarios, such as the prisoner’s dilemma or the commons dilemma in institutional economics (e.g. Brennan and Buchanan 1985; Wagner-Tsukamoto 2009, 2003). We also find it, as noted, in Hobbes’s political economy when he talks about anarchy and the war of all, which later writers, such as Buchanan, referred to as the model of ‘Hobbesian anarchy’ or the ‘Hobbesian jungle.’ Or, we find anarchic concepts in Greek political philosophy when issues of tragedy are analysed (Nussbaum 1986). Even postmodern conceptions of liberalism, as discussed by Parker (2005: 451-2), use ideas of ‘mutual hostility’ as starting point to outline their understanding of political order. Interestingly for the purpose of the present paper, we find the natural distribution state and an implied war-like model of social interactions set up right at the beginning of storytelling in the Old Testament. So why does this rather negative model of social analysis attract so much attention? What are its advantages? As noted, I argue here for heuristic, analytical purposes and heuristic ‘motives’ or ‘themes’ (but not any empirical or even normative issues regarding the portrayal of ‘real’ life). In stories following the paradise story, the negotiation of new contracts between God and humans becomes the central issue, largely in order to repair the sour state of affairs (‘natural distribution state’) which had prevailed in the wake of the paradise interactions. From here, we can also deduce and reconstruct a normative function of Genesis regarding societal leadership.

This is also the point Buchanan (1975) makes in his constitutional economics. The natural distribution state ultimately induces two parties to set out new and fairer re-distributions of ‘good x’ because this allows both parties to save on defence and attack costs
and achieve mutual gains, albeit not necessarily equal gains. The idea of mutual gains provides for an economic understanding of cooperative, ethical outcomes. In order to conduct such conceptual, theoretical analysis, the Old Testament had to introduce the aforementioned ambiguities regarding God’s role in constitutional ordering, post-constitutional ordering and private ordering, which invited the natural distribution state in the paradise story. In different ways, these ambiguities are all heuristically useful and even necessary for discussing their resolution in subsequent chapters and books of the Old Testament. A ‘liberation’ motive is in this respect visible in the paradise story. As noted, this point is generally underlined by the finding that models comparable to the natural distribution state permeate much writing on political philosophy, political economy, and even postmodernism.

**Why Modelling Adam and Eve as Predators (Economic Men)?**

In generic perspective, there seem to be striking parallels between theology and economics when it comes to modelling human nature, one apparently invoking the dark image of sinful, greedy behaviour, the other the dark image of self-interested, even predatory behaviour (economic man). For the paradise story, we can relate both ‘images’ to Adam and Eve’s theft, then exploring, albeit in different conceptual terms, the purpose, nature and consequences of Adam and Eve’s theft from either a theological or an economic perspective. However, are we dealing here with ‘real’ images of human nature or are these mere, methodological fictions that heuristically undergird the (theological or economic)
analysis of social conflict? Following Wagner-Tsukamoto (2003; also 2009), I argue that the ‘real’ image of human nature of both theology and economics had to be deduced differently, namely by looking at the conceptual way theology or economics apply these dark models of human nature in order to ultimately resolve social conflict. On this basis, positive, albeit different moral assessments can be made for theology and economics regarding their images of social life and human nature.

For economics, I would like to stress at this point that the model of the predator or opportunist, as we find it in institutional and constitutional economics (e.g. Buchanan 1987a, 1987b, 1975; Williamson 1975, 1985; also Homann 1994) and as we identified it in the paradise story, instructs conceptual analysis and practical intervention. This enables ‘even’ economic men of the worst kind to escape from dilemmatic conflict, such as the natural distribution state, and to achieve mutual gains, even to ‘convert self-interest into public interest’, as Buchanan (1987b: 58) states. More explicitly: ‘One calls forth the homo economicus assumption, not because it is necessarily the most accurate model of human behaviour but because it is the appropriate model for testing whether institutions serve to transform private interest into public.’ (Buchanan 1987a: 59) Parker (2005: 451) touches upon such a heuristic reading (in postmodernism), too, when suggesting that a model of distrust is ‘not the natural inclination of humans ... [but] the most suitable way to establish political order.’

3 Parker (2005: 451-2), however, has here a concept of political order in mind that is vastly different from the constitutional economic one discussed in the present paper. Parker speaks of a ‘universal brother/sisterhood’ that is held together by ‘universally shared human rights.’ Sharing is to come about through a postmodernist, bourgeois model of liberalism. This is a very different approach than the one suggested by Buchanan, who draws on disarmament contracts that are economically
In this connection, I interpret the snake in the paradise story as a metaphorical reference to potential, predatory capabilities of humans as it is captured by the abstraction ‘economic man’. Genesis seems to underline such a metaphorical, heuristic interpretation of the snake by giving the snake the ability of speaking – which reflects a feature of human nature. This argument is further supported by the finding that the snake remains the only speaking animal in the Old Testament (apart from a comparatively insignificant donkey in Num. 22.28-30). The speaking ability of the snake rather explicitly hints at parody. According to Brett (2000a: 61), parody-related elements of a story stress the indirect communicative intentionality of an author – and from here hypotheses about what an author intended to say can be addressed.

By linking the snake to economic man, I hypothesize and interpret the snake metaphor in a way that is opposed to conventional interpretations, which, for instance, link the snake to an irrational side of human behaviour. Slivniak (2003: 452) speaks here of the snake as ‘escaping rational control’ or Ward (1995: 10, 12) refers to an ‘aetiology of human desire [sexually interpreted].’ In contrast, by linking the snake to the model of economic man, the snake metaphor becomes a rather explicit element of a rational calculus of gains and losses that an economic reconstruction can attribute to Adam and Eve’s choice behaviour in relation to the tree of knowledge. As I noted, this model is heuristically useful for the economic analysis of political order.

In small degrees, Slivniak (2003: 454) touches on an economic man-interpretation of the snake when he characterizes it as ‘shrewd’, although he nearly immediately exits from negotiated in order to overcome a natural distribution state and achieve mutual gains for all parties involved in constitutional contracting that concerns ‘good x’.
any economic interpretation of ‘shrewdness’ when he links it, in a psychological, sociological
tradition, to ‘intellect’ and ‘culture’ rather than to self-interested, rational choice. Dragga
(1992: 6-7), Childs (1960: 44-6) or West (1981: 87) get closer to an economic man-
interpretation of the snake when they invoke ‘cunning’, ‘prudence’, ‘subtlety’ or the idea of
the ‘alter-ego of man’ but, like Slivniak, they do not enter economic analysis, too. Parker
(2005: 451), as noted above, more directly touched upon an economic man-interpretation
in the paradise story, although without reference to the snake, when suggesting that
‘...alienation, fear and distrust [are] ... not the natural inclination of humans ... [they are],
nevertheless, the most suitable way to establish political order.’ I would specify this reading
with respect to a heuristic function economic man and the snake play in Old Testament
storytelling – for analysing and establishing institutional and constitutional economic order
(In detail, Wagner-Tsukamoto 2009). In this respect, I would take narrative criticism of a
‘dark side of human characters’ (Miscall 1998: 552) in the paradise story only as a first step
to inquire why such a dark side was invoked. As noted, economics here specifies a dark side
of human nature (but also a ‘dark’ side of godly nature, e.g. regarding God’s unwillingness to
share fruits from the divine trees) through the model of economic man. From here, I inquire
about motives and themes of how and why economic men were modelled in the paradise
story.

Importantly, with the ‘dark’ model of economic man, economics – ‘rationally’,
‘scientifically’ – tests out how otherwise ‘... potential conflict threatens to undo or upset
opportunities to realize mutual gains’ (Williamson 1996: 137). Mutual gains albeit not
necessarily equal gains for all involved in social exchange is the moral, normative aspiration
of constitutional economics. This goal of mutual gains is realized in the Old Testament ‘only’
after the fall of humans in paradise, namely once new covenants are negotiated with the biblical patriarchs in Genesis. In order to analyse and achieve this goal, a conflict model is needed (the natural distribution state) accompanied by a model of frail human nature. Economics here invokes the model of self-interested, rational choice (‘economic man’), even as ‘predator’ or ‘opportunist’, as Buchanan or Williamson conceptualised it. As noted, the paradise story and its ‘dark’ model of human nature, as captured by the snake metaphor, too, here serves as an important, heuristic reference point in the analytical construction of the text ‘Old Testament.’

Conclusions

A traditional, mainstream approach to the paradise story views God, paradise and the ban not to eat from the divine tree(s) as positive, and the snake and Adam & Eve’s transgression as negative. A Gnostic reading reverses this view head on, through a different type of theological exegesis, ‘inverting the value-system’ of this story (Alexander 1992: 102-103; see also Alexander 1992: 100-101). In generic, conceptual perspective the paper shares certain sympathy with such a Gnostic reading of the paradise story but fundamental differences remain. For one thing, I critiqued traditional readings of the paradise story through the conceptual approach of constitutional economics, thus proceeding in a comparatively non-metaphysical, rational, scientific manner. For another thing, I would not necessarily side with a Gnostic reversion of the characterizations of the aforementioned elements (God, paradise, the ban, the snake, Adam & Eve’s transgression) in positive-negative terms. Rather, I suggest that God’s role in paradise, the contribution-distribution conflicts that
defined paradise, and the economic, distributive nature of the ban not to eat from the
divine tree(s) were problematic and ambiguous but not merely ‘negative’. Furthermore, the
snake and Adam & Eve’s transgression were heuristically useful for Old Testament
storytelling but not just ‘positive’, as a Gnostic interpretation suggests. In this way, I
analysed the paradise story as a constitutional economic platform that conceptualises the
breakdown of social order.

This platform portrayed severe capital contribution-capital distribution conflicts and
one-sided allocations of property rights. They subsequently caused interaction disputes in
paradise when the Old Testament analyses social order for the first time. Cooperation
dramatically breaks down: God lost his exclusive access to the tree of knowledge and, once
Adam and Eve’s had committed the theft, God faced costly armament investments
regarding the tree of life in order to prevent further defection of Adam and Eve. Adam and
Eve managed to change a previous, one-sided distribution arrangement for the tree of
knowledge (‘good x’), but they suffered costs, too. They were expelled from paradise and
the comparatively easy life they had there. In this respect, ‘rational foolishness’ the way Sen
(1990) attributed it to economic man-behaviour may emerge as outcome of the paradise
interactions: mutual loss being the result, with both God and Adam & Eve overall losing
more than they gained. To recapitulate: God lost anyway, namely his exclusive access to the
tree of knowledge; he had paradise no longer cultivated by Adam and Eve; and he had to
guard the tree of life. Whether Adam and Eve overall lost depends how they valued their
 gain of ultimate knowledge (through their theft from the tree of knowledge) in relation to
the costs they faced, such as expulsion from paradise and other costs (e.g. pains in childbirth
for Eve; etc.). This suggestion of an overall calculus for gains and losses for Adam and Eve
interlinks ‘goods’ and ‘bads’ that resulted for them because of their transgression. An economic analysis thus does not just present ‘curses’ and ‘fulfilments’ side by side, as done by Slivniak (2003: 446). By economically interlinking gains and losses through a valuation calculus (the model of rational choice, homo economicus ‘assumption’), it becomes the more plausible why Adam and Eve faced considerable incentives to defect from the initial state in paradise. This interpretation implies rather conscious, rational behaviour, which differs from a reading of Adam and Eve’s theft as an ‘unconscious maturation process’, as Parker (1999: 28-29) proposed.

In general, one is puzzled why the Old Testament started storytelling about human behaviour with the dramatic example of failing cooperation in paradise. From a constitutional economic perspective, I suggested the purpose of this approach is to draw early attention to contribution-distribution conflicts as they set out and defined paradise. Such conflicts resemble in considerable degrees what Buchanan termed the natural distribution state – a state of incomplete, frail constitutional ordering, in which constitutional contracts have not been properly negotiated or they have been imposed on but not been negotiated with those affected by constitutional order. These latter issues of incomplete ordering and imposed order apply for the paradise story. Only after the paradise story, constitutional order begins to emerge in storytelling in the Old Testament that is freer, more equally negotiated and more mutually advantageous. In this respect, I would disassociate from postmodern interpretations of Gen. 2-3 as the ‘liberation of humans from God’ (Dragga 1992: 12-13, emphasis added) but rather stress that as a result of the paradise story a more enlightened contractual relationship between God (a ‘sovereign’) and humans could develop.
The thematic value of a constitutional economic platform becomes the more apparent when stories that follow the paradise story discuss ways to restore social order. In an economic reading, I would here apply the same concepts as introduced above. Thus, the paradise story may have to be read as heuristic reference point which ultimately enables humans in the progressing storytelling in the Old Testament (and here especially Genesis) to re-enter paradise, figuratively spoken, by negotiating new contracts with God. Instabilities and loopholes of constitutional order, as they defined the paradise interactions, were then better handled through new covenants, first in a comparatively theological manner, but later, especially for Jacob and Joseph, in purer constitutional economic form, the covenant then being negotiated through concepts of capital contributions and distributions rather than unconditional faith (In detail, Wagner-Tsukamoto 2009).

By modelling a dilemmatic, anarchic scenario at the outset, the Old Testament is rather modern in contrast to many tribal religions were harmony idealistically rules social life. The way the Old Testament subsequently analyses social interactions underlines that it sticks to this modern theme, of examining conflict and ways out of this predicament. Brams (1980: 78) more generally makes this point that the Old Testament is dominated by ‘… conflict piled upon conflict, with battles, war, and family feuds the norm rather than the exception.’ (See also Childs 1985: 74-7) The patriarchal covenants God closed with humans in the aftermath of their expulsion from paradise showed the way to new societal contracting that changed how God and humans were bound anew.

So, a rather modern and in degrees even enlightened approach to storytelling can be attributed to the Old Testament: first, with regard to the initial application of an anarchic conflict model, which resembled the natural distribution state of Buchanan in which ‘good x’
is contested; second, with regard to the application of a ‘negative’ model of human nature as predator (‘economic man’), which supported the economic analysis of the natural distribution state; and third, with regard to how subsequent storytelling, especially in Genesis, applied an economic conflict model and an economic model of human nature to discuss ultimately fairer, comparatively economic modes of societal contracting. The first story of the Old Testament that tells about social conflict already reflects these three dimensions. Here, I can offer the more general hypothesis that an analytical framework, as reconstructed through a constitutional economic reading of the paradise story, undergirds the social, constitutional and institutional structures by which modern, civilized societies are negotiated and organized. This hypothesis not only emerged from Buchanan’s or Williamson’s economic research on modern capitalist societies as such but also seems to reach back much further in time – when the stories of the Old Testament appeared.
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