

## The Birth of the Ought: Evolution, Moral Choice and the Hobbesian Myth

by Logan Atkinson\*

*In a review of John O'Manique's recent book, The Origins of Justice: The Evolution of Morality, Human Rights, and Law, Logan Atkinson challenges the relevance of a neo-Darwinist critique of the dominant liberal paradigm of Hobbes, Rawls and Nozick. Is there anything meaningful to be gained, he asks, by suggesting that the understanding of morality and law that emerges from liberal thought is misguided for its failure to account for the true primeval origins of humankind?*

Atkinson suggests two responses to this question. First, the interpretation of Hobbes and Rawls advanced by O'Manique suffers somewhat from a reductionist reading of their work, a reading that ignores a fairly widely accepted re-interpretation of Hobbes and holds Rawls to a standard that, in Rawls's own words, he never intended to meet. Second, leading communitarian thinkers such as Walzer, Taylor and Sandel really have captured the essence of the problem (the centrality of community) in their critique of liberalism. In turn, this means that the conclusions to be drawn from criticism such as O'Manique's are scarcely different from those advanced by communitarian political and moral philosophers over the past thirty years.

*Dans un compte rendu de l'ouvrage récent de John O'Manique, The Origins of Justice: The Evolution of Morality, Human Rights, and Law, Logan Atkinson conteste la pertinence de la critique néodarwinienne du paradigme libéral dominant de Hobbes, Rawls et Nozick. Il se demande si l'on a vraiment à gagner en suggérant que la compréhension de la moralité et du droit qui est le fruit de la pensée libérale est fautive parce qu'elle ne tient pas compte des origines primitives de l'humanité.*

Atkinson offre deux réponses à cette question. Premièrement, l'interprétation de Hobbes et de Rawls formulée par O'Manique souffre d'une lecture réductionniste de ces œuvres, une lecture qui omet de prendre en ligne de compte l'interprétation nouvelle largement répandue de Hobbes et qui ramène la pensée de Rawls à une norme, que Rawls lui-même n'a jamais cherché à atteindre. Deuxièmement, les penseurs communautaires réputés, comme Walzer, Taylor et Sandel, ont vraiment saisi l'essence du problème (le caractère central de la communauté) dans leur critique du libéralisme. Par conséquent, les conclusions qu'on peut tirer de critiques, comme celle de O'Manique, diffèrent nettement de celles que proposent les promoteurs de la politique communautarienne et de la philosophie morale des trente dernières années.

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IN JOHN O'MANIQUE'S RECENT BOOK, *The Origins of Justice: The Evolution of Morality, Human Rights, and Law*,<sup>1</sup> we find an engaging attempt to discover the very beginnings of altruism through the application of neo-Darwinian theory. This is the latest in the University of Pennsylvania Press series called "Pennsylvania Studies in Human Rights", and it confronts the very formidable presuppositions on which much of modern western moral and political philosophy, and therefore law, is based. For anyone concerned with the validity of well-established assumptions about individual autonomy, rational choice and the predominance of self-interest, in O'Manique's book you will find a remarkably interesting exploration of pre-history intended to raise the ultimate challenge to that set of assumptions. For communitarians who have either lost interest in the debate with liberals, or who have lost heart as the liberal bandwagon of individual claims and demands gains momentum in virtually every aspect of our ordinary social experience, in O'Manique's book you will find a cross-disciplinary approach that could eventually contribute to a wholesale re-examination of the philosophical structure of western law.

However, at the same time as O'Manique raises some very interesting possibilities for the communitarian critique of the dominance of liberal thought, he also raises hopes in the communitarian that may not be sustainable. His attack on the hegemonic liberal paradigm of Hobbes, Rawls and Nozick represents but a bare beginning to the work that must continue to be done in this respect, based as it undeniably is on a set of hypotheses that are tenuous at best, and purely speculative at worst. If, on the one hand, it is to be evidence (that is, good, solid, incontrovertible evidence) on which our re-consideration of the structure of western law is to be based, then it is likely that O'Manique's book will fall short for many curious readers. On the other hand, evidence in any conventional sense (whether empirically or logically attractive) may be absolutely unavailable and, perhaps even worse, may be valid only to the extent that it, too, succumbs to the very assumptions about human nature we are trying to supplant. Such are the dilemmas of the communitarian, confronting liberals in a world that liberals have defined.

Even given this caution, however, *The Origins of Justice* deserves considerable reflection. Is it possible, even likely, that the Hobbesian world on which much of our law is founded is as mythical as much of the pre-Enlightenment theology it was destined to replace? Have the supposed errors in the Hobbesian tradition identified by O'Manique become so ingrained in our moral and political consciousness that only a complete return to the very beginnings of human consciousness can allow us to see any real alternatives? Is the best justification for obligation as the counterbalance of entitlement to be found in the shadows of our most obscure past? Are we so deafened by the incessant modern chorus of claims and demands that we are less and less likely to listen to our essential voice, the distant natural language of altruism, morality and, ultimately, love? These questions (and many others of course) are stimulated by this book, and while *The Origins of*

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1. John O'Manique, *The Origins of Justice: The Evolution of Morality, Human Rights, and Law* (Philadelphia: University of Pennsylvania Press, 2003).

*Justice* offers little in the way of conventional proof for the incredulous liberal, it has the potential to offer much in the way of refreshed optimism for the weary communitarian.

In this review essay, I will begin with a summary of O'Manique's major points, and follow with some comment on his criticism of western liberal political and moral philosophical thought, primarily as expressed through Thomas Hobbes and John Rawls. This will include the identification of what I believe are some minor misinterpretations of the Hobbes/Rawls tradition. Then I will finish with some parallel arguments from later communitarian literature. The conclusion will be that O'Manique has made a solid contribution toward revitalization of the liberal/communitarian debate, and that his book holds the promise of a shift in that debate away from dubious assumptions about human autonomy and self-interest, and toward a more focused reflection on the centrality of human connectedness. If, as O'Manique suggests, the birth of "the ought" followed naturally on the emergence of human consciousness, giving it significance at least equivalent to selfishness in human nature and evolution, then, arguably at least, a similar significance must be allowed for the urge to altruism in the structure of our various institutions, including law. This, it appears, is often dismissed as unrealistic, and it is that dismissal that O'Manique finds so unsettling.

#### THE ORIGINS OF MORALITY

One of the major strengths of *The Origins of Justice* is its structure. O'Manique takes great pains to lead the reader through his various hypotheses and arguments carefully and patiently, both in the opening chapter and again at the end of the book. This makes for a very lucid discussion of some highly challenging material and arguments. His central claims are repeated frequently in the course of this short book, and this technique allows regular reinforcement of his objectives as he explores the possible origins of self-consciousness, morality, justice and law. While it is likely impossible to prove the validity of O'Manique's hypotheses, there being little in the way of conventional evidence to justify a claim that altruism emerged in early humans because it was conducive to continued development, for example, there is something in his argument that raises the possibility of an interpretation that is more likely than not. It is this likelihood, I want to suggest, that offers up the potential for a rejuvenated communitarian challenge to liberalism.

O'Manique's hypotheses are listed in the "Introduction" to *The Origins of Justice*, and can be summarized as follows:

- 1) There is a balance in human nature between selfishness (or egoism) and concern for others and their needs (altruism).
- 2) Reasoning is but one aspect of human development, and not the primary aspect. It is accompanied by intuition and understanding, among other characteristics, and all of these naturally occurring traits contribute to our development.
- 3) Because selfishness and altruism co-exist in human nature, as self-consciousness emerged so too did rights and obligations.
- 4) Human beings are naturally social beings, living together in communities, such that the development of morality and justice as extensions of

naturally occurring altruism was conducive to the health of both the individual and the group.

5) Political and moral theories premised on the idea of the human being as a strictly rational, self-interested being, interested exclusively (or even primarily) in making decisions that generate maximum returns for the decision-maker, are in error. They ignore the coincidence of egoism and altruism in the evolution of the species.

The key here is that, on the strength of these hypotheses, O'Manique is able to argue that altruism, and ultimately justice and therefore law, emerged as a natural product of our self-consciousness, and as a selected trait in our evolutionary urge toward development. The corollary is that law is not merely the regulatory instrument of the state, imposed on warring individuals to keep them from tearing each other to pieces in the pursuit of their selfish goals. Rather, law functions as an expression of our natural urge to help each other fully realize individual and collective potential in community which, consistent with the overall thrust of the argument, continues to contribute to the development of the species.

O'Manique positions his hypotheses in the literature of evolutionary biology and psychology. This is at once perfectly defensible, in that O'Manique's hypotheses depend for their success on the approach of the neo-Darwinists, and curiously apolitical, in that the edifice to be threatened through this work is inherently concerned with the (political) institutions of modern society. The first response might be that the denunciation of modern liberalism is unfair, in that the forum in which the debate takes place (the discourse of political philosophy) does not contemplate an argument structured on the natural sciences. But O'Manique answers this criticism by pointing out that he is simply joining the issue raised by Hobbes in his speculation about the state of nature,<sup>2</sup> and by Rawls in his construction of the "original position,"<sup>3</sup> both of which allegedly serve to anchor liberal individualism in human origins as they really might have been. And while O'Manique acknowledges that, in the case of Rawls, the original position was created merely as a conceptual tool, and not as a real attempt to understand what the primordial human might have thought, he nevertheless structures his entire challenge to Rawls on the untenability of the original position in scientific terms. Further, it is not at all certain that O'Manique's interpretation of Hobbes's philosophical arguments is beyond challenge, yet alternative possibilities are never mentioned. These are curious difficulties in *The Origins of Justice*, and will be explored a bit more deeply below.

From this early summary of his hypotheses and argument, O'Manique moves to a more detailed consideration of the evolutionary bases for the emergence of morality as a natural development of our self-consciousness. I anticipate that O'Manique would admit that much of what he writes in this respect is speculation.

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2. O'Manique refers to Thomas Hobbes, *Leviathan* (Harmondsworth: Penguin Books, 1968). I have relied on the 1987 edition (with an Introduction by Kenneth Minogue), first published in London by J.M Dent & Sons Ltd. as an Everyman Classic in 1973. Further references will be to this later edition.

3. The "original position" is the tool used by Rawls in *A Theory of Justice* (Cambridge, Harvard University Press, 1971).

After all, how are we to know with certainty that, as self-consciousness emerged among our primordial ancestors, so too did a recognition that some characteristics of the species were more conducive to continued development than others? It was recognized very early in the evolutionary process, so the argument goes, that moral behaviour (that is, behaviour that acknowledges a distinction between right and wrong) was of advantage in the continued development of the species, such that good behaviour tended to be preferred over bad behaviour. This thinking has appeal, of course, and it is likely to be true. It seems coincident with our intuition about such things, to the extent that we can reflect on them from an informed perspective. But the very language O'Manique uses to describe this process is tentative and, therefore, laced with uncertainty—probably, likely, seemingly, apparently. There is simply no way to verify the accuracy of his conclusions about our early development except through the appeal of his arguments to our intuition. Of course, the value of such verification, in most arenas at least, is doubtful.

The development of a particularly moral consciousness among humans is facilitated by the emergence of culture. For O'Manique, culture is our “transcendent environment,” the conditions of our living that we create, rather than those conditions that are imposed on us by nature. Here we find art, science, technology and, certainly, normative systems including morality. Consequently, as culture emerges and becomes more and more sophisticated, morality develops into a recognizable system of norms against which we measure our various decisions and actions. It is but a short step from this position to the point where rights emerge. But O'Manique's understanding of rights may differ significantly from the conventional, in that he insists that rights accrue in connection with aspects of our lives required for continued development, and development, as it is defined from time to time in evolving cultural settings, is necessarily a good. When rights are acknowledged in the same breath as obligation, we get to the point where rights are more than the expression of mere selfish demands. Rather, they are an expression of the community's support for individual and collective development as a matter of evolutionary necessity. This, then, is the connection between evolutionary theory, morality and rights.

Law appears as the order within which the just exercise of rights is enjoyed. Because rights (as conceptualized by O'Manique) are essential for the evolutionary development of individuals-in-community, and therefore for communities themselves, a framework must be found within which such development is encouraged, perhaps enhanced. This is the fundamental role of law, and this configuration results in a more positive interpretation of law (as facilitator of the development of individuals-in-community) than is customary in our modern political philosophical tradition. The negative role for law (as the mechanism by which individuals are convinced to follow a set of rules ostensibly designed for the protection of individual separateness, failing which sanctions will be applied) must give ground.

This, then, is the thrust of *The Origins of Justice*, on the surface a very hopeful message for communitarians who, it appears, have been flattened by the weight of heavy liberal assumptions about who we really are. But, before running off to declare the issue joined and the argument refreshed, we must consider two

further questions. First, because O'Manique sets his book up in direct confrontation with the Hobbes/Rawls tradition, we must be confident that his interpretation of that tradition is relatively free of doubt. This will be the subject of the next section of this review. Secondly, if the argument from communitarianism is indeed to be refreshed by *The Origins of Justice*, we must determine that O'Manique is saying something that not only is new, but is also relevant. This will be the subject of the concluding section.

#### THE HOBBS/RAWLS CRITIQUE

O'Manique is explicit in using John Rawls and Robert Nozick as “foils,” and in confronting the liberal canon beginning with Thomas Hobbes, to the extent that *The Origins of Justice* really is, first and foremost, an attempt to answer the liberal philosophical focus on individual autonomy and self-interest with an appealing alternative. As it turns out, Nozick is ignored for the most part by O'Manique, references to his work being limited in number and, then, sketchy in analysis. The real targets, it appears, are Rawls and Hobbes, both of whom are introduced at many places in *The Origins of Justice*, and both of whom are rejected as too heavily focused on either human rationality or human brutishness. It bears repeating that O'Manique does not reject egoism as an element in human nature, and a significant element at that. Rather, he insists that altruism, which he argues is ignored by both Rawls and Hobbes, is at least as significant to the human condition as egoism, and is more significant than reason in the emergence of morality and justice. The essential question for the appeal of O'Manique's position, then, is the fairness of his reading of Rawls and Hobbes.

*A Theory of Justice* was published by John Rawls in 1971, and it eventually became the liberal standard-bearer in the liberal/communitarian debate that intensified over the 1970s and early 1980s. Rawls devised a theory of distributive justice based on a theoretical construct called the “original position,” an ideal state of ignorance in which a person could reason about the requirements of justice without being influenced by self-interest or other distractions. Rawls designed the original position and the companion “veil of ignorance” so as to allow a rational person unfettered freedom to make decisions about the content of justice, and in doing so removed much of what O'Manique criticizes in the dominant interpretation of human nature. In other words, the rational person in the original position is ignorant of her own circumstances, ignorant of her relationship to those to be affected by her decisions, ignorant of the demands of her own egoism. The original position functions, then, as an attempt to get beyond egoism as the motivating force in the way in which we make decisions about justice in our modern societies.<sup>4</sup>

There is little question that Rawls contemplates the human being as essentially rational and selfish, interested primarily in the maximization of return on whatever decisions might be made as day-to-day life unfolds. At least, it appears that Rawls would be wary of our selfish tendencies, recognizing that the possibil-

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4. Rawls defines the “original position,” and the conditions under which it might be experienced, *ibid.*, at SS11–22. The “veil of ignorance” is described in detail at *ibid.*, at 12.

ity of designing anything like a fair system of justice is much reduced unless the individual's selfish proclivities are controlled. It is the suspicion of this egoistic inclination that actually motivates the construction of the original position, an attempt by Rawls to eliminate the influence and consequences of egoism so as to more perfectly identify the content of "justice as fairness."

But O'Manique takes issue with this approach, primarily, it seems, because Rawls gives too much credence to the role of reason in human affairs. Because reason is only one of a number of human faculties that together allow us to work through our moral dilemmas, the focus on unfettered reason in the original position distorts the real human experience. Therefore, use of the original position and the veil of ignorance tell us little about the way in which our morality might emerge, and nothing significant about the actual content of that morality. The original position, focused as it is on the isolation of a purely rational deliberation and eliminating as it does all other influences in our decision-making, does not come close to the "true" (or "likely") original position described by O'Manique in his exploration of our evolution. For that reason, it cannot assist us in identifying anything meaningful at all.

It must be remembered, however, that the original position was never intended to approximate the actual state of the first recognizable human beings. It is a philosophical construct, the product of a very deliberate and ingeniously planned thought experiment. Rawls points out that "[t]his original position is not ... thought of as an actual historical state of affairs, much less as a primitive condition of culture. It is understood as a purely hypothetical situation characterized so as to lead to a certain conception of justice."<sup>5</sup> O'Manique's response is that a theory grounded in thought, rather than in empirical observation about our true nature, flatters the skill of the philosopher, but says nothing about the human condition. As a result, we have philosophers asking different questions. In the case of Rawls: "What would a moral system contain if generated by perfectly rational, objective individuals?" In the case of O'Manique: "What are the conditions of human nature that led to the emergence of morality and, ultimately, particular moral systems?" O'Manique's criticism of Rawls is valid, I would argue, only if their questions are the same, or at least substantially alike. It appears, on reflection, that they are not.

When we move to Hobbes, O'Manique's criticism is fairly conventional. His principal complaint is that Hobbes's famous conclusion about human life as "nasty, brutish and short"<sup>6</sup> is too pessimistic of human nature, not nearly sensitive enough to the complexity of human character, and ignorant of the co-existence of

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5. *Ibid.* at 12. Footnote omitted. When Rawls uses the phrase "a certain conception of justice", I assume he means "an assured conception of justice", rather than "a particular conception of justice." It would be contrary to the conditions of the veil of ignorance and the original position to design the procedure so as to generate a pre-determined set of principles. Rather, the procedure is designed so as to generate a set of principles (or, an understanding of justice) that succeeds merely because the procedure has been followed.
  6. *Leviathan*, *supra* note 1 at 65, at which point Hobbes says of the time when human beings lived without a means of security other than their own strength: "no Arts; no Letters; no Society; and which is worst of all, continual feare, and danger of violent death; And the life of man, solitary, poore, nasty, brutish, and short."

altruism and egoism in the development of human consciousness and society. This is the stimulus for Hobbes's contractarian political philosophy, the idea that government emerged as an agreement among warring individuals, imposing on this state of brutality some order and security so as to protect individuals from each other. Absent such a contrivance, so the interpretation goes, human beings would end up ruled by the most physically aggressive individuals, with little if any moral deliberation and nothing save a continuous thirst for the satisfaction of selfish impulses. O'Manique's argument from neo-Darwinism is intended to trump Hobbes with evidence of our earliest inclinations toward altruistic behaviour, moral sense, and love.

This response to Hobbes, however, despite its general appeal, is not without its detractors. In fact, there is another strain of Hobbesian criticism that denies that he was a psychological egoist at all, insisting that his philosophy has been misinterpreted and his description of our basic instincts misconstrued. It may be that O'Manique ignored this line of thought because he focused too completely on investigations of altruism in psychological and other scientific literature, and not in the literature of political philosophy. And, to compound matters, in the bibliography to *The Origins of Justice* we find reference only to *Leviathan*, and not to other significant works of Hobbes which, when read in conjunction with *Leviathan*, give a much more complete picture of his philosophy.

The most significant re-interpretation of Hobbes comes from Bernard Gert, and the most succinct explanation is found in Gert's "Introduction" to Hobbes's *De Homine* and *De Cive*.<sup>7</sup> This re-interpretation is now quite widely accepted by Hobbes scholars.<sup>8</sup> Essentially, Gert argues that, while Hobbes maintains that all humans are selfish beings, he does not maintain that they are merely selfish. In other words, there is nothing in Hobbes's philosophy to preclude a human being from acting out of concern for a friend, even acting where it involves some personal sacrifice. This means, ultimately, that while egoism is part of every human's nature, it does not exist in isolation from generosity and empathy. Hobbes, it must be remembered, is interested in identifying those aspects of the human condition that led to the emergence of the state as an institution of governance, and in his explanation there was no room for benevolence. But this does not mean that benevolence does not exist. While O'Manique might argue the value of benevolence (or altruism) in supporting the development of normative systems designed to foster human development (and perhaps the institutions of government are included here), it is a far too narrow reading of Hobbes to suggest that he denies that altruism exists at all in human nature. In fact, it appears that Hobbes and O'Manique agree that egoism and altruism co-exist, and if that is true, then much of O'Manique's criticism of Hobbes melts away.

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7. Bernard Gert, "Introduction," in Bernard Gert, ed., *Man and Citizen: Thomas Hobbes's De Homine*, trans. by Charles T. Wood, T.S.K. Scott-Craig & Bernard Gert, *De Cive*, trans. by Thomas Hobbes, also known as *Philosophical Rudiments Concerning Government and Society* (Gloucester, MA: Anchor Books, 1972). Further references will be to *Man and Citizen*.

8. See for example, Kenneth Minogue's comments in this respect at page (x) of his "Introduction" to *Leviathan*, *supra* note 1.



One short example will have to suffice. In *De Cive*, Hobbes discussed the problem of punishment, that is, the agreement to which we all apparently adhere to the effect that we will not interfere in the deserved infliction of punishment by the state on another. Yet he goes on to say, "But these kinds of contracts men observe well enough, for the most part, till either themselves or their friends are to suffer."<sup>9</sup> This can only mean that, not only are humans selfish in their choices, but they are considerate of the situations of others. According to Kenneth Minogue, in his "Introduction" to *Leviathan*:

What Hobbes means, then, is that the cause of any man's actions must always be some desire of his own, but it need not be what a moralist would call a 'selfish' desire. Indeed, Hobbes includes amongst the desires possible to men, 'benevolence' which he defines as 'desire of good to another'. It is a mistake, then, to think that Hobbes attributed the desperate character of the human situation to universal selfishness.<sup>10</sup>

And so the Hobbesian myth, as identified by O'Manique, may not be so very different from the picture of human nature put forward by O'Manique himself.

In the end, therefore, *The Origins of Justice* suffers just a bit from a reductionist interpretation of both Rawls and Hobbes. In the case of the former, O'Manique appears to be demanding something of *A Theory of Justice* that it was likely never intended to deliver, that is, an answer to his particular question about the evolutionary origins of morality. In the case of the latter, O'Manique is basing his challenge on an interpretation that is at least open to some serious scholarly debate, and in such circumstances perhaps a brief canvass of that debate would have been welcome.

#### RELEVANCE OF THE ORIGINS OF JUSTICE

O'Manique's exploration of the very origins of morality, rights and law, based as it is on theory from the natural sciences, provides a cross-disciplinary approach that, of course, is to be encouraged and supported. The study of many disciplines tells each of us how very similar the treatment of the central problems of philosophy really is, whether those problems are posed inside history, or political science, or psychology, or the natural sciences. I would argue that it is this central set of (mostly metaphysical) concerns (that is, questions about the nature of self, the idea of time, the problem of religion, and of course several others) that in some ultimate sense drives quality work in every discipline in the academy. And so any study that transcends what we might refer to as disciplinary confines so as to ask fundamental questions without epistemological constraint is to be applauded. I place *The Origins of Justice* in this category.

At the same time, however, it is obvious that we must ask whether the conclusions reached by the scholar are relevant to the issues he or she has identified as the purpose of the inquiry. We must be sure that "there is some there there".<sup>11</sup>

9. *Man and Citizen*, *supra* note 7 at 177. This is an example given by Gert in his "Introduction" to *Man and Citizen* at 8-9.

10. *Supra* note 1 at (x).

11. I am borrowing the title of Stewart Macaulay's essay, "Law and the Behavioral Sciences: Is There Any There There?" (1984) 6:2 *Law & Policy* 149.

O'Manique is quite clear in *The Origins of Justice*—in reliance on evidence about our earliest beginnings, he is attempting to show that Hobbes and Rawls really did get it wrong, that they are in error in claiming pre-eminence for selfishness and reason in their theorizing about the nature of morality, justice and law. The alternative is a theory focused on community, one more essentially in tune with our nature. This approach works, of course, so long as O'Manique has engaged Hobbes and Rawls on the appropriate field, and, as I suggested in the previous section of this review, that is not at all clear.

But further than this, why is it relevant that we demonstrate that our current order of law and institutions of government, based as they undoubtedly are on questionable assumptions about human autonomy and rational, self-interested choice, are inconsistent with our evolutionary beginnings? Is it to be suggested that, once we recognize this fundamental disconnection between the structure of modern western society and our original natural state, we will magically re-configure our world? Is there something about the evidence from the natural sciences about our “true” nature that is more significant to the body of criticism of liberalism than the arguments that communitarians have been using throughout the debate?

I want to suggest that the criticism of the Hobbes/Rawls tradition found in *The Origins of Justice* is not substantively different from that found in the tradition of Michael Walzer, Charles Taylor and Michael Sandel, among many others. Further, it is difficult to determine to what extent communitarian criticism of liberalism is made more persuasive by the argument from evolution. O'Manique's position is different, to the extent that it is motivated through a review of material from the natural sciences. But it is not different in its substantive criticisms, and it is unlikely that these criticisms are enhanced because they are inspired by neo-Darwinism. In addition, it is most surprising that a work of this nature could be produced without a single reference to the major works of the communitarian tradition in political philosophy. It is my argument that, despite the attractive and engaging cross-disciplinary orientation of *The Origins of Justice*, an orientation that I sincerely believe deserves the greatest respect and encouragement, the force (and perhaps even the relevance) of O'Manique's arguments is lost without an attempt to tie his position to the exemplary work extant in communitarian philosophy. If the strength of cross-disciplinary inquiry is to be found in the way in which it knits together a variety of perspectives from participating disciplines, then O'Manique has made the mistake of focusing too narrowly on the antagonist, and missing his allies completely.

Michael Walzer is perhaps the leading communitarian political philosopher, and it is arguable that his *Spheres of Justice: A Defense of Pluralism and Equality*<sup>12</sup> was to communitarian thinking in the 1980s what Rawls's *A Theory of Justice* was to liberalism at the same time. Walzer made an attempt to position morality in the shared understandings of particular communities, suggesting that normativity emerges through culture and collective experience, through living together in groups over long periods of time. The theory of distributive justice that emerges

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12. Michael Walzer, *Spheres of Justice: A Defense of Pluralism and Equality* (New York: Basic Books, Inc., 1983).

from Walzer's thinking confronts the rational, atomistic approach of John Rawls head on. Very early in *Spheres of Justice*, Walzer dismisses the original position and the veil of ignorance in the following terms:

Even if they [the individuals in the original position] are committed to impartiality, the question most likely to arise in the minds of the members of a political community is not, What would rational individuals choose under universalizing conditions of such-and-such sort? But rather, What would individuals like us choose, who are situated as we are, who share a culture and are determined to go on sharing it? And this is a question that is readily transformed into, What choices have we already made in the course of our common life? What understandings do we (really) share?<sup>13</sup>

Like O'Manique, Walzer argues that the idea of "the good" emerges through ordinary human development, and then is particularized as human communities evolve in unique ways. His complaint is with the potential of Rawlsian liberalism to trumpet its conclusions about the nature of justice as if those conclusions ought to be universally acknowledged, arrived at, as they supposedly are, through the exercise of disinterested reason. Walzer makes the fundamental counterpoint that an empirical investigation of the diversity of human experience reveals a wide variety of perspectives on justice, all of which are community based.

O'Manique and Walzer share the ultimate goal of showing that human morality emerges first from our shared experience, rather than from the thoughts of the isolated rational deliberator. Their arguments constitute a challenge, therefore, to the legitimation of the institutional structure of our society, to the extent that legitimation depends on the primacy of individual right and entitlement. Charles Taylor echoes this criticism, urging that our moral agency develops out of our social connections, and not autonomously.

The claim is that living in society is a necessary condition of the development of rationality, in some sense of this property, or of becoming a moral agent in the full sense of the term, or of becoming a fully responsible, autonomous being. ... What [these theories] have in common is the view that outside society, or in some variants outside certain kinds of society, our distinctively human capacities could not develop.<sup>14</sup>

This position is remarkably similar to O'Manique's, especially in the way in which it focuses on the emergence of our moral sense as developmental, rather than strictly rational, and in the way it focuses on the centrality of community in fostering that development.

Another leading communitarian thinker, Michael Sandel, reinforces the argument that Rawls's thought experiment tends to ignore the idea that the development of the individual human being depends in no small measure on the position of that individual in community. In fact, it is likely impossible, or perhaps pointless, to consider the development of human individuals in any other way, given the fact of our social lives. This is an empirical observation that cannot be

13. *Ibid.* at 5.

14. Charles Taylor, "Atomism" in Alkis Kontos, ed., *Powers, Possessions and Freedom: Essays in Honour of C.B. Macpherson* (Toronto: University of Toronto Press, 1979) 39 at 42-43.

challenged, and any idea of justice that emerges without allowing for this reality cannot be considered complete. Rawls's account of justice "rules out the possibility that common purposes and ends could inspire more or less expansive self-understandings and so define a community in the constitutive sense, a community describing the subject and not just the objects of shared aspirations."<sup>15</sup> In other words, the essence of community transcends the merely cultural to contribute to the possibility of individual self-identification. We are intricately defined (and self-defined) by our position in community, probably unrecognizable otherwise.

What does all of this mean for *The Origins of Justice*? To repeat what was said at the beginning of this review, O'Manique's work does indeed have the potential to offer communitarian critics of liberalism a shot in the arm. For political philosophers, it is fair to say, a newly identified ally from the natural sciences is to be welcomed, likely unreservedly. But the value of the contribution to be made by *The Origins of Justice* must be assessed very carefully in an attempt to tease out of this work something more startling than at first appears. O'Manique's criticism of Hobbes and Rawls is certainly earnest, but perhaps would benefit by a consideration of a wider body of literature. And the substantive arguments themselves can only be improved by positioning them in the context of available communitarian literature. For while cross-disciplinary inquiry holds the promise of fresh new ideas, it must be undertaken with a sensitivity to the wide variety of voices already engaged in the debate.

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15. Michael J. Sandel, *Liberalism and the Limits of Justice* (Cambridge, UK: Cambridge University Press, 1982) at 62. As an interesting twist to the criticism of Rawlsian liberalism, Sandel does not suggest that the original position and the veil of ignorance preclude the possibility of communitarian values as the result. See his explanation of this concession at 60–62.