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NATURAL LAW WITHOUT A LAWGIVER

Larry Arnhart: *Darwinian Conservatism*. (Charlottesville, VA: Imprint Academic, 2005. Pp. 158. \$17.90, paper.)

Political conservatism's relationship with Darwinian evolution has been mixed. Some conservatives having their intellectual roots in theologically shaped natural law traditions see Darwinian evolution, as offered by its most enthusiastic champions (e.g., R. Dawkins, D. Dennett, E. O. Wilson), as a theory that entails the obsolescence of essences, natures, and irreducible moral properties. Thus, these conservatives proffer arguments that either reject this entailment or rebut some aspect of contemporary Darwinian evolution. Other conservatives see in Darwinism an accounting of human development that supports a conservative understanding of the social order. These conservatives see Darwinian evolution as a philosophical ally that offers scientific support for what many of them think is obviously true. For this reason, and because of Darwinism's status as a widely accepted and scientifically fruitful theory, they do not see any need to rebut any aspect of Darwinism, except, perhaps, the atheistic conclusions claimed for it by its more ambitious evangelists like Dawkins, Dennett, and Wilson.

In *Darwinian Conservatism*, Larry Arnhart (Professor of Political Science, Northern Illinois University) presents a strong case for the latter sort of conservative. It is a work marked by clarity of purpose, prose, and argument that one rarely finds in academic writing. One may disagree with Arnhart, but one cannot help but be impressed by the author's command of the relevant literature as well as his ambitious project to ground contemporary conservatism firmly in a well-respected scientific theory that has lately been the target of many of his fellow conservatives while being unfailingly defended by many on the extreme left (e.g., B. Leiter).

By *Darwinian Conservatism*, Arnhart means a political philosophy that is grounded in a human nature that gives rise to a spontaneous order that results in customs, habits, and social institutions and arrangements that best lead to human flourishing. Relying on the work of Friederich Hayek, Arnhart offers a defense of natural law that Arnhart claims does not depend on the natural teleology that many of its supporters, both ancient and contemporary, believe is a necessary condition for the natural law. For example, Thomas Aquinas, like Aristotle and other metaphysical realists, argued that human beings have a certain end or purpose (or good) that is intrinsic to their nature. Inhibiting the achievement of that end, whether by accident or by intent, is wrong. But this judgment is only possible because we have knowledge of certain first principles and moral precepts that we call the “natural law.” But “law” implies a lawgiver, and designed natures imply a designer. Therefore, the natural law and our human nature have their source in Mind.

But according to the Darwinian understanding, Mind is not a necessary condition to account for the diversity of natures of the living beings that arise out of the vast eons during which natural selection cooperates with random genetic mutations and perhaps other evolutionary forces. Consequently, living beings do not possess the stable realist natures that Aquinas and Aristotle believed exist. Rather, for the Darwinian, the natures we ascribe to living beings are merely names (or “nominal essences”) that are shorthand ways to label beings that have roughly similar characteristics. So, we may say that resulting from human nature are those practices, habits, and institutions of the tool-using, language-employing, upright bipeds that have DNA similar to our own. But this human nature tells us nothing normative. It merely describes what is statistically ordinary and generally species-preserving. Arnhart thinks that is all that we need to ground natural law.

Although Arnhart’s case is compelling and will no doubt be attractive to many conservatives who have made their peace with the Darwinian paradigm, I believe there are at least two problems with Arnhart’s case that have to be resolved before other conservatives (and many liberals) will sign the truce.

(1) It seems to me that Arnhart is correct that certain sentiments (e.g., love of family, children) are consistent with a conservative understanding of community. But these sentiments themselves seem inadequate to ground moral action or to account for certain wrongs. For example, Tony Soprano’s love of kin nurtures sentiments that lead to clear injustices, e.g., rubbing out enemies, about which Tony and family do not seem particularly troubled. In that case, the wrongness of the act is located not in the sentiments of its perpetrators (or even its victims, if the victims, for some reason, were convinced that they deserved to be rubbed out) but in a judgment informed by moral norms that stand above, and are employed by free agents, to assess acts and actors apart from their sentiments.

(2) As I have already noted, Arnhart’s account of morality is, at best, descriptive, for it does not provide the reason why I ought to follow it. Granted, it may very well provide us with an accurate description of what

behaviors in general were instrumental in helping the human species survive. For that reason, it may very well explain why each of us may have certain moral feelings on occasion. But it cannot say why citizen X ought to perform (or not perform) act Y in circumstance Z. For example, it may be that the traditional family, as Arnhart argues, best protects and preserves the human species if it is widely practiced. But what do we say to the eighty-year-old Hugh Hefner, who would rather shack up with five twenty-something buxom blondes with which he engages in carnal delights with the assistance of state-of-the-art pharmaceuticals? Mr. Hefner is no doubt grateful that his ancestors engaged in practices (e.g., the traditional family) that made his existence and lifestyle possible. But why should he emulate only those practices that many people today (e.g., Arnhart and I) say are “good”? After all, some of our ancestors were Hefnerian in their sensibilities, taking on a concubine or two and running off with one of them every once and a while. Perhaps this practice was just as necessary for Mr. Hefner’s existence and the preservation of the species as were the “good” behaviors practiced by history’s squares. Because we have always had in our population Hugh Hefners of one sort or another, it is not clear to me how Arnhart can distinguish between good and bad practices if both sorts may have played a part in the survival of the human race, unless there is a morality by which we assess the morality of evolution. But this would seem to lead us back to the old natural law, the one that has its source in Mind and that is not subject to the unstable flux of Darwinian evolution.

Not only does Arnhart defend certain conservative principles by appealing to Darwinian evolution—e.g., family, property, limited government—he also addresses in separate chapters the topics of religion, intelligent design, emergence, Social Darwinism, and biotechnology. Many conservative opponents of Darwinian evolution will find some of his answers unsatisfactory, especially his discussion of religion. For example, in one place he writes: “God intervenes in history to communicate his redemptive message to human beings, but he does not need to intervene to form irreducibly complex mechanisms that could not be formed by natural means” (90). I do not know how Arnhart knows this. Maybe God does need to intervene directly. Maybe nature left to its own devices, without interference, could not produce irreducibly complex mechanisms, just as a forest left untouched could not produce the paperback under review. But, of course, Arnhart may be right. Regardless, he needs more than stipulation to show why anyone else should think he is right about the limits of God’s activity.

Darwinian Conservatism is an important contribution to the ongoing conversation between scholars in politics, philosophy, religion, and the hard sciences. Although one can criticize Arnhart on some points, as I have, his project to offer a Darwinian account of conservative political philosophy should be taken seriously. Conservative critics of Darwin ignore Arnhart at their own peril.

–Francis J. Beckwith