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MATT RIDLEY (1997) *The Origins of Virtue*.  
New York: Viking. 295 pp., \$24.95.

Matt Ridley is an accomplished science writer who, in this book, explores the scientific literature on how genes govern human behavior. At first glance, then, this is not an appropriate book to be reviewed in *Constitutional Political Economy*. But the book's subtitle—"Human Instincts and the Evolution of Cooperation"—suggests why this first glance is misleading. This book, and the scientific research on which it rests, should be of paramount interest to constitutional-economics scholars.

One of Ridley's important goals is to show the reader that research in biology, zoology, and related fields increasingly reveals that genes govern human behavior no less than they govern our height, weight, and shoe size. And because all genes—including those for behavior—are crafted by natural selection, human behavioral predispositions can properly be said to be the result of generations of natural selection.<sup>1</sup>

Saying that human behavioral predispositions are crafted by natural selection operating at the genetic level is *not* to say that genes determine behavior in any detailed way. People are emphatically not pre-programmed robots, destined at birth to perform every act that they perform during long lifetimes. No serious scientist denies the obvious truth that humans have genuine scope for choosing their actions. However, what many serious scientists now understand is that genes *bound* human behavior. As Ridley explains, "[i]n instincts, in a species like the human one, are not immutable genetic programs; they are predispositions to learn" [4].

Genes are like retaining walls that define the spaces within which we each act. Some of these retaining walls are so close together that the space within which we are free to choose our particular actions is quite narrow. For example, if an insect suddenly flies to within a fraction of an inch of your eyes, you blink. It is extremely difficult, if not impossible, to avoid blinking under such a circumstance. In other cases, the genetic walls that bound our behavior are further apart, leaving room for genuine choice of specific behaviors. For example, two people with the same intensity of sex drive might behave very differently from each other. One person succumbs frequently to sexual temptation and cheats on his wife, while the other person successfully resists these very real urges and remains monogamous for a lifetime. Such differences of observed choices and actions in no way undermines the validity of the claim that human behavior is governed by our (naturally selected) genes.

Among the most significant of those human genes that modern research is uncovering are genes that promote human cooperation. Political scientist Robert Axelrod (1984) famously demonstrated that persons who follow a "tit-for-tat" strategy when dealing with others are more likely than less-cooperative persons to survive over the long run. (A follower of the tit-for-tat strategy refuses to cheat others as long as others refuse to cheat him.) In short, cooperation pays over the long run. And importantly, this long run is typically short enough for non-cooperators personally to suffer net losses from their failure to cooperate. It was thus inevitable that natural selection would "choose" for survival those behavioral genes that tell their possessors "Do what you promised as long as the other guy does what he promised." Cooperation is in our nature: "But the lesson for human beings is that our frequent use of reciprocity in society may be an inevitable part of our nature: an instinct" [65].

Hobbes, therefore, was wrong. People are not naturally uncooperative and predatory

toward each other. Nature—our genes—do much to keep us civil. Happily, then, striking that frightful Faustian bargain with Leviathan is unnecessary.

More generally, it follows from Ridley's argument that constitutional agreement may not be as critical for political peace and harmony as constitutional economists often assume such agreement to be. Many of the basic ("constitutional") rules for social interaction that constitutional economists often suggest must be chosen and agreed upon by citizens are, in fact, promoted naturally by our genes. While our genes don't choose particular political arrangements—e.g., whether to have a unicameral or bicameral legislature—they do 'choose' to institute private property and the basic rules of tort-law and contract-law protection. It is unnecessary collectively to *choose* such rules, for these emerge naturally from the routine interactions of people left reasonably free of coerced central control. Moreover, any attempt by government to displace such naturally emergent rules is destined to fail to produce peaceful and productive social cooperation. Such failure will ensue even in the unlikely event that citizens unanimously agree to replace these natural rules with a different, consciously selected set of rules. As Ridley puts matters, "[s]ociety works not because we have consciously invented it, but because it is an ancient product of our evolved predispositions. It is literally in our nature" [5].

The upshot of this insight is profound. It is that 'natural law' and 'natural rights'—so derided by modern political philosophers—exist. Here I cannot resist a bit of autobiography. Although for all of my adult life I have been solidly sympathetic to arguments for strictly limited government, I always rejected any appeal to natural law or to natural rights. To my ears, these concepts sounded too mystical, too unrooted in empirical reality. For every 'natural right' asserted by classical liberals (e.g., the right of adults to contract freely), a statist can assert a contradictory natural right (e.g., the right of everyone to housing). While philosophical defenders of natural rights offered various attempts to save natural-rights theorizing from the abyss of empirical vacuousness, I found no such attempts persuasive.

Now, though, I find myself four-square in the natural-rights (or natural-law) camp. But I was brought there not by philosophers or theologians, but by biologists and zoologists. There *is* a human nature, shared by everyone—Americans and Angolans, Mexicans and Malaysians, Swedes and Sudanese, *everyone everywhere*. This human nature, if not overly stifled by political institutions, gives rise spontaneously to what Hayek calls social "rules of just conduct." These rules emerge from human nature and encourage us to live cooperatively and productively rather than belligerently and fruitlessly. (For empirical evidence of such rules, see Benson 1990 and Ellickson 1991.) Such rules are those that protect rights in private property and that promote respect for voluntary decisions.

It is important to pause here to grasp a key feature of Ridley's argument. His argument does not rely upon our genetically produced abilities rationally to trace into the future the consequences of our current actions. (Nor, incidentally, does Ridley's argument rest upon any spurious 'group selection' thesis.) Ridley's point is more fundamental and powerful. His argument is that substantial net payoffs to cooperation have crafted genes that make each of us *instinctive* cooperators. We cooperate with others because we *want* to cooperate, not because we calculate that cooperation will redound to each of our individual long-run benefits.

If social cooperation "is literally in our nature," why does Hobbes's dismal evaluation of

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humankind seem so plausible? History, after all, is replete with countless reports of atrocities committed against humans by other humans. But history is even more replete—vastly more replete, in fact—with instances of successful cooperation even among strangers. When you reflect on all the available opportunities for people each day to defect from cooperative endeavors, the ubiquity and durability of our cooperative instincts becomes more evident. While the existence of criminals and cheats is undeniable, they remain newsworthy because they are not typical. Most people do not kill, steal, cheat, or otherwise prey on strangers even when such actions would likely yield net benefits to the predators.

I conjecture that most human atrocities are committed in the narcotic fog of collective action. People are evolved to cooperate in societies in which individuals are free to form, act on, and spread word of their opinions of each other. Consequently, people 'selfishly' protect their reputations because their reputations are critical to their getting by in life. But do anything to separate individuals from their individual reputations (such as identifying people according to race or class) or to render worthless a reputation for honesty and decency (as such a reputation was largely worthless within the USSR to Stalin), and you pull the plug on all those social stimuli that activate our cooperative instincts. Hobbesian rapaciousness and brutality are all that remain.

The state itself too often pulls the plug on these beneficent social stimuli. By encouraging identification with a collective, by rewarding coercion and arbitrarily penalizing cooperation, by relieving individuals of responsibility and authority, Leviathan itself turns cooperative people into Hobbesian brutes. Ridley summarizes the point nicely: "the human mind contains numerous instincts for building social cooperation and seeking a reputation for niceness. We are not so nasty that we need to be tamed by intrusive government, nor so nice that too much government does not bring out the worst in us, both as its employees and as its clients" [262].

Read this book carefully. Not only is it exceptionally well written, it contains crucial lessons for all social scientists.

### Notes

1. Another accessible work discussing the genetic governance of human behavior is Wright (1994). Dennett (1995) and Dawkins (1996) each in his own way does a superb job of explaining how natural selection creates staggeringly complex orders.

### References

- Axelrod, Robert. (1984) *The Evolution of Cooperation*. New York: Basic Books.
- Benson, Bruce L. (1990) *The Enterprise of Law*. San Francisco: Pacific Research Institute.
- Dawkins, Richard. (1996) *Climbing Mount Improbable*. New York: W. W. Norton & Co.
- Dennett, Daniel C. (1995) *Darwin's Dangerous Idea*. New York: Simon & Schuster.
- Ellickson, Robert C. (1991) *Order Without Law*. Cambridge: Harvard University Press.
- Wright, Robert. (1994) *The Moral Animal*. New York: Pantheon.

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