Peter Corning, *The Fair Society: The Science of Human Nature and the Pursuit of Social Justice* (Chicago: University of Chicago Press, 2011).

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Peter Corning's new book *The Fair Society* has an ambitious aim, namely to defend a new set of social arrangements by appealing to facts about human nature. The book is clear, very well-written, and packed with interesting science about human behaviour and human evolutionary history. Corning's conclusion is that we must forge a new social contract. 'Our primary social (and moral) obligation', he says, 'is to provide for all the basic needs of our citizens' (p. *xiii*).

Chapters 1-3 survey the fact of unfairness in modern capitalist society (although the examples are mostly about the United States), the concept of fairness, and the commitment to a principle of fairness that shows up in almost any human society across our evolutionary history. Chapter 4 contains a fantastic survey of the literatures that can tell us something about human nature, including animal behaviour, anthropology, behavioural genetics, the brain sciences, evolutionary psychology, and experimental and behavioural economics (a bit like a miniature version of Llaland & Brown's *Sense and Nonsense*).

Chapter 5 attempts to fill the gap left by Amartya Sen when he talks about basic needs but deliberately refrains from filling in the content of what they are (this becomes important later on, when Corning argues that a fair society requires the protection of basic needs). He draws upon his previous work (1983; 2005) and suggests a list of basic needs that any society should provide for. This includes thermoregulation (the ability to maintain body temperature), waste elimination, nutrition, water, mobility, sleep, respiration, physical safety, physical health, mental health, communications, social relationships, reproduction, and nurturance of offspring. Some of these seem too obvious to be worth mentioning (does it really need to be taken into account that societies protect the ability of persons to breathe?), while others seem hugely controversial (if reproduction is a basic need, can we really talk seriously about population control? If child nurturance is a basic need, what should we say about couples who make a rational decision to remain childless?)

In Chapter 6 Corning sets up socialism, after Rousseau, and capitalism, after Adam Smith and John Locke, as the dominant competing ideologies of our time, and explains where and why they both fall short of producing social justice. Corning argues that we must find a third way, and we can do this by finding a balance between three important aspects of fairness: equality (people having their basic

needs provided for), equity (rewards in proportion to effort and ability), and reciprocity (contribution in return for rewards). Socialism fails because it does not value equity highly enough, and capitalism fails because it does not value equality highly enough. The modern welfare state tries to split the difference between the two, but fails, Corning says. Thus in Chapter 7 he defends a new social contract, based on the science of human nature surveyed in the book, and on protecting the basic needs suggested in the earlier chapter. Both capitalism and socialism get it wrong in various ways, which the new social contract, striking a balance between the three important aspects of fairness, would not.

There are three things in particular that I want to comment on here. The first involves a problem that will be familiar to philosophers, namely the naturalistic fallacy. Corning makes a normative claim, about the kind of society we ought to create, but the justification for that claim is descriptive, namely facts about human (and close genetic relatives') evolutionary history and current values. The second involves the apparent logical structure of the argument, which is conditional in form, and whose central premise we do not have compelling reasons to accept. The third is a difficulty in the scope of Corning's claims.

The naturalistic fallacy

Facts about human behaviour are certainly relevant to moral and political theory insofar as we want our normative recommendations to be action- and attitude- guiding. Facts have a *negative* role to play, in that they place constraints on the sometimes ideal or utopian recommendations moral and political theorists make. But Corning's use of facts is not for this more modest end, but rather the much more ambitious end of *justifying* a certain set of social arrangements. The facts play a *positive* role in establishing the theory. It is important to stress the difference between these two projects. Most people accept that (some) facts place constraints upon normative claims. 'Ought' implies 'can', so by contraposition 'not-can' implies 'not-ought'. But most people deny that (any) facts *entail* normative claims. One cannot derive an 'ought' from an 'is'. There is a simple and a complex reading of the is/ought principle. The complex reading states that no strictly normative conclusions follow from strictly descriptive premises. That reading is controversial, because a wide range of meta-ethical commitments actually permit the derivation of ought-claims from is-facts (e.g. naturalism, subjectivism, expressivism, nihilism; basically any view on which a duplicate of the physical world would have the exact same moral features as the physical world does). On the simple reading, the fact that a state of affairs *is* the case is irrelevant to whether that state of affairs *ought to be* the case. The complex reading is open to debate, but the simple reading is beyond reproach. Thus a violation of the simple reading is a major problem, a violation of

the complex reading is a problem only to the extent that one's meta-ethical commitments support that reading.

Corning's argument in the book seems to violate both readings. Let's take the simple reading first. His argument is that the scientific evidence supports a particular view of human nature, namely that we are prosocial and other-regarding, and *given* that evidence, a certain set of social arrangements is justified. But the fact that we *do* behave in a certain way has no direct bearing on whether we *ought to* behave that way. We could interpret his claim more obliquely, for example as saying that because we are naturally prosocial, societies should be organized in a way that is prosocial. But on that reading there's a missing premise, something like 'we should arrange societies in whatever way is most harmonious with human nature, because then things will be easier / go better' (and notice that this only makes sense if human nature is *fixed* rather than malleable). That is an *instrumental* premise, though. If we had different ends, for example if we wanted things to be discordant and to go badly, we might prefer to set up social arrangements *in opposition* to human nature. (But perhaps that premise is supposed to be implicit, because any reasonable agents will prefer that things go better than that they go worse?).

Another problem is that the recommendation 'society ought to be arranged in accord with human nature', even as a substantive normative recommendation, depends entirely on what we take human nature to be. Corning surveys some of the different views of human nature that crop up across the relevant literatures, which are broadly, the organismic (focusing on how humans are embedded in, and shaped by, various superorganisms), the individualistic (focusing on individuals' needs, desires, and goals), and socialistic (focusing on individuals' relationships with others and the state). He comments that there is truth in them all: 'each one stresses a different side of an enormously complicated animal in its many different social and political habitats' (p. 62). Humans act in many and varied ways – what justifies drawing a line around some of these behaviours and saying they're part of human nature, and drawing a line around others and saying they go against human nature? Corning surveys evidence suggesting that humans are prosocial and other-regarding, with roughly 70% of us having a strong preference for fairness in social arrangements (p. 190, 192; although it's not clear where this figure comes from, or if it's just a rough placeholder for 'those of us who are committed to fairness, however many that may be', and there's a similarly unreferenced claim on p.5: 'most of us share a desire to live in a society where fairness is the operative norm'). But he also surveys evidence suggesting that humans are *anti-social* and largely *self-regarding*. The whole point of Chapters 1 and 3 was to demonstrate the history of unfairness, and the unfairness that is endemic in the status quo. Examples range from colonialism and conquest, organized warfare, genocide and ethnic cleansing, to unequal

opportunities in modern capitalist societies along racial or gender lines.

What the range of examples show is that people behave differently in different environments. We can be enculturated into different behaviours, and we can respond differently even from day to day, depending on how we perceive the social norms of a situation. Which characteristics humans exhibit depend on the environments they find themselves in, which means 'human nature' is up for grabs. But instead of taking this as evidence of the malleability of what we call 'human nature', as I would be inclined to do, Corning chooses to believe that our 'real' natures are the former – prosocial and altruistic – and that human nature can be 'distorted' by aberrant environmental conditions, such as have obtained at various points in history, and as are encouraged by modern capitalist societies and in general libertarian ideologies. This is a *choice*, not an argument. The evidence simply shows that humans behave differently under different conditions. But that can only give us a hypothetical: *if* we want them to behave prosocially, *then* we ought to implement the conditions that result in prosocial behaviour. Wanting people to behave prosocially is admirable enough, but it is a strong normative recommendation. It does not *follow from* anything that has been said about what human nature is like (and personally, I would shy away from talk about 'human nature' in the first place, because it smacks too much of essentialism and not enough of the malleability which lends itself to optimism about political change).

Corning actually *denies* that his recommendation is normative, at one point: 'This is not, as the economics profession would have it, a normative issue. It is an empirical issue. We are born with an array of biological needs and built-in "oughts" that motivate and organize our behaviour. One cannot fully explain, much less predict, human behaviour without reference to these biologically-based preferences' (p. 94). The latter part is true, but that's because both explanation and prediction are empirical matters. But when we talk about reshaping society in the pursuit of justice or fairness, we're dealing in *normative* matters. And these do not 'come from' empirical claims (although note that now we're talking about the more complex reading of the principle 'no ought from is', whose truth depends on our meta-ethical commitments).

Corning does confront this challenge in his book:

> There is the problem of the "naturalistic fallacy" (the false invocation of natural laws), dating back to Hume's famous essay. A critic might ask, Why ought we to care about our survival and reproduction, much less that of anyone else in our society? More to the point, why should anyone – especially the "haves" - accept a fairness ethic as a standard for guiding the policies and practices of a society? Even if we have been "programmed" by our evolutionary heritage to be concerned about fairness, how can anyone claim this creates a moral imperative? (p. 162).

Unfortunately, he seems to not take the challenge seriously at all, saying that this is the 'wrong question', and that it amounts to 'a sophist sand trap' (p. 162). For Corning, the real issue is not whether we can justify some categorical imperative for morality. The real issue is just the facts: we care about satisfying our basic needs, we need a vast cooperative network to satisfy them, and we have a shared sense of fairness (p. 162). But he admits that the 'we' there is not all of us. Even if it was, that would establish a normative claim only with the background assumption that moral claims come out of democratic authority, or overlapping consensus, or agreement, rather than there being a metaphysically independent truth of the matter. The social contract he proposes gives us a set of 'prudential normative principles' to follow, and those principles provide existential imperatives insofar as 'serious maladaptive consequences ... will result from ignoring them' (p. 162). As a matter of moral and political theory, the issue is *what we can justify*. As a matter of democratic politics, the issue is much more *what we happen to care about*. But if pursuing his social contract is just a political matter, then Corning's conclusions lose a lot of force. If people happened to not care about the collective survival enterprise, then there would be no reason to protect basic needs. That is why most theorists of social justice work upwards from basic moral commitments, rather than trying to derive a set of normative recommendations out of a set of facts.

The logical structure of the argument

In Chapter 5, Corning makes a rather striking assertion:

> [H]umankind is subject to a conditional "if-then" imperative: If we want to survive, we must actively pursue a set of specific survival-related preferences (our basic needs), or else there will be predictable (harmful) consequences (p. 94).

Here Corning acknowledges that the structure of the normative claim is conditional: *if* we want to survive, *then* we must protect our basic needs. But the recommendation of the book is not conditional. Corning argues that we must pursue a new social contract which takes a middle ground between capitalism and socialism by integrating all three of the important aspects of fairness. Thus he takes for granted *that* we want to survive. But there's a looming question about who the 'we' is supposed to be here.

There are several things to say here. One is just that a hypothetical imperative does not necessarily give a moral conclusion. If we want to survive, then we must protect basic needs. We want to survive. So we must protect basic needs. I have already asked where the premise 'we want to survive' comes from. Here I just want to point out that the conclusion 'we must protect basic needs' is not necessarily a moral conclusion. Consider: 'if I want to quench my thirst, then I should drink

some water'. I want to quench my thirst. I should drink some water. But that is a prudential imperative, it comes from the fact that I want to quench my thirst. No one thinks that I ought *morally* to drink some water. But talk about 'the pursuit of social justice' is usually a moral matter, a matter of how societies should be organized so that they fulfil some conception of the good. The recommendations theories of social justice make usually come out of some basic moral commitments that theory has. What is unusual about Corning's recommendations is that they do not come out of *moral commitments* but rather they come out of *empirical facts*. It cannot be a moral commitment that 'we ought to survive'. Why think that humanity in general is a good thing? Certainly the effect we have had on the planet and each other across human history does not support that conclusion. I'm not saying it supports the opposite conclusion, but just that the claim that the persistence of humanity into the future is a good thing is substantial, and needs to be defended. And it looks like the recommendation does in any case come out of empirical facts, because that was the role of Chapters 4 (about the relevant empirical literatures) and 5 (about fulfilling basic needs, and what those basic needs are).

Corning's argument is in trouble, in virtue of its committing the naturalistic fallacy (on both the simple and the complex reading, assuming some form of traditional moral realism), and in virtue of its structure. The argument can be rescued, I think, although in a way that loses some of its rhetorical force. He might instead make the argument a pragmatic one. Instead of using the empirical literature about human nature and human evolutionary history as a *ground* or *justification* for an argument for a particular kind of social justice, Corning could use the literature to argue for what (the majority of) people's *actual values are* and therefore what they are likely to agree to (the discussion on pp. 156-7, about the replication of the results of the Frohlich & Oppenheimer experiments, supports this), what we can for that reason implement most easily in policy, and what will 'go better' in virtue of being in harmony with people's natures. That isn't to say anything, however, about what social justice *ideally* requires. It is rather to say, given the particular constraints that we face, we ought to aim for a social contract involving equality, equity and merit, because that is what has the best chance of succeeding. That is a non-ideal argument taking current feasibility constraints seriously. (This might in fact be what Corning had in mind, but in some places he talks as though his biosocial contract is in some metaphysical sense what justice requires).

The scope of the normative claim

Corning proposes the replacement of the capitalist and socialist social contracts with a new 'biosocial' contract, grounded in facts about human nature:

> Our fundamental collective purpose is to provide for the basic survival and reproductive needs of our people – past, present and future. In effect, we are all parties to a biologically based contract (p. 10-11).

Note that he speaks about '*our* purpose', and the contract that 'we' are all parties to. And slightly earlier in the same chapter, he comments that survival and reproduction are 'our' main problems. This suggests a universalist reading, where the scope is all of humankind. But later in the book:

> So the challenge for every society with a commitment to sustainability for the long run is to mediate among these conflicting interests and, as Garret Hardin urged, find the modus vivendi that achieves social justice (p. 149).

At this point the scope seems to be all members of a given *society*. So which is it? Is the scope of the claim about what social justice requires universal, or local? Let's consider the universal reading first. Certainly there is no collective agent comprising all extant individuals that could be reasonably said to *desire* its own survival. There are tricky issues here to do with the metaphysics of groups, but even if we understand 'desire' as intersubstitutable with some functional equivalent, like for example 'is one of the stated aims of the group, embedded in its constitution or manifesto', it doesn't seem plausible that the human species as a whole desires its own survival. Furthermore, there simply are not sufficient resources to support the human population if it continues to expand at the current rate. Some forms of population control will be required, which entails that it cannot be all of humanity as it stands for whom survival and reproduction is desired. It might be desirable that *the human species as a whole* survives for some indefinite period, but that doesn't say anything at all about the desirability of any given member of the species surviving – it can't even justify a *majority* of the members of the species surviving. So that 'whole species' reading is implausible. But as we will see, Corning *needs* the 'whole species' reading, otherwise the complaints about some people being worse-off, or 'falling through the cracks', or being treated comparatively unfairly, can't be handled.

Maybe reading 'our' as some subgroup of the human species a plausible alternative, so for example, the Australian nation. Then Australia's fundamental collective purpose is to provide for the basic survival and reproductive needs of the Australian people. Or the Australian Capital Territory's fundamental purpose is to provide for the basic survival and reproductive needs of those in the Australian Capital Territory. There is some reason to think this is the correct reading of Corning's view, which is the fact that one of the three components of fairness in the biosocial contract is reciprocity, meaning, contribution in return for rewards. We ought to provide for the basic needs of those in our society, but we can expect them to work, or to contribute to valuable public goods, in return for that provision. If so,

there is no obligation to provide for basic needs where there is no contribution made; and conversely there is no need for any individual to contribute when there is no provision for their basic needs.

If this is the view, then it is a version of particularism, or associationism. To put it very simply, we ought to give to those who give back. This interpretation comes with two sets of problems. The first is what to say about non-contributors (non-reciprocators), like children, the severely disabled, the very old, future generations. We could partially get around this problem by making contribution not temporally indexed, so that children *do* contribute because they *will* contribute (later), as with future generations; and the very old do contribute because they *did* contribute. This still leaves a problem about the severely disabled or otherwise permanently incapacitated. The second problem is what to say about those who are stateless, or whose state is corrupt or in conflict or otherwise not fully-functioning. Are these people simply outside the scope of the proposal? If there's nothing for those people to contribute *to*, do they not deserve their basic needs being protected? And if they do, *why*, and whose obligation is it to provide for them, given the absence of their own state?

Corning acknowledges this problem, but doesn't really address it. He says 'there remains a hard core of people in our society who, for one reason or other, will always be unable to contribute: they are victims, not wastrels' (p. 163). He agrees that 'there is the politically explosive issue of where to draw the line' in providing support, but insists that because the collective survival enterprise is 'based on mutualism and reciprocity, not altruism ... lines *will* have to be drawn' (p. 165, my emphasis). He seems to dismiss the worry by saying that we're already good about helping those who can't contribute: 'the fact is that we already willingly support our dependent children, the elderly, the disabled, and aging veterans, among others' (p. 163). But that's not an answer. The fact that we happen to support the worst off isn't relevant to *whether* we ought to, and *why* we ought to. And the fact that we *do* isn't even true of all societies.

Concluding remarks

Corning's aim is admirable; in a way, it's what every moral philosopher wishes they could have. If we could build our normative recommendations out of firm facts about what people and societies are like, we'd have recommendations that were as uncontroversial as the facts themselves. Unfortunately, that sort of foundation is simply out of philosophical reach. There is no valid inference from how things are to how things ought to be. Thus Corning must simply put forward a normative claim – that *this* is how society ought to be – and defend it as best he can. If we interpret his recommendations in that light, they are morally appealing, but

much of the way they are defended is beside the point.