

acades of latter-day linguistics, hermeneutics, structuralism, poststructuralism, *et al.*

Still, foregoing a fundamental critique, I would like to point out a couple of superficial difficulties, which, though obvious, nonetheless discredit the way of Nietzsche at least to enable us to get on with our business of further developing and defending a natural-law ethic. First, is it not apparent that this so-called way of Nietzsche, at least as I have expounded it, begs the precise question that my own rendering of the way of Aristotle is designed to raise? For to judge from the quotations from Eagleton cited above, the latter-day advocate of the way of Nietzsche assumes that values can never be objective. And yet it is the point of this chapter, and indeed of the book as a whole, that values are objective; and not only values but the entire gamut of moral distinctions as well—good and bad, right and wrong, “ought” and “ought not,” and so forth. Besides, was I not at pains to try to answer both the argument from queerness and the argument from relativity by upholding the objectivity of value? How, then, can the latter-day advocates of the way of Nietzsche proclaim the subjectivity of value as if it were patent and obvious and needing neither further evidence nor argument in its support? And yet have I not raised any number of considerations to show that such a thing is by no means patent and obvious and that argument and evidence are what their supposed truism of the subjectivity of value most definitely needs? But if this does not beg the question that any present-day defender of the way of Aristotle is bound to raise, then what is it?

And now finally I will make a few brief suggestions by way of a dialectical refutation of the way of Nietzsche, at least as it is represented by many of its current advocates. Thus Eagleton, for example, is fond of heaping scorn upon that supposed truism of so much modern philosophy that there is an absolute separation between fact and value. “Ridiculous,” says Eagleton in effect. “For do they not realize—those who would thus keep facts and values separate—that while there may indeed be values without facts, there could never be facts without values?” And why not? The reason is that there could not be any facts—at least not any statements of fact—but that they must be informed and based upon “the largely concealed structure of values” that constitute our judgments of fact in the first place and that therefore give to the facts such character and structure as they come to have. “Interests are *constitutive* of our knowledge,” Eagleton says, “not merely prejudices

which imperil it. The claim that knowledge should be ‘value-free’ is itself a value judgment.”³⁰

Very well, then, but does Eagleton mean to advance it as a fact that “our interests are constitutive of our knowledge”? Surely, he does. But then must not this supposed factual statement upon which his entire position rests not be regarded simply as Eagleton’s own value judgment, as well as the value judgment of other like-minded advocates of the way of Nietzsche? What, then, can these thinkers say to someone who comes along and says that, given his values, he does not see it as being a fact that our interests are constitutive of our knowledge? On what grounds can Eagleton possibly say that his purported factual judgment, being the product of his own particular set of values, must be reckoned as true, whereas its contradictory opposite, reflecting the very different set of values of an opponent, can only be false?

Surely, a philosophical position that finds itself debarred in principle from showing that its own basic principles are any more true than are the very contradictory opposites of those same principles is a poor philosophy indeed. And yet such would seem to be the predicament that any philosopher who would go the way of Nietzsche must necessarily face. Why is not, then, the way of Nietzsche little more than the primrose way to everlasting bonfire?

Can the Way of Aristotle Provide an Exit from the Dilemma of Teleology versus Deontology?

Recall that in the preceding chapter we found that, in its character as a desire-ethic, any ethical teleology must appear ultimately to run aground on a single question: Why, merely because human beings like to do something, or find it to their advantage to do it, should they suppose that it is therefore morally right for them to do it? This question promptly turns out to be no less unanswerable than it is ineluctable and unavoidable—at least for an ethical teleology. For what must be the bottom line for any desire-ethic if not that the basic reason, and ultimately the only reason, that a human being has for doing anything is that he wants to do it, or that he thinks it to his advantage to do it, whether it is to his individual advantage or to the advantage of mankind generally? Clearly, though, if our merely desiring to do some-

30. *Ibid.*, 14.

thing or liking to do it seems not to offer the slightest moral or ethical warrant for our doing it, the inevitable consequence must be that no desire-ethic, and therefore no ethical teleology, can claim to be an ethics at all.

Nor would the situation appear to be any less desperate were we to renounce ethical teleology as a bad job ethically and were to embrace a duty-ethic or ethical deontology instead. For although it cannot be denied that a so-called deontology, or duty-ethic, has all of the earmarks of being an ethics, it unhappily turns out not to have a leg to stand on, either as an ethics or as anything else. For what is the mark of any duty-ethic or "ought"-ethic if not that "oughts" are absolutely ultimate in such an ethics: the reason that I ought (that is, morally ought) to do thus and so can never be because I like doing it, or because it is to my advantage to do it—for that would return us again to the quicksands of a desire-ethic. No, the only reason that I ought to do thus and so is because I ought; and that ends the matter.

Unhappily, if that ends the matter, our purported "ought"-ethics turns out to be without basis or foundation. For the question "why?" is always proper and legitimate with respect to any assertion of moral obligation. Nor is there any other way that such a "why"-question can ever be answered with respect to an "ought" save by considering what our human desires and wishes and supposed advantages turn out to be. And with that, what was purportedly an "ought"-ethic collapses into the arms of a desire-ethic, and again, the fatal dialectic breaks out anew. The logic of any ethical teleology seems to force us to embrace a deontology, and the logic of any deontology takes us right back to the arms of a teleology. And so our dilemma would seem to be one from which there is no exit.

But what now may be said regarding the fortunes of a so-called natural-law ethic: is there any way that it can escape the dilemma of either teleology or deontology? Apparently not. For certainly, there is no denying that a natural-law ethic—or, as it might better be termed, a natural-end ethic—is a teleological ethic. True, it may not be a teleology in the vein of either a Utilitarianism or a Rational Egoism. But a teleology it surely is. For if the capstone of such an ethics is but the notion of a human being's natural end or *telos*, and if the end or *telos* of a person is that toward which that person is oriented, as being that which he desires and toward which his aims and purposes are ultimately directed, then there is no question but that it is a "teleology" that one must

contend with—and not just etymologically but in deed as well.

Nor is that all, for I have been at considerable pains throughout this chapter to show that any and all moral obligations—obligations that can be shown to be either a matter of natural law or derived from natural law—are such that if it is asked why and on what grounds and in what sense they may be held to be duties that are binding upon us, the answer can only be that they are duties for us insofar as they contribute to the attainment of that which is the natural end or goal or *telos* of each and every one of us as human beings. Immediately with this answer, though, that fatal dialectic seems to be triggered all over again.

Appearances to the contrary notwithstanding, I think that a natural-law ethic can successfully obviate the dilemma simply by escaping between the horns. The way it is enabled to do this is by showing itself to be neither a teleology in the usual sense nor a deontology. And yet how is it possible for a natural-law or natural-end ethic to purge itself of the obvious taint, particularly of its being a teleology, when by etymology, as well as in its content, it seems to proclaim itself to be nothing if not teleological?

To the end of such a purgation of a natural-law ethic, I propose to pursue a roundabout and circuitous course by first considering the somewhat eccentric but very illuminating case of two quite eminent contemporary natural-law philosophers, Germain Grisez and John Finnis. For what is interesting about the Grisez-Finnis position—at least so far as I understand it, which I must admit is not very far, the position being most elusive—is that Grisez and Finnis would appear to want to escape from the dilemma of teleology-deontology by seeking to convert natural-law ethics into a seemingly almost unequivocal deontology, and yet at the same time without having to sacrifice the teleological character of their ethics. Moreover, so far as I can determine, the resource that they would fall back on to effect this union of seeming incompatibles is to deny that such human ends or *tele* as play a role in a properly teleological ethics are *natural* ends at all. Or at least, they would say that the ethical or moral warrant which we have for pursuing such ends cannot be provided by mere facts of nature. It can never be because as human beings we naturally tend toward, or pursue, such ends that it may be adjudged right for us to pursue them. In other words, it is as though these ends had a deontological character in their own right: they are ends that we ought to pursue, just because we ought. But how can this be?

I cannot but think that this Grisez-Finnis attempt to obviate the dilemma of teleology versus deontology is ultimately unsuccessful. It is almost as though they were trying to salvage a natural-law ethic by denying that moral laws are really natural laws. But successful or not, I think this Grisez-Finnis position is singularly illuminating, and its failure can be most instructive. First, let us see just why and how Grisez-Finnis would appear to go about denying that our supposedly natural human ends and goals are really natural ends.

For example, with respect to an issue that has been of concern in the moral theology of the Roman Catholic church, particularly in recent years—the issue of contraception—Grisez has argued that it does no good for Roman Catholic moralists and theologians to argue that the practice of contraception is contrary to nature and for that reason immoral. Or likewise, as regards the issue of homosexuality, it is of no consequence morally, Grisez insists, to argue that such practices are either natural or unnatural. No, Grisez would reply, there is “no naturally given structure of the sexual act as a human act.” “The given structure of sexual action is a matter of fact, and since it is natural, it *can not* be violated. The morality of sexual acts is a matter of *ought*, and the very meaning of ‘ought’ implies that the subject matter is in our power to such an extent that what will in fact occur is contingent on our freedom.” And so, Grisez pointedly concludes, it is therefore at once futile and ridiculous for anyone to “waste time trying to deduce morality from anatomy, physiology, or psychology.”³¹

This is not to say, of course, that in presumably giving up the notion that our human ends are in any way natural ends, he therefore would also give up the notion that as human beings we do have ends, and properly human ends as well. In fact, both Grisez and Finnis have repeatedly and on various occasions put forward very helpful lists of what our several human goods may be taken to be. For example, here is one of Grisez’s lists: “Human life, including health and safety, all the arts and skills that can be cultivated simply for the sake of their very exercise, beauty and other objects of aesthetic experience; theoretical truth in its several varieties; friendship, both as relationship in immediate liaison and organization in larger communities; the use of intelligence to direct action; the effective freedom to do what one chooses

31. Germain Grisez, “A New Formulation of Natural Law against Contraception,” *Thomist*, XXX (1966), 343–44.

with the whole force of an integrated personality; and a proper relationship to the fundamental principles of reality—i.e. to God.”³²

How could one respond to all of the items on this list with anything other than hearty agreement? Indeed, within the framework of my own account of human well-being and of the good life for man—which I have characterized as being simply the wise and intelligent life or a life involving the cultivation and exercise of the intellectual and moral virtues—I can and would be only too ready to acknowledge that such goods as Grisez here enumerates are indeed necessary and indispensable for a full and perfect life for a human being.

Grisez at the same time appears studiously to avoid considering this assemblage of ends or *tele* of human life as constituting man’s natural end or *telos*. But why not? In answer, consider the following quotation:

Throughout the history of ethical theory, the proposal has been made repeatedly that the ultimate standard of morality is simply given by nature. Man has in fact certain obvious needs, or wants, and he cannot help but seek to satisfy them. He will proceed in a more or less efficient way, depending upon how well he uses the mind with which nature has provided him as an instrument for obtaining this satisfaction. In naturalistic theories of this sort the ends [and here Grisez would seem to imply not just the ends of individual acts but the ends of the organisms or individual substances taken as wholes] are established by nature, and the imperatives become hypothetical.³³

Unquestionably, this passage seems to imply that Grisez wants firmly and decisively to repudiate any and all “naturalistic” theories of ethics, as he calls them. Why? The answer is suggested in the quotation. For no sooner does one set up a list of human goods as being both things which as human beings we naturally desire and tend toward, as well as things that serve as the ultimate standards and reference points for what we morally ought to strive for and to be, than at once our moral imperatives would cease to be categorical and become mere counsels of prudence: they are binding upon us only insofar as they specify the means whereby we can attain what we desire or tend toward naturally. And what, pray, is particularly moral about “just doin’ what comes naturally”?

But having gotten this far in his moral philosophy, where would

32. *Ibid.*, 348.

33. *Ibid.*, 346.

Grisez go from here? He wants to recognize that there are certain ends or goods that are proper for us as human beings. Yet apparently, he does not want to call them natural ends; or at least he does not want to recognize them as natural ends, in the sense of their being ends that we are naturally ordered to, or disposed toward, simply in virtue of our nature as human beings. And this prompts me to say that though the hands are those of Germain Grisez, the voice is that of Immanuel Kant. Was it not Kant, after all, who decisively turned his back on Aristotle and on the entire tradition of natural-law ethics, in his unequivocal repudiation of nature as being able to provide a foundation for morals or ethics? Accordingly, just as Kant in his ethical deontology sternly refused to make even the slightest concessions to natural teleology, may we say that Grisez would appear to be following Kant's suit?

Surely, though, this conclusion seems scarcely credible. For do not Grisez and Finnis realize that supping with Kant could be like supping with the devil—one needs a very long spoon. And with all due respect to Kant, could not one say that Kant's own spoon would seem never to have been quite long enough? In any case, let us put Grisez-Finnis on hold, for the moment, and see what some of the toils, to say nothing of the trials and tribulations, were that Kant found himself caught up in when he attempted to work out an ethical deontology without appeal or apology to teleology. Wishing most emphatically to distance himself from teleology or desire-ethic, Kant saw himself as being committed to saying that all such things as human ends, purposes, or desires, being but so many facts or phenomena of nature, turn out to be irrelevant in providing human beings with any guidelines or direction in morals or ethics.

But this idea immediately turns out to be exceedingly embarrassing for Kant. For as I have often reiterated, Kant would be the last to want to say that "oughts" and duties are entirely arbitrary and lack either rhyme or reason in their support. And yet how else can any "why"-question with respect to an "ought" be answered, unless one appeals to some purpose or end that one wishes to attain thereby, and in terms of which the "ought" becomes intelligible as being that which one needs to do if one is to attain such and such an end or achieve such and such a purpose?

But surely, Kant would not want to allow himself to be caught in any such trap as that of saying that heeding the injunction of moral "oughts" or duties is utterly without ground or reason. For in many

ways, the hallmark of Kant's ethical position—and the hallmark with which Kant himself was determined that it be stamped—is that his position is preeminently rational, even almost rationalistic. Thus is it not precisely "practical reason," as Kant called it, that calls the tune in morals and ethics—which is only to say that never under any circumstances can anything be thought of as being required of us morally if its practical reasonableness is not clearly recognizable? And yet how may a course of action be recognized as being practically reasonable unless it is seen to subserve in some way either an individual's end or interest or advantage or mankind's end or interest or advantage?

No sooner, though, is the practical reasonableness of any action said thus to depend entirely upon its subserving some human end or purpose than immediately the distinctively categorical character of the Kantian moral imperatives would appear to be irreparably undermined: Kant's much vaunted categorical imperatives would then turn out to be no more than hypothetical imperatives. And with that, Kantian ethics would surely be undone. Or put another way, from pretending to be a deontological ethics of the strictest observance, Kantian ethics would collapse into a teleological ethics.

Indeed, it is this point of seeming inconsistency in Kant that Robert Paul Wolff, in his brilliant commentary on the *Groundwork*, points out most tellingly: there would seem to be no way in which moral imperatives could be both categorical and at the same time practically reasonable. Thus consider how Wolff exposes the radical inconsistency of Kantian ethics. For Wolff insists that Kant saw very clearly that the only way practical reason could give us any instruction in the matter of what we ought or ought not to do would be in terms of the ends and objectives that we seek to attain by our actions: "Since according to Kant there is an objective good which all rational agents *qua* rational take as their end (so-called obligatory ends), it follows that the principle of practical reason corresponding to such an imperative is a valid principle for all rational agents whatever."³⁴

Then Wolff goes on to aver that Kant seems to take back with his left hand what he has just given with his right: "The principal source of the confusion (in Kant) is his habit of describing imperatives as commanding actions without reference to ends. In paragraph 16 [Kant]

34. Robert Paul Wolff, *The Autonomy of Reason: A Commentary on Kant's Groundwork of the Metaphysic of Morals* (New York, 1978), 130.

writes: 'A categorical imperative would be one which represented an action as objectively necessary in itself apart from its relation to a further end.' . . . Finally, in paragraph 22, Kant repeats, 'there is an imperative which, without being based on, and conditioned by, any further purpose to be attained by a certain line of conduct, enjoins this conduct immediately.'³⁵ On this, Wolff's comment is at once sharp and decisive:

Now this way of talking just doesn't make any sense. Rational action is purposive action. It is behavior which is caused by the agent's conception of the state of affairs to be brought about by that behavior. . . . So a categorical imperative cannot "directly command a certain conduct without making its condition some purpose to be reached by it," for that is the same as saying that it commands an agent to engage in purposive action which has no purpose. Instead, the logic of Kant's theory of imperatives ought to lead him to define a categorical imperative as an imperative which commands us to pursue a purpose which we *must* (insofar as we are rational) adopt.³⁶

How else can one respond if not with an enthusiastic "Bravo!" For if Wolff's interpretation of Kant is correct, not only would it appear that Kantian moral philosophy turns out to be completely undone by this sudden turn in the argument, but it also looks as if Kant's own spoon were indeed not long enough for supping with the devil! And if Kant's spoon was not long enough, what about the Grisez-Finnis spoon? First, though, it needs to be admitted that there would seem to be nothing amiss with the Grisez-Finnis spoon, at least not at first blush. For is it not that interesting turn in Wolff's argument—the turn that exhibits for the first time the very fruitful notion of so-called "obligatory ends"—that one could say was the idea the Grisez-Finnis line of argument was all along trying to point up? Indeed, Grisez and Finnis would apparently want to establish that there are "categorical" ends—that is, ends that are binding upon us as human agents, but which for that reason are not to be regarded as being natural ends or ends that we seek because we are naturally inclined to seek them. And what is this if not what Wolff was getting at when he put forward the notion of ends being "obligatory"?

Nor is it only Grisez-Finnis who can rejoice in this tantalizingly

35. *Ibid.*

36. *Ibid.*, 130–31.

fruitful notion of an "obligatory end." For surely, I can find solace and comfort in such an idea. Indeed, is it not precisely this notion of a so-called obligatory end that can provide the means of distinguishing an Aristotelian teleology from such ethical teleologies as are exemplified by the likes of Utilitarianism and Rational Individualism? Moreover, if the teleology that is to be associated with a natural-law ethic is distinctively different from the teleologies that the term normally suggests, why will this not enable us to move between the horns of the dilemma? So far from its having to be either teleology or deontology, it would now appear that there is an entirely different sort of teleology, one that at the same time seems to incorporate features of an ethical deontology as well. In fact, is not this the sense and import of a notion such as that of an "obligatory end"? And why might this not enable us to escape either around or through the dilemma of teleology versus deontology?

To confirm that a natural-law ethics (or a Grisez-Finnis ethic) provides an exit from the dilemma, let us but call up again the distinction that I have already alluded to, which is pointed up by the so-called *Euthyphro* test: are things to be reckoned as good merely because we desire them or tend toward them; or is it rather that we should desire and tend toward such things as we recognize to be really good or objectively good?³⁷ Suppose, then, that it is the first of these two alternatives, *viz.*, that things are good or of value only because we happen to like them. At once, we can see that with this alternative, the fatal weakness that I have repeatedly suggested seems to attach to most teleological ethics becomes unavoidable: merely because as human beings we want something or desire it or tend toward it may not be taken as being ground or evidence that it is therefore morally right for us to have it or that we ought to have it. And so it is that on this alternative of the *Euthyphro* test, no teleological ethics can claim to be an ethics.

Suppose, though, that we opt for the other alternative under the *Euthyphro* test in interpreting a teleological ethics. Immediately, we see that it no longer follows that what we desire or tend toward is not to be reckoned as being either morally good or right. On the contrary, if our desire or liking for a thing is determined by our recognition of its true excellence or goodness or value, we have to deal with something that is objectively good; and because it is objectively good, it is in the nature of an obligatory end—something that we ought to desire or seek after

37. Plato, *Euthyphro*, 10a.

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of nature, and the use of the same faculties, should also be equal one amongst another without subordination or subjection."¹⁹

Despite exposing myself to all of the pitfalls connected with any attempted Lockean interpretation here, may I not say that it looks as though Locke were saying that all men *being in fact* free and equal in nature, or by nature, it therefore follows that men *ought to be* free and equal—that they have a right to such freedom and equality? But what does this sound like, at least superficially, if not that Locke were simply committing the patent fallacy of trying to infer an "ought" from an "is"?

Doubtless I am being unfair to Locke. At least, Eric Mack, in an exceedingly perceptive paper, has argued that Locke may not be accused of having committed the "is"-*"ought"* fallacy.²⁰ And yet, however much Locke's own skirts may have been clean in such a regard, one cannot help wondering if the Lockean appearances here may not be deceptive, whatever the true Lockean reality may have been. Besides, whatever may be true of Locke himself, it would scarcely seem that very many of his followers, among the eighteenth-century champions of natural rights, were equally scrupulous as some would repute Locke himself to be about trying to avoid the "is"-*"ought"* fallacy. Blackstone, for example, in Section II of the Introduction to his famous *Commentaries*, in which he is talking about the nature of laws in general, declares: "In its broadest sense, law signifies a rule of action." In Book I, which is devoted to the rights of persons, Blackstone begins his first chapter with the confident declaration: "By absolute rights, are meant those which are so in their primary and strictest sense; such as would belong to their persons merely in a state of nature, and which every man is entitled to enjoy whether out of society or in it." From here Blackstone proceeds to his general statement of the primary aim of law: "The principal aim of society is to protect individuals in the enjoyment of those absolute rights, which were vested in them by the immutable laws of nature, but which could not be preserved in peace, without the mutual assistance and intercourse of social communities. The primary end of human laws is to maintain and regulate these absolute rights of individuals."²¹

19. John Locke, *Second Treatise of Government*, ed. C. B. Macpherson (Indianapolis, 1980), chap. II, §§4, 8.

20. Eric Mack, "Locke's Arguments for Natural Rights," *Southwestern Journal of Philosophy*, X (Spring, 1980), 51-60. See also chap 1, n. 3, above.

21. William Blackstone, *Commentaries on the Law*, abridged ed., ed. Bernard C. Gavit (Washington, D.C., 1941), 26, 68.

Who would not warm to Blackstone's unequivocal declaration that the rights of individuals are indeed absolute? And yet the question is whether such heartwarming pronouncements can appeal to the head no less than to the heart. For what is Blackstone's ground for asserting so confidently that men's rights are absolute? Is it not because they attach to the persons of human beings "merely in a state of nature"? And yet even granting that there is a sense in which human beings may be said to enjoy their lives, their liberties, and their properties in the so-called state of nature, does that mean that they have therefore rights or entitlements to such things? And what would such an inference be if not the fallacious one of inferring an "ought" from an "is"?

If we call to witness various of our contemporaries, Rawls or Nozick or Dworkin, they all would seem to appeal to a state of nature. And yet just how are they able to do so without falling afoul of the so-called "is"-*"ought"* fallacy? Moreover, if we move away from contemporary thinkers who would try to base their championship of individual rights on appeals either to an actual or a hypothetical state of nature, what resources do these other thinkers have for their advocacy of individual rights? Presumably, if they cannot appeal to nature and to reality in support of rights, they must have recourse to mere logic and language: if rights are not to be justified on the basis of what men are in fact and by nature, then perhaps it can be shown to be on the basis of the way men talk and think that they may be seen to be committed to a recognition of genuine human rights.

For example, suppose that we single out for purposes of illustration the argument that Alan Gewirth has resolutely exploited in an effort to show that human agents are committed to an acknowledgment of rights, at least by language and logic if not by nature. Paraphrasing this argument, it would seem that Gewirth begins with an analysis of the sense and meaning of the notion of human action. Thus to say that a human being acts, or is an agent of action, is necessarily to imply that such action is purposive and free. Moreover, the agent of action values and esteems these features of freedom and purposiveness that characterize his actions simply because they are actions. But thus to esteem and value these features of one's actions, Gewirth seems to suppose, is to imply that they are things that the individual agent is entitled to insofar as he is a free and purposive agent. Immediately, though, for a person to claim that he has a right to freedom of action—again by Gewirth's reasoning—is to imply, by the principle of universalizability, that

any and every other human agent has a right to a similar freedom of action. And duties being correlative to rights, the fact that I have a right to freedom of action means that everyone else has a duty to respect this right of mine, just as I have a corresponding duty to respect the similar rights of everyone else.²²

Unfortunately, the device that is here resorted to, not just by Gewirth but by any number of other contemporary writers on ethics, of trying to establish individual rights simply by logical implication or by the implications of our language use would appear scarcely to work. For one thing, my inability to do anything but recognize the freedom and the purposiveness of my actions as a human agent, as well as my further inability to do other than like and cherish this freedom and purposiveness of my actions, alas, would appear to provide not the slightest ground for my invoking the principle of universalizability. For after all, mere tastes and likings are not universalizable. That I like X or find it to be what I greatly cherish is no ground for supposing that therefore anyone and everyone else must like or cherish X. True, to say that X is mine by right or is what I ought to have would be a ground for universalizing my judgment: if it is right for me, then it is no less right for every other human being who is like me. And with this, the weakness in Gewirth's argument becomes readily apparent: if what in a given instance I happen to like or cherish—say, the freedom and purposiveness of my actions—can indeed be shown to be no less what it is right for me to have or enjoy, then such a right-claim is universalizable and is therefore a right of mine that everyone else is obligated to recognize and respect. But clearly, this elevation of my likes and dislikes into rights and wrongs first needs to be shown, and only then can there be any universalizability of my rights (or my wrongs). But when Gewirth tries to invoke the argument of universalizability as a means of elevating the things he cherishes into rights that he can claim against others, it would seem that he has put the cart before the horse, and his argument collapses of its own weight.

A New Start in Justifying Individual Rights

Why has there been such a record of failures on the part of modern philosophers in providing a proper justification for individual

22. Alan Gewirth, *Reason and Morality* (Chicago, 1978), esp. Chaps. 2 and 3. For a more elaborate statement of the criticism of Gewirth's argument, see my article-review of Gewirth's book in *Ethics*, LXXXIX (July, 1979), 401-14. For a similar and

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which is what I do in Entoppel.



rights? Could the answer be that recent philosophers have not reckoned sufficiently with what one might call the essential interdependence of various of the key ethical notions that are involved—the fact of rights, the fact of duties, and the fact of ends or goals? In my first chapter I noted that ever since Kant, moralists who have been of a so-called deontological persuasion have allowed themselves to be maneuvered into a hopeless predicament because of their stubborn insistence that “oughts” or duties must be reckoned as being ultimate and underivable in ethics. And yet is it not evident, on slight reflection, that any supposed “ought” or duty for which one can give no reason or justification can only appear as arbitrary and unwarranted? For surely, there can be no ascription of duties without the question “Why?” immediately becoming relevant: “Why ought I?” Nor can it be a proper answer to such a question merely to reiterate, “Well, you ought, just because you ought.”

Any “ought” needs to be justified in terms of ends, purposes, or desires. Nor was this found to be so only in the case of morals and ethics. For even in cases of such so-called practical knowledge as may be found in the various arts and skills and in technology generally, the reason the skilled craftsman or technician knows that he ought to go about a particular job in one way rather than in another is because that would be the best way to achieve the end that he has in view. And so no less in the practical knowledge that is characteristic of morals and ethics: the reason one ought not to conduct oneself in the manner of a Sir Walter Elliot is because one would thereby make a fool of oneself; by such courses of action, one will never be able to attain the end or goal or perfection that is proper to a human person. In other words, “oughts” can be understood and thereby justified only in terms of the relevant ends or goals or purposes that are appropriate to the undertaking one has in hand.²³

more recent criticism to much the same effect, see Alasdair MacIntyre, *After Virtue: A Study in Moral Theory* (Notre Dame, Ind., 1981), 64-65.

23. The term “practical knowledge” has been set in quotes here to indicate and thus enable me to take advantage of an ambiguity that this term has come to have in its usage by Aristotelian philosophers. In its narrower use, it designates moral or ethical knowledge in contrast to “productive knowledge” or technical knowledge. In its broader sense, however, it may designate both “practical knowledge” (in the narrower sense) and “productive knowledge,” in contrast to “theoretical knowledge.”