

The New Scholasticism, Vol. LXZ, 1, Winter
1987

DISCUSSION ARTICLE I:

**Towards a Theory of Natural Individual Human
Rights**

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Recent theories of human rights are beset with problems.¹ I have made attempts here and there to remedy matters.² I want now to defend, in some detail and on several philosophical fronts, the conclusion that human individuals have certain (negative) rights, mainly in virtue of what it is to be a human individual and quite apart from moral intuitions or similar conventional features of the moral world.

Instead of considering the numerous challenges put before natural rights theorists, let me again endeavor to guide my project³—here far more comprehensive than in previous attempts—by

¹ See, Tibor R. Machan, "Some Recent Work in Human Rights Theory," K. G. Lucey and T. R. Machan, eds., *Recent Work in Philosophy* (Totowa, NJ, 1983), pp. 227-246.

² Tibor R. Machan, "A Rationale for Human Rights," *The Personalist*, 52 (Spring, 1971), pp. 216-235; "Human Rights: Some Points of Clarification," *Journal of Critical Analysis*, 5 (July/October, 1973), pp. 30-38; "Prima Facie vs. Natural (Human) Rights," *Journal of Value Inquiry*, 10 (Summer, 1976), pp. 119-131, and "A Reconsideration of Natural Rights Theory," *American Philosophical Quarterly*, 19 (January, 1982), pp. 61-72.

³ In this paper I pull together many links in the chain of argumentation for natural human individual rights. Others have contributed to this effort, of course, most notably Ayn Rand and Eric Mack, whose contributions are described in op. cit., Machan, "Some Recent Work." There are too many critics of the natural rights approach to political justice to list them here, especially of the Lockean or libertarian school. The broadest criticism comes from Marxists and followers of Leo Strauss. Both regard the underlying conception of the human individual seriously flawed. I argue here and elsewhere that natural rights theory does not depend exclusively on a Hobbesian conception of the human individual, so to reject it on those grounds is unwarranted. I explore the individualist basis of rights in my *Individuals and Their Rights* (unpublished) and "Classical

M. P. Golding,⁴ who has made a convincing case to the effect that a successful theory must meet certain tests:

For someone to ask me to concede something to him as a human right is implicitly to ask whether I admit the notion of a human community at large, which transcends the various special communities of which I am a member; whether I admit him as a member of this larger community; and whether I admit a conception of a good life for this community.⁵

Put plainly, we must define the concept "human being", show that individuals can be classed as human beings, and develop a theory of the human good and apply it to social life.

1. *On Nature and Human Nature*. If what Margaret Macdonald had in mind were needed in order for human nature to exist, namely, some "fixed nature"⁶ which human individuals are supposed to share, then our task would be hopeless. If anything on the order of a Platonic timeless, changeless form is meant by "fixed nature," one would require eternal life to learn whether any conjecture as to the nature of something is true. None may count on such a fate. So this conception of what the nature of something must be could never be realized.

Nevertheless, as Laszlo Versenyi points out, "If human nature is unknowable then so is human good and it is impossible to talk about human excellence in general. . . ."⁷ Thus, it is important to spell out here what the nature of something is in a way that will not encounter the above insurmountable obstacles and can meet some standard objections to the prospect of providing true, objective definitions for concepts, e.g., "human being." To this end I will offer four reasonable requirements that an adequate definition must meet so as correctly to identify the nature of something:

Egoism as the Basis of Capitalism: A Defense," in T. R. Machan, ed., *The Main Debate: Communism versus Capitalism* (New York, 1986).

⁴ M. P. Golding, "Towards a Theory of Human Rights," *The Monist* 52 (October, 1965), pp. 573-594.

⁵ *Ibid.*, p. 594.

⁶ Margaret Macdonald, "Natural Rights," in *Philosophy, Politics and Society*, ed. P. Laslett (Oxford, 1967), pp. 35-55.

⁷ Laszlo Versenyi, "Virtue as Self-directed Art," *The Personalist*, 53 (Summer, 1972), p. 282.

(1) A definition (or statement of the nature of something), given in propositions of the form: "X is a, b, c, . . . n," states those aspects of (some) beings by virtue of which one is rationally warranted to differentiate them from all others, as well as integrate these within a scheme of classification of reality.

(2) The defining characteristic(s) of some being is objective if the claim that it is existent (given the context) can be shown true, by means most appropriate (to date) for this purpose, beyond a *reasonable*, i.e., soundly established doubt.

(3) A definition states what the indispensable and distinctive characteristics of some being are, what the nature of something is, without implying that there *must* be metaphysically or in some existential respect *separable* features of the being whose nature is under consideration. However, these features *might* be separable, e.g., when certain chemical compounds or mechanical contraptions are at issue. No commitment to "inner natures" or "innate essences" is involved in the present view that true definitions can be produced.

(4) The definition of some concept, e.g., "human being," is not necessarily unchanging, timeless. If the nature of *a* is *A*, at time t_1 , it is not logically necessary that it will be *A* at time t_2 ; yet any change of the nature of some being must be explainable by reference to objectively identified causes or reasons, including, possibly, the requirements of Ockham's razor.⁸

The above characterization avoids the problems associated with the idea of definition as fixed. There are other problems, of course, but only one of these is extremely important for present purposes. This is the problem of defining a concept in such a manner that the definition would be true and binding, not *merely* stipulative or arbitrary. This problem has been raised by Quine, Popper, Hampshire, and many others. The crux of their objection is that no conceptual scheme is objectively superior to others.

Quine regards it impossible to ascertain in general which aspects of something are necessary, which contingent.⁹ Popper does not believe that we can "distinguish clearly between a mere verbal convention and an essential definition which 'truly' describes an essence," or that we can "distinguish 'true' essential definitions from 'false' ones" or, again, that we can avoid "an infinite re-

⁸ I spell this out in more detail in "Epistemology and Moral Knowledge," *The Review of Metaphysics*, 36 (September, 1982), pp. 23-49.

⁹ Willard V. Orman Quine, *Word and Object* (Cambridge, MA, 1960), p. 199, and *From a Logical Point of View* (New York, 1963), p. 155.

gression of definitions.”¹⁰ Hampshire, in turn, claims that “In order to show that elements in reality could only be distinguished for the purpose of language in one familiar way, we would have to show that nothing else would count as ‘distinguishing elements in reality for the purpose of language.’”¹¹ It is important to reply to these criticisms briefly, lest the ground giving support to the present framework be left shaky.

Quine, first of all, takes “necessary” to mean “defining.” Yet necessarily human beings are composed of physical and chemical elements and this is not true of them by definition! True, different contexts may warrant the classification of the same thing differently—e.g., in a football game one might be classified as a quarterback, but in a sociological study as a first generation American. So long as the context is itself clearly specified, this poses no problem. Ultimately Quine’s view poses a difficulty because of his acceptance of ontological relativism, to which I turn in a moment, not because of his contextualist approach to definitions.¹²

Popper’s objections center on a specific view of essences as inner natures that may be separable from particulars. The position I advance does not.¹³ Still, it will help to see how the present view can handle the issue.

A verbal convention involves marks, audible or written, used in communication. Such marks are indeed conventional. “Asztal” was chosen in Hungarian, “Tisch” in German, and “table” in English to speak of the kinds of things most Americans call tables. But the *concept* that words are used to convey are formed, at their best, to be consonant with nature, based on differences and simi-

¹⁰ Karl Popper, *The Open Society and its Enemies* (Princeton, 1950), p. 625.

¹¹ Stuart Hampshire, *Thought and Action* (London, 1959), p. 12.

¹² For a detailed criticism of Quine, see Douglas Rasmussen, “Quine and Aristotelian Essentialism,” *The New Scholasticism*, 58 (Summer, 1984), pp. 316-335.

¹³ See Tibor R. Machan, “Essentialism sans Inner Natures,” *Philosophy of the Social Sciences*, 10 (June, 1980), pp. 195-200. The main point is that whereas earlier theories of natures, or natural kinds, or essences tended to locate some *part* of being as the prime candidate for this thing, the view I find correct regards natures, kinds, essences, and the like *places* in a rational scheme of categories based on objective evidence and sound principles of classification.

larities human beings *detect*.¹⁴ Conventionalism as to words does not undermine the fact that we distinguish true from false definitions. The claim that some facts about a group of things serve to distinguish these things from others could be either true or false. Lastly, an infinite regression does not threaten the present view, since, as I point out below, it is possible to identify some basic fact of nature, universal in scope and true of everything, that could serve as a unifying principle or axiom based on which a scheme of concepts can be developed (with the aid of evidence and thought, of course).

Hampshire demands a proof that nothing other than the scheme in terms of which a definition is proposed could ever serve the purpose of that scheme. This is required only if one fails to make one's scheme open-ended and claims that it is final, forever closed. Barring such requirements, we need only the best, most up-to-date and thorough account in support of a given scheme. It must serve to fulfill our chosen purpose better than all others. "Truth" need not mean "final, complete statement of what is the case" but could be understood to mean rather "the best rendition in thought of what is the case." Hampshire could be seen as asking for the impossible. As Renford Bambrough remarks, "It is self-defeating to attempt to impose a requirement which must necessarily fail to be satisfied by every conceivable attempt to provide a justification. . . ." ¹⁵ To place the onus of proof on those who wish to

¹⁴ By "consonant with nature" I mean that in their role as cognitive tools—as Thomists might say, in their *intentionality*—concepts develop in the human mind by the active process of the person who engages in differentiation and integration of qualities, attributes, characteristics, properties, shapes, colors, and so on that one can be aware of by means of one's perceptual faculties. I do not wish to commit myself to anything like the view which takes concepts to be reflections of nature or copies of nature, etc.

¹⁵ Renford Bambrough, *Moral Skepticism and Moral Knowledge* (New York, 1979), p. 109. Bambrough himself may seem to object to the present procedure when he says that in these matters "we must follow the arrow that points upwards to the top of the blackboard from the particular to the principles, and not the arrow or deductive logic that points downwards from the so-called axioms or principles to the particulars" (p. 137). Yet I should make clear that in the case of Aristotle's first principles, namely, the laws of identity, noncontradiction and excluded middle, they are exhibited in the particulars, not derived from them or issue in

establish some claim, including the fundamental principle on which to rest the objectivity of a scheme of concepts, is justified. But to burden them also with showing that nothing else could count as such a principle is to pose a requirement that would take forever to demonstrate and involve searching out everything. Thus making the task impossible.

Can we then define the concept "human being"? We can define concepts if we can find a basic anchoring point for a conceptual scheme on which to rest the differentiation and integration we engage in as we try to understand the world around us. Such a point exists in the fact that everything, including human individuals, must be some kind of being, distinct from other kinds. This basic ontological proposition is undeniable. We cannot even make clear sense of its denial unless we accept it as true and fundamental.¹⁶ As such, this proposition serves as the anchor by which ontological relativity and an infinite regression of definitions can be avoided, and one which we are justified in accepting without having to eliminate all other possible or conceivable candidates. The crux of Quine's, Popper's, and Hampshire's objections is thus met by having found such a proposition, although much would need to be done to fill in the details. Barring that, however, we may proceed by taking it as plausible, at least, that we can anchor definitions in something firm and unshaky.

2. *About differentiation.* Whether one is justified to admit someone as a member of the human community at large (i.e., correctly identify someone as a human being) depends in part on the availability of a definition of the concept "human being." This definition would provide the criterion of membership. But can we have (justified) confidence in our judgment as we select someone for such membership?

This challenge appears to be directed at difficult cases. In most circumstances there are no problems with observing that someone is a human being. But determining when something has become or has ceased to be human can be a complicated matter. And the issue is not of mere abstract, remote philosophical interest either—

derivation to particulars. Particular and universal (or principle) are manifest as two aspects of every and any existent.

¹⁶ See Tibor R. Machan, "C. S. Peirce and Absolute Truth," *Transactions of the C. S. Peirce Society*, 16 (Spring, 1980), p. 153-161.

e.g., abortion, euthanasia, organ transplants all depend on the answer. It is precisely these sorts of problems that confront natural rights theorists. They claim that their view is most capable of giving sound direction to concrete legal and political problem-solving and decision-making. So let me now attend to the issue of whether human individuals can be distinguished from others.

One issue in particular bears directly on the concern with classification of individuals. It is whether we could ever accomplish the task of such identification as a matter of independent, testable achievement. Let us assume that we are compelled to think as we do—to “believe” what we “believe” and behave accordingly. It follows that we are not able to justify the belief that our conclusions have objective validity. Conceptual, rational thought is tied up intimately with the presumption that we can distinguish truth from falsehood. The denial of this would render incoherent the notion that all of what we think, write, and conclude in science, law, philosophy, and ordinary life may be true. Self-understanding, for example, also presupposes the prospect of reaching an independent stance, however difficult this might at times be.¹⁷ To establish any proposition as true is to have defeated the view that we are unfree to choose or are compelled to think by factors not under our control.¹⁸

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The point introduced here is twofold. First, rational capacity per se—all forms of abstract thought *and* action dependent on it—presupposes the freedom of the will, so called. In other words, reasoning and acting on it, are matters of choice, not automatic occurrences like the growth of trees or the bloom of flowers. It is impossible to make clear sense of a central feature of reasoning and rational conduct, namely, its capacity for reaching known true conclusions, without acknowledging the above.

¹⁷ For a clear explanation of this point see Nathaniel Branden, *The Psychology of Self-Esteem* (New York, 1969), pp. 53-57. For a somewhat different approach to establishing the freedom of the will, see Joseph M. Boyle, Jr. et al., *Free Choice* (Notre Dame, IN, 1976). See also Joseph F. Schylak, *Discovering Free Will and Personal Responsibility* (New York, 1979).

¹⁸ Even to intend to deny the present view commits one to claiming that some truth can be independently established. What else does a denial of anything come to—surely not merely to rejecting it.

Second, the above shows us a distinctive and essential aspect of human individuals. Evidently they are distinctive in possessing the capacity for rational thought and action—differentiation, integration, self-awareness, self-criticism, etc., all on the conceptual level—and realize these as a matter of self-determination or free choice.¹⁹ This fact serves to explain the greatest number of unique characteristics about human beings, their history, institutions, achievements, failings, etc. “Rational” here means the broad sphere of thoughtfulness, attentiveness on a conceptual level, and so forth, and while some animals now and then show signs of rationality in this sense,²⁰ that by itself explains very little of what we know of them and may even be the result of our prompting them to extend themselves. Human beings are distinctive in their reliance on at least some of their rational capacity, individually and collectively.

Since what the nature of something is amounts to a classificatory tool and does not denote some separable being, borderline cases are possible and do not pose a theoretical threat. The issue is whether the occasional exceptions can be explained without a change in the scheme. For instance, while a mentally retarded human individual might not have full or even minimal rational capacity, such a case requires that we admit that some exceptions to the principle of classification exist. Yet we also can identify such cases as exceptions to some given principle, distinct from a given range of ordinary cases. We can often point to exactly what would have to be changed in order to fit the definition from which the case is a departure. We can tell that in the case of the retarded we have a departure from the class of human beings, not some other, since in other respects the being involved comes closest to fitting this category. In each case of a borderline example, detailed knowledge of the principles of classification being violated would be required in order to spell out what the case is an exception to. In some cases we could lack such detailed knowledge and would require further study. Moreover, in some cases reality itself poses for us mixed examples—as with the few children who exhibit one

¹⁹ Much light is shed on these points in David L. Norton, *Personal Destinies* (Princeton, 1976).

²⁰ For a recent assessment of animal capacities, see Herbert S. Terrace, *NIM: A Chimpanzee Who Learned Sign Language* (New York, 1979).

form of sexuality overtly only to be hormonally classifiable within the opposite sex.²¹

Let me now consider the definition of "human being" as "rational animal" in terms of the criterion of what a definition is:

First, whatever else is distinctive about human beings—e.g., they write music, use guns, engage in elaborate and complex communication, worship dieties—it is our rational capacity, its use or its abrogation, that warrants differentiating us from the broader group of entities, namely animals, of which we are members. The capacity for conceptual thought and the need to initiate its use, best explain the overwhelming number of uniquely human characteristics people exhibit because that capacity makes other unique human activities, etc., possible. Human beings depend on this basic capacity in their roles as writers, builders, plumbers, scholars, politicians, game players, cheats, liars, friends, bigots, soldiers, husbands, wives, economists, philosophers, corporate managers, members of the clergy, Europeans, Germans, etc. It is their capacity for conceptual thought, imagination, understanding, and planning, that brings all these into a coherent, integrated *kind* of being.

Second, reason is an actual faculty, its exercise an actual process (not, e.g., a mere epiphenomenon). No reduction of this capacity to mere complicated behavior patterns is possible because the presence of ideas that make reference, in their meaningfulness, to future instances is incapable of explanation in reductive materialist terms alone. Instead, a distinctive form of existence—namely that of a rational being capable of originating abstractions and guiding itself by their use—is warranted and required to understand life—e.g., concept formation, theorizing, art. Mere verbal behavior, for instance, won't suffice. The defining features of human beings are, thus, objective.²²

Third, the above account of definition does not appeal either to an idea of truth that precludes subsequent revision, modification, etc., or to a doctrine of eternal inner natures or essences. Further, our definition can be changed to accommodate future discoveries.

The fourth provision is basically a restatement of the third,

²¹ Genuine cases of natural freakishness fall into his category.

²² See, Tibor R. Machan, *The Pseudo-Science of B. F. Skinner* (New Rochelle, 1974).

stressing the open-endedness of the definition or of the statement of the nature of various things, events, activities, institutions, and so forth, without denying this objectivity in the slightest. As Barry Stroud observes in connection with Wittgenstein's conception of logical necessity, the fixedness of a definition

is not like rails that stretch to infinity and compel us always to go in one and only one way; but neither is it the case that we are not compelled at all. Rather, there are the rails we have already traveled, and we can extend them beyond the present point only by depending on those that already exist. In order for the rails to be navigable they must be extended in smooth and natural ways; how they are to be continued is to that extent determined by the route of those rails which are already there. I have been primarily concerned to explain the sense in which we are "responsible" for the ways in which the rails are extended, without destroying anything that could properly be called their objectivity.²³

Accordingly, the definition I have given of the concept "human being," namely, that human beings are rational animals—i.e., biological entities with the capacity for conceptual awareness for purposes of guiding their lives—meets each of the requirements of a definition spelled out earlier. Given the role of such a definition in differentiating between members and nonmembers of a class, what have we established?

First, making errors in classification does not undermine the view that we can classify if we pay close and proper heed.²⁴ Second, human beings possess the faculty of reason and have the potential for taking an independent stance for testing their classifications, including their conclusions as to whether to include or exclude someone as a member of the class of human beings. Third, borderline cases are manageable as exceptions to a given, specific valid place in a classificatory scheme or they signify occasional perplexities in nature or ignorance on our part.

²³ Barry Stroud, "Wittgenstein and Logical Necessity," in George Pitcher, ed., *Wittgenstein* (Garden City, NY, 1966), p. 496.

²⁴ As to what will be proper, this must emerge from within the various special areas of inquiry and discipline and not specified *a priori*. In general the epistemology of the present framework will be helped by views advanced in Stephen Toulmin, *The Uses of Argument* (Cambridge, 1958), Stanley Cavell, *Must We Mean What We Say?* (New York, 1969), and Frederick L. Will, *Induction and Justification* (Ithaca, NY, 1974).

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In answering the requirements of showing whether we can differentiate human from nonhuman beings, I have also provided a definition of the concept "human being," a statement of what human nature is.

3. *Human nature and human good.* Can we move from the first two completed tasks to showing what constitutes the human good? First I need to clarify what has already been accomplished here, mainly so as to be clear about the content of Golding's third requirement. When he refers to "the good life for this community," Golding might be thought to be speaking of the social or political good, that is, a kind of collective good, in the sense of the good of clubs, countries, or the medical profession. But such collectives are not the sorts of things with a *life* that could be good or bad for them. Human nature, on the other hand, refers to actual human beings *in respect of the factors that make them human*. The good life for the human community at large must then be the good life of the individual human beings in respect of what makes them human, *the human good*. So first it will be necessary to consider the human good, then its relationship to the human political good, including human rights.

The major meta-ethical problem here is whether the human good is knowable. Granting that the human good is what each human individual ought to pursue, the question here has centered around the notorious "is/ought" controversy. Whereas we could establish the truth of judgments as to what *is* the case, judgments containing the copula "ought to" (or its cognates) seem not to be capable of being shown true or to be derived by means of valid inference from such judgments (or statements or propositions). Basically moral skeptics have advanced the following points:

1) Our knowledge is obtained by way of input through our sense organs and corresponds to what is evident to them. There is, however, nothing corresponding to some alleged knowledge of what one *ought to do*, etc., because the necessary input would have no evident state of affairs that would produce it. For example, the putative moral fact that sons ought to obey their parents is not some state of affairs capable of producing the input needed to yield knowledge. Thus, it is claimed, it could not be *known* that sons owe obedience to their parents. Nor could such knowledge be derived from knowledge of states of affairs, since the conclusion of the derivation would change the terms of the premises.

2) Furthermore, moral terms do not name complex relations either, as some claim (to avoid the above cited problem). For some putative relation that "ought" might name, some X, one could always ask whether X ought to have that relation. For example, in "Sons ought to obey their parents," "ought" may be thought to name *would suit a child's welfare*, but one can ask "Ought a child's welfare be suited?" The existence of such an open question shows that "ought" is not a name for *would suit a child's welfare*.²⁵

3) Suppose one claims that there are knowable moral principles in view of the fact that certain rules of conduct, when employed, enable one to realize some ultimate value. But are there not innumerable candidates for what could count as the ultimate value? Clearly we can conceive of many, so we would have no way to prove that any given candidate is the correct ultimate value.

4) Are there not instead of one morality innumerable moral frameworks—Roman Catholic, Jewish, Hindu, atheist, communist, egoist, hedonist—on which moral principles could be contingent? Is not morality just the sort of endeavor that comes in many forms, so that no one system of moral principles could be the true system?²⁶

5) Does not the history of humanity teach us that diversity rather than unity exists concerning what in fact is either the highest good or the code of ethics or the list of virtues that human beings have sincerely and earnestly accepted so as to guide themselves in life? This is evident enough from the study of different cultures, nations, races, epochs, etc., and points out that we look in vain for some uniform, objectively demonstrable moral ideals based on human nature. Indeed, judging by human nature this seems most unlikely.²⁷

²⁵ The position here described was advanced by Kai Nielsen, "The Myth of Natural Law," in Sidney Hook, ed., *Law and Philosophy* (New York, 1964), p. 124ff.

²⁶ See R. W. Beardsmore, *Moral Reasoning* (London, 1968), where the author presents what he and others claim is an accurate rendition of the implications for moral philosophy of Wittgenstein's philosophy.

²⁷ Although this line of objection isn't commonly found in the literature of contemporary moral philosophy, it is a very popular view, nevertheless. Also, Peter Winch, for example in his *The Idea of a Social Science* (London, 1958), suggests considerations along these lines against the idea

These and similar considerations bar the way to an objectivist conception of the morally good life for human beings. So it will help briefly to attend to them and suggest how they might be answered from the present framework. I will not discuss the general philosophical underpinnings of these objections. Instead I wish to discuss the objections with regard to their philosophical merit.

First, I introduce the notion of "ontological domain (or realm)." For example, the mental, the musical, the animate, and so forth are each distinct (but possibly overlapping or intersecting) ontological domains, not fully reducible to one another.²⁸ Each domain may be subdivided into the kinds of beings that exist within them—the mental contains images, thoughts, decisions, intentions, memories, reflections; the musical contains melodies, songs, symphonies, marches, refrains; the animate plants, mammals, and insects. This may parallel the familiar concern with categories or types that however, sometimes pertains to language or thought rather than existence.

Second, human existence exhibits features of a distinctive ontological domain. While all living things face the basic alternative of either living or dying, human beings have the capacity to choose whether to pursue one or the other course, virtually throughout their wakeful existence. Human individuals choose, though mostly implicitly or tacitly, via their actions, to further the prospects of life or to diminish them. This may appear odd but we can understand it better by considering that although we usually choose a few of our actions deliberately—e.g., which road we will take, what shirt we will wear, what job offer we will explore—we do choose many others tacitly—e.g., whether or not to embark on a career, whether or not to take to the road in the first place, whether to dress at all, etc. *Only human beings make the kind of basic choices about life that warrant our holding ourselves responsible for the outcome of most of what we do.* They alone can initiate or cause

of objectivity in understanding human social life. See also Marie Benoist, "Claude Levi-Strauss Reconsiders," *Encounter*, 53 (1979), p. 23.

²⁸In short, one would not have fully understood what such a domain consists in, what makes it distinctive, without reference to features of it not present or implied in the understanding of other domains. This does not mean that some ontological domains do not presuppose others.

their actions on their own.²⁹ This is a radical departure from the capacities of other beings and warrants the identification of a distinct ontological domain.

Given this background, we can take up some skeptical considerations now. But we should keep in clear focus the shift here from goodness per se, which is related to all living things, to ~~the possibility of moral goodness~~, which would be warranted in view of the ultimate freedom of choice and rationality possible for each human individual. Beneficial circumstances are possible as applied to nonhuman living things, but only human beings would appear to be capable of being personally responsible for either achieving or neglecting beneficial possibilities.

(1) The empiricist epistemological background of the "is/ought" problem is evident in the literature of the last two hundred years of moral philosophy. But the strict empiricism that ultimately grounds the main challenge to moral cognitivism falls prey first to the problems of empiricism itself, e.g., the private language or solipsism issue; the undermining of all knowledge; the model of knowledge assumed but never really defended in the empiricist tradition, and so forth. Generally this is neglected in many discussions, and critics of cognitivism often assume that empiricism has no such problems.³⁰ Yet if the doctrine of knowledge that has given the greatest impetus to the belief in the "is/ought" gap and

²⁹ The reason that this idea appears wrong to many is that the conception of causality as involving a series of events, one causing the next, and so forth, has been the prominent view as to what causality *must* be. In short, efficient causality has often been taken to be the only form of causality. This makes sense in a reductionist ontological framework but is not true within a pluralist framework such as that which underlies the present outlook. For an exposition of the idea of causality invoked here, see H. W. B. Joseph, *An Introduction to Logic* (New York, 1961), pp. 400-425. As to why human beings can cause their behavior, put in terms of the findings of psychophysics, see Roger W. Sperry, "Changing Concepts of Consciousness and Free Will," *Perspectives in Biology and Medicine*, 19 (1976), pp. 9-19. See also Tibor R. Machan, *The Pseudo-Science of B. F. Skinner*.

³⁰ For example, Margaret Macdonald, "Natural Rights" and R. W. Beardmore, *Moral Reasoning*. Both criticize naturalism or objectivism and both simply accept that there exists a domain of empirical facts which poses no problems as far as our ability to know what it contains.

its cognates is inadequate, this gives ground for doubting the soundness of the "is/ought" argument which rests on that doctrine.

(2) The open-question argument has been advanced as an explicit nonempiricist foundation of the "is/ought" gap. Is it compelling? First, in connection with the concept "moral goodness," or the like, such questions could be expected if it were true that "ought" names some relations such as "would suit a child's welfare." In the normative sphere we can expect many to attempt to undermine or reject a purported definition, either because they wish to avoid its implications or because they realize that the matter is of great importance and should be checked and double-checked. This is particularly true when "ought" names a widely disbelieved, even discredited idea.

Yet the same can and does occur in science as well. When a definition is introduced and it is thus alleged that some way to classify a range of phenomena should be accepted, questions can be raised as to whether acceptance is warranted. To the proposal that "kinomatter" names some group of phenomena observed in the outer regions of the universe, one can always respond by asking, does this term—or concept—really serve to name—or designate—this group of phenomena. Resistance by skeptics and perhaps even those who stubbornly hold to some earlier mode of classification can be expected. Still, the definition could be sound.³¹ In ethics when an idea is proposed as to what "morally good" means, we are confronted with a more or less well-developed account or theory, while we also have to recognize that any such theory aims to render more understandable something quite familiar to us, namely the term "ought" or "morally good." The answer to the open question should thus be the demand: "explain to me what you mean by 'ought' in your question as to whether we ought to mean by 'ought' X—show me that your explanation of its meaning is better than that which you dismissed."

(3) Although innumerable candidates for what is the ultimate value might be found, in fact the few offered do not differ marked-

³¹ An excellent example of what I am referring to here is provided in Hannes Alfvén, *Worlds-Antiworlds: Antimatter in Cosmology* (San Francisco, 1966).

ly as to the moral principles associated with them. Surprisingly, whether philosophers regard the pursuit of pleasure, devotion to God's will, serving society's welfare, seeking humanity's perfection, or the happiness of the individual as the highest good, most consider honesty, courage, integrity, honor, prudence, etc. virtues to be practiced. The question is: For which conception of the highest value is there a superior argument, one that outshines all others? Such an argument—comprised of proofs, theories, replies to criticisms—requires, first of all, an explanation of the nature of value or goodness; its connection with human existence, and why, given this connection, such an explanation makes better sense than any other that has promise. It will be necessary to address this in some detail now.

flawed The position here aims to meet this requirement as follows. Basically this position takes goodness (or value) to pertain to the furthering (~~or~~ enhancement) of life in whatever form it can occur—e.g., a rose bush or some individual. This relates to human individuals because they are living beings facing alternatives that can either further or thwart their lives; lead to happiness (or success as the individual human beings they are) or to misery; to growth or to decay. Since the above makes clear sense of what goodness is, as well as why it is now appropriate to advance to the category of moral goodness—(namely, because human beings can be responsible for furthering or thwarting their lives), the position has a better prospect for making sense of the domain of morality than other alternatives. I shall elaborate this view shortly in my description of what I call classical ethical egoism. For now I wish to discuss a novel and problematic aspect of the present position.

The basic choice of whether to live or not to live implies the choice to think, to use reason to live. This counts as a commitment or a resolve at a very basic level, where only two alternatives are open to us, life and death. Why is this a commitment? Because one cannot actually choose to live one's life without choosing the life of the kind of being one is, that of a rational being. But perhaps one's choice to live the life of a being capable of both rational and irrational conduct could just as well leave open the choice of irrational conduct. Yet this would be a mistaken view as to what the choice to live is. If someone elects to become a doctor of

medicine, it is true that what he has elected to become includes *the possibility* of malpractice. Only a doctor of medicine *can* engage in malpractice of medicine. And, of course, a human being *can* conduct himself irrationally. When someone chooses to be a doctor, we understand this as a choice or resolution to become skilled at the practice of the profession and we freely criticize someone who is incompetent. The choice to practice a profession is but an incomplete analogy of the choice to live, which is itself a unique choice in that it is *fundamental*: Outside of practicing one's profession there is a good deal else that someone can do, as well, without in the slightest defaulting on his professional commitment. ~~But outside of life there is nothing known to us for any individual.~~ The analogy, however, is useful because if we regard life as a sort of profession, living irrationally would count as the malpractice of that profession. To choose to live, for a being distinctive in its capacity for *and* reliance on rationality, is to choose to fulfill the defining aspects of that life, not a corrupt version, i.e., not an arrested form of it. A human individual's choice to live is, then, at once a decision to embark on a variety of activities and in a fashion consistent with the nature of a rational animal in the particular case of one's own life; it is, in short, to actualize one's distinctive potentiality.³²

Now although the choice to live is mostly tacit, unlike many career choices (e.g., to become a physician), certain implications still apply. If one chooses to practice medicine, one of the concomitant requirements could be that one attend medical school and become proficient in organic chemistry. Such proficiency, in turn, may require that one attend lab sessions several times each week for several months. It would be accurate to claim that such an individual has committed himself to attend lab sessions, even though, when deciding to become a physician, this commitment was not articulated or perhaps even kept in focus.

³² A good elaboration of this point is provided by Douglas Den Uyl and Douglas Rasmussen, "On Nozick and the Randian Argument," in Jeffrey Paul, ed., *The Nozick Reader* (Totowa, NJ, 1981). The line of argument advanced here is suggested in the writing of Ayn Rand, e.g., in her *The Virtue of Selfishness: A New Concept of Egoism* (New York, 1964), and developed in Branden, *The Psychology of Self-Esteem*. I take responsibility for my own rendition here which is geared mainly toward meeting some expected objections from within contemporary philosophical circles.

As one embarks on the pursuit of innumerable values or goals in life, one is implicitly committing oneself to those features of the pursuit required for its success. The commitment to living the kind of life which makes possible the pursuit of some particular goal, i.e., to integrity, is also a commitment to the terms of those subsidiary features of such particular pursuits.³³

So when I maintain that the choice to live one's own individual human life commits one to living rationally—with integrity, courage, etc.—I am following through on a line of analysis that would emerge upon the examination of any serious choice a human being might make. The result is that the various moral principles by which human beings ought to live are binding on a person first of all because of the commitments he or she has made, not because of some outside compulsion or unchosen obligation.

(4) Of course, different moral theories do offer different ideas as to the highest and the various subsidiary moral values. That, however, does not demonstrate that each such moral theory or set of moral principles is sound, only that answers vary to the basic question of morality, namely, "How should I, a human being, live my life?"

(5) The existence of diverse moral systems shows that different answers have been given and widely accepted to the basic moral question, some supplementary to others, some contradictory. But this does not show that all such answers are correct or sufficient, although most of them probably contain features to which a sound theory must do justice.

Finally, there is another and different line of serious objections to the present project that would be useful to consider. Peter Winch states the point quite unambiguously:

One very common approach to [the difficulty about what cases we are going to call cases of a 'moral outlook' and about what is involved in so calling them] . . . is to try to locate the moral in certain alleged features of human nature, to say what human needs morality answers to and to refer to such needs as criteria for what can be accepted as a moral concern and what cannot. These needs are used to give content to a notion of 'human good and harm', and this claim is that

³³ For a clear explanation of why integrity is a crucial human virtue, see David L. Norton, *Personal Destinies*.

all genuine moral judgments involve a reference, though sometimes more explicitly than at other times, to such a notion. But the undoubted attractiveness of such a move is considerably lessened if we notice what has been suggested by some critics of the 'neo-naturalist' movement, that the identification of these human needs—at least in many important cases—may itself be a matter for dispute of a kind which it is hard not to characterize as a moral dispute.³⁴

Here Winch charges neo-naturalists with advancing a circular analysis of the nature of moral goodness and evil. If the features of human nature that give rise to moral concerns are but disguised moral features, one cannot derive from them moral standards because the conclusion would merely restate the premises. No new understanding would emerge and the dispute would simply shift to the premises.

Winch is right to regard needs as an inadequate base for valuation because it is in reference to values or goals considered valuable that needs are identified. But he takes values and moral values to be the same in this passage, and that is a serious mistake. Something may be of value without having moral value. The life of a human being requires rational thought and action, so the latter is of value to the former. But moral values appear here implicitly and only after it is also understood that rational thought presupposes free choice which, in turn, implies personal responsibility for producing the value in question, namely, human life. This is no longer circular since making something explicit, namely, moral value, which is contained in two distinct factors, namely, non-moral value and freedom of choice, indeed produces new understanding. Furthermore, the existence of disputes about whether something is indeed good has nothing at all to do with whether it is good or with the possibility of (objectively) identifying it as such. Disputes permeate the human world, bearing on everything from whether some subatomic phenomenon is evidence for a particle or a wave to whether this or that philosopher is the better one when it comes to discussing moral problems.

The above provide some of the responses to the skeptics' challenge concerning the possibility of arriving at moral knowledge on the basis of our understanding of human nature and our capac-

³⁴ Peter Winch, *Ethics and Action* (London, 1972), p. 75.

ity to classify individuals. Much more could be said but this much at least is necessary to suggest what the present approach offers when these perennial issues are considered.

The following is a summary of the preceding discussion: A human individual is metaphysically free to choose to live. This freedom is to be understood as the freedom implicit in all choices to act by the guidance of one's thought. It is not some spiritual, internal freedom to be distinguished from actual free conduct. Such a choice to live is a most often tacit commitment to living the life one has, namely, that of a given kind of being which is that of a rational animal. It is more of a decision to act instead of a selection among alternative forms of activity, since it is so fundamental that not choosing leaves nothing else open to select outside of not being. Fulfilling the commitment to live as a rational being comes to the same thing as being a morally virtuous or good human individual. The ontological base of the concept of goodness (or value) is life itself, which grounds the difference between good and bad on the fact that only living beings can die and that this, except in its time, is bad for them. In turn, it is the life of a certain *kind* of being which makes possible the identification of objective standards of goodness and badness for evaluating and guiding the actions of the individuals of that kind. The concept "good" cannot rationally be divorced from the phenomena of life, nor moral good from the kind of life a human individual has.

If the choice to live is made (and sustained), this implies a commitment to attempting to secure the means for living, most important, to using one's rational capacities in the context of one's own life. For human individuals this is the proper life in the most general sense possible, and the consistent, chosen pursuit of such a life is the morally good human life. If it is understood that built into this is a good deal of implicit content concerning whether it would be rational to murder, to lie, to cheat, to oppress, to demean, to act in neglect of one's talents, etc., then the plausibility of the position can be appreciated. But for now I simply leave the matter unexplored here.³⁵ Suffice it to note that in order to test the present position it would be necessary to examine the

³⁵ See Rand, *The Virtue of Selfishness*, pp. 13-35.

results of implementing it in the lives of some ordinary human beings as well as some unordinary ones. It isn't sufficient to think of some sketchily drawn counterinstances that may, on examination, lack all credibility and contain features that upon analysis prove to be incompatible.

Let me note that the present account lacks a familiar aspect of what is taken today to be the moral point of view. This is the sort of categoriality usually associated with Kantian morality. Indeed, the fact that the choice to live, made implicitly or explicitly by human individuals, underlies the applicability of moral considerations to one's life makes the present system a system of hypothetical ethics—if one chooses to live, one ought to be honest, courageous, temperate, prudent, integrated, just, and so forth. Since, however, the choice in question is fundamental, leaving only the absence of life as the alternative to it, what is crucial in the Kantian insight remains. This is that for any acting human being, one who implicitly chooses life, moral considerations are fully applicable. And the general form of the moral framework also makes possible the solution of that ancient problem as to why one should be moral in the first place. Because one has chosen a form of existence, namely human life, that entails acting in terms of moral principles.

One useful way of regarding the conception of morality advanced here has already been suggested, namely, that of the requirements of fulfilling the commitment made in becoming a professional physician. Another would be an analogy with principles of driving. There are innumerable places to which one could quite unobjectionably be driving. Yet certain basic principles apply just as soon as one takes to the road. The principles do not announce particular, predictable results or, to use Nozick's term, "end states."³⁶ But they do issue in competent driving wherever some

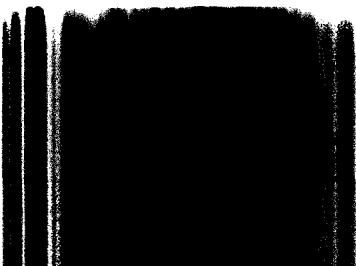
³⁶ Robert Nozick, *Anarchy, State, and Utopia* (New York, 1974), p. 153ff. A theory which issues in such end-state moral ideals would gain some support from an intuitionist meta-ethics. Frequently we think of what should be the case—there should be bicycle paths on city roads, there should be food for the hungry, there should be an audience for a great pianist or poet. But if we recall that in each case we are making implicit reference to agents who should bring about these states, some of the intuitions will have to be abandoned since it won't be true that some agent should bring some of these states about.

individual is headed and, combined with an understanding of the individual's attributes such as his desire to visit someone, his time restrictions, etc., can result in something valuable, namely, the safe arrival at a place that is presumably of importance to the person.

Ethics, too, concerns principles of competent human living, and the ends individuals seek often differ from one person to the next. The major difference is that for most of us driving comes to little more than a means to some end, quite often achievable via other means. This is not the case with a human life. The relationship between the value each person has chosen by electing to live his or her human life, and the adherence to principles that will result in the realization of that value is not a mechanistic means/ends relationship. The means cannot be separated from the ends (as in the driving/getting there example). Virtue is its own reward, at least for an individual with moral integrity, who sustains his rational plan of living in all his conduct.

Illustrating this ethical approach is somewhat problematic. Although the goal sought by way of the moral life is the rational life of the individual, that itself admits of innumerable variety. There will, however, be some principles of morality, some "ought" judgments, whose truth can be demonstrated by reference to human nature as it can be realized in most normal and stable circumstances. Thus in general human beings should be honest, productive, generous, independent, courageous, prudent, temperate, etc. The specific application of such principles for the individuals concerned will differ sufficiently from case to case. They could even require different ways of demonstrating those principles. Why should John tell the truth on this particular occasion, since doing so will have some unwelcome results? In general, to tell the truth is to keep reality in focus and to make social interactions consistent with this project; and in particular although striving to achieve welcome results is itself a valued task, the value of achieving something that is welcome at the expense of honesty is most often (excepting, e.g., spying, undercover work) seriously diminished while the results of dishonesty are (demonstrably) unwelcome for any human individual. But this has to be filled in with the specifics or particulars of John's case.

Since my task is to provide the moral background for natural



rights theory, I do not propose to enter the details of moral philosophy further than required for that purpose. It is now time to carry further the attempt to satisfy Golding's third requirement, namely, to provide a conception of the good life for human beings as such and to relate this conception to the task of developing a theory of natural rights.

4. *Human Goodness and Natural Rights.* Natural rights theories have often had some affinity with an individualist or egoistic ethical framework. Both advocates and critics of natural rights will admit this point. For example, Marx criticised the natural rights tradition and its defense of the right to freedom for being the right "of the limited individual," while "the right of man to property is the right . . . of selfishness."³⁷ More recently, Leo Strauss faulted Lockean natural rights theory for its egoistic ethical connections. On the other hand, as I show elsewhere, Ayn Rand and Eric Mack both base their theories of the rights of human beings on some type of ethical egoism.³⁸ My own discussion above paves the way for an ethical egoistic foundation for natural rights.

A certain form of ethical egoism or what David Norton has called eudaimonistic individualism, provides the foundation of the natural rights system a community should accept as its basic constitution. Thus far I have indicated only the minimum content of ethics, in connection with my description of the nature of morality, and how skeptical objections to our being able to identify it can be met. Any bona fide theory of ethics must satisfy some basic standards. For one, it must be possible for all persons to make use of and to identify the moral position proposed. It must be available to everyone as a possibly right answer to the basic question, "How should I live my life?" This is because a moral position is supposed to be of crucial service to each human being, not simply to one elite.

Other requirements have been posed for bona fide ethical systems: 1. They must resolve conflicts of interest among human beings.³⁹ 2. They must accommodate our moral intuitions, at least

³⁷ Karl Marx, *Selected Writings*, David McLellan, ed. (Oxford, 1977), p. 53.

³⁸ Tibor R. Machan, "Some Recent Work in Human Rights Theory."

³⁹ Kurt Baier, *The Moral Point of View* (Ithaca, NY, 1958). Many hold, with this view, that "A man alone in the world could not possibly commit

when these are placed in a reflective equilibrium.⁴⁰ 3. They must enable us to distinguish between prudential and moral motivation.⁴¹

There are serious problems with these other requirements and they need to be noted so we can see why, despite widespread contention, a certain form of ethical egoism is both a bona fide ethics and indeed is the best ethical system.

1) Some human interests are perverse. They cannot be reconciled with opposing interests that are honorable, proper, noble. A moral system could include high standards that may not be met without someone abandoning his interests entirely. Moreover, it must be possible for individuals to conduct themselves in morally proper ways outside any context of conflict with others. Moral systems, in short, are prior to society, to any need for the resolution of conflicts of interest.

2) Our moral intuitions can be perverse.⁴² Indeed, in different

any wrong. His actions might be skillful or clumsy, sagacious or foolish, beneficial or injurious to himself; but they could not be morally right or morally wrong. These ideas just do not apply here" (Richard Taylor, *Freedom, Anarchy, and the Law* [Englewood Cliffs, NJ, 1973], p. 22). In order to appreciate why this bias is pervasive, one might consider the following observations from W. D. Falk, "Morality, Self, and Others," in H. N. Castaneda and G. Nakhnikian, eds., *Morality and the Language of Conduct* (Detroit, 1965): "One is only called morally bad and held answerable to *others* for neglecting what one ought to do out of regard for them. And this is understandable enough. After all, insofar as one fails to do only what one's own good requires, the failing is no one's concern but one's own" (p. 27).

⁴⁰ John Rawls, *A Theory of Justice* (Cambridge, MA, 1971).

⁴¹ Thomas Nagel, *The Possibility of Altruism* (Oxford, 1970).

⁴² An excellent instance of this is provided in Ernest W. Pettifer, *Punishments of Former Days* (East Ardsley, Engl. 1974): "To us today the revelation of the legal murders and cruelties connected with the trial of children are revolting. We have become so habituated to the kindly and even anxious atmosphere of the Children's Courts, that it is hard to believe that the full ceremonial, the dread ordeal, of the Assize Courts could have been brought into use against little children of seven years and upwards—judges uttering their cruel legal platitudes; the chaplain sitting by assenting; the Sheriff in his impressive uniform; ladies coming to the Court to be entertained by such a sight—the spectacle of a terrified little child about to receive the death sentence which the verdict of 12 men, probably fathers of families themselves, had given the judge power to

ages different intuitions dominate, some of which turn out to be absurd, morally odious. Sometimes such perverse intuitions are placed at a prominent level of significance by us, so that they will lead to the abandonment of other intuitions that more correctly reflect the actual moral priorities in our lives. A reflective equilibrium among our moral intuitions can be tilted toward moral debasement or mediocracy.

3) In some moral systems prudence is morally irrelevant, in others it is one of the central virtues. Indeed, it is the first of the cardinal virtues in one of the dominant moral systems of Western society, Christianity. This requirement begs the question against moral systems that stress the virtue of prudence.

These brief replies to the widely promulgated criteria as to what makes for a bona fide moral system need some elaboration. This will pave the way for showing that ethical egoism is a bona fide moral system.

(a) Some human interests are perverse. The most important point against egoism raised by critics⁴⁸ is that the view fails to provide us with a means of resolving conflicts of interests. The ethical egoism I am advancing escapes this criticism by distinguishing between self-interest properly and improperly conceived. As argued above, rationality comprises each person's distinctively human characteristic. Self-interest for any *human* being must, therefore, amount to living by the guidance of rational thought in whatever circumstance he or she faces. The desires of two agents may clash in some circumstances. Although this is often taken to be a form of the conflict of interest, it is in fact far from it. Only if a rational resolution of the conflict of desires is rejected by one of the parties to the conflict, will it be the case that someone's interest conflicts with another's desire. This, however, no longer qualifies as a conflict of interests. But, one might ask, couldn't the rational interests of two persons conflict? That is, could it not be the case that one person's rationally warranted desire conflicts with another's rationally warranted desire?

Ordinarily this is not expected, so philosophers tend to examine pass" (pp. 35-36). (I thank J. Roger Lee for calling the passage to my attention.)

⁴⁸ See Tibor R. Machan, "Recent Work in Ethical Egoism," *American Philosophical Quarterly*, 16 (January, 1979), pp. 1-15.

cases where it seems at least plausible. In other words, under ordinary circumstances we would expect to find ourselves to benefit from most forms of human associations, especially those voluntarily entered into. Trade, love, professional associations, employment relations, doctor-patient or student-teacher contacts—all these and many more usually provide a variety of benefits to the people involved. So what is needed to place doubts upon the view that the interests of people seriously conflict at times is some situation like the familiar desert island or life-raft case of moral philosophers. If one person on a desert island has access to water that another lacks, and this water can sustain the life of only one person, and both persons desire to live, don't we face a case of conflicting interests?

First, it is questionable whether any ethical position has an answer to the basic question "How should I live my life?" which easily produces the needed solution to the types of cases involved here.⁴⁴ Furthermore, no one has shown that only an ethical theory capable of doing so could turn out to be sound.

Second, the ethics of rational self-interest defended here stresses, first and foremost, the need for the use of reason, whatever the results. This may lead to having to flip a coin at times, or even to suicide, or again to leaving oneself to be guided by impulse. The situation at hand, given the time limits, may not afford one with the opportunity of elaborately thinking things through and one may have grounds for rationally deciding to leave matters to previous habituation.

Third, philosophers who pose such cases rarely realize what the extraordinary nature of these cases suggests: no known principle of conduct applies to them. Thus, those involved need to *think* of new rules, to use their minds to solve an unfamiliar problem. This very open approach still retains the classical ethical egoist insistence on rational guidance of conduct, without pretense as to the

⁴⁴ The problem is that these are cases that not only fall outside the ordinary sort of tasks for which a morality provides standards of conduct but they are inadequately described, without the history of the parties involved or the circumstances of their facing the problems they face. Nor are such cases familiar enough to us so as to know how to apply to them our moral principles. At such points one might still say, along egoist lines, that the one sure thing to be done is to think carefully so as to figure out what is to be decided.

constant possession of some well thought out subsidiary principle that could be made to apply in such cases; nor does it require that each such principle could enable one to avoid all unfortunate results. The egoism consists, of course, in the fact that the self is that of a rational being whose ultimate interest lies in actualizing the distinctive potential that makes it the kind of being it is.

Finally, there are tragedies in human existence that no amount of good will, conceived along egoist or non-egoist lines, can prevent. Things not expected can happen suddenly, so that some of those involved may perish or suffer great loss, and nothing could reasonably have been required of the parties involved to avoid the tragedy. This includes those cases where some of the parties fail to exercise good will; in ethical egoist terms, this means that someone who acts responsibly, guiding himself rationally, can encounter another who does not so act. The former may have to rebuff appeals for support or extension of assistance toward one's fellow human beings. Egoism does not by any means preclude generous, compassionate, even charitable conduct. But it rejects their moral primacy.

(b) Our moral intuitions can be perverse. As to appeals to intuitions, we must recall that intuitions are influenced by the prominent and diverse views as to what our obligations, duties, or responsibilities are. But these views can go wrong. Indeed, given the widespread conflict between what people unreflectively think is the right thing to do—e.g., in connection with what should be done when terrorism occurs, when famine ravages a community, when one must choose between security and creativity in one's work—intuitionism is of little help.

But if one adds to this the suggestion that intuitionism can only help if one's intuitions are consistent, then the question must be asked: Why is consistency taken to be important? Intuitionists haven't answered this question. Since the present outlook stresses the primacy of rationality in human conduct, it already makes room for that part of intuitionism that does not in fact involve intuitions. Given additional theoretical features which comprise the present form of ethical egoism, the viewpoint is superior to intuitionism. An intuition is basically an unsupported but strongly held opinion, and many such opinions are found wanting upon reflection. For example, when two persons lie on the ground writhing

in pain, most would intuitively regard both as deserving of help. Yet if (it is shown that) one is a decent human being, the other a cruel and callous terrorist with torture and mayhem on his hands, the same belief would no longer be considered true. This is because it can be shown that when help can be given, those who are morally decent deserve it more than those who are not. This is not, however, a matter of intuition but a matter of argument. So intuitions are of little *decisive* help in the sphere of morality.

(c) Prudence and Morality. Finally, prudence need by no means characterize a motivation without moral significance, as many moral philosophers appear to assume. In contrast to rash behavior, prudence can be a virtue. When a representative of an insurance company exercises prudence in examining the claims of a client and refuses to hurry with the payments, this can be a morally commendable practice. Professional ethics would often command prudence instead of haste or indifference, e.g., in the performance of one's work. Even if we consider motives pertaining only to matters of interest to oneself, prudence can distinguish the morally decent from the reckless and neglectful approach. For example, a prudent driver will not drink before taking a trip. Lack of such prudence will often result in self-destruction, for which one may then be held morally responsible. And in broader ethical terms, an imprudent life is morally lamentable.

Thus even without explicitly relying on the ethical egoist framework, prudent conduct can be recognized to have moral merit, not simply efficient consequences in the pursuit of some morally indifferent goal. Prudence can be taken as a procedural virtue, at least as important in one's personal conduct as fairness or generosity are in social relations. But a person with noble ends who pursues them prudently is morally more upright than one with similar ends who seeks them recklessly. While prudential considerations may not be basic to much of moral analysis, they are clearly not precluded from much of our moral reflections, especially when we are considering someone near to us whose conduct is of interest to us not merely as it relates to our own well-being but as it relates to his or hers.

5. *Egoism—Revised.* The ethical egoist's answer to the central question of morality, namely, "How should I live my life?" can be put as follows:

To evaluate the alternatives facing me with respect to the choice I have (implicitly) made to live my life, I should invoke the criterion: "Whatever will most effectively contribute to my happiness (i.e., success as a human individual in this life)."

We have seen that the various conditions Golding has laid out for us to meet can be met. Let me put the matter this way. As far as a political theory is required to meet such conditions, the present one has met them. Except for one. This is the development of the ethical system which will underlie the natural rights theory that I am aiming to develop here.

There are all sorts of silly reasons for rejecting ethical egoism. It is often confused with psychological egoism. It is at times taken for egotism. It is taken to contribute to vanity and conceit among human beings. It is seen as leading to narcissism. And there are others, I am sure. None of these are worthy of much attention. Psychological egoism advocates no moral principles since it in effect denies a crucial assumption of morality, namely, that we can choose our conduct. It maintains that we must pursue our self-interest as a matter of innate motives. Egotism is not an ethics but a personality trait of being extremely concerned with one's image, of a kind of shallow self-indulgence. It is egotism, in turn, which breeds vanity and conceit, not ethical egoism, which promotes a rational concern for oneself. Narcissism, too, is unrelated to ethical egoism, as is the "me" generation, both of which relate to one's aggrandization of what one happens to be at a given moment, or what one feels like, wishes, desires, etc. (Of course, even the best idea can be corrupted—e.g., "democracy" in Marxist-Leninist ideology!)

All the above misconceptions about ethical egoism have a source that is of philosophical significance, namely, the view that all individuals are entirely unique, self-aggrandizing beings. This Hobbesian position, embraced today mostly by neo-classical economists, is not actually an ethical position either. It rejects the idea of the freedom of the will and conceives of human beings as being in constant motion, faring best if left thus (e.g., by the government—ergo, laissez-faire economics).

The ethical egoist position comes to the claim that every human individual ought to employ the distinctive faculty of reason in the guidance of his or her life. This is because success for a human

individual, the central or highest form of goodness which is available as a matter of their effort to human beings, is secured by actualizing the potential for rational thought and action. This is what individuals must do of their free choice.

In this viewpoint the idea of goodness invoked is a relational one. Things are good as related to their purpose or natural role, i.e. the role that arises from what they are by nature. Thus it is a biologically based sense of value that operates in this framework. Botanists, for example, will designate those plants as good specimens which exhibit to the fullest the distinct traits of their type. A good tennis game is one which is played consistently and constantly in line with the nature of tennis. All goods must ultimately be identified in relation to these primary purposes. The handle of the knife is good as it relates to the knife's function. The ground for the rose is good as it relates to the health of the flower.

The value theory here holds in short that we will best understand by value or goodness whatever most fully exemplifies some developing, growing entity, and whatever contributes positively to that development. In the case of human individuals, we have, in turn, moral value, because they are *agents* in their own development and growth. So when they foster it, they are morally good, when they thwart it, they are morally evil. Of course, their moral good and moral evil is of considerable scope, including private, familial, fraternal, community, social, political and other dimensions.

Let me confront what could be anticipated as some of the questions posed in the light of the above claims. First, why should we seek happiness? Second, why should we promote our distinctive nature? Third, why should one single oneself out as the beneficiary of one's actions? Other questions could arise, but some have already been dealt with, others will emerge as we proceed to related matters.

Granted that to live is a matter of (implicit or explicit) choice, it is a fundamental one that gives reason for the rest of one's actions and requires no reason for itself. It is the basis of morality, relating intentionally to the goodness of living as such, compared to dying. Prior to the choice to live, it makes no sense to seek for reasons to act.

As to choosing to live our life as human beings, there is no other alternative, given what we are. It can be realized in many ways, of course. The life of a rational animal can take as many forms as their are individual situations faced by human beings. Thus, in short, one should promote one's distinctive nature because this is one's basic choice in having undertaken to live one's life. Not to do so would be to default on that commitment, to renege ^{So?} on the choice.

Finally, one singles oneself out as beneficiary of one's actions because one knows oneself better than anyone else is likely to, and because the bulk of the benefits one can reap in life are benefits only if one has personally achieved them. This is true of most major achievements—a career, wealth, reputation, health, friendship, romance, citizenship, etc. *To benefit another in cases of dire need or in emergencies could provide some necessary but not sufficient support for the attainment of that person's good human life. However, to provide various values for oneself would fulfill the choice and commitment one makes to live the good human life.* Furthermore, to attempt to benefit others would take away, at times, from the opportunity to benefit oneself at the risk of not benefiting anyone, since others (a) may not have chosen to live or (b) may be defaulting on that choice and will not take advantage of one's efforts. It is in general uncritical to consider all acts of giving, acts of beneficence.

The ethical egoism here described differs from other types that are based on conceptions of human nature not shared in the present framework. The ego of prominent renditions of egoism, put forth by critics, is conceived along Hobbesian lines as a ruling bundle of passions, with reason in its service merely as a kind of calculator. The present view takes *human life* as the standard to be invoked in determining (as well as achieving) one's happiness. It accepts what could probably be called a *classical* egoist stance ⁴⁵ in the sense that its underlying conception of the human self is not of the Hobbesian atomist/nominalist but of the Aristotelian naturalist/essentialist type. What "good for oneself" must come to, will differ greatly from the sorts of egoist positions most frequently discussed. Nevertheless, the present position is properly con-

⁴⁵ See Machan, "Recent Work in Ethical Egoism."

sidered egoist. From the point of view of its central features, the ultimate beneficiary—in the Aristotelian sense which may not neglect the fact that a human being is a rational animal and that the good of such a being must be a rational good (as distinct from what is desired, wished for, believed to be important) in conformity with our considered moral judgments, etc.—must be an individual human being, since there are, ultimately, only individual beings, no concrete universals.

Accordingly, the elaboration of the classical egoist ethics does not yield the narrow type of “rational” egoism associated with the *homo economicus* conception of human nature. Instead a Socratic, albeit more strictly secular, view of the good life for the individual human being is at issue here. What seem to be self-sacrifices in popular and, unfortunately, philosophical circles will not have to be self-sacrifices in the classical egoist framework. The good of an individual human being, and the morally right course for such a being to pursue will have as its standard the life of a rational animal, not the life of a bundle of passions or of a purely acquisitive being. But all the same, it will still be the good of an individual, a conception of the good correctly expressed by reference to rational self-interest or, as Socrates put it, to one’s “true self-interest” (*Phaedo* 115B).

I paved the way toward the defense of classical ethical egoism when I provided the meta-ethics of the present moral theory. I said that given the distinctiveness of human beings as rational animals, the sphere of morality emerges. Various skeptical concerns are manageable from the point of view that takes its bearings from such a basis. The freedom all of us have concerning the use of our rational faculties in guiding our conduct gives rise to the question, “How should I live?” And the fact that we are human beings, with the need to use our rational minds if we choose to live our lives, indicates that some modes of conduct are good, others bad for us. As to what the best system of principles amounts to for purposes of determining what mode of conduct is best for us—i.e., what moral principles apply to human existence—this is the substance of an ethical system. I wish to defend classical ethical egoism and I maintain that the customary objections to this view based on what is widely regarded as *the* moral point of view are inadequate. But now the question is whether classical

ethical egoism is indeed the best ethical system. This goes beyond whether it is a bona fide ethics.

To determine whether this ethical perspective is the best, whether it is actually binding on us and should be promulgated as the right morality for human beings, it is necessary to engage in some comparative analysis. A superior ethical system is better founded, more comprehensive, and has better explanatory power in the domain of moral concerns than competing systems. In this respect ethical systems are to be evaluated rather like scientific theories are. Does one achieve its purpose better than others? And since the purpose of ethics is to guide human beings to conduct their lives well, to succeed at living, it is by reference to whether one can do this better than any others that they are to be regarded as failures or successes.

At this juncture, I would need to show that ethical egoism is correct. But that would involve comparing it with other hypotheses as to what is true in the field of morality. Given what morality is, there is reason to think that the correct moral stance must guide us well in life, lest it be an impossible or highly problematic way of life that nature evolved for human beings. Before we should accept that alternative, it would seem appropriate to check whether a straightforward (and not frequently problematic) approach might not be available.

The ethical egoism I have sketched thus far seems to be an ethical system which can lay claim to taking the most workable approach to living human life well, without abandoning the objective of rendering meaningful our general and most basic ordinary perceptions concerning moral good and evil. How does it achieve this goal? By way of yielding the required knowledge as to what one must do to be a success as the human individual one happens to be, namely, through insisting that the primary ethical virtue each person ought to—and clearly can—practice is to use his or her mind. Thinking is the most fundamental choice we can make—all other choices, deriving from deliberation, intention, speculation, reflection, etc., presuppose it at some point in time. That we ought to think in life follows from the fact that human beings are living rational animals and the task of such entities is enhanced most effectively, as a general rule (barring accidents over which no control is possible), by excelling at ra-

tional thought. A good life is what we should choose, and so choosing renders a person virtuous, morally good.

Now I have not established that ethical egoism is correct. But for the time being it is clear that it is not the absurd candidate for being the best ethical system that most philosophers suppose it to be. To complete a demonstration of the superiority of ethical egoism would require an extensive comparison of it with alternative candidates in ethics—e.g., utilitarianism, altruism, hedonism, and other substantive ethics, as well as with the results of certain meta-ethical theories which issue in the endorsement of various substantive ethical ideas (e.g., intuitionism, which, à la John Rawls, produces a very interesting combination of moral ideas and ideals). But to undertake such a comparative examination is not possible in a work primarily designed to show the overall superiority of the natural rights system of political libertarianism. What is necessary, however, is to have some indication of why some of these alternative views are probably inadequate. That will at least suggest the worth of taking the natural rights doctrine which I would claim flows from the ethical egoist position (as well as several other factors) more seriously than it is being taken in our time by academic political philosophers. So let us look at some alternatives briefly.

Utilitarianism is one main contender for the best ethical theory. First, it seems clearly to suffer from resting in large part on an unsound and discredited philosophical base, namely, empiricism. Utility was meant to be an empirically identifiable good. Once this is understood, utilitarianism relies on an undefined conception of "good", which renders it an impracticable ethical system in response to the question, "How should I live my life?" (Unfortunately, to many social scientists, especially economists and decision theorists, utilitarianism still promises to be the best ethical system. I suspect that this relates to the empirical bias of those in such fields.)

Second, the implementation of utilitarian ethics is not possible by moral agents because what will or will not contribute to the greatest happiness of the greatest number is indeterminable. Thus one cannot further it.⁴⁶

⁴⁶ Much of the recent literature of decision theory, e.g., Kenneth J. Arrow's proof, attests to this point. For a good review of the literature,

Third, the previous problem leads to the need for collectivizing ethics, namely, leaving the determination of how we should conduct ourselves mostly to political representatives. But this leaves the agent without a decisive role in living a morally good life.

Fourth, any plausible idea of the utilitarian good would be extremely volatile, unstable, and thus, practically impossible to identify and to pursue. People's desires change frequently, as does their intensity and their relative importance. Any guidelines generated from the goal of wanting to attain the collective satisfaction of desires under such circumstances would themselves have to change rapidly.

Fifth, if utilitarian ethics has substantive content, it appears to be reducible to a form of egoism. It is (ordinarily) one's own well-being that one is both familiar enough with to apply to concrete cases of evaluation and actually able to promote. Trying to promote the general well-being of *society* is a hopelessly futile task. So what remains is the effort of all individuals to strive for personal success. This is the result of the lack of any clear idea of the public domain as distinct from the scope of individual life.⁴⁷

Finally, a combination of utilitarianism and either so-called justice theory (based on intuitions à la Rawls) or rights theory (based on the right to be treated as an equal à la Dworkin) has not fared very well thus far. Rawls ultimately fails because of his reliance on intuitions and his divorce of moral theory from the rest of philosophy.⁴⁸ Dworkin, in turn, never actually establishes the right to be treated as an equal and falls back on intuitions despite his promise of objective foundations.⁴⁹

One other major alternative ethics in our era is altruism. In the more refined philosophical versions this doctrine amounts to little more than the view that everyone should treat others with proper attention to their humanity, including their rights and other considerations due them. The more drastic and popular ver-

see Dennis Mueller, *Public Choice* (Cambridge, 1979). See, also Tibor R. Machan, "Rational Choice and Public Affairs," *Theory and Decision*, 12 (September, 1980), pp. 229-258.

⁴⁷ I owe this point to Professor J. Roger Lee.

⁴⁸ John Rawls, "The Independence of Moral Theory," *Proceedings and Addresses of the American Philosophical Association* (Newark, DE: American Philosophical Association, 1977).

⁴⁹ Ronald Dworkin, *Taking Rights Seriously* (Cambridge, 1977).

sions of this view, issuing in judgments and advice as to how we should engage in acts of self-sacrifice for the benefit of mankind, humanity, the fatherland, the race, the planet, etc., are not as widely promulgated in philosophical works, outside of the works of such earlier thinkers as August Comte, for example, or Karl Marx.⁵⁰ But even the more sophisticated versions tend to discount the moral significance of self-oriented conduct and stress the moral significance of doing good for others.

The preference altruism shows for others is, however, unjustified. First, if another is to benefit from one's actions, that benefit will have to be accepted and made use of, which would itself not be altruistic. Altruism requires that each agent be concerned with and do good for others, *ad infinitum*, with no moral justification attached to turning to selfish pursuits, including the selfish acceptance of others' assistance, when others can be benefited. Second, altruism makes sense mainly in the context of a Kantian conception of human nature. If people are naturally inclined to aid themselves, and morality is directed to other concerns, then it makes sense that working to benefit others is a good candidate for moral credit. If social relations require special attention while personal life requires hardly any or none, then altruism would make sense as the quintessentially thoughtful way of life. Yet there is no reason to believe that human beings automatically take care of themselves. Often we are tempted to neglect ourselves in the face of others' pleas and demands upon us or in the face of narrow distractions and pleasures. The belief that rational self-interest is virtually guaranteed to each of us derives from a narrow idea of "rational," "self," and "interest." "Rational" is taken to mean efficient or well arranged, "self" is understood as a combination of desires, drives, wants, instincts, etc., aiming for satisfaction, and "interest" is the achievement of such desires. Yet it is clear that one can have irrational desires, or an irrational concern with the efficient maximization of satisfaction, precisely when the desires are unsuited to oneself as a human being and the person one is, or when the concern for the efficient maximization of satisfaction interferes with, for example, self-understanding and self-discovery.

These brief discussions indicate that ethical egoism may well be

⁵⁰ Karl Marx, *Writings of the Young Marx on Philosophy and Society*, L. Easton and K. Guddat, eds. (New York, 1967), p. 39.

superior to other ethical systems in contention, as the ethics by which we should live. It is now possible to consider whether the ethical system elaborated here, which in part answers Golding's third requirement, provides the basis for the natural human rights that I claim form the standards of justice in a good human community. It is with a just system of law that we are concerned, after all. And the natural human rights that I believe exist and should guide our conduct in human communities are the standards that should guide us toward the maintenance of justice. Contrary to what some argue, natural rights theory is not an alternative to theories of justice. Natural rights theory is advanced to answer the question, what are the criteria of political justice? (Not *social* justice, since the latter belong within the framework of social morality, not political theory. These distinctions are often disregarded, but the present view incorporates them as crucial features of an adequate understanding of human community life.)

Before I discuss how best to conceive of justice in the context of the present framework, let me reiterate what I mean by "rights." Rights are principles defining a range of reality within which a person is sole judge, jury, and executioner. Others require one's permission to have a morally effective say as to what should and will happen within one's sphere of rights. These others could be fellow civilians, governments, or foreigners.



Natural human rights refer to that sphere of rights determined by the fact that one is a human being, which is off-limits to others except when one gives permission or in some extraordinary situation (e.g., when one is crucially incapacitated).

From Plato on, the idea of justice has been used to refer to "virtue," "righteousness," or even "moral excellence."⁵¹ The just community in Plato is also the perfectly good community, an ideal that some scholars persuasively argue Plato never intended to be implemented politically.⁵² Even in our own community of political philosophers this sense of "justice" is often confused

⁵¹ I borrow these reflections from Hanna Fenichel Pitkin, *Wittgenstein and Justice* (Berkeley, CA, 1972), p. 160ff.

⁵² As Leo Strauss observes in his interpretation of the political thought of ancient Greece, "There is no adequate solution to the problem of virtue or happiness on the political or social plane." "Restatement on Xenophon's *Hiero*," in *On Tyranny* (Ithaca, NY, 1968), p. 131.

with one that is concerned with whether political or social institutions, principles, laws, and arrangements are just. For instance, those concerned with end-state theory tend to focus on results that they would regard as good or at least satisfactory, instead of on the arrangements in society that allow for a community to become good as a community, though the results possible to attain within that community are something not directly influenced by those arrangements.

What interests us here is whether political justice can be understood in terms of the ethical framework developed in the preceding passages. Is it true that "being agreeable to egoists . . . could make . . . an institution just," or must we deny this as Leonard Choptiany does in his perplexing criticism of John Rawls?⁵³ What then is the egoistically just political system? To establish the justice of a legal framework, it would have to be shown that this framework agrees with basic principles of morality. In the present case it would have to be shown that classical ethical egoism supports certain political, legal or constitutional edicts in terms of which it could be claimed that justice among members of society will best be secured. Justice in the context of politics is best understood as referring to circumstances in which everyone relates to others in the manner suitable to the situation at hand. If everyone is treated in a fashion that he or she deserves under the circumstances, it can be said that justice prevails. The political principles and legal framework of a human community are aimed at the maintenance of justice, so that the various elements of such a system must provide the standards of justice.

In the present theory these standards are the natural rights each member of the community possesses. If a system embodies these rights—e.g., in its constitution, its judicial and penal code, its methods of administration—and if the system is functioning satisfactorily (without systematic abuse and corruption), the community enjoys *political justice*. Inasmuch as human beings ought to pursue their rational self-interest, and inasmuch as this pursuit must occur as a matter of their own choosing, each individual member of a human community must be treated in such a way as to retain a certain sphere of personal authority, of individual

⁵³ Leonard Choptiany, "A Critique of John Rawls' Principle of Justice," *Ethics*, Vol. 83 (January 1973), p. 147.

autonomy or independence of others' intervention or intrusion. The concrete implications of this point can be illustrated by considering egoism's cardinal virtue, as well as one of the derivative yet broadly applicable virtues of the position, and seeing how their practice could be protected and preserved within a human community. The conditions of such protection and preservation would then be properly regarded as the natural rights each human individual possesses. The administration of the system and the conduct of citizens in terms of the standards these rights provide, would secure political justice.

The virtues I wish to consider here briefly are rationality and productivity. The former is primary. It is also extremely broad in its scope, so that specific application can vary immensely. The latter, given the biological and physical nature of human beings—who need, sustenance, nourishment, shelter, tools, and so forth in order to live—is a rational principle vis-à-vis the general goal of survival and prosperity. In complex societies productivity can, of course, take a wide variety of forms, as do other virtues. Nevertheless, ethical egoism implies that some form of productivity, determined by one's individual attributes and circumstances or opportunities, be engaged in by everyone.

Each of the virtues requires a sphere of implementation. To guide one's actions reasonably, one needs some place these actions can occur; to be a rational parent or student or conference organizer or editor of a magazine, one will require room for children, study area, a conference room, or offices, respectively. A poet needs some paper and ink and a place to do his writing. All in all, the choice to live and the commitment that this implies toward rational conduct give rise to the need for "room" for action. A society, in turn, that is based on sound moral principles will reflect these matters in its legal framework. It will recognize that *the appropriate way to treat human beings involves noting that some sphere is theirs to utilize to govern, to exercise judgment about, and to act within.*

The standard of justice pertaining to this matter is the natural right to property, which constitutes the acknowledgement of the fact that human individuals live in a world of definite entities and spheres, some of which will properly come under their authority to possess, to use, to distribute to fellow human beings, to destroy,

to trade, etc. In particular, when human beings engage in producing for their well-being and prosperity—something they ought to be doing as rational animals, and something they could not do with the expectation of benefit if they were under the jurisdiction of others—the moral necessity of the right to private property becomes evident. It is possible to misuse this value, of course. Some might overindulge in some autonomous form of activity to their own peril—thus they will have utilized a social principle necessary for pursuing a rational life but will not have taken proper advantage of it. The moral requirement of this standard, should, nevertheless, be evident. It gives institutional support to human individuals in society in their pursuit of rational, self-interested conduct.

The right to private property isn't some independently existing right to freedom of trade that one is entitled to or should enjoy by virtue of certain purely economic considerations. It isn't merely a utilitarian device, as Mill thought and others have suggested since Locke's natural law/natural rights defense has fallen on bad ways. It is indeed to the general advantage of members of a community to implement the principle by which what is properly the property of one person can be distinguished from that of another. But this does not mean that in each individual case of the exercise of property rights some concrete advantage will be reaped by either the person exercising this right or other members of the community. Just as the potential for human good makes the potential for human evil a real possibility, however avoidable ultimately, so the potential for the productive, creative, decent, wholesome and useful exercise of the right to private property is intimately tied to the abuse of that right. This is the nonutopian feature of the natural rights system advanced here.

The right to private property is, in fact, the concrete, realistic expression of the more abstract or general natural right to life each person has. That right is derived from the goodness of living a fulfilling human life *and* the choice of this we can assume to have been made by acting individuals. (Here we find an affinity between the present position and that put forth by Gewirth, although, I would argue, the point is more deeply anchored than Gewirth's.)⁵⁴ Each individual is committed to a freely chosen

⁵⁴ Alan Gewirth's theory of human rights, in, e.g., *Reason and Morality* (Chicago, 1979), assumes but does not prove the existence of any non-

pursuit of a good human life, to fulfill the choice to live as a good human individual. Clearly, one might or might not follow through on this choice at any given time. The failure to do so can have serious consequences for oneself and for those either freely associated with one or otherwise linked to the agent (e.g., children, neighbors who have no recourse in law against spillover effects or externalities).

It is then crucial, from a moral point of view, to secure a workable, systematic means by which one's life and works can be distinguished from the lives and works of others. This would facilitate the distinction between the often extremely valuable cooperation of individuals and the frequently intrusive and injurious (at times debilitating) interference of some upon others. An individual's pursuit of a rational, self-interested life can be manifest by way of the associations he elects to be involved in. Those not so chosen should, if the significance of these choices is to be respected, be possible to avoid.

It is to achieve the widest possible—that is, equally pertinent to all members—respect for the individual moral autonomy of human life that the principle of the right to private property emerges from that of the right to life. This right to property is a systematic reflection in concrete day-to-day affairs, of the moral aspects of social existence and should be implemented in human communities whenever possible. On the one hand, we see human rationality linked with the freedom of the human will, with our capacity to choose to think and be guided by thought. On the other hand, we see that moral conduct, behavior which conforms to chosen principles guiding one to a successful human life, is linked to the liberty that individuals can provide for other persons by refraining from taking over the governance of their lives, even when this would be very tempting and appear to do more good than harm.⁵⁵

social and non-political good. The idea is that by their purposeful actions, individuals exhibit valuing some things, some forms of activity, some goals. And the political implication of this is, Gewirth argues, a system of human rights to (negative) freedom and well-being (positive freedom). See, for extensive discussion of Gewirth's ideas, E. Regis, Jr., ed., Gewirth's Ethical Rationalism (Chicago, 1984), including Douglas Den Uyl and Tibor R. Machan, "Gewirth and the Supportive State," pp. 167-179.

⁵⁵ John Milton put the point eloquently:

If every action which is good in man at ripe years were to be under pitt-

This latter link is secured via a system of private property—including respect for personal authority in one's creations, productions, inventions, inheritance, etc., in such diverse fields as the arts, sciences, commerce, entertainment, exploration. Such a system makes possible in society the full exercise of individual responsibility. Only through fulfilling this responsibility—by choosing to conduct oneself guided by sound principles of human conduct—can one aspire to human happiness, to the successful life as a human individual. This is the goal of the morally virtuous life. A politically just community must, in turn, through its institutions, enable everyone to exercise his or her natural human rights.

Far from limiting man, as Marx had thought, each person's right to freedom locates for him a suitable and indispensable sphere of personal choice, for good or for ill. These rights do in a sense separate man from man, restricting the unavoidable impact of either the morally good or the morally evil conduct of human beings to (approximately) those who choose to engage in such conduct (and those willing to be associated with those individuals). If, as I have argued, a human being is to an essential degree—i.e., respecting his or her moral achievement—self-determined, in this respect he should be left alone if he so chooses. In the last analysis one cannot morally reject self-responsibility and one loses it only when enslaved, more or less.

6. *Summary.* Golding asked that an idea of human nature be spelled out, that it be shown that we can employ it successfully in particular cases of identifying what and who is or is not a human being, and that we can spell out what it would be for such a being to live a morally good life and how this will determine the character of the social conditions necessary for just that purpose, namely, one's human rights. Meeting the requirements of Golding's

ance, prescription, and compulsion, what were virtue but a name, what praise could be then due to well doing, what grace to be sober, just or continent?

Those wishing to guarantee good behavior—e.g., generosity, charity, or continence (liberals or conservatives in politics), become zealous and thus threaten the destruction of the very ground of human morality, namely, individual natural rights, what William of Ockham called "the power to conform to right reason" (*Opus Nonaginta Dierum*). For more, see Douglas Den Uyl, "Freedom and Virtue," T. R. Machan, ed., *The Libertarian Reader* (Totowa, NJ, 1982), pp. 211-225.

program also makes possible the fruitful discussion of the issues raised by some critics of natural rights theory. They have urged that it is necessary to touch the various bases I have touched in the effort to develop an adequate natural rights system.

Let me now give a brief, compressed statement of what I have tried to establish in the present discussion. First, I presented a theory of contextually objective definition, one which locates (for the time being) a place in a more or less fully developed conceptual scheme. Concepts, in turn, were seen to be cognitive devices for integrating and differentiating what we are aware of (via our perceptual faculties) in reality. Thus, the concept "human being," locates the place for those entities that have been distinguished for their possession of a biological constitution along with a rational capacity for guiding their behavior.

Human individuals, as other entities, are beings of some kind, definite beings. We are capable of identifying such individuals despite some problematic cases—e.g., those with brains that are dead. Such cases signal inadequate knowledge of details or trouble with our scheme and possible need for revision. The nature of a human individual, I have argued, can be identified by obtaining the evidence (or reasons) without the presence of which placing such entities into a distinctive category of existence would be missing. Human nature consists of these individuals' distinctiveness as biological entities with a mind. The mind is a conceptually conscious faculty that a being possessing it must activate; that is, a human being must choose to think. Moreover, a human individual distinguishes some one from other kinds of individuals on the basis of the characteristic(s) noted above.

Concerning various kinds of beings it is possible to identify that some are poor, others, good, and yet others excellent or the best of their kind. This is evident enough from our encounter with games, fruits, sunrises, concerts, movies, etc. Something is a good such and such if it fulfills—consistently exhibits—the requirements and implications of its nature, including those based on why it is the *kind* of thing it is and those based on the *individual* it is. For example, a good sunset will exhibit whatever in general sunsets must be, fully and consistently, and it will also exhibit the individual, unique features associated with a sunset in a consistent and complete fashion (e.g. the particular terrain will

be illuminated in a particular way). A tennis game will be at its best if the criteria of being such a game are fulfilled consistently and if its particulars—setting, players, instruments, referees, and so forth—exhibit themselves in good form. (To go into more will in each case require intimate knowledge of some particular game and the general criteria as well.)

Turning to a consideration of the human good, we can make reference to the more general conception of goodness indicated above. Individual human beings are good if they exhibit or integrate in their particular case consistently and completely both the defining characteristics of being human, as well as the individual attributes in their best light. *As rational animals, human beings are morally virtuous when they choose the use of their minds with respect to their individual situations, their own lives.* It is here that the category of morality emerges, to distinguish the human from the nonhuman good. In the former case choice is involved—the goodness of a human being is something intimately tied to its attainment by means of choice! Self-responsibility for being a good person introduces the category of moral goodness. An individual who lives in the 15th century B.C. as a nomad hunting for food can exhibit human excellence just as much as one who lives today as a parent and company executive in Amsterdam. Both would be morally good human beings if they used their minds carefully and persistently pertaining to living in their own circumstances. (This would, of course, generate other general virtues, such as courage, honesty, loyalty, thrift, prudence, although these are a bit more specialized than the general virtue of right reason or rationality.)

Thus far I have sketched some of the ethical dimensions of the normative position developed above. Choosing to be a good person, to live morally with respect to oneself alone, is imaginable, at least, and often evident (as when career decisions, personal affairs, developing one's talents, and so forth are at stake). What bearing does this have on community life?

The (implicit, tacit, or explicit) choice to live among others which members of communities may be presumed to have made can be well founded. Social life can be of enormous value to an individual, and to choose such a life is commendable in most cases (unless one chooses a corrupt society). But not just any social

life will do. When social life makes it possible to engage in the maximum range of self-determined rational conduct it can be regarded a very good prospect. A good society must include provisions that make possible the choice to be a good human being. In society the option to establish these provisions is present because human beings can choose the conditions of their social existence, even if only gradually, slowly, incrementally. Non-human obstacles to a self-determined, rationally conducted life will always persist and will have to be dealt with individually and in cooperation with others. But even this can be accomplished in a morally commendable manner only if the basic conditions required for living a morally good life are present in society. The obstacles to such a life *ought* to be removed, and they *can* be removed. To put the matter in familiar terms, members of a community ought to establish, maintain and preserve a constitution of natural human rights. Rights of this sort are the conditions of moral life in human communities, they connect ethics with politics. They specify what kind of conduct protects and preserves individual self-determination. The right to life, for example, amounts to the principles that in social circumstances the pursuit of one's existence ought not be obstructed by others. The biological, psychological, economic, and other concrete circumstances of one's life serve to spell out the sphere within which one's authority ought not to be breached. One's life cannot be specified without reference to the actual expected circumstances of human living, e.g., one's needs, wants, desires, joys, pleasures, and so forth. It is vis-a-vis the real world that these matters become objects of choice in an individual's life.

Here is where the controversial right to property enters the picture. The right to property means that one ought not be prevented *by others* from creative and productive, including inventive, entrepreneurial, speculative, imaginative, exploratory, and similar activities, involving items in reality that can be identified and thus linked to the person involved. If one's good judgment—the prime instrument of achievement any human being can make use of as a matter of choice—guides one to interact fruitfully with the world, the resulting transformation of the world may properly be attributed to the person. Self-determination, then, would include the exercise of property rights. *A society that seeks to enable morally good human lives to flourish would establish, maintain,*

and preserve the natural human rights that specify the principles of human interaction suitable for moral excellence as the basic constitution of the realm. Of course, if human nature were different from what it is, the principles themselves would be different—although it is difficult to imagine what this would amount to.

Given that the present discussion leaves a number of issues incomplete and many questions unanswered, it can only serve as the first stage of the constructive portion of the natural rights theory I am interested in developing. Still, it should be clear from this much alone what position seems to me should be taken on a number of crucial issues. My main task has been to make at least a plausible case for the view that the sort of substantive natural rights political theory I have in mind is philosophically well grounded.⁵⁶

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⁵⁶ Thanks are due to J. R. Lucas, Bill Puka, Ed Regis, Jr., M. P. Golding, and Renford Bambrough for their kind comments on an earlier draft of this paper. I became aware of Gilbert Harman's "Human Flourishing, Ethics, and Liberty," *Philosophy and Public Affairs*, 12 (Fall 1983), pp. 307-322 after this paper was substantially completed. Still, having discussed Harman's criticism of naturalism, I believe much of what I do above addresses his doubts about the prospect of a natural rights political theory. See my "Harman's 'Refutation' of Flourishing Ethics," *The Thomist*, 49 (July, 1985), pp. 387-391.

I wish to thank the Reason, Progress and John M. Olin Foundations for their support of my work on this and related papers.