

# THE RIGHT TO PROJECT PURSUIT AND THE HUMAN *TELOS*

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**L**oren E. Lomasky in *Persons, Rights, and the Moral Community*<sup>1</sup> has written an important and yet problematic defense of individualism. His defense is important because he makes progress in showing why there needs to be an irreducible moral concept of "rights." His defense is problematic because he argues that the justification of rights depends on the existence of ultimate value that is independent of human preferences or desires.<sup>2</sup>

According to Lomasky, human beings need rights<sup>3</sup> because they are individuals, and a crucial feature of being an individual is that one has ends which are unique and bound up in a person's very identity. These ends provide the individual, and only the individual, with a reason for doing something. They are not transmissible to others. The value of these ends may be based on nothing more than an individual's commitment to them and is not necessarily objective. Lomasky calls these ends personal projects and describes them in the following way:

Projects clash with impartiality. To be committed to a long-term design, to order one's activities in light of it, to judge

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one's success or failure as an acting being by reference to its fate; these are inconceivable apart from frankly partial attachment to one's end. If  $E_1$  is bound up with  $A$ 's conception of the type of person he is and the kind of life he has chosen to lead, then he cannot regard its attainment as subject to trade-off with  $B$ 's  $E_2$  simply on the ground that some impersonal standard of value ranks  $E_2$  above  $E_1$ . Rather,  $A$  will appraise possible courses of action by reference to a personal standard of value. His central and enduring ends provide him reasons for action that are recognized as his own in the sense that no one who is not committed to those very ends will share the reasons for action that he possesses. Practical reason is *essentially differentiated* among project pursuers, not merely contingently differentiated by the unique causal constraints each person confronts from his own distinct spatio-temporal location. That  $E_1$  can be advanced by  $A$  might provide  $A$  overwhelmingly good reason to act. That  $B$  could equally effectively advance  $E_1$  might merit vanishingly little weight in  $B$ 's moral deliberations. To put it slightly differently, practical reason is inherently and ineliminably indexical.  $A$  will regard the assertion, " $E$  is *my* deep concern," as a significant reason in itself for his seeking to advance  $E_1$  rather than some competing end.<sup>4</sup>

A system of abstract and universally categorical rules does not of itself account for the possibility that  $A$  and  $B$  may give different weight to  $E_1$ . Indeed, if those rules are themselves about various " $E$ s," the opportunity for divergence on any  $E$  covered by a rule vanishes. It is precisely the *fact* that individuals are different in their values, circumstances, goals, talents, personalities, etc. that a term signifying the *moral* propriety of those differences be available. The general, the abstract, the universal does not capture what is captured in the term "rights." An individualistic and hence pluralistic component is missing. Basic rights, then, are needed in order to protect human beings in the course of pursuing these personal projects. Rights function so as to provide 1) the moral sanction for an individual's activities—whether they be truly valuable or not—that do not invade the moral territory of others; and 2) the moral obligation of others to respect the moral territory of the individual.

Yet, Lomasky holds that the importance of protecting people's status as project pursuers depends on the existence of objective value. If all value is reduced to preference, what does it matter if

people's status as project pursuers is not protected? Lomasky claims that the objective value of being a project pursuer is presupposed by the personal value that accrues to me as I pursue my project. If this is true, however, there seems to be a problem. Can rights have the "deontic" force Lomasky wants them to have, that is, can they be a moral side constraint on attempts to do good and avoid evil, and yet, in terms of a deep justification, be based on objective value? How can some activity or project whose value is based on nothing more than a person's commitment to it and which may in fact not promote the objective value of being a project pursuer, be made untouchable if the justification for keeping that activity so protected is the objective value of being a project pursuer?

In what follows I will first consider Lomasky's understanding of the problem of reconciling basic rights with a deep justification that is based on objective value together with his insights as to how a solution to this problem might be found. Second, I will argue that the beginning of a reconciliation of rights and objective value is found in a conception of ultimate value whose nature is both objective and individual, but not impersonal, subjective, and, most importantly, unrelated to human agency. It will be argued that an Aristotelian<sup>5</sup> or, if some prefer, a quasi-Aristotelian, inclusivist conception of the human *telos* fits such a conception of value and provides a possible foundation for the rights Lomasky seeks to defend.

## I

Lomasky realizes that the liberal desire to recognize the individual as sovereign with respect to his own ends cannot require that a liberal regime be neutral regarding all ends that individuals might choose to pursue.

No political order can vest in private individuals complete discretion to seek value wherever they choose. There will always be those for whom nothing is more charming than bashing heads, and neutrality towards *that* kind of end would be ludicrous. It is tacitly assumed that liberal neutrality ends where violation of rights begin, and that a hands-off policy is appropriate only towards rightful actions. But once it is admitted that not everything is permitted, why should the line be drawn at rights violations? Why should not it be the business of the state to promote what is *right* rather than merely respect for *rights*?<sup>6</sup>

There are, of course, many practical objections to the state taking

on the function of directly promoting virtue, but as Lomasky observes, "objecting on grounds of practicality to direction by Philosopher-Kings tacitly admits that such a state would be the best regime if only it were attainable, and that thus liberal individualism is no more than a second-best solution to the problem of civility."<sup>7</sup> He further notes that a denial of any knowledge of what is truly good or valuable is a two-edged sword. While it may leave the Philosopher-King without any knowledge of the good, it also leaves the right to project pursuit without moral foundation. Thus, Lomasky is looking for a conception of the good that will allow for a morally principled defense of the liberal claim that the state should only prohibit and punish rights-violating activities and leave to individuals and non-governmental institutions the task of commending and condemning various modes of life.

Lomasky raises the foregoing problem at the very end of his book and thus does not try to provide a definitive solution. Yet, he does refer to the old adage that no one can be compelled against his will to act virtuously. Given that  $E^*$  is of luminous worth according to some objective standard of value and that  $E$  is what one desires but is only a middling valuable end or even not valuable at all, Lomasky notes that

if one is *made* to advance  $E^*$  when it is really  $E$  that one wants, one's efforts on behalf of  $E^*$  are not directed by the value that is in  $E^*$  but instead by the whip or by its civilized equivalent, tax preferences....There are some things that persons must do for themselves, and do freely, if they are to be worth doing. This is not a new and radical proposition but one of the oldest verities of moral philosophy. It finds its fullest and most consistent expression in the theory of liberalism.<sup>8</sup>

Virtuous living cannot exist if one does not choose such a way of living for himself.

Is the claim that self-directedness or autonomy is necessary for virtue to exist sufficient to establish the claim that government should not have as its task the direct promotion of virtue but instead only the protection of rights? This depends entirely on how directing and using one's own mind to take action to achieve ends is related to an individual living virtuously. If following one's choices is merely the necessary means to virtue, then in those instances where an individual's choices are clearly not going to realize his good, it cannot be claimed that the individual has a right to have these choices protected from coercive interference. In such situations his

choices are, *ex hypothesi*, not going to result in the realization of his good and so protecting these choices is not necessary for his realizing his good. Trying to base the right to project pursuit on self-directedness being the necessary means to a life of virtue is not going to work.

Henry B. Veatch has expressed this viewpoint clearly. "A person's rights are strictly conditioned upon that individual's life, liberty, and property being the necessary means of his living wisely and responsibility and of his becoming and being the person that a human being ought to be."<sup>9</sup> Thus, if one engages in conduct that is not, to use Veatch's terms, perfective of one's nature, then one would not have a right to engage in such conduct. "The actions that he takes and the conduct that he pursues are then no longer right at all; nor can his natural right to life, liberty, and property be said to entitle him to live in the way he has foolishly and unwisely chosen to do. In other words, that one should abuse one's right [viz., engage in nonperfective conduct] must not itself be taken to be right, or even one's right in any strict sense."<sup>10</sup> Government would not in virtue of a right possessed by an individual, then, have any duty to refrain from interfering with a person's nonperfective behavior. For Veatch, rights are not an irreducible moral concept. A person's right to *X*-ing is but a short hand for saying two other things: (1) it is right that the person *X*'s, or *X*-ing is necessary to *Y*-ing which is right for the person to do, and (2) in virtue of the rightness of *X*-ing or *X*-ing being necessary to do what is right, say *Y*-ing, others (somehow) have the duty not to interfere with a person's *X*-ing.

## II

If an irreducible right to project pursuit is to be based on objective value and if the liberal claim that the state should not use its coercive power for directly promoting virtue but only for rights-protection is to be defended, the relationship between self-directedness and what is of objective worth needs to be more intimate and vital than has so far been conceived.

What follows is an account of the human good that I believe will prove helpful to the defense of the right to project pursuit. This account is of Aristotelian inspiration. It holds that human flourishing or living in accordance with virtue to be the human *telos* and thus the ultimate, objective standard of value. It makes the following claims about the character of the human *telos*:

- (a) The human *telos* is "the most final end and is never sought for the sake of anything else because it includes all

final ends.<sup>11</sup> As such, the human *telos* is an inclusive end, not a single dominant end which competes with all other ends and allows no other ends to have value except as a means to it. Thus, it is possible for an activity to be done for its own sake without just being a necessary preliminary or means to human flourishing.<sup>12</sup>

(b) The human *telos* is an activity, and other final ends or virtues are “included” in it not as things might be included in a box but as expressions of it. They are the very activities that constitute the activity that is human flourishing.

(c) The human *telos* is an integrated set of activities or virtues, not merely a collection. As an integrated set of activities each of which is valuable as an essential feature of this way of living and not merely as a means, human flourishing has a unique excellence—a fundamentally essential activity which makes possible and explains the existence of all the others activities which constitute human flourishing. This *arete* which unifies the human *telos* is the activity of human reason or intelligence.

(d) Human reason or intelligence is not automatic. Be it speculative or practical in character, effort to initiate and effort to maintain human rationality is required. Autonomy or self-directedness is the *exercise* of human intelligence and thus is at the very core of human flourishing—it is what makes human flourishing *human*.

Eric Mack has expressed point (d) as follows:

The centrality of autonomy, as a property necessary to any activity’s being *constitutive* of living well, allows us to be more specific about the (proper) function of a person’s activity, capacities, etc. It is the (proper) function of a person’s activities, capacities, etc. to be employed *by that person* in (toward the end of) his living well. The function of a person’s activities, etc. is individualized not only with regard to whose well-being it is the end of the activity (capacity, etc.) to serve but also with regard to who must employ the activity (capacity, etc.) for it to fulfill its function. The activity (capacities, etc.) of *A* must be employed by *A* if it is to fulfill its function of contributing to the active, ongoing, process of *A*’s living well. (And *A*’s activities, capacities, etc. have no “higher” end.)<sup>13</sup>

Self-directedness or autonomy is, therefore, no mere means or necessary condition for human flourishing. Rather, it is the central necessary feature of human flourishing which is and indeed must be present in all other activities which constitute the human good that is human flourishing.

According to this conception of the human good, self-directedness is not only necessary for human flourishing to exist; self-directedness is necessary for human flourishing to be human flourishing. It is not external to the essence of human flourishing, but is the very form, the only form, in which a life in accordance with virtue (human flourishing) can be lived. In other words, if I am not the author of the activity, that activity is not good or right for me even if it should nonetheless be true that if I were the author of that activity it would be good or right for me.

Since the human *telos* is an inclusive end, one can know that certain activities are good or right for man by an analysis of the nature of human flourishing and not by merely appealing to whether the consequences of following these activities will promote the natural end. An Aristotelian conception of the good does not require a consequentialist theory of obligation. Thus, the moral justification for the protection of one's self-directedness is not merely consequentialistic in character. Yet, since self-directedness is the very form in which human flourishing exists, neither is the protection of it to be morally justified in the manner by which the practice of a constituent virtue is morally justified—namely, by the obligation to live a life in accordance with virtue. Letting the moral justification for protecting someone's self-directedness rest on the duty to perfect one's nature would make the justification for protecting self-directedness dependent on whether the exercise of this power in a particular situation was morally appropriate. If this were so, then the liberal's traditional worry about finding a principled basis for legal tolerance of activities that are not authentically good would be well-founded. How could there be any moral justification for legal tolerance of morally inappropriate conduct if such tolerance is based on a theory of the human good? There has been ample theoretical reason for liberals to traditionally avoid accepting the claim that there is a human *telos*.

However, if self-directedness is the one and only form in which human flourishing exists, that is, if virtuous life must be self-directed life, then the moral justification for protecting self-directedness is much different than has so far been conceived. What many advocates of natural end ethics have failed to realize and what some liberals come very close to seeing but do not quite see is that to hold that the

human good is to perfect one's nature in accordance with the standards of human flourishing is also to hold that the human good is a life of self-directed activity. Before ever addressing questions of what someone should think or how someone should act, an analysis of human flourishing shows that human beings ought to live their lives according to their own judgments. Human flourishing, excellence, or well-being cannot be what it is without self-directedness or autonomy. This is the most crucial insight we have into the character of human well-being: because it allows us to see that just as human flourishing is the ultimate end or value of all human choices, so it must be that individual human beings following their own choices (and not those of others) while engaging in the concrete activities that constitute their lives among others is the most important social/political value.<sup>14</sup>

Indeed, once we abstract from the central virtues called for by human rationality and the specific activities for concrete goods a particular human being's reason or intelligence tells him he needs to take because of the circumstances in which he finds himself, we have the exercise of human reason or intelligence itself—that exercise, that power, is self-directedness or autonomy. Self-directedness is the activity of human flourishing most abstractly and universally conceived. The protection of self-directedness or autonomy is, therefore, to be morally justified simply because the human *telos* is to be protected.

This most universal and abstract characterization of an Aristotelian conception of the human good would not, however, have a point if it were not the case that this conception did not also recognize (1) that human beings are social and political animals who can only flourish among others; and (2) that the human good is always and necessarily the good for an individual human being. This most universal and abstract characterization of the human good in conjunction with the recognition of the social/political and individualized character of the human good allows us to see the fundamental need for an irreducible moral concept of "rights." This need stems from the twin requirements of providing a legal framework for a human community within which project pursuit and the protection of the autonomy of each and every person can simultaneously occur. To better appreciate this point, however, we should consider the individualized character of the human good more carefully.

Though the social and political character of an Aristotelian conception of the human good is generally recognized, the individualized character is generally not. Yet, it must be remembered

that the human good is not some Platonic form. The good of any human being is to that human being as act is to potency, and since the actuality of a human being is but the actuality of that human being's very potentialities, the good for a human being is not something abstract. One has potentialities not only in virtue of *what* one is but also in virtue of *who* one is. Indeed, human beings cannot actualize their specific potentialities except through an actualization of their individuating potentialities. The human good neither exists apart from the choices and actions of individual human beings nor independently of the particular "mix" of the goods that the individual human must determine as appropriate for his circumstances.<sup>15</sup>

Does this mean that this Aristotelian conception of the human *telos* does not provide any unequivocal guidance regarding human interests? This depends, of course, on what it means for there to be "unequivocal guidance regarding human interests." If, on the one hand, it means that there is no common set of virtues that all human beings need to possess and follow if they are to find fulfillment, then the answer is "no," because if an Aristotelian conception of the human good means anything, it is that there are certain virtues with which all human beings, simply because they are human, need to conduct their lives. If, on the other hand, it means that what the virtues which constitute human flourishing call for in terms of concrete action can vary in the lives of individual human beings, then this is not saying something which is inconsistent with this conception of the human good, but indeed something required by it. As Henry B. Veatch has observed regarding the doctrine of the mean, "the whole point of the doctrine of the mean is that in the very nature of the case it will be related to the particular situation, the principle being that how we feel and react to a situation should not be a mere uncritical and undisciplined response, but rather the sensible and intelligent reaction which the particular situation calls for."<sup>16</sup> We may conceptually distinguish between the potentialities a human being has in virtue of *what* and *who* he is, but they are never separate in the individual human being. Though it may not have always been recognized, there is plenty of room for pluralism and diversity within an Aristotelian conception of the good.

Though the human good is indeed objective and universalizable and something all men are obligated to pursue according to an Aristotelian conception, it is instructive to note that the principle of universalizability need not be interpreted so as to require that none of the individuating features of human beings be allowed to impinge on our moral reasoning. It must be remembered that the

principle of universalizability in an Aristotelian ethics does not operate as some a priori principle. This principle is justified only to the extent one can through an act of abstraction conceive of human nature and truly predicate this nature of individual human beings. Though the concept of human nature does have a foundation in reality, that is, it is based on features that all human beings through an act of abstraction can be seen to share, these features are always and necessarily individualized. Human nature does not exist abstractly or universally—either *ante rem* in a Platonic manner or *in rebus* in a Porphyrian manner as the “universal part” of an individual human being. Accordingly, when it comes to developing a conception of the human good based on our knowledge of human nature, it would be a mistake to treat the human good as if it were something that was not always and necessarily the individual human being’s own good. Thus, the principle of universalizability cannot function in an Aristotelian ethics as a principle of impartiality—that is, as a principle that requires moral reasoning to ignore those ends which are unique to the individual.

According to Lomasky, to say that a standard of value is impersonal is to say that it is a standard of value that is impartial among persons. What this implies is that the fact that “*E* is *my* end; it is *what I most of all care for* provides no *moral* reason for my choosing *E*<sub>1</sub>.”<sup>17</sup> The only moral reason for my choosing *E*<sub>1</sub> is one that everyone else could share. Personal projects clash with the principle of impartiality. Personal projects and the partial attachments they involve do not, however, clash with an Aristotelian account of the human good. As already implied, the principle of universalizability need not be interpreted as implying either that one man’s good is another’s or that the moral point of view requires that he has no more moral reason to pursue his own good than that of any other human being.

As is well known, Robinson Crusoe without Friday has no need of the moral concept of “rights,” but when they meet, there is the possibility of the one interfering with the autonomy of the other—that is, using the other for a purpose the other has not chosen—and thus destroying any possibility of the other flourishing. Such conflict, however, need not be simply the result of some moral failing on the part of the parties involved, it could also stem from the fact the what is objectively good for Friday and what is objectively good for Crusoe may not be the same when it comes to concrete actions. Morally speaking, Friday may have no objective interest in Crusoe’s end and vice-versa. They may even conflict. Given such potential for conflict, there needs to be a moral principle which protects the

autonomy of each so as to allow for the possibility that each may flourish in his own unique way—that is, pursue personal projects.

According to this Aristotelian conception of the human good, the legitimacy of an irreducible moral concept of “rights” is founded on the moral propriety of individualism or pluralism and a principled commitment to human flourishing which recognizes the need for producing a compossible set of moral territories, what Nozick calls, “moral space,” consistent with the diversity of human flourishes. Rights are the principles used to create a legal system which defines a set of compossible territories that provide the necessary social/political condition for the possibility that individuals might carry on a life in accord with virtue. They establish the legal limits in which pluralism may express itself in relation to others. They provide the moral side constraint on attempts to promote good and avoid evil that would require using persons for purposes to which they have not consented. So construed, rights are nothing less than the social and political expression of human flourishing.<sup>18</sup>

1. (Oxford: Oxford University Press, 1987).

2. Lomasky states: “If all value reduces to preference, then there can be no reason at bottom to prefer one thing to another....No meaningful content could be found to the proposition that satisfying desires is better than not satisfying desires. For if the good for a person just is, definitionally, his getting what he happens to desire, then to assert that satisfaction of desires is good (and dissatisfaction of desires is bad) is logically equivalent to saying that getting what one desires is getting what one desires (and not getting what one desires is not getting what one desires). Arid tautologies can do no justificatory work....If there is no value antecedent to desire, then the desire for *X* is desire for the valueless, and satisfaction for the desire for *X* is valueless satisfaction.” *Ibid.*, pp.251-252. Regarding what Henry B. Veatch has called the “Euthyphro test,” Lomasky would seem, then, to hold that *X* is not valuable because it is desired, but rather desires are for the sake of what is valuable.

3. Though Lomasky does make some provision for positive rights minimally conceived, I am only concerned with his argument for, what rights theorists call, “basic, negative claim-rights.”

4. “Personal Projects as the Foundation for Basic Rights,” *Social Philosophy & Policy* 1 (Spring 1984): pp.40-41.

5. I use this term to designate a broad tradition rather than an individual. It includes such diverse thinkers as Thomas Aquinas, various contemporary Thomists, Henry B. Veatch, Ayn Rand, Alasdair MacIntyre, Jacques Maritain, John Finnis, David Norton, and the like. In other words, this

approach takes its inspiration from this tradition but does not claim that every position taken is located within the text of Aristotle himself.

6. *Persons, Rights, and the Moral Community*, p.250.

7. *Ibid.*, p.251.

8. *Ibid.*, pp.253-254.

9. *Human Rights: Fact or Fancy?* (Baton Rouge and London: Louisiana State University Press, 1985), p.205.

10. *Ibid.*

11. J.L. Ackrill, "Aristotle and Eudaimonia," in Amelie O. Rorty, ed. *Essays on Aristotle's Ethics* (Berkeley and Los Angeles: University of California Press, 1980), p.23.

12. This point is crucial because it means an Aristotelian account of the human good does not generate a consequentialistic theory of obligation. One does not determine what ought to be done by merely asking what conduct will produce consequences that maximize the good. Rather, an analysis of the human good reveals the virtues that constitute the human good and thus what one's obligations are. See John Cooper, *Reason and Human Good in Aristotle* (Cambridge, Massachusetts and London: Harvard University Press, 1975), pp.87-88 and chapter two.

13. "How to Derive Libertarian Rights," in Jeffrey Paul, ed. *Reading Nozick* (Totowa, New Jersey: Rowman and Littlefield, 1981), p.290.

14. Also, as I have noted: "Nor can a world which compels people to do the 'right' thing be viewed as a morally justifiable means to creating a world in which human beings *choose* the right thing; for it is the individual human being's self-initiated and self-maintained achievement of his...potentialities that is the moral standard employed here and not some reified or collectivized version of human flourishing." *The Catholic Bishops and the Economy: A Debate* (Bowling Green, Ohio: Social Philosophy and Policy Center and New Brunswick, New Jersey and London: Transaction Books, 1987), pp.59-60.

15. Further, an individual's very own insight and judgment are absolutely crucial to knowing what is the right thing for the person to do in the concrete situation.

16. *Rational Man* (Bloomington, Indiana and London: Indiana University Press, 1962), p.93.

17. *Persons, Rights, and the Moral Community*, p.25.

18. I have only tried to offer insights which might prove helpful to Lomasky's argument for the right of project pursuit and have not, of course, presented a complete argument on behalf of basic rights. This task is undertaken in *Towards Liberty: A Neo-Aristotelian Approach to Natural Rights* (forthcoming from Open Court) from which parts of this essay were taken. I coauthor this work with Douglas J. Den Uyl. This essay has also benefited from his suggestions.