

## NATURAL RIGHT AND LIBERALISM

Douglas B. Rasmussen and Douglas J. Den Uyl's  
*Liberty and Nature:*  
*An Aristotelian Defense of Liberal Order*  
(La Salle, Illinois: Open Court, 1991)

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*Liberty and Nature*, by Douglas J. Den Uyl and Douglas B. Rasmussen, is an exposition of what the authors call "An Aristotelian Defense of Liberal Order" - "an effort to resuscitate the founding philosophy of the American political tradition" (p. 225) from a roughly "libertarian" perspective. Combining scholarship from Aristotelian studies and libertarian political theory, the authors argue that a modified conception of Aristotelian ethics can be reconciled with a basically Lockean theory of natural rights. Such a theory of rights, they continue, provides the theoretical foundation for a rationally defensible constitutional order. Though the book often discusses historical issues, its basic thrust is philosophical rather than historical; the point Rasmussen and Den Uyl wish to make is not that either Aristotle or Locke have been read "wrongly," but that plausible interpretations of both philosophers puts them closer *in principle* than contemporary philosophers had previously realized.

As the subtitle suggests, *Liberty and Nature* takes Aristotle's thought as its basic point of departure, though it does contain a discussion of Adam Smith's *Theory of Moral Sentiments* and the public choice theories of James Buchanan. Perhaps the most prominent figure in Rasmussen and Den Uyl's argument, however, is not Aristotle, but Ayn Rand, whose ethical and political arguments appear at crucial junctures throughout the book. Unlike much of the writing to come from thinkers influenced by Rand, the authors make a conscious commitment to engage would-be academic critics, and to make their exposition congenial to such an audience. Rand's place in the book constitutes a special theoretical problem for Rasmussen and Den Uyl, however. At times, the authors appear unaware of the extent to which their Aristotelian-Lockean project clashes with Rand's highly unorthodox philosophy, Objectivism. Rand's Objectivism is, to be sure, both Aristotelian and Lockean. But one needs to distinguish - more clearly than Rasmussen and Den Uyl do - Rand's arguments and project from that of the Aristotelian-Lockean tradition. The problem, it is worth noting, is not that the authors fail to distinguish between what those philosophers "say" and what Ayn Rand "says," since they do that at the very outset of the book (p. xv). Rather, they are insensitive to theoretical and conceptual inconsistencies between the Aristotelian-Lockean philosophical tradition, and Ayn Rand's Objectivism. This difficulty, I think, consistently imperils many of the fundamental arguments of the book.

I will begin by summarizing the main theses of *Liberty and Nature*, and by discussing the authors' methodology in broad outline. I will then discuss in some detail their neo-Aristotelian approach to the justification of ethics. Finally, I will ask whether the authors' Aristotelian ethical premises in fact support the liberal political conclusions they infer from them.

## 1. Summary and Methodology

Rasmussen and Den Uyl devote the first two chapters of *Liberty and Nature* to establishing the meta-ethical foundation of their neo-Aristotelian ethics. Chapter 1 focuses on the critics of neo-Aristotelianism, while Chapter 2 sets out the basic theses of neo-Aristotelian ethics and meta-ethics and defends them in more detail. Chapter 3 extends the meta-ethical and ethical conclusions of the preceding two chapters to derive a theory of "natural rights" construed as "meta-normative" principles safeguarding a legal system of negative liberties. Chapter 4 attempts to reconcile this conception of rights with an individualist interpretation of the "common good," while critiquing the traditional holist conceptions of the common good propounded by such neo-Aris-

Aristotelian arguments or terminology seriously, especially when those arguments are literally to be lifted (sometimes with, and sometimes without modification) from the Aristotelian corpus to answer questions about contemporary social theory. Thus much of the discussion of friendship in Chapter 5 (pp.173-191), which contains a rather detailed analysis of Aristotle's theory of friendship, is likely to strike the non-Aristotelian reader as quite anachronistic. The same, as we will see, may be said of other parts of the book as well.

At a very basic methodological level, Rasmussen and Den Uyl need to explain why such Aristotelian works as *De Anima* or the *Nicomachean Ethics* are, even at the very broadest level of generalization, relevant to issues in twentieth century political philosophy. Since Rasmussen and Den Uyl see their principal task in theoretical rather than historical terms, they often "modify" traditional Aristotelian theses to fit their project, candidly admitting that the view in question may or may not in fact be Aristotle's own view. At such points in the book, however, the reader may wonder why Aristotle was even brought up at all: for if the issue is simply the soundness of a particular argument, its provenance should be of no concern, and needs no discussion (but is often discussed in great detail in the book); on the other hand, if Aristotle's own view is in question (and often it is),<sup>2</sup> the authors' approach to the issue will hardly suffice to answer the important questions.

## 2. Ethics and Meta-Ethics: Aristotelian Teleology

It would be a mistake, of course, to convey the impression that *Liberty and Nature* is only incidentally an "Aristotelian" book. The difficulty is not that the book is insufficiently Aristotelian, but that it is not clear in what way the authority of Aristotle and the Aristotelian tradition are meant to bolster the soundness of the arguments advanced. One particularly striking example of this is Rasmussen's and Den Uyl's wholehearted endorsement of Aristotelian teleology as the meta-ethical foundation of their ethical argument.

"Teleology," as the authors rightly note, is one of the most misunderstood and abused words in philosophical ethics. In ethics, the term has come to denote any of a variety of ethical theories which emphasize the achievement or fulfillment of some ethically significant end or set of ends, in terms of which human action is to be judged and ordered. Teleological ethical theories, of course, differ widely in content. They differ, for instance, in respect of *what* end or set of ends are to be privileged and pursued - whether aggregate utility (utilitarianism), or the good life of a community (versions of Aristotelian-

ism), or the will of God (versions of theological ethics, e.g., Thomism). And, finally, they differ on the metaphysical basis of teleology itself - the way in which teleology is to be fitted into a scientific conception of the world. In the simplest terms, a theological teleology which takes the fulfillment of God's will on earth as its basic telos will likely differ a great deal from a utilitarian view oriented to utility-maximization, both of which will differ from a "naturalistic" Aristotelian view. Each sort of teleology has its own justificatory problems. At least one reason for the rejection of Aristotelian teleology is the charge that Aristotle's teleological biology is hopelessly archaic and incompatible with contemporary evolutionary and molecular biology.

According to Rasmussen and Den Uyl, Aristotelian teleology is a unique ethical theory which is neither consequentialist, as utilitarian moralities are, nor dependent on a theological metaphysics, as most of the historical forms of Aristotelianism (e.g., Thomism) have been. Nor is it historicist, as are many contemporary forms of Aristotelianism. (e.g., those defended by Alasdair MacIntyre, Charles Taylor, and others). Rather, Aristotelian teleology is essentially biocentric: it is rooted in certain very broad generalizations about the biological character of life, which, when applied to the human case, provide moral norms which, in turn, can be applied to ethics and politics. The specific quasi-biological claim on which much of Rasmussen's and Den Uyl's argument turns is the observation that all life, as such, is goal-directed, i.e., is action on the part of an organism *for the sake of* certain goals, values, or ends. Crucially, Rasmussen and Den Uyl are "realists" about teleology. On their account, the claim that an organism (or agents) act "for the sake of" goals is not merely to say that we, as observers, construe organisms to act in a goal-directed fashion, but that, biological activity is itself best factually characterized as goal directed. "Teleology" therefore is not a mental construct of ours, but a basic property of biological action which exists independently of our concepts. As Rasmussen and Den Uyl put the issue, teleological explanations in biology signify a level of causal interaction not explicable by reference to an account of the interaction of the material constituents of the process in question (pp.42-46).

Though Rasmussen and Den Uyl do not mention it, this account of Aristotelianism has an interesting, and very contemporary, pedigree. In Aristotelian scholarship, the "biocentric" interpretation of Aristotle's works on teleology was pioneered by J.H. Randall in the 1960s, and has recently been pursued by Allan Gotthelf, whose work figures prominently (though I think misleadingly) in the second chapter of *Liberty and Nature*.<sup>3</sup> It was Ayn Rand, however, who noted the significance of this "biocentric" conception of Aristotelian teleology for the justification of ethics. As Rand argued in "The Objectivist Ethics," the fact

totelians as Jacques Maritain, John Finnis, and Alasdair MacIntyre (among others). Finally, Chapter 5 ends with an unusual discussion of the political ramifications of friendship in which Rasmussen and Den Uyl attempt to reconcile Aristotle's account of friendship from the *Nicomachean Ethics* with the sociology of modernity as described by the classical economists (principally Adam Smith). (I will not be discussing this last chapter in my review.)

Before proceeding to the substantive issues of the book, it may be worthwhile to consider some methodological issues.

It is not clear why Rasmussen and Den Uyl begin the book with a chapter rebutting *criticisms* of neo-Aristotelianism before they lay out their own version of neo-Aristotelianism. There is a certain awkwardness in proceeding in this way, since in effect, the authors respond to their critics before the reader has even been acquainted with their positive views on the subject. The authors justify this procedure by presupposing "some familiarity on the part of the reader with [the] basic tenets of Aristotelianism" (p. 2). But since much of the controversy they describe in Chapter 1 concerns the precise meaning of such Aristotelian terms of art as "teleology," and "eudaimonism," one would have expected an account of Aristotelianism before a refutation of its putative critics.

Moreover, it is unclear throughout the book just how particular Aristotelian texts are being used to defend the arguments Rasmussen and Den Uyl themselves propound. Early in the book, they issue the caveat that the terms "Aristotelian" and "Aristotelianism" will be used in a loose way to designate a general approach to philosophy, rather than as denoting a pledge of allegiance to philosophical positions actually held by Aristotle himself. "Such work thematizes Aristotle's ideas within a new framework within a new intellectual context in a manner which is apart from the systematic interconnections they held in Aristotle's philosophy" (p. xv).<sup>1</sup>

Unfortunately, this characterization begs some important questions. One would have thought that the burden of proof would have rested with Rasmussen and Den Uyl to show *whether* Aristotle's ideas can be "thematized" within the intellectual context of modernity - i.e., within the context of a Lockean conception of politics and a laissez-faire conception of economics. One needs to know whether it even makes *sense* to use Aristotle's positions, as they put it, "without necessarily being linked with Aristotle or working within Aristotle's framework and method." It's certainly not apparent that it does; in fact, many historically-minded philosophers have advanced powerful arguments to the contrary. There is an unfortunate lack of precision on this issue which runs throughout the whole of the book. It is never made clear in the book why anyone outside of the Aristotelian tradition should take

that all organisms, including human beings, act for ends takes on ethical significance if we ask why “must” an organism act-for-ends? Or, in the human case, “Why does man need values?” Rand argued that, generally, the phenomenon of valuation arises as a response to an organism’s need to sustain its life; “life” is the ultimate value, or end-in-itself, because it represents both the means by which and end for the sake of which organisms keep themselves in existence. Since life is conditional on a course of goal-directed action, and failure to pursue a highly specific course of action “negates, opposes, or destroys” life, life is the necessary and sufficient condition for the existence of values. Life is necessary because values could not exist unless there was an alternative to force their existence; life is sufficient because the fact that an organism is alive entails that it must value if it is to remain alive. In the human case, choice is the necessary and sufficient condition for the existence of moral values; thus, a choice to live is the act by which humans, as volitional beings, make the sustenance of their lives their ultimate moral obligation. The crucial assumption, of course, is that these generalizations are not only compatible with scientific accounts of goal-directed action, but are fruitful enough to generate a coherent set of norms for ethical and political conduct in human societies. On Rand’s argument, they are supposed to generate an ethic of virtues which forms the core of a morality of rational egoism.<sup>4</sup>

Rasmussen and Den Uyl reiterate this argument in greater detail than Rand, with more attention to its roots in various Aristotelian texts, and with an earnest attempt to engage contemporary philosophers of science and ethicists as to its perspicacity. Unfortunately, the greater detail and attention to scholarship do not necessarily make for a more precise or clear argument; in fact, I think the very embellishments Rasmussen and Den Uyl add to the original Randian argument eventuate in a series of needless theoretical encumbrances and confusions.

This is most evident in authors’ unfortunate tendency to run together arguments about: (1) Aristotle’s own conception of teleology (involving analysis of primary text or scholarly interpretation of those texts); (2) the relation between teleology and reductionism in contemporary biology and philosophy of science; (3) Ayn Rand’s Objectivist Ethics; (4) various Rand-influenced arguments for teleology such as those of Tibor Machan and Eric Mack; and (5) contemporary Aristotelian arguments for teleology, such as those of Henry Veatch. Apparently, Rasmussen and Den Uyl see no substantial theoretical tension between these sets of writers and philosophical concerns, nor see methodological difficulties to be surmounted in discussing them simultaneously.

But the difficulties are enormous, and present difficulties for Ras-

mussen's and Den Uyl's argument. Conflating issues (1) and (2), for example, they repeatedly cite Aristotelian texts and Aristotle scholarship in order to formulate (and often, as if to validate) the *biological* accuracy of their account of teleology (p. 43).<sup>5</sup> Quoting a passage from Aristotle's *De Generatione Animalium* (743b19-735a4), they claim that "when it comes to understanding what living things are and how they grow and develop, teleological explanations seem to be required." Relying on a passage from a scholarly interpretation of Aristotelian teleology, they then formulate the issue in the following way:

Thus the question of whether teleology exists comes down to the question of whether the laws in terms of which organic phenomena are explained can be reduced to laws which make no mention of the end or goal of the living process but only of how the material constituents interact (p. 43).

This, of course, is how Aristotle himself formulated the issue in the fourth-century B.C. (if he had had a notion of "scientific law"), entirely ignorant of gigantic scientific advances to follow. This is not, however, a formulation a contemporary philosopher of biology would take seriously, and Rasmussen and Den Uyl give no biological reasons for such philosophers to do so. Given their evolutionary and/or molecular perspective, contemporary philosophers of biology take for granted that teleological explanations can be reduced in principle to efficient-causal explanations. As one philosopher has put the issue: "Nowadays both scientists and philosophers take ontological reduction for granted. . . . Organisms are 'nothing but' atoms, and that is that."<sup>6</sup> The thought that organisms are something "over and above" atoms (as Rasmussen's and Den Uyl's implies) would strike such theorists (and indeed, most theorists, biologist or not) as wildly unscientific. Remarking that the possibility of teleological explanation ultimately depends on the *impossibility*, inadequacy, or incoherence of reductionism in biology, they claim:<sup>7</sup> "Whether the reducibility thesis [i.e., the inadequacy of reductionism] has any real possibility cannot be answered from the philosopher's armchair. Yet it was Aristotle's belief that the evidence did not warrant it . . ." It is not clear whether Rasmussen and Den Uyl here intend Aristotle's opinion to count as evidence against contemporary views on reductionism in biology. In any case, their argument is not helped by the evidence they *do* marshal against reductionism, which comes from yet another scholarly interpretation of Aristotle: ". . . the core of Aristotle's teleology has been vindicated by modern biology. For the point is that life processes are self-regulating in virtue of inherent forms or structures." (p. 44)<sup>8</sup> This claim, even if true, hardly

stance). "In order to know that maintaining one's integrity or having a friendship is a right thing to do, it is not necessary to examine whether the consequences of maintaining one's integrity . . . or having a friendship . . . will promote human flourishing"(p. 61). We only need to know that these goods "constitute human flourishing." Though Rasmussen and Den Uyl make this argument in several different ways in the text, it is close to impossible to pin any precise meaning to their exposition which go beyond generalizations about "rational activity" and "the flourishing of the individual." It may be true, for instance, that "the ultimate end of human action, the basis for all moral judgments, is the fulfillment of the individual human being"(p. 72).<sup>12</sup> But in the absence of a worked-out account of what counts as fulfillment, and the specific causal conditions required for bringing it about, these claims can at best take the form of a promissory note.

Apart from picking out flagrantly self-destructive behavior or senseless behavior, the standard of "rational living" as such, is a vacuous one. At the very least, the account is circular, for Rasmussen and Den Uyl have just defined "flourishing" in terms of "rationality" and "rationality" in terms of "flourishing" without giving any determinate content to these terms. The most that we know about their meaning is that the same analogical relationship obtains between them as obtains for dogs and "canine living," cats and "feline living," etc. That, however, does not tell us very much. A moral judgment in terms of "rationality" cannot be considered objective if one's account of "rationality" consists in a highly generalized picture of "desirable" traits, which in turn are arbitrarily designated as conducive to "well-being" or "flourishing." If this is one's procedure - as I think it is Rasmussen and Den Uyl's - then a "flourishing ethics" does indeed fall prey to the sort of subjectivism ascribed it by analytic philosophers. To avoid subjectivism or circularity, an ethical standard must be derived from non-normative concepts. Likewise, a non-circular account of human flourishing must be derived from a non-normative conception of "man's life qua man."<sup>13</sup>

### 3. Natural Rights

In the remaining chapters of the book, Rasmussen and Den Uyl extend their analysis of teleological ethics to defend an essentially Lockean conception of society. The difficulty that arises in this part of the book is whether the authors' account of politics is in fact consistent with the ethical theory they espouse.

Historically, Rasmussen's and Den Uyl's venture is almost uncharted territory; most philosophers and historians of ideas, the authors



rightly note, would consider the idea of reconciling the Aristotelian and Lockean traditions akin to the task of "squaring a circle." Traditionally, the chasm between the two traditions has been characterized (rather baroquely) as the dispute between "ancient natural law" and "modern natural right." On this analysis, popularized by Leo Strauss' *Natural Right and History*,<sup>14</sup> the ancient natural law tradition, from Plato and Aristotle through Cicero and Aquinas stressed the "objective features of man's essential nature," and, in so doing, necessarily emphasized his communal or social features. The natural rights tradition, originating in Hobbes and subsequently bastardized by Locke and the American Founders, emphasized man's subjectivity and individuality as *distinct* from his metaphysical nature. In focusing on human individuality (so the Straussian story goes), the proponents of natural rights were forced away from a coherent account of man's nature, and aimed at a theory designed only to satisfy his contingent desires. Twentieth century (classical) liberals, then, are confronted with a dilemma of the following form: if they want a grounding of morality in terms of man's essential nature, they have to relinquish the desire for individualism; if they want to keep individualism, they must settle for the fact that it will not be possible to give an ultimate justification of their moral-political practices.

Rasmussen and Den Uyl point out, correctly, that there is a crucial lacuna in this account of intellectual history. Are the ancients - particularly Aristotle - really as collectivistic or "communitarian" as the tradition would have us believe? Similarly, does the individualism of the moderns - principally Locke and Adam Smith - rest on as shaky a foundation as we are usually led to believe? Their answer is no: the impasse in the ancients/moderns debate is the result of a variety of deep philosophical confusions, perpetuated not only by Strauss, but by such contemporary critics of liberalism as Alasdair MacIntyre, and such neo-Aristotelians as John Finnis, David Norton, Henry Veatch, and Jacques Maritain.<sup>15</sup> Eschewing a historical debate, Rasmussen and Den Uyl want to argue that, in principle at least, Aristotelianism and Lockeanism can be modified to permit mutual accommodation (p. 132).

Theoretically, the crux of the matter is this: How are we to combine the Aristotelian insight about the pursuit of our natural end qua man with the essentially duty-centered, or deontic, morality connected with the notion of Lockean natural rights? Might not the pursuit of man's natural end, whether individually or collectively, clash with the requirements of a rights-based legal polity?

Rasmussen and Den Uyl seek to forestall the possibility of conflict here by making a hard-and-fast distinction between ethical principles and political principles, and between ethics and politics in general (p. 40-41). *Ethical* principles are ones we use in our daily life, in

interpersonal interaction - which, for the most part, is carried on in "civil society," rather than with the state. *Political* principles have to do with governmental affairs - i.e., with the state's monopoly on the use of retaliatory force. Given this distinction,<sup>16</sup> "rights" are to be understood as political, rather than ethical principles. Rights are broadly defined rules of governmental conduct, not principles to be invoked to settle everyday moral questions (pp.106-7, 111-2). Rights are, as Rasmussen and Den Uyl put it, a "meta-normative" concept:

Meta-normative principles do not provide an individual guidance in how to conduct his life, be it alone or in the company of others. Rather, meta-normative principles provide guidance in the creation of a constitution whose legal system provides the social and political conditions necessary for individuals to apply the principles of normative ethics to their lives among others. Meta-normative principles are meta-normative in the sense that they underlie or provide the context in which people pursue the good or perform right actions in society. These principles are not meta-normative if this is taken to mean that they are, somehow, not moral principles. They are, however, a unique type of moral principle; for though their moral justification is based on the nature of human flourishing, they only have a point in the legal creation of a social and political context. (p. 239, n20)

And again: "Rights" is the concept which specifies "particular moral obligations to respect the self-directedness of others" (p. 112).

This is a highly interesting way of putting the point, and may be the most valuable contribution of the book. On their argument, we might see rights in effect as necessary principles for the guidance of political policies at the *constitutional* level. Given a constitutional structure based on natural rights - a theme pursued in depth in Chapter 5 of the book - a polity would subsequently be free to solve its specific political-economic problems in a variety of ways, so long as it remained within a natural rights framework. The conception of rights embedded in the legal structure of the polity would provide the broad, universal legal norms within which peaceful political and civil discourse would take place. In this sense, natural rights would be universal (p. 102). Since such a system of rights would have to be compossible, or mutually "exercisable," the system would be rooted in *negative* rights enjoining respect for persons to take action of their choosing without coercive interference, rather than positive rights issuing injunctions for the performance of specific actions. To the extent that one's natural

rights cannot contradict any positive demand for action, these rights are inalienable (pp.82-3, 107-8). And finally, since natural rights arise from man's metaphysical nature, they are "valid independent of the government" (pp. 77-129).<sup>17</sup>

Although this account of rights is generally illuminating, Rasmussen and Den Uyl do not answer some of the harder questions about the compatibility of natural rights with Aristotelian teleology. This, of course, is crucial to the possibility of grounding their theory of rights in their theory of ethics. Though they ably knock down a host of competing theories of rights, they do not construct a viable argument combining the insights of the chapters on ethics with those defending negative natural rights. Their arguments against coercion, while often insightful, generally consist in responses to the most questionable collectivist, authoritarian, or egalitarian assumptions of various critics of libertarianism. In their attempts to rebut such critics, Rasmussen and Den Uyl mention and develop a number of lines of argument: the Hayekian argument that central government planning of an economy makes individual economic planning impossible (p. 152); Ayn Rand's argument that ethical principles do not necessarily apply to emergencies (pp. 144-151); an anti-holist argument to the effect that the common good of a polity is reducible to the good of each of its individual members (pp. 132-141); and most plausibly (though still insufficiently) moral-psychological arguments to the effect that virtue must be self-directed since self-direction requires choice and coercion inculcates dependency (pp. 70-5, 92-96 *passim*, 112-114, 212-3). None of these arguments conclusively establishes what Rasmussen and Den Uyl think that they establish, viz., a theoretical argument proving the necessity of individual choice in - or the incompatibility of coercion with - all moral action *qua* moral.

The most plausible of Rasmussen and Den Uyl's arguments against coercion is the one I have called moral-psychological, and which Rasmussen and Den Uyl seem to think follows directly from their meta-ethical account in Chapter 2. The argument takes roughly the following form. On an Aristotelian teleological understanding of the good, the good is indexed to individuals - what is good is good-for a given, individual agent. The human good is defined as the fulfillment of one's function *qua* man, where man's function, as we saw earlier, is "defined objectively" and obliges an individual prior to and independently of any of his choices. So the obligation to flourish is our "natural end," one we must fulfill whether we choose to or not. Flourishing, however requires virtue, and virtue, to be virtue, must be "self-directed"; it must issue from within the agent. Thus, "self-directedness or autonomy is not merely the necessary means to human well-being. Rather, it is an inherent feature of those activities which consti-

tute the human good that is human flourishing. . . . There is no single human activity that is [morally] right that does not involve autonomy or self-directedness" (p. 93).<sup>18</sup>

Therefore, Rasmussen and Den Uyl argue, virtue must be *chosen*, and must be protected by a scheme of negative liberties and rights such that no group, individual, or government can legitimately coerce any individual to take an action he does not choose to take, be it a prohibition on buying pornography or the demand that one finance welfare projects through taxation. To do so is to subtract a vital constituent of flourishing - choice - from acts of virtue. The form of the argument may be presented as follows:

1. Virtue is an irreducible complex of good intention (autonomy) and right action.
2. Both good intention and right action are constitutive of virtue.
3. Coercion can destroy both good intention and right action by separating intention from right action.

So: coercion is an impermissible infringement on the very constitutive features of a person's flourishing.<sup>19</sup>

Coercion, on this argument, can never help anyone to flourish; rather, coercion imposed *on* a person is always destructive of that person's ability to flourish - no matter how depraved the person, and no matter how much better we can make him (p. 94). Similarly, coercion on behalf of a person in the name of altruism always ends up making the recipient worse off than he would have been without help. It follows (Rasmussen and Den Uyl conclude) that choice is a necessary condition for all moral action *qua* moral.

This argument is unconvincing for at least three reasons. First, as far as I can see, Rasmussen and Den Uyl give no argument to support their (frequently reiterated) claim that self-directedness or autonomy is constitutive of the human good. Nor do they explain why self-directedness for one person should not require infringing on the good of another.

Second, this claim contravenes fundamental parts of their earlier meta-ethical account. If, as they argue early on in the book, man's function is "defined objectively" and obliges one prior to and independently of any of his choices, why should "self-directedness or autonomy make . . . human flourishing a 'moral good?'" (p. 93).<sup>20</sup> The obligation to pursue one's function, on Rasmussen's and Den Uyl's meta-ethics,

has nothing to do with choice. Given this view, (which Rand would have called “intrinsicism”) one is left without sufficient reason to explain why autonomy or choice should *make* flourishing a “moral good” for any given person. If a person’s fulfillment of his “objective” function is obligatory for him independently of any choice he has made about the matter, and independently of some causal chain linking his choice to each specifically incurred obligation, then choice is *not* a necessary condition for moral action, and coercion is perfectly legitimate in some cases (however one delimits the cases). The moral property of “goodness-for-x” bears no necessary relation to choice at all. In order for choice to be necessary for the existence of moral action, it must be the case that choice is itself necessary for the existence of the property “moral.” But Rasmussen and Den Uyl go to great lengths to reject this possibility. (p. 42)

Third, from premises about the individualistic nature of virtue, and the importance of uniting intention and action, we do not necessarily reach conclusions about the primacy of choice in *all* virtuous action qua virtuous. From the premises that (1) virtuous action must have its source in the agent’s own intentions, and (2) the agent must act for his own good, it does not follow that the agent must always *choose* the good for himself, or conversely, that no moral reasons exist to coerce someone in order to force him to flourish. It only follows that it is desirable for this to happen, other things being equal. But this desirability could be trumped by other considerations, and apart from the bare assertion that self-direction is constitutive of the good, I see no argument in the text to the contrary.

To make this more concrete, consider a case in which it seems better for an agent’s future flourishing to coerce him out of a situation in which he will make flourishing impossible for himself. It could plausibly be the case that one must coerce someone at time t(1) to enable him to flourish from time t(2) onwards - at which point (it may objectively be determined),<sup>21</sup> he will surely be able to meet conditions (1) and (2) in a more efficacious way than he could have under present circumstances. Coercion *may* divorce intention from action for a limited period of time (and for that matter, it may not). But that coercion may precisely facilitate the possibility of virtuous action later on - e.g., for the rest of the agent’s life.

Again, consider a case in which coercion is applied to one person for another person’s welfare in the name of “securing the set of conditions that allows for the well-being and self-actualization of the community’s members.” To say that this “set of conditions” is constituted by a set of negative rights which precludes coercion begs the question. How do we know that it isn’t objectively *good* for oneself to be coerced for certain reasons? Imagine that we have a teleological

“potentiality for generosity” which we would not choose to actualize unless coerced by certain authorities. By Rasmussen’s and Den Uyl’s account, we had the obligation to actualize that potentiality before any choice we might have made. Couldn’t we then be better off by the standards of *self-fulfillment* if we were coerced into becoming more generous, especially if cultivating generosity will serve us better in the long-run than not?

Such arguments pose problems for proponents of negative rights which cannot be defused simply by appealing to premises from the social sciences - e.g., by pointing out the persistent flaws in welfare programs or the psychological dependency produced by them. Nor will it suffice to stipulate a distinction between “ethical” and “political” principles, and argue that the distinction itself legitimates a conception of natural rights. The first set of criticisms, while important, only concerns technical problems in the administration of coercive policies. The second argument begs the question. None of them substitutes for a philosophical argument which connects the very source of moral value to the human capacity for and act of choice.

#### 4. Conclusion

Though I found much of *Liberty and Nature* theoretically and methodologically problematic, it is worth noting that Rasmussen and Den Uyl have at least done us the service of putting their arguments in print, and subjecting them to the test of scrutiny. Also valuable is their attempt (not always successful) to show connections between their Aristotelian-Objectivist approach, and that of contemporary analytic and Catholic philosophy. In this respect, we might see *Liberty and Nature* as one of a continuing number of attempts to create an Objectivist-Aristotelian “tradition.” Despite (what I take to be) the book’s flaws, it would be wrong to conclude that Rasmussen’s and Den Uyl’s ample efforts in the book have been wasted. (A critical book review has the unfortunate tendency of conveying that impression.) The creation of a tradition, after all, is a long-term, ongoing project, and the first steps towards creating one are always the hardest to take. At the very least, we can be grateful to Rasmussen and Den Uyl for having taken that first step, and pointing the direction for future efforts.

1. Rasmussen and Den Uyl credit this conception of Aristotelianism to James Collins, *Interpreting Modern Philosophy* (Princeton: Princeton University Press, 1972), pp. 54-5.
2. Cf. pp. 97-101, and Chapter 5 *passim*.

3. See Randall's *Aristotle*, chs. 4 and 11, (New York: Columbia University Press, 1960). For a good scholarly account of Aristotle's natural teleology, see Allan Gotthelf, "Aristotle's Conception of Final Causality," in *Philosophical Issues in Aristotle's Biology* (Cambridge: Cambridge University Press, 1987); and Gotthelf, "The Place of the Good in Aristotle's Natural Teleology," *Boston Area Colloquium in Ancient Philosophy*, Vol. IV (1988): 113-139, with commentary by Theodore Scaltsas.
4. See Ayn Rand, *The Virtue of Selfishness: A New Concept of Egoism* (New York: Signet, 1964).
5. See also pp. 34, 40, 43-6.
6. David Hull, cited in John M. Cooper, "Hypothetical necessity and natural teleology," 274 n31 in Gotthelf and Lennox, *Philosophical Issues*.
7. "Impossibility, inadequacy, or incoherence" is my formulation, and meant to be inclusively disjunctive. I am not clear what the authors' view is here. Nor is it clear whether what their view on reduction is targeted against reductive materialists, eliminative materialists, or both.
8. From Michael Bradie and Fred D. Miller Jr., "Teleology and Natural Necessity in Aristotle," *History of Philosophy Quarterly* 1 (April 1984): 143.
9. Eric Mack, "How to Derive Libertarian Rights," *Reading Nozick*, ed. Jeffrey Paul (Totowa: Rowman and Littlefield, 1981).
10. It is worth noting a misquotation of Rand in the vicinity of the passage I've excerpted. Rand writes: "In answer to those philosophers who claim that no relation can be established between ultimate ends and the facts of reality, let me stress that the fact that living entities exist and function necessitates the existence of values and of an ultimate value which for any given living thing is its own life." Rand, "Objectivist Ethics," p. 15. On p. 45 of *Liberty and Nature*, this passage becomes (without square brackets or ellipses): "The fact that living things exist and function necessitates the existence of values." This substantially abbreviated version of Rand's claim simply obscures the differences between her position and that defended in *Liberty and Nature*.
11. Cf. pp. 42 and 46.
12. See also pp. 56, 57, 61, 62-70, 73.
13. Ironically, this is the point of some of the scholarship Rasmussen and Den Uyl cite to make their argument.
14. Leo Strauss, *Natural Right and History* (Chicago: University of Chicago Press, 1950)
15. Rasmussen and Den Uyl are more sympathetic to Veatch and Norton than to the other theorists.
16. The distinction itself rests on normative presuppositions about the relation between civil society and the state. A critic could object that the ideal society was one in which it was impossible in principle to make such a distinction.
17. I unfortunately lack the space to discuss Rasmussen's and Den Uyl's theory of property rights.
18. See also p. 96.
19. This is a distillation of the argument of pp. 70-5, 92-6, 112-4, 211-13 *passim*. One of the problems with the authors' treatment of the issue of coercion is their failure to state their view concisely in any one section of the book. This, of course, makes it difficult to discern or state the logical structure of their argument.
20. Cf. pp. 42, 46.
21. Nothing in Rasmussen's and Den Uyl's argument demonstrates the epistemological impossibility in making such predictions; indeed, one would think that making them was necessary for ordinary moral judgement.