

## REPLY TO CRITICS OF INDIVIDUALS AND THEIR RIGHTS

Tibor R. Machan  
*U. S. Military Academy*  
*West Point, N.Y.*

My plan is to discuss my two critics' comments in turn, beginning with Professor Gaffney's and then moving on to Mr. Mozes's. I will conclude with some general remarks about concerns expressed by other reviewers and critics of *Individuals and Their Rights*.<sup>1</sup>

I begin with Gaffney's most basic criticism, related to one of the most troublesome aspects of my (neo-Objectivist) approach to ethics or morality. Let me stress that the choice to live is a fundamental or first choice.<sup>2</sup> It may be envisioned as being made, in the initial stages of one's life, haltingly, implicitly, gradually, over and over again, expressing, as one might put it, the will to be the human being one can become. The choice we are considering is a first step in action and thus cannot be motivated by some desire or knowledge. It is not a selection process going into force with prior information at hand; rather it is the initial step taken by a rational agent, lacking any other prompters to action. It is the seat of free will.

Bearing in mind the above, we may now address the issue whether in the last analysis the conception of human morality sketched in *Individuals and Their Rights* provides us with a firm enough basis for *bona fide* moral judgment and evaluation. Accordingly Gaffney asks, "If I don't have to go to New York City in the first place, why am I blameworthy if I take the long way, or if I stop short and stay put?"<sup>3</sup>

This pertains to the claim that morality hinges on the choice to live. As Gaffney puts the point, more directly, "Is saying that a person is responsible for doing well at living his/her life tantamount to asserting that one ought to live one's life well?" Or as Gaffney restates the worry, "Why does this have to be understood as a *moral* charge; why is it more than a statement regarding my best interests?"

One would need to know what analysis of "have to" we are to rely upon here before one can fully understand Gaffney's question quoted above. What Gaffney has in mind, judging by his critique, is that unless there is some deeper or higher obligation - imposed by God or arising out of some natural duty to others - than a mere personal commitment that binds me to the pursuit of human excellence - with only my own decision to set me on course toward it - then my failure to achieve such excellence is no failure at all, merely a change of preference. (Consider the issue raised by Wittgenstein that if one chooses not to be very good at tennis, even though one has decided to play, there is nothing morally blameworthy about that. It is merely a personal preference that has been more or less well fulfilled.)<sup>4</sup> Here a good deal needs to be considered. Let me touch on some of it - but let me also note that this is a concern of many who take the Objectivist ethics seriously.<sup>5</sup>

The best way I can assess this matter is to propose that ontologically, the prior category of value exists, to which we often refer as "goodness," a domain that emerges in existence with life as such. This relates to *the fact* that life is the fundamental process that is capable of being extinguished for the living. Thus vis-a-vis life we are justified to (begin to) think in terms of the categories of value vs. disvalue. Next, once a life is introduced wherein the agent is capable of initiating conduct, a new, distinctive type of goodness comes into being, namely, one pertaining to the freely chosen or initiated living of human beings. This is what properly differentiates ethical or moral goodness. So life introduces value, *per se*, into existence, whereas freely chosen life introduces the special domain of moral value.

Now, when a human being initiates his or her life process, this is (naturally but not yet morally) good because it brings about what is the best that can be, namely the life of a potentially *morally* good human being. That initiative could not yet be morally good. There is at that point no alternative (no live option, to coin a pun); not living is not a *bona fide* alternative course of conduct, some possibly worse *action or set of actions*. (It should be borne in mind that ethics or morality arises in response to the problem of how to live, not whether to live.) The fundamental choice or initiative to live is not equivalent to taking part in the endeavor of making informed selections that could be right or wrong. What obligates further rational processes is

this initial fundamental choice - this initial oath, as it were - to get on the road with human (i.e., rational animal-like) living, something that is indeed the highest good for each of us.

I believe that this way of looking at morality is necessitated by our understanding that moral standards imply choices between different courses of (any type of) conduct. But if no such subsidiary, non-primary choices are possible, there is no right versus wrong course of conduct. Failing to live - not coming to life, so to speak - is not some action to be judged by moral standards which apply to or serve to guide living. It is, in fact, at this point that it is resolved whether one will part-take in the morally relevant endeavor of living a human life in the first place.<sup>6</sup>

In opposition to what seems to me to be Gaffney's Platonized version of Aristotelian ethics, it seems to me that "true human flourishing" can only be sought for its own sake, a purpose (*telos*), however, that is glorious enough. This is because each actual effort to realize such flourishing must amount to the effort at flourishing of *an individual human being*, the only ones there are. Yet, that being is of a very high order, given its nature as a rational animal.

We need, of course, to note that human beings do not seek happiness as some people seem to seek victory in a contest, never mind the game itself, never mind the process that amounts to becoming happy. Flourishing is always going to be carried out via the innumerable avenues of individual tasks of self-development, self-realization as a human being. I am suggesting, in other words, that Gaffney is stressing an analysis of goodness and morality that does not come to terms with the rejection of dualism and with Emerson Buchanan's conception of being in Aristotle's metaphysics evident in *Individuals and Their Rights*, namely, that all actual being is individual.

It is also very much worth noting that when Gaffney finds fault in the approach I take to morality because I do not offer him something as forceful as the categorical imperative or God's commandments or, again, the obligations some think human beings have toward other persons, society or humanity, the criticism could very easily be turned around. Perhaps Gaffney's conception of what is required of a moral theory is akin to the Cartesian conception of what is required of a theory of knowledge, namely, some absolutist or idealist doctrine. But is it not possible that Gaffney does not possess the best conception of what morality has to be, namely, some doctrine of saintliness, some set of obligations to act with such compelling imperative that the moral dimension of our lives takes us out of this world? I suspect that this is what lends plausibility to his claim that there must be a "second term for the agent that creates moral significance." Morality is only conceived of by *some* people, who entertain certain philosophical pre-

suppositions that are highly contestable, as “a form of justice: paying one’s debts.” Others, such as I, would argue that morality is a guide to successful living of a human kind of life, applied in our individual instance.

I do wish to consider Gaffney’s point about how the foundation of classical egoism is itself not a final but an efficient cause, not the moral obligatoriness of initiating one’s life process but the initiative alone. This is an interesting point and I am not certain I can deal with it fully. Suffice it to suggest that the final cause seems to be there in the natural value of living, which is discovered by the initiative to live. So at the ontological level a final cause does enter the framework I am developing; yet it is also true that in principle we launch our lives with an initiated motion. By this means we enlist into our human kind of living, which is necessarily a moral realm. I believe this much teleology or final causation is sufficient to render moral principles firm rather than merely optional or hypothetical imperatives.<sup>7</sup>

Now I turn briefly to the question Gaffney asks about how “to understand the connection between Machan’s moral foundation and his political conclusion?” I thought I made a decent effort at answering this in chapter 7 of *Individuals and Their Rights*. But let me reframe my position briefly.

Gaffney gets it nearly right when he provides a possible answer: “I ought to respect your negative rights because it is an aspect or an instance of my eudaimonistic pursuit, which is my primary moral responsibility.” I would rephrase “I ought to acknowledge and, as that implies, respect your negative rights.” It is ultimately because I want to be the best I can be as a human (rational) being that, in societies, I ought to acknowledge and implement the general conditions or principles for interacting with other persons. I should, in other words, work to establish a constitution of natural negative individual rights within my communities. The reason is just what Gaffney claims it could not be, namely, that the morality of classical egoism (as applied to social living) makes it morally imperative that I do this (for my own, overall, long range or political good).<sup>8</sup>

I now turn to Mr. Mozes’s criticism. His is less of a criticism of my book than an attempt to show that my own argument differs significantly from Ayn Rand’s by whose outline of a case for the rights of human beings<sup>9</sup> I have clearly been inspired. Mozes maintains that whereas Rand defends rights as deriving directly from egoism, my case differs from that significantly since I employ something she omits, namely, what I have called the principle of substitution.

This by itself may not warrant much of a discussion except where we are concerned with pedigree. But Mozes also claims that whereas Rand’s is a very good argument, mine is not valid at all. Not surpris-

ingly, this for me is a provocative point and I want to respond to it.

Of course, what is crucial about the issue of human individual rights to life, liberty, and property is whether the claim that we do have these rights is true or false, not whether someone's argument is like someone else's. I do not claim to have reproduced Ayn Rand's argument verbatim and indeed have tried to develop that argument so that more of its detail would emerge for scrutiny and so that members of the philosophical community could appreciate its merits.

Nevertheless, I am intrigued by Mozes's view on the alleged difference between my and Rand's argument for respecting the rights of others. I am not convinced by what he says, namely, that (a) mine is an inferior argument to Rand's; (b) Rand "would not have regarded [my argument] as valid";<sup>10</sup> (c) Mozes's objection to my argument is "unanswerable"; and (d) "there is no trace of the substitution principle anywhere in Rand's writings."

As to (a), since mine is an elaboration of Rand's argument, if it is authentic, it could not be inferior to hers. Is it an elaboration? Rand states, in one of the quoted passages in Mozes's comment, that "The essence of a con-man's lie, of any such lie, no matter what the details, is the attempt to gain a value by faking certain facts of reality . . ." It is my view that here Rand is saying, in slightly different and more compressed terms, what I say when I state that "Rational persons . . . treat doors as doors need to be treated . . . [etc.]," which is to say to refuse to "fake . . . facts of reality." It is clear that human rights ought to be respected because people in societies have them. But why should people refuse to fake facts of reality? That, of course, is because they will be best off - serve their self-interest - by being rational in their lives. As a species of such rationality, they should be honest because, as Rand puts it, "honesty is a long-range requirement of human self-preservation and is, therefore, a moral obligation."

But the crucial point, one that unites Rand's and my arguments, is just that honesty is a species of rationality. (This is made clear in "The Objectivist Ethics.")<sup>11</sup> So if rationality is the prime moral obligation - because it is what will ensure the fulfillment of one's "long-range requirement for human self-preservation" - then the exercise of this rationality in being honest, and the exercise of honesty in acknowledging that other people have rights just as one does, surely comes to the same thing, essentially.

As to (b), would Rand have regarded my argument as valid? I believe so, and here is why. The substitution principle is a principle of rationality: Suppose that "A is B, and B is C, therefore A is C"; now, suppose that "X is A"; then, given the above proposition, "X (also) is C."<sup>12</sup>

The substitution principle is one mental tool - i.e., a principle of logic - for identifying facts of reality. For example, another human being may be identified by comparing him or her to oneself or others. If in the relevant or crucial respects another person is the same as oneself - e.g., being a rational animal with a moral nature in need for "moral space," thus, having rights to life, liberty and property - then to regard that being as if he or she did not have a moral nature, etc., would be a case of, to use Rand's phrase, "faking certain facts of reality."

As to (c), I have answered Mozes's objections, so it isn't true that they are unanswerable.

What about (d)? Is there a trace of the substitution principle in Rand? If we are to trust Peikoff's report as authentic Rand, there is, precisely in the passage quoted from Peikoff by Mozes. Consider this point, presumably quoted from Rand: "Since all facts of reality are interrelated, faking one of them leads a person to fake others; ultimately, he is committed to an all-out war against reality as such." That is an instance of the substitution principle - since all facts of reality are facts of reality as such, faking one will, if one is consistent, lead to faking others.

It seems to me, then, that Mozes's criticism of my argument is misguided.

There have been other criticisms of *Individuals and Their Rights*, e.g., by Greg Johnson in his review published in *Liberty* <sup>13</sup> and by Tom Palmer in a review published in *Reason*. <sup>14</sup> Another review was published in the same issue of *Liberty* but I confess to being unable to follow most of its points so I'll touch on just a couple of them.

Johnson asks, after explaining many features of my book which he liked, "But what in the world does 'implicit' consent mean?" Perhaps this question pertains only to what implicit consent might mean for purposes of understanding political authority, but that is not how it is phrased when one considers the context. It simply expresses bafflement at the very idea of implicit consent, whether in the context of politics or outside it. I do address the issue in my book - in chapter 7 - but it may help to reiterate some of the main points I make with the aid of different examples.

Consider that when you sit down at a table in a restaurant you might wonder whether you may smoke - i.e., whether the proprietor has consented to your smoking in his or her establishment. You see an ashtray on the table. You now conclude that indeed you may smoke - i.e., consent has been given. But was it given explicitly? Well, the proprietor did not state to you, "Yes, you may smoke here." But the proprietor did place an ashtray on the table, something that would make no sense if consent were withheld. Thus you infer the consent -

it is *implicit* in the proprietor's act of having placed the ashtray on the table at which you sit.

Or consider that you are invited to spend an evening at a friend's home. You arrive, ring the bell, and are let in. The invitation was explicit - "Please come over this evening." Although this is a request, not a statement of consent, the consent to spend the evening at the person's home is implicit in the request. Moreover, suppose later in the evening you ask where the bathroom is so you may use it and your host says, "Well, I did invite you to spend the evening here but I never consented to your use of my bathroom."

Clearly this would be a very silly remark. The permission - consent - to use the host's bathroom is implied by the invitation to spend the evening in his or her home. As analytic philosophers would probably put it, the logic of the concept of "invitation" (or its grammar) has the consent to make reasonable use of the facilities embedded within it.

The way this would relate to understanding political authority is that such authority may be gained analogously to gaining the consent of the proprietor or the host, namely, implicitly. One may choose to take part in the affairs of a community. One thereby implicitly agrees to those of its rules that such participation presupposes (which does not mean any or all rules, only those that are "necessary" for the just functioning of the community and make clear sense, as well - i.e., do not involve confusions, inconsistencies, ambiguities, etc.). By interacting with the institutions of the realm, one consents to the conditions of such interaction. By interacting with others, one consents to what is rationally required for such interaction. If I undertake to make use of the police, if I sign contracts, or if I sue someone in a court of law, I implicitly acknowledge or consent to the proper or suitably limited authority of those who administer these institutions in my realm.

Why does this not apply to my use of roads, public schools, public parks, even when I use them? Because I cannot consent to something that involves intrusions upon - i.e., the violation of the basic rights of - another (third) nonconsenting person. Public parks, roads or schools are maintained out of funds others are coerced to pay, not out of my own funds and the voluntary work of the public authorities. In short, implicit consent cannot breach the rights of individuals. One can consent, either explicitly or implicitly, only to that over which one has initial legitimate authority - such as one's own conduct, property, etc. I implicitly consent to act in compliance with police authority when I recognize their authority over me, but I don't implicitly consent for someone else to act in such compliance. That is not in my rightful power to consent to.

One might wish to argue that others have implicitly consented to

paying for such “public” endeavors. But there is no evidence of this at all, nor would they be able to do that without first obtaining my implicit or explicit consent. Of course, in small communities - even, perhaps, in the Greek *polis* to which Aristotle’s political analysis applied - it may be possible to detect the consent of several persons to some common project or endeavor. Thus when you join the Rotary Club or Elks Club, the close associations involved between members will often establish certain policies that involve implicit consent as well as what may appear on first inspection rights violations - e.g., at meetings “fines” are levied against members for actions they didn’t know they could be fined for. But here one can always opt out and continue one’s normal social life apart from the club and one may also be understood to have anticipated such policies as one comes to join, by means of the constant communication between members and between non-members likely to join and members familiar with the practices. It is possible, in fact, that one reason there is so much difficulty in the scholarship on Aristotle’s political thought concerning what Aristotle would say about contemporary nation states is that the *polis* is no such nation state at all and Aristotle’s understanding of its role in the lives of the citizenry cannot be directly applied to the problem of the relationship between the governments and citizens of contemporary nation states.

I hope I have cleared up a bit “what in the world ‘implicit’ consent means [or is].” It may now be asked how could this apply vis-a-vis the issue of punishment, the place where my application of it seems to be a violation of common sense? I believe, however, that my approach to making sense of punishment (given that individuals have some basic rights that are unalienable - i.e., ones they have as human beings in human societies, so that without losing their humanity they cannot lose them - and given that criminals remain human beings after they are apprehended and even convicted and sentenced) is superior to alternative approaches that require the invocation of the notion of forfeiting or alienating one’s rights once one acts criminally.

For example, a rapist acts in a way that the membership of a rational society would want to repel. That is implicit in the nature of rape, even if at the moment the rape occurs no one is making this evident to the rapist. Such acts imply that rational persons will want to and are correct to repel them or retaliate against them. So undertaking such an act implies the consent of the actor to the repellent or retaliatory response *even if the actor fails to make the inference.*

This is no different from how an insulting remark will insult even if the person who utters it “didn’t mean it.” As Stanley Cavell points out so masterfully, we must mean what we say - and I would add, we must mean what we freely choose to do, whether at the

moment we think it through or not.

Some readers have wondered how come one may implicitly consent to being incarcerated but not explicitly consent to becoming a slave (e.g., to "selling" oneself into slavery). To be incarcerated does not involve the abdication of one's will, only banishment from one's society. One can, for example, appeal a verdict of incarceration, since one has not "sold one's will to act." Voluntary slavery is morally impossible. It is the same kind of thing as good murder or voluntary rape. To volunteer for slavery is nonsense because one cannot consistently choose not to be what one is - a willing, choosing (human) being - while remaining a living *human* being engaging in normal commercial transactions.

This raises the issue of suicide, one that has been mentioned as a problem for those who rest the morality of actions on the value of human life *qua* human life. I hold that there is nothing in the claim that if life is the standard of value in morality, that precludes suicide, although I do not discuss this point in *Individuals and Their Rights*. I do treat the issue in my essay "Aiding Suicide Attempts."<sup>15</sup>

To begin with, some people simply fail to respect standards of value, so they commit suicide when they should not; second, under certain extreme conditions the *kind* of life appropriate for a human being is impossible and thus not living *per se* might be better than putting up with such an aberration - e.g., living as a total slave, with no chance of escape, could warrant suicide because one's human life has already been destroyed, so what one is doing in committing suicide is ending a mere biological existence.

Some still insist in the view that the concept of self-ownership achieves much more for purposes of securing an understanding of politics and delegation of authority than a theory of natural rights. There is an essay in an early issue of *Reason* by George Mavrodes concerning owning oneself. While I had always had trouble with the idea of self-ownership, the merits of this essay lead me to my current view on this topic. There is no clear sense of self-ownership without some kind of dualism, whereby one self is the owner, the other what is owned. If such dualism is false, then the doctrine of self-ownership is either false or very muddled. If the dualism is true, we have all kinds of other problems to contend with before we need to worry about politics - e.g., why bother with a measly 70 years of earthly life, anyway, when we have eternal bliss to look forward to elsewhere!

Finally, in a brief review in *The Review of Metaphysics* Stuart Warner makes the interesting point that my book's virtue is also its vice - I correctly acknowledge the need to travel a great deal of ground but simply cannot bring off the task in one book. I realize that this is a problem, although I have written a great deal on

numerous topics in *Individuals and Their Rights* in journals and other forums and I can only hope that my various incomplete arguments show a clear enough direction so that they may be evaluated with adequate sympathy and understanding to see how well the overall position is founded. I do not believe that too many others in the classical liberal tradition I represent - namely, natural rights theory grounded on classical individualist ethics - have, by the time *Individuals and Their Rights* had been completed, traveled the needed philosophical paths as thoroughly as I have. I am sure others will do so better in the future but what I have done gives us something to go on that is quite powerful in the overall philosophical debate on the merits of various political economic systems.

Although not directly critical of *Individuals and Their Rights*, in his collection of essays on political theory, *Liberalisms* <sup>16</sup> John Gray chides those who wish to enlist Aristotle in support of their version of classical liberalism or libertarian natural rights theory. He tells us, among other things, that "Writing in an age of mass democracy and wage-labour, Aristotle's latter-day liberal followers prescribe a life of bourgeois virtue - of thrift, industry, prudence, and creative work. However one assesses these ideals, the salient point is that in each of them the content given to human flourishing is taken wholly from the conventional norms of the theorist's local culture. It is far from clear what is the claim on reason attributed to these ideals." <sup>17</sup> He goes on to claim that "The attribution to Aristotle of a belief in the moral centrality of choice-making (made by Machan and others) is all the more incongruous in that the belief plainly presupposes an affirmation of the freedom of the will which Aristotle does not make."

Both of these points can be answered. First, Aristotle is the first to admit that what is morally right and wrong is not universalizable, even though fundamental virtues may be. And in my own case, as well as those of Ayn Rand and others, rationality is the central virtue - just as in Aristotle, right reason occupies that position. Other virtues are more contextual - which is entirely consistent with Aristotle and with an Aristotelian approach to moral theory. Moreover, all the virtues spelled out by "latter day liberal followers" can be conceptually related to the original virtues spelled out by Aristotle. (Whatever is added, can be defended, as well, and this may simply show some learning in the field, no relativism at all.)

Second, Aristotle does address the issue of choice-making in his distinction between the intellectual and the moral virtues. The latter require choice - which makes sense, since morality involves self-responsible conduct or neglect, something that could not be without the capacity for choice. Aristotle did have a doctrine of free will - only it was not a major aspect of his moral theory. He located freedom of

the will in the process of deliberation. As Jaeger notes, "Aristotle's notion of free will is the exact complement of the notion of most perfect deliberation in the *Epinomis*."<sup>18</sup> And David Ross notes that "On the whole we must say that [Aristotle] shared the plain man's belief in free will but that he did not examine the problem very thoroughly, and did not express himself with perfect consistency."<sup>19</sup> No doubt, there is dispute about all this, since Aristotle didn't discuss the matter in a straightforward fashion.<sup>20</sup>

In the main, Gray does not much investigate what he is commenting on and thus it is not possible to argue with him.<sup>21</sup> Suffice it to say that his claims are unsupported and evidently false.

I suspect some find my approach to defending the free society objectionable for the philosophically totally irrelevant reason that the position owes a lot to someone who is not a credentialed professional philosopher and who has annoyed many people who are in positions of intellectual influence and power. I have in mind Ayn Rand, of course. But this should be of no consequence whatsoever, should it?

1. La Salle, IL: Open Court, 1989.

2. I call upon Roger W. Sperry's naturalistic explanation of the possibility of such a choice for human beings, given their kind of conscious mentality. It was brought to my attention by David Kelley that Sperry was not always a clear cut defender of free will. I believe, however, that in those works to which I refer in my book, Sperry does advance, if not a clear cut case for free will, he at least lays the groundwork, in the area of identifying various types of causality, for such a case. My own argument relies on several premises - most of them established dialectically - of which the premise from Sperry is just one.

3. Paul Gaffney, "Machan's Moral Foundations," in this issue of *Reason Papers*. All subsequent references to Gaffney are to this essay. Some of the issues raised by Gaffney in his review are also covered in Michael Zuckert's review of my book in *Constitutional Commentary* Vol. 7 (1990): 482-492.

4. Ludwig Wittgenstein, "A Lecture on Ethics," *Philosophical Review* Vol. 74 (1965): 11-12.

5. See, for example, Douglas J. Den Uyl and Douglas Rasmussen, *Liberty and Nature* (LaSalle: Open Court, 1991) for a very detailed exploration of this kind of naturalistic foundation for human morality and politics.

6. It seems that here we are touching upon another area of controversy among those concerned with the philosophy of Objectivism. See, in this connection, the discussion between Allan Gotthelf and Douglas Rasmussen at the December 1990 meeting of the Ayn Rand Society, Boston, Mass. Gotthelf seems to defend the view that Rand's ethics is fundamentally hypothetical, Rasmussen that it is categorical - a kind of natural end ethics. My own view is that while Rand's is a natural end ethics, given that the nature of human life is such that choice is essential to it, this particular natural end ethics - presupposing choice as a defining feature of human beings - must amount to something hypothetical as well. In short, I would argue that both Gotthelf and Rasmussen are right

but each touches on just half of the truth.

7. Once again, the degree of firmness may not satisfy the Platonistic spirit which wants moral principles, just as principles of knowledge, to be finally true, unchanging. Such a de-mand, however, ushers in cynicism. Here Gaffney's lack of detailed concern with the epistemological and metaphysical portions of *Individuals and Their Rights* may have served him badly.

8. In *Liberty and Nature* (e.g., p. 113) Douglas B. Rasmussen and Douglas J. Den Uyl signal the normative or political status of such rights by the term "meta-normative." I am not sure of the soundness of such designation but the idea seems to be right enough, namely, that natural (negative) individual rights aim to be guidelines for legal and administrative conduct. Yet, it seems to me, they could also directly guide much of social life, as when by acknowledging another for being a human being, one abstains from treating that person as if dealing with a fly or a dog - e.g., one will not kill any such being if he or she is merely annoying, or take from him or her something just because one desires to.

9. Ayn Rand, "Man's Rights," in *Capitalism: The Unknown Ideal* (New York: New American Library, 1967).

10. All quoted remarks come from the essay by Mozes in this issue of *Reason Papers*.

11. See, *The Virtue of Selfishness* (New York: New American Library, 1964).

12. In my argument this comes off as follows: "I, *qua* human being, am a rational animal with a moral nature; all rational animals with a moral nature are possessors of the rights to life, liberty, and property, thus I am a possessor of the rights to life liberty and property." "You, *qua* human being, are a rational animal with a moral nature." So it must be true that "You are a possessor of the rights to life, liberty, and property."

13. Gregory R. Johnson, "On the Rights Track," *Liberty*, September 1990.

14. Tom Palmer, "The Choice of Life," *Reason*, March 1990.

15. Tibor R. Machan, *Liberty and Culture, Essays on the Idea of a Free Society* (Buffalo, NY: Prometheus Books, 1989), pp. 230-32. Originally published in *Criminal Justice Ethics*, (Summer/Fall, 1985).

16. John N. Gray, *Liberalisms* (New York: Routledge, 1989).

17. *Ibid.*, p. 258.

18. *Ibid.*, p. 265n.

19. Werner Jaeger, *Aristotle* (Oxford: Oxford University Press, 1934), p. 152.

20. David Ross, *Aristotle* (London: Methuen & Co Ltd., 1964), p. 201.

21. Thus he simply lists a work that attacks free will to dispute the doctrine, never bothering to even sketch the arguments advanced. In his book *Liberalism* (Minneapolis: University of Minnesota Press, 1988), Gray claims that natural rights theories are defunct because empiricism and science have disproved teleology. Yet teleology is alive and well in science and empiricism has fallen on rather bad times in epistemology. It is difficult to argue with those such as Gray who advance objections by means of innuendo rather than scrutiny. But perhaps this is the result of finding rationalism in politics a tiresome approach and treating those who are rationalists with disdain rather than argument. It seems to me that Gray would be helped in his efforts to fully appreciate contemporary liberalism by reading, Rasmussen and Den Uyl, *Liberty and Nature*, and Douglas J. Den Uyl, *The Virtue of Prudence* (New York: Peter Lang Co., 1991).