

MACHAN'S MORAL FOUNDATIONS

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Individuals and Their Rights, by Tibor Machan, attempts to provide a moral justification for the libertarian outlook. By 'libertarianism', Machan refers to that "distinctive American political tradition" - the tradition which embraces "a conception of political and legal justice that upholds each individual's basic right to life, liberty, and property."¹ These basic rights are conceived in *negative* terms; the right to life, in other words, demands not that anyone (including the government) provide the goods necessary for life (that would be a *positive* conception of the right), but rather that no one interfere with the moral sphere appropriate to it (in other words, no one threatens my life). My rights demand nothing from you; they demand of you their proper respect.

We can summarize the basic structure of Machan's argument: political justice is explained in terms of these negative rights (it is not justice which explains rights, but rather rights which explains justice). These rights, Machan claims, are grounded in the ethics of classical egoism. Because of what I am, and what I ought to do, there are certain spheres of moral authority that deserve full respect, both from other individuals, and even from the government.

This book evidences a sincere desire to defend its position on all fronts. It is Machan's contention that, although others have argued for libertarianism's political desirability or economic superiority, few, if any, have done justice to the moral foundation of the outlook. This is the specific intention of the book.² I will attempt to articulate a couple of

questions about the justification provided. I am specifically concerned with the structure and claim of classical egoism as a moral theory; secondly, I will briefly consider how this moral theory is connected to the political conclusion it intends to support.

A necessary, though not sufficient, condition of libertarian politics would seem to be the individualistic moral theory that Professor Machan calls "classical egoism." Classical egoism is presented against the foil of Hobbesian egoism. Whereas Hobbesian egoism rests upon a reductionistic and atomistic conception of the human person, ultimately giving rise to a subjective structure of value, classical egoism, by contrast, is grounded in the natural end or perfection of the living being. This gives rise to what Professor Machan calls the "core concept of the good":

Being in a position to complete the nature of what something is makes that something a good one of its kind. (*IR*, p. 46)

We are not simply bundles of desire; we are certain kinds of bundles, and this specificity implies certain practical norms. For this reason, Machan can assert (as the Hobbesian cannot) that practical life or human agency is not simply a matter of desire. Desire is, of course, a factor in all human agency, but since the classical egoist believes that 'human' refers to some determinate nature, it makes sense to speak of correct or appropriate desires. Furthermore, this determinate nature (which the Hobbesian does not recognize) allows the classical egoist to speak of universal standards and norms applicable to all members of the classification.³

In other words, classical egoism, unlike Hobbesian egoism, has an objective claim to make: the morally good is essentially related to the nature of the agent. Since this nature is conceived in teleological terms, classical egoism can be understood, in this regard at least, as Aristotelian.⁴ This is the classical element in classical egoism: the structure of value, which provides the context of moral activity, is in some sense set by nature. In addition to a structure of natural value, moral value involves the free choice of a rational agent. Free choice effects what Professor Machan calls an "ontological shift" from goodness to moral goodness. We will focus on the crucial role of free choice shortly.

Professor Machan anticipates our next question:

Why call this 'egoism' in the first place? Because in the end the ultimate beneficiary of moral life is the agent, in that he or she will be the best person he or she can be.

The point of morality is to provide human beings with a guide to doing well in life, to living properly, to conducting themselves rightly. (*IR*, p. 37)

This is a brief outline of classical egoism, as I understand it. My first concern, before we get to the political implications, is about the structure and claim of this ethical position. (Machan indicates that this position is defended on its own merits.⁵) What is it precisely that I ought to do, according to the classical egoist? And, most importantly, having decided what the egoist program is, what is the character of the egoistic 'ought'?

It is clear that one ought to live his/her life well, i.e., one should be happy. Since human happiness, or well-being, consists in living according to our fullest perfection, which is the rational capacity, one ought to live rationally, which is to say morally. The classical egoist argues that one ought to do that which is consistent with the patterns and the demands of eudaimonistic realization, patterns and demands which at times require non-calculating loyalty, compassion, and generosity (*IR*, p. 35). The relationship between moral activity and happiness, therefore, is not that between a means and an end: happiness is not a feeling; it is a certain kind of activity. As Machan puts it:

The relationship between the value each person has chosen by choosing to live his or her human life and the principles adherence to which will result in the realization of that value, is not to be conceived as a mechanistic means/ends model, whereby the means can be separated from the ends . . . This is the truth in the ancient idea that virtue is its own reward, at least for the individual with moral integrity, who sustains his rational plan of living in all his conduct. (*IR*, p. 43)

Since moral activity *constitutes* my fulfillment, in other words, it would not be fair to characterize the egoistic ought as a hypothetical imperative, if by 'hypothetical' we mean to suggest that moral activity has only an instrumental value.

A new question can now be asked of the egoist: Why *should* I be happy? Why should I be concerned with self-perfection, especially if I am satisfied with less? Here my concern is not so much with excellence in other-regarding virtues (such as those mentioned above - generosity, compassion, loyalty) because these commit us to some *interpersonal* obligations. While it is undoubted that Machan envisions his excellent moral agent in a full array of social relationships, it is a

basic thesis of classical egoism (as I understand it) that, whatever we may owe to one another, our interpersonal obligations are neither primary among nor exhaustive of our moral obligations.⁶ The question is this: if we focus, for the moment, on those self-regarding *oughts* that classical egoism defends as primary, are we able to reconstruct the intelligibility of or strength behind these claims? Can we, on egoistic terms, declare in some meaningful sense that a person is *morally* wrong if, through his/her own laziness or cowardice, he/she is unable to take any initiative, and is for that reason not fully happy? It is evident that Machan's eudaimonism is not urging moral activity as a means to pleasure; since happiness is understood to be moral activity, moral activity is not a means at all. One need not be moral because it will produce something beyond itself, such as pleasure.⁷ But all of this begs the question about the moral status of the end itself: no matter how we describe it - as happiness, or as moral activity, or as human fulfillment - what do we mean when we say that a person ought to strive for and achieve these ends?

This is a harder question. For the classical egoist, the answer seems to be that it simply doesn't make sense not to pursue successful living *if one has chosen to live*. As Machan puts it, "the choice to be happy . . . is implicit in the choice to live" (*IR*, p. 57) in the same way that the choice to get there efficiently is implicit in the choice to travel to New York City. My fundamental moral obligation (the obligation to be happy), therefore, results *from* a tacit choice that I have made (the choice to live). Although I don't *set* the terms of my moral life (they are still objective) I *agree* to them. According to Machan, suicide is morally objectionable only if it can be understood as breaking a commitment, either to myself or to others.

Moral claims, therefore, are intelligible only in terms of one's success within a chosen endeavor - as Machan puts it, "moral shortcomings are debilitating" (*IR*, p. 39) - but the endeavor itself (which provides for the possibility of morally relevant choices) is accepted through a choice which itself is not of moral concern. "Not making [the choice to live] poses no moral problems unless one has already made the choice and then changes one's mind" (*IR*, p. 57).

Since moral obligation is contingent upon choice, it follows that, according to the classical egoist, no natural value makes an outright moral claim on the agent. The classical egoist has a teleological structure of value, but it is *efficient causality*, not *final causality*, which provides the "cause of causes." In other words, it is the logical implications of our choice-making that create or define our moral obligations.

Machan speaks of the "ontological shift from goodness to moral goodness" that is effected by free choice. Moral goodness, a distinc-

tively human achievement, cannot be established simply by identifying a structure of value.

There are factors that can contribute to, while others detract from, good human life. But because people are self-determining beings, they constitute an essential element for purposes of establishing whether they will promote a good or a bad life. Here is where the ontological shift from goodness to moral goodness or virtues occurs. A claim that factors suitable or good for life exist applies to nonhuman living beings . . ." (*IR*, p. 40)

The morally good is an appropriate good that is chosen by a free agent; it is not simply what is suitable for a human. This much is clear, but what exactly does choice accomplish? I would suggest that a good which is chosen constitutes a morally significant choice in this sense: it is a choice for which the agent is now *responsible*. Choice is not able, however, to *establish* what our moral responsibilities are. So when we speak of a moral choice in this sense we are referring to the fact that the agent has freely chosen, but we don't know whether or not the agent is *morally obligated or responsible* to make that choice in the first place. We still have not made the connection between what is good and what one ought to do.

In looking to see what strength we can give to the egoistic ought, we discovered that it cannot be considered a hypothetical imperative; now we must conclude that it is not similar to a categorical imperative. It would be very difficult for the egoist to claim that one absolutely ought to achieve his/her perfection when the initial agreement to the endeavor is a morally neutral choice. Now, of course, we probably should not make too much of the suicide example, since Machan is offering his position here simply to lay out the structure of his moral position. One can say, hopefully, that suicide is not, for most, an urgent moral dilemma; nor is the choice to live that Machan has in mind here nearly as dramatic and explicit as a detailed study might suggest.⁸ But if it is theoretically possible to opt out of the endeavor through a morally insignificant choice,⁹ it would seem to raise real questions about the status of one's choices within the endeavor. Machan hints that we could also speak of wasting one's life away as a kind of suicide, and this is definitely of ethical concern (*IR*, p. 56). Let me phrase my question according to our earlier metaphor: 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?

It would not appear that this attempt to think of the egoistic ought as either a hypothetical or a categorical imperative is promising;

at most, the ought is something along the lines of an analytical truth. That is, in the practical realm (which is intelligible in terms of the Good), to do or to choose necessarily commits one to do or to choose well.

Lets approach this problem from another angle. Machan summarizes his position: "We as human individuals are responsible for doing well at living our lives" (*IR*, p. 27). What is the meaning of this assertion in an individualistic morality? 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? Let me suggest two ways in which one might understand the assertion "Its your responsibility to live your life well." One could: (1) understand the phrase not so much as an outright assertion, but rather as the denial of an implied assertion (or suggestion). Here the emphasis is on the word 'your': it is not the responsibility of anyone else (including the state) that you are cared for, or that you become happy - its *your* responsibility. If this is all the assertion means (I am not implying that this is Machan's meaning), two points follow: (a) although it would still be good in some sense for you to achieve happiness, it is not necessarily morally significant. What is morally significant is the fact that you understand that no one *owes* you assistance in this pursuit (probably because nobody *can* assist you). (b) The other point that follows if the statement emphasizes the word 'your' is that "Its your responsibility to make yourself happy" can hardly be the premise of a *moral* argument for libertarianism; it is nothing more or less than the *assertion* of a (politically undeveloped) individualism.

(2) Alternatively, we could understand the statement as a straightforward moral assertion. Here the emphasis is on the word 'responsibility'. Now, if we stay in the individualistic context, what is the significance of this responsibility? Why does this have to be understood as a *moral* charge; why is it more than a statement regarding my best interests? In other words, what is lost if I replace the word 'responsibility' with 'ontological possibility' or even 'practical opportunity'? Since, according to the egoistic premise, I cannot make sense of my responsibility by reference to God, or to the state, or even to my immediate family and friends, what kind of moral weight does the word 'responsibility' have here? One could, of course, say that I have a responsibility to myself, or that I owe it to myself, to live my life well. But isn't this language - talk of what I owe to myself - out of its proper context? It seems almost metaphorical to speak of what I owe myself: I cannot be a true other to myself, someone to whom I have certain responsibilities.

The logical implication of my discussion suggests that all morality is a form of justice: paying one's debts. On this view, it would seem

necessary to posit some other term to give moral significance to those possibilities that practical activity involves. If my understanding is correct, it is a tenet of classical egoism to deny this requirement: there is no second term for the agent that creates moral significance. There is, in other words, no reference to God to whom, as the author of my nature, I owe full realization of my being; there is, of course, no reference to the state or the community; finally, there is no *necessary* reference to others (even loved ones).¹⁰ If the classical egoist were willing to try to explain his meaning in these terms (which is doubtful), he/she might suggest that the other term is the perfected self, with whom one is dialectically related in one's practical life. But this line has its own difficulties. It would seem to be rather difficult to identify this term, especially since Machan prefers to speak of human nature (with its better recognition of individual circumstances and temperaments) as opposed to human essence. We feel somehow that it is justified, but how can the classical egoist *morally* challenge the person whose individuality is lazy and cowardly?

What is most plausible is that this whole line of thinking is somewhat misdirected because it tries to make sense of a teleological notion of the good in deontological terms. In other words, classical egoism presents an aspirational morality, not a morality of duty.¹¹ The former, which is characteristic of Greek ethics, is concerned with one's maximal possibilities, not with the minimum that one must do. As L. Fuller has put it:

Those thinkers [Plato and Aristotle] recognized, of course, that a man might fail to realize his fullest possibilities. As a citizen or an official he might be found wanting. But in such cases he was condemned for failure, not for being recreant to duty; for shortcoming, not wrongdoing. Generally with the Greeks instead of ideas of right and wrong, of moral claim and moral duty, we have rather the conception of proper and fitting conduct, conduct such as befits a human being functioning at his best.¹²

What my line of questioning represents, therefore, is something akin to a category mistake: I am trying to force a morality that articulates an aspirational ideal into a series of deontological propositions. So to the question "*Must* I be happy?" both Aristotle and Machan might well be flabbergasted.

But Fuller's discussion hints at a point that I would like to develop. The Greeks' aspirational morality was articulated in a political context; there were certain requirements of citizenry that were well understood. For this reason, Fuller's remark that the Greeks would

find the unfulfilled man "wanting" as a citizen or as an official may be somewhat understated. For example, although Aristotle has no answer to the question "Why should I be happy?" (since happiness is by definition non-referential and self-sufficient), it is at least questionable whether or not Aristotelian happiness is identifiable with moral virtue, since the former includes external goods, friends, and good fortune. In other words, while it does not make sense to ask Aristotle about the value of happiness, it may still make sense to ask him why one should be virtuous or self-perfected. Undoubtedly, his answer would make reference to happiness, but it is the happiness of the Athenian citizen, with some fairly well accepted civic duties, that Aristotle has in mind. Courage, for example, is necessary and valuable because, the human condition being what it is, it takes courage to do one ought to do. Much of Aristotle's discussion with regard to courage refers to the battlefield; it would appear that the *polis* could compel the citizen to fight, and perhaps die, for the common good. We might say this about Aristotelian virtue: dispositional excellence is a requirement of the good life - indeed, it is the main constituent - but there is explanation for this requirement which necessarily points beyond the egoistic context. For this reason, it is not at all clear that Aristotle's aspirational morality is translatable into egoistic terms. The case with Plato, at least in the early Socratic dialogues, is even less clear: Socrates defies the Athenian court, his loved ones' pleas, and his own instinct for survival because he has a greater allegiance to the god.

In short, aspirational moralities typically have been found in either a specific theological or political context. We are now in a very different context. This raises questions about whether or not the classical and the egoistic elements in Machan's morality are fully compatible, assuming the latter commits Machan to trying to make sense of one's primary moral obligation without reference to God, to the state, or to others. The suggestion here is not that we must accept Aristotle's civic assumptions or Plato's religious devotion to have a meaningful morality. But when the aspirational morality is removed from its classical context, that is, when it becomes egoistic, its moral claim and value may be fundamentally altered. Perhaps classical egoism presents with nothing more than a structure of human flourishing, which in a egoistic or libertarian context assumes a very different moral meaning.

Lets look at that. How is classical egoism related to the libertarian stance? How is "I ought to be happy" related to "I ought to give you, by respecting your natural negative rights, the opportunity to make yourself happy"? What makes this transition interesting is the fact that the libertarian stance could very much be described in deontological terms: since all rights imply corresponding duties,¹³ it is my duty to respect your negative right. And by definition, according to the

libertarian, doing my duty in respecting your negative rights is the entirety of what justice requires.¹⁴ How are we to understand the connection between Machan's moral foundation and his political conclusions? Is this the construction: "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"? Or is this the construction: "I ought to respect your negative rights because their exercise is necessary for your eudaimonistic pursuit, which is your primary moral obligation"? In either construction, it appears that classical egoism is not the true moral foundation for the libertarian stance (i.e., the respect of negative natural rights). For these duties, corresponding to the rights they respect, are fundamental: I have a moral obligation to respect them regardless of whether or not they contribute to my happiness or yours (since my duty to you exists even if you waste the opportunity it safeguards¹⁵). It seems that, as a moral foundation for libertarianism, classical egoism has argued for either too much or too little. It has argued for too little if it does not insist that the negative natural rights are basic, absolute, and universal - and therefore constitute a *primary*, even a categorical, moral obligation. It has argued for too much if the moral foundation for negative natural rights is the *moral obligation* of self-perfection. Libertarianism, it would seem, is primarily concerned to outline the bare minimum that must be respected so that complex social relationships can flourish. It must acknowledge that it has no argument with the lazy coward who, in his complacency, never expects anything from others, nor ever threatens the moral spheres of others.

This is not to say that there is no moral foundation for libertarianism, nor that the foundation that does exist is unrelated to Machan's moral theory. He claims that my ethical responsibility is primarily egoistic (natural end flourishing); this responsibility, since it refers to a determinate nature, is universalizable to all members of the classification; therefore, my primary moral responsibility implies a further responsibility: to give you room to fulfill your moral responsibility. My argument is that the notion of self-perfection is involved in the recognition of moral responsibility, but in a different way. I would contend that I have a direct moral responsibility to respect your moral space simply because I recognize you as the type of being who holds negative natural rights. In other words, my duties presuppose a notion of the flourishing individual or of human potential; to recognize you as a being possessing these rights is implicitly to assign you this ontological possibility. And, therefore, *I ought to respect this, I owe it to you*. I cannot make sense of my moral oughts, which extend universally to all members of the classification, without the doctrine of human flourishing.

But can I now say that either I or you *ought* to realize this possibility? Self-perfection is certainly a good thing, but the moral significance of this aspirational theory is changed when it is placed in an egoistic context. Perhaps we can put it this way: in some sense of the word I *ought* to live an excellent life, happy, fulfilled life. If nothing else, it is in my best interests. At the same time I say that I ought to respect your negative natural rights. These 'oughts' would not appear to be similar. To the extent that the moral context is egoistic, I would suggest that only the second 'ought' carries real moral weight. The first 'ought' announces what would be good to do; the second declares what would be immoral to transgress. Machan says that these interpersonal duties are direct implications of his moral program; my suggestion is that, if egoism is taken seriously, these interpersonal duties constitute his moral program.

One final remark. Because I have attempted to understand the egoistic 'ought' without reference to God, or to the state, or to others, it may appear that I have confused egoism with isolationism. This I hope I have not done. It is perfectly evident to anyone who reads *Individuals and Their Rights* that Machan's self-perfected agent is a social being, whose decisions and concerns very much reflect the fact that he or she is intimately involved at nearly at all times with family members, friends, associates, and fellow citizens (and beyond).¹⁶ While I do not claim that morality is exclusively concerned with others, it is my view that it does not make sense to speak of moral *obligations* separate from all such social, political, or religious considerations. In other words, Machan is certainly right to connect moral theory with a doctrine of personal development, but personal development by itself is not structurally sufficient to explain a moral theory. I do not think that the ethical question really is prior, either chronologically or conceptually, to some version of the political question "How should we act in one another's company?" All human agency has immediately both a personal and a social dimension - even if one dimension at times is the predominant concern. If this point is valid, an egoistic morality cannot provide the foundation to any political theory.

1. Tibor R. Machan, *Individuals and Their Rights* (LaSalle: Open Court, 1989), p. xiii, (Hereafter *IR*).

2. Along the way, however, there are defenses of a number of supporting theories, such as metaphysical and epistemological realism, the existence of free will, and naturalistic meta-ethics. In general, I agree with Machan's positions on these issues.

3. *IR*, p. 35: "Thus when by Hobbesian egoistic ethics something is judged to be right, it must be viewed entirely independently of any firm, objective, and independent universal standard, and depends wholly on individual (or collectively agreed-to) wants, desires, or

preferences.”

4. *IR*, pp. 26, 46-47. Machan makes it clear that his moral position draws from Aristotle, but is not an attempt to recover the precise intentions of Aristotle. There is, therefore, no attempt by Machan to show that his development is in full accord with every line of Aristotle's text. A specific example: “The distinction between this view and Aristotle's may be noted here: we are resting human goodness on human nature, not merely human essence. Aristotle's Platonic intellectualism came from his essentialist rather than naturalist conception of the human good. Human nature is richer, less specialized than human essence. When we consider human nature, then, a person's individuality is of as much significance as his or her common humanity.”

5. *IR*, p. 29: “It is my view that classical egoism is a sound system of morality, regardless of whether or not it supports negative natural rights . . . Ethics, in short, is prior to politics because the question ‘How should I conduct myself?’ is prior to the question ‘How should we conduct ourselves in one another's company?’”

6. *IR*, p. 33. Machan is criticizing those contemporary moralists who “hold that the dominant concern or morality lies in determining how one should treat other persons.” Egoistic obligations are not exhaustive of Machan's morality, but that they are primary would seem clear from this passage from the same page: “[T]he idea that *every one ought to strive to benefit himself or herself first and foremost in life* will not imply that a person's egoistic conduct will result in substantial anti-social, avaricious, allous, or deceptive behavior . . .” (my emphasis).

7. See passage cited above, pp. 4-5.

8. *IR*, p. 56: “Let us grant that to live is a matter of (implicit) first choice . . . This choice gives reason, therefore, for the rest of one's actions and requires no reason for itself. It is the primary reason, the *first* one, which then creates the need for morality. My point here is conceptual rather than chronological. First one tacitly, implicitly, chooses to live . . . Later [the choice] becomes more explicit . . .”

9. *IR*, p. 57: “[I]f initially the choice is to bow out of life, then, to the best of our knowledge, one needs no moral guidelines.”

10. Because my primary responsibility is to myself, even if many of the virtues involve others. The one exception that Machan has allowed is the fact that I may have made some commitments to others, and therefore my life has social significance.

11. I first encountered this distinction in L. Fuller, *The Morality of Law* (New Haven: Yale University Press, 1964). Fuller claims no originality for the distinction itself, although he does say that his nomenclature is new.

12. Fuller, p. 5.

13. *IR*, p. 2: “A right binds us to refrain from preventing others from others acting in certain ways (they have a right to act) - using the pool, speaking their minds, voting for their political candidates, even wasting their lives. In this sense a right is always relational - it pertains to the moral responsibilities that arise among humans (and perhaps other moral agents).” On the same page, Machan cites Raz' definition of a right: “‘X has a right’ if and only if X can have rights, and other things being equal, an aspect of X's well-being (his interest) is a sufficient reason to holding some other person(s) to a be under a duty.” See Joseph Raz, “On the Nature of Rights”, *Mind*, XCIII (1984), p. 195.

14. *IR*, p. 101: “One cannot then explain rights in terms of justice but one must explain justice in terms of rights.”

15. See the citation from *IR* (p. 2) in the preceding footnote.

16. There is nothing here, as far as I can tell, which is incompatible with a religious morality either.