

NATURAL ENDS AND NATURAL RIGHTS

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In *Liberty and Nature*,¹ Den Uyl and Rasmussen make the following argument in defense of natural human rights:

1. Human beings, like all living entities, are teleologically organized so as to satisfy a certain natural end.

2. Nonconscious living entities are organized so as to automatically strive to advance that end. Entities which are both conscious and rational (i.e., human beings) are not so organized with respect to the part of their behavior that is under their volitional control.

3. Unlike nonconscious living entities, human beings must attempt the satisfaction of that end by choice.

4. Therefore, the natural end (i.e., human flourishing) of human beings is the final normative end toward which all human beings ought to strive.

5. A necessary condition and constituent (or, as they call it, the form) of human flourishing is self-direction or autonomy.

6. Therefore, because no human being ought to be prevented by another from flourishing, it follows that no human ought to be prevented from exercising his autonomy. To do so would be to constrain both a necessary condition and a necessary constituent (the form) of flourishing. (Presumably, what this means is that to prevent the exercise of autonomy in any case of its possible exercise, is to prevent the pursuit of human flourishing from which it is inseparable.)

In what follows I will contend, first, that the factual claim which undergirds this entire argument, that living beings are teleologically organized, is false. And second, I will maintain that even if one could demonstrate that there is, for man, a natural normative end which is human

flourishing, *it does not follow* that what Den Uyl and Rasmussen call the necessary form of flourishing—human autonomy—is a right of each which imposes a duty of forbearance upon all. That is, I will claim that the authors fail to demonstrate that Lockean or Nozickian rights are derivable from their normative point of departure.

1.

The claim that human flourishing is the normative final end toward which human activity ought to be directed rests upon the antecedent contention that human beings have natural ends. This is dependent, in turn, upon the premise that all living things, conscious and nonconscious, are teleologically organized so as to realize a certain natural end. By this, Den Uyl and Rasmussen mean that

[t]he actualization of a being's potentialities is needed because a being cannot remain in existence, cannot be the sort of thing it is, if it does not actualize its potentialities, and remaining in existence as the sort of thing it is is the natural end or function of a being. (p. 35)

Why should it follow from the fact that a thing cannot remain in existence as the sort of thing it is unless it actualizes its potentialities (i.e., as a living thing of a certain type) that being a living thing of a certain type is a natural end? Because, they claim, there are "some facts [about living things] which cannot be adequately understood without appealing to a natural end or function" (p. 43). That is,

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)

Now, quite obviously, there *can* be laws of the sort that Den Uyl and Rasmussen are constrained to deny. That is, presumably we could discover, in principle, how the DNA of a particular organism leads through many chemical transformations to its maturation, just as we can employ causal laws to predict that the interaction between two chemicals will produce a third. Clearly, it would be misleading to suggest that there is some goal which causes the maturation of an organic entity, in the way that a child's goal of learning his multiplication tables motivates him and, therefore,

causes him to do so. It would be equally erroneous to portray the immune system's successful repulsion of an infection as the realization of an organism's final end of maintaining its existence. Such an explanation would not help us to diagnose the death of someone due to pneumonia. Only a causal and ultimately molecular explanation would enable us to diagnose the source of the failure in this case. The physical development or response of a living entity toward some "end" is something that we metaphorically ascribe to it, not something that has any literal analog in genuine examples of end-seeking, i.e., human intentional behavior, where an end-in-view does causally bring about the envisaged goal. There are, of course, some human artifacts and inventions which, though their movements are explained by mechanical laws, have been constructed in the first place so as to satisfy a human purpose. In this sense, then, their constituent parts and their movements may be said to have a function, i.e., to serve a human purpose, to realize and be directed by an end-in-view. They serve a human purpose only because they have been invented and are used to do so by human beings. Indeed, there are natural objects (like trees which cast shadows) which can be used by human beings to satisfy a purpose—in this case, to tell the time by using the tree as a natural sundial. But these ends are envisaged by human beings and realized through human intellectual and/or physical action. It is erroneous to ascribe to a system which maintains itself in a certain state through its causal properties, regulation by an intrinsic telos. The most we can say about it in a literal sense is that its processes are causally linked so as to maintain it in a certain state, not that this state itself has efficacy as some sort of final cause. The most we can say metaphorically is that it behaves *as if* it has an end which regulates its activity, as an agent's purpose brings about its future behavior.

If, therefore, it is a mistake to ascribe a teleological organization to living things generally, the ascription of a natural, inherent telos to human life must also be a misapplication of this principle. There is no intrinsic "end" which causally regulates the constituent parts of a human organism. It is true, however, that human beings can devise purposes to inform their voluntary actions and govern their lives. These purposes are subjectively imposed by them upon their actions. While it is true to say that if these purposes are to be effectively served, then they *ought* to be consistent with both the natural limitations and capacities of the human species—it is false to allege that these *ends* exist apart from their subjective formulation by a conscious intelligence.

2.

If Den Uyl and Rasmussen fail, as I think they do, in their neo-Aristotelian project of supplying grounds for the claim that the normative end of

human action is derivable from the prior existence of a natural human end, then we may independently consider the second half of their project. Assuming that they had succeeded, we may inquire as to the derivability of natural rights from a normative premise which asserts that each human being ought to strive toward his natural end, human flourishing. If human flourishing is the ultimate good for each person, does it follow that each person has Lockean rights to human liberty?

In constructing their demonstration, Den Uyl and Rasmussen recognize that a derivation of the following kind is fatally flawed:

1. Each individual ought to strive to flourish, as its final end.
2. Therefore, each individual *must* have sufficient freedom of action to enable it to pursue that end.

The problem with such an argument, they recognize, is that it would justify the exercise of liberty only when it is used in pursuit of that final end, whereas the Lockean right to liberty is supposed to be unconditionally exercisable. Lockean rights, then, cannot be justified merely as the necessary means to the pursuit of human flourishing, for that would not justify liberty *as such*. Only if the exercise of liberty can be justified unconditionally, can it attain the status of an indefeasible right.

Den Uyl and Rasmussen have two separate arguments that purport to show that the right to liberty may be exercised whether or not it conduces either to the pursuit of or to the fulfillment of the human end of flourishing. The first of these rests upon the claim that self-directedness or autonomy is not only a necessary means to human flourishing, but a necessary constituent of it as well. As a necessary constituent of it (indeed, as the very form of human flourishing), self-directedness is inseparable from it. In preventing, therefore, the use by any person of himself, a rights violator necessarily interferes with the human flourishing with which self-directed activity is inextricably mixed. Therefore, self-directed activity as such ought not to be obstructed by others. This, Den Uyl and Rasmussen argue, logically follows from the claim that autonomy is a necessary constituent of flourishing:

[S]ince self-directedness is both a necessary condition for self-perfection and a necessary feature of all self-perfecting acts at whatever level of achievement or development—what we have called the very form in which human flourishing exists—self-directedness just as such is always good for each and every human being. (p. 95)

The problem with this argument is that it provides no more support for its conclusion than the flawed one which described self-directedness

only as a necessary condition of human flourishing. For even *if* autonomy is the form of human flourishing, it does not follow that it could not as readily be present in examples of nonflourishing—e.g., acts of self-abnegation, acts of persecution, acts intended to humiliate an innocent party, and so on. Only if self-directedness were both necessary for human flourishing and necessarily incompatible with all other anti-flourishing activity could self-directedness, as such, be defended as a right. The latter would be the case if it could be proven that self-directedness is both a necessary and a *sufficient* condition or constituent of human flourishing, so that to inhibit self-directedness would, in each and every possible case, be to impede flourishing. Additionally, if it could be demonstrated that self-directedness is the *same* as human flourishing, so that to prevent the former is to constrain the latter, Lockean rights would be derivable from the premise that one's own flourishing is the highest good for each person.

The problem with these two strategies is that they rest on wholly implausible foundations. For self-directedness is and has been a constituent of every manner of wicked behavior. Indeed, if this were not the case, the assignment of moral blame to evil actors for their evil actions would be impossible. Would anyone wish to claim that all examples of good behavior are self-directed, while all evil activity is involuntary and coerced? I think not.

Den Uyl and Rasmussen, however, seem to be reaching for just this sort of strategy when they advance the following claim:

A world in which human beings are self-directed but fail to do the morally proper thing is better than a world in which human beings are prevented from being self-directed but whose actions conform to what would be right *if* they had chosen those actions themselves. (p. 95)

In other words, a profoundly evil act, if voluntarily undertaken, is morally superior to a coerced act of unalloyed goodness. And a world in which the rights of aspiring villains are preemptively transgressed is, on this view, morally inferior to a world in which their autonomous conspiracies are permitted to continue. And yet it seems doubtful that a world in which Lenin, Trotsky, and Stalin were assassinated before they had committed their first acts of criminality could really be said to be inferior to a world in which they were forcibly opposed only after they were in a position to effectively violate the rights of others. Can a world which protects the authorial autonomy of totalitarian conspirators be morally superior to a world in which the murder of millions of Russians, Ukrainians, and Georgians, etc., is *prevented* by the prophylactic assassination of this troika? It would seem, at best, highly controversial.

Rasmussen and Den Uyl further elaborate this putative defense of self-directedness as such in the following way: "[I]f I am not the author of the activity, that activity is not good or right for me even if it should nonetheless be true that if I were the author of that activity it would be good or right for me" (p. 95). Suppose I am compelled to physically exercise, in spite of the fact that I have concluded that it is a waste of my time to do so. As I get used to my daily routine and begin to appreciate its benefits, I conclude that my newly attained fitness in fact allows me to complete more of my highly valued projects than would have otherwise been possible and so is a savings of time. I therefore voluntarily undertake to do what I had previously been forced to do. I exercise. It is at least not obvious why one would say that this outcome is morally inferior to the one which would have emerged from my former sedentary life style. For, by hypothesis, I now acknowledge that as a result of my enforced activity I am better off than I would have been if I had been left to my own devices. Am I misinformed in this conclusion? Or have I just not been adequately schooled in the morally superior value of autonomous, self-destructive behavior when compared with coerced, constructive activity? Perhaps Den Uyl and Rasmussen are simply mistaken in their claim that "self-directedness just as such *is always* good for each and every human being" (p. 95; emphasis added). Do they really intend to claim that self-directedness is good even when it massively subverts the goal of human flourishing?

Even if this argument fails, as I think it does, Den Uyl and Rasmussen have another which they hope is logically separable from it and, therefore, does not share its vulnerabilities. According to this argument, rights do not imply the rightness of what they permit, they only define the legal framework in which moral activity can take place; rights are not normative concepts, but meta-normative ones. Therefore, to successfully demonstrate that they are universally authoritative, I need not prove that their exercise leads to or is identical with morally good behavior, nor, presumably, that their violation is evil. I merely have to show that rights are necessary for the very possibility of human flourishing, whether or not their protection leads in every case to examples of human flourishing. But how does the protection of Lenin's rights as a young man contribute to the *possibility* of human flourishing? Perhaps by protecting the possibility of *his* flourishing. But suppose we conclude that, given his most deeply held values, it is unlikely that his autonomous behavior will lead to his flourishing, but more probable that it will culminate both in his own diminished flourishing and in that of millions of others. How can the protection of Lenin's rights, given Rasmussen and Den Uyl's natural-end ethics, be conducive to the likelihood of flourishing? Rasmussen and Den Uyl would presumably argue that rights should be respected not because of the *likelihood* that their protection will lead to a moral outcome, but because they guarantee its *possibility*. True enough. But they make its antithesis, evil, possible as well. If

evil is not the natural end of man, what is so great about meta-normative principles which are neutral between good and evil? Den Uyl and Rasmussen's answer is to revert to their original argument:

The natural end is an inclusive end which allows for the morality of an action to be determined by whether an action is an instance of the virtues which constitute it, and not by the calculation of the specific consequences of the action. This is especially true for being self-directed or autonomous, since this is *the* virtue which makes all other virtues possible. As said before, we know that being self-directed is good or right simply from our analysis of the nature of human flourishing. Further, we know that being self-directed or autonomous is good for each and every human being just in virtue of their being human. (p. 113)

Of course, having come full circle, what Rasmussen and Den Uyl still must show (but haven't) is that self-directed activity for *every human being in every case* is good, just in virtue of its being self-directed—that self-directed activity is good as such. To do this they must demonstrate how their own natural-end ethics, which advances the claim that action is to be morally evaluated by its contribution to that end, can rank self-directed anti-flourishing activity as axiologically superior to nonautonomous flourishing activity. Trying to identify autonomy with flourishing is not an option for them as they confront the general opinion of mankind that most evil is voluntarily undertaken.

1. Douglas B. Rasmussen and Douglas J. Den Uyl, *Liberty and Nature: An Aristotelian Defense of Liberal Order* (La Salle: Open Court, 1991). All parenthetical references to page numbers in this essay are to *Liberty and Nature*.