

On the Fit between Egoism and Rights¹

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The doctrine of egoism endorses each individual's pursuit of self-interest or individual well-being. The doctrine of rights attributes to individuals moral rights which others are obligated to respect. The doctrine of egoism seems to be a consequentialist principle which tells people what they should go for in life, viz., each should go for his own well-being. The doctrine of rights seems to be a deontic principle which tells people what restrictions they must abide by in the course of their lives, viz., that they may not (except, perhaps, in very special circumstances) pursue their ends in ways that violate other people's rights. These doctrines seem to be distinct from one another and even, in the eyes of some observers, theoretically and practically incompatible. Nevertheless, it is not uncommon to find one and the same theorist endorsing both the value individualism manifest within the doctrine of egoism and the (at least apparently) deontic individualism manifest within the doctrine of rights. Indeed, various advocates of normative individualism have held that there is a special coherence or "fit" between these doctrines such that, if one adopts the value individualism manifest in the doctrine of egoism, it is in some way rationally incumbent upon one to accept the doctrine of rights as well. One such individualist theorist was Ayn Rand, who clearly endorsed the doctrine of egoism, the doctrine of rights, and what we may call "the rational incumbency thesis," viz., that the adoption of egoism makes it rationally incumbent upon one to adopt rights as well.²

In this essay, I want to explore three different ways of understanding the rational incumbency thesis. These are what I shall call "the agent well-being view," "the recipient well-being view," and "the coordinate view." Each of these three views – which will be spelled out momentarily – constitutes a proposed explanation for why the acceptance of egoism makes it rationally incumbent upon one to accept rights. I shall argue that only on the last of these understandings – the coordinate view – is the rational incumbency thesis plausible. The articulation of these three versions of the rational incumbency thesis and the identification of the

coordinate view as the only plausible version is interwoven, in this paper, with a discussion of Rand's position with regard to the relationship between the doctrine of egoism and the doctrine of rights. We shall see is that each of these three understandings of the rational incumbency thesis is present to some degree in Rand's writings. Furthermore, once one sees the philosophical inadequacy of the agent well-being view and the recipient well-being view and the philosophical fertility of the coordinate view, one sees that it would have been better for Rand to have concentrated her philosophical efforts on articulating this last understanding of the rational incumbency thesis. For the same reasons, it would behoove those who seek to develop and extend Rand's insights – especially her insight about there being a special coherence between the doctrine of egoism and the doctrine of rights – to focus their attention and effort upon the coordinate view and its elaboration.

One's investigation of how the acceptance of egoism makes it rationally incumbent upon one to accept rights has one further dimension that needs mentioning here. If in some way egoism provides a grounding for the rational attribution of rights, this grounding must be consistent with, and even help to explain, certain special features which moral rights possess. These features include the fact that an individual's rights represent moral claims that the right-holder possesses against the subject of those rights. They are claims that obtain in virtue of the nature of the right-holder. They are claims compliance with which is owed to the right-holder. For those who are subject to these rights, the enunciation of these claims is not a matter of advice to them about how best to advance their interests, but rather a statement of the moral constraints they must abide by in the course of their interaction with other persons. So what is needed is an understanding of how the acceptance of egoism makes it rationally incumbent upon one to acknowledge rights that have these special normative features.

Let me characterize the three views that are to be examined in terms of agent A who is our actor and who will be either abiding by or not abiding by certain constraints (e.g., a constraint against killing other people) in his conduct toward recipient B who has, or is thought to have, rights to A's abiding by those constraints. The agent well-being view is that the source of B's rights against A that A abide by those constraints is the conduciveness to agent A's well-being of A's abiding by those constraints. The recipient well-being view is that the source of B's rights against A that A abide by those constraints is the conduciveness to recipient B's well-being of A's abiding by those constraints. On both of these views pride of

place goes to considerations of conduciveness to well-being and, in this way, the doctrine of egoism is given priority over the doctrine of rights.³ On both views, egoism is the root of rights.

In contrast, on the coordinate view egoism is not the root of rights. How, then, do egoism and rights fit together? The basic idea is that the doctrine of egoism and the doctrine of rights are complementary principles within an ethic which is rational precisely because it includes both of these complementary elements. This basic idea can be spelled out in a number of distinct ways. One possibility is that the doctrine of egoism and the doctrine of rights have a common root; they each articulate a facet of some yet more fundamental normative truth. Another similar possibility is that the rationale for including one or the other doctrine within moral theory is such that it (the rationale) is not satisfied unless the other doctrine also is included within moral theory. In effect, the rationality of endorsing the doctrine of egoism is conditional upon the endorsement also of the doctrine of rights (and/or *visa versa*).

The present essay will be more devoted to the negative task of disposing of the agent well-being and recipient well-being views than to the more complex positive task of establishing the coordinate view. The systematic defense of the coordinate is a larger endeavor than can be accomplished here. Nevertheless that larger endeavor is considerably advanced by means of the critique of the agent well-being and recipient well-being views. For this critique highlights crucial characteristics of rights, eliminates the coordinate view's competitors, and delineates important philosophical difficulties which only the coordinate view promises to overcome. Disposing of the agent well-being and recipient well-being views corrects what seems to me to be the pervasive error within much of Rand's and other Objectivist thinking about rights, viz., taking the doctrine of egoism to have priority over the doctrine of rights. I conjecture that the strong tendency among Objectivists to think that the doctrine of egoism has to have priority over the doctrine of rights reflects two mistaken beliefs. One is the mistaken belief, which is shared with utilitarian theorists, that all reasoning about the rightness or wrongness of actions has to be instrumental; actions always have to be evaluated on the basis of the value or disvalue of their consequences and never on the basis of their inherent character. The other is the mistaken belief that acknowledging constraining rights that are not conceptually subordinate to the doctrine of egoism somehow endangers or compromises the self. The belief seems to be that any concession that others possess a moral status that requires that one be circumspect in one's treatment of them amounts to

some sort of subordination of oneself to others. I shall not here directly address either of these beliefs. Nevertheless, my critique of the agent well-being and recipient well-being views and my comments in support of the coordinate view amount to an indirect challenge of these two beliefs.

The agent well-being view tends to be salient in Objectivist discussions when the question is: Why, when all is said and done, should A abide by B's rights? So let us begin with a fuller statement of this view. For each individual (in all but the most extraordinary circumstances), certain patterns of constraint in that individual's behavior toward other people are, or are very likely to be, conducive to that individual's well-being. These patterns of constraint – such as not killing or enslaving other people and not seizing the products of their labor – are among the necessary means to each individual's well-being.⁴ Hence, if one ought to achieve one's well-being, one ought to abide by these patterns of constraint – and others' rights are the correlatives of these guidelines for good living. On this understanding of the fit between the doctrine of egoism and the doctrine of rights, the fit is that compliance with what we call other people's rights is a crucial method for advancing one's own well-being. Compliance with what we call other people's rights is simply part of the enlightened application in one's own life of the doctrine of egoism. That is why, on the agent well-being view, the acceptance of egoism makes it rationally incumbent upon one to accept rights. On this understanding, rights are subordinate to the endorsement of the pursuit of self-interest in the sense that B's rights against individual A are a function of (or consist in) the fact that certain ways of A's treating B are disadvantageous to A.

To begin our assessment of the agent well-being view, imagine that A has been thinking about killing B so as to make off with all of the accumulated fruits of B's labors. Fortunately, before doing so, B reads the relevant sections of "The Objectivist Ethics" and concludes that it would be contrary to his survival qua man to do so. Since it is his "first duty"⁵ to promote his survival qua man, A concludes that he ought not to kill B or even make off with the fruits of B's labors. Furthermore, A reasons that all obligations to others must be derivative of this first duty to himself. Hence, he draws the further conclusion that B's rights against him (A) not to be killed and not to be dispossessed are a function of its being conducive to A's true well-being for A to eschew killing B and seizing B's products.

The problem here is that, although we have given an account of A's having reason on the basis of his self-interest not to kill B, we have not given an account of B's having a right against being killed. If I have a goose that lays golden eggs and a duty to myself to advance my well-being, then I

have reason not to kill that goose. But my having that reason on the basis of my self-interest not to kill this goose hardly amounts to an account of the goose's having a right against me not to be killed!

How far off the mark the agent well-being view is can be brought out by the conversation that might ensue upon B's congratulating A for not having killed him.

B says to A, "You could have killed me, but you didn't. Good for you. You clearly have a regard for others' rights."

But A answers, "Well you know it would have been harmful to my self-interest to kill you; so I didn't."

And this leads the somewhat puzzled B to ask, "Do you mean that your only reason for not killing me was that it would have been contrary to your self-interest? Do you, therefore, also mean that, were killing me conducive to your interest, you would have no reason at all not to kill me?"

To which A answers, "Of course I mean that. There is only one fundamental moral principle, each is to promote his own well-being, and all other norms and injunctions must be subordinate to that.

At this point the philosophically astute B says, "Ah! I will continue to deal with you because it is safe for me to deal with people who are motivated by the conception of well-being that you entertain – just as it's safe for the goose to remain in contact with its enlightened owner. But I withdraw my congratulations to you for being a resolute observer of rights. For that congratulations was based upon my belief that you took me to possess a right not to be killed – a right that implies your having an obligation to me not to take my life. But now I see that you wholly lack the concept of rights as interpersonal principles having any independent meaning or force. So you can hardly be congratulated for your commitment to respecting rights."

Having worked himself into a righteous philosophical funk, B adds, "Respecting other people's rights is a matter of recognizing them as moral ends-in-themselves, as beings who, because they are moral ends-in-themselves, are not morally available means to your ends. You, Mr. A, have confessed that this recognition of me as a moral end-in-myself played no role in your deciding not to kill me. The only reason you had not to kill me was entirely parallel to the reason that the prudent farmer has not to kill his goose. And we all recognize that the conduciveness to the farmer's interest of his not killing that goose does not account for the goose's right not to be killed – because the goose has no such right."

And here is B's final intellectual shot at A and his agent well-being view: "On your view, A, the only person who would have been wronged

had you killed me would have been you. On your view, the only reason a murderer acts wrongfully is that engaging in murder is contrary to the murderer's well-being. Because the agent well-being view involves an exclusively self-regarding explanation for the wrongfulness of the agent's action, the agent well-being view cannot capture the core fact that the victim is the recipient of the fatal action, not the performer of, that action."⁶

B's remarks are indeed philosophically astute. They articulate what I take Rand herself to have in mind when she says that "man's life is his by right (which means: by moral principle and by his nature)" and that "a right is the property of an individual."⁷ And I will reinforce this critique by asking you to think about two examples from Rand's own fiction. But, before proceeding further, let me make sure that one thing perfectly clear. My complaint here is not with the proposition that it is always (except in "emergency" cases) congruent with A's good that A abide by B's rights. I think that one can raise questions about this proposition and ask for a marshalling of evidence on its behalf. And one has to be careful that one doesn't defend this proposition of merely stipulating that everyone's well-being consists in part in abiding by everyone else's rights.⁸ But, I'm not challenging this congruence claim here. Rather, I am objecting to a particular philosophical analysis according to which B's rights against A are a function of its being advantageous to A to constrain himself in the way in which he treats B.

We have just looked at the agent well-being view in terms of whether it accords with rightholder B's perception of his moral relationship to individual A who is said to be subject to B's rights. Now let us, in effect, look at it in terms of the moral perception of the rights-respecting agent. The main point here is that the morally perceptive agent recognizes the propriety of his constraining in his behavior toward other persons quite independently of any calculus of the agent's self-interest or well-being. The rights-respecting individual's recognition that he has reason not to kill and prey upon others does not wait upon a complex and highly speculative line of psychological, sociological, economic, and historical argument which is designed to show that it will (almost) never be truly expedient for that individual to kill or prey upon others.

Consider, then, morally perceptive Howard Roark. Why, when he is planning the destruction of Cortlandt Homes, does Roark go to the trouble of insuring that the nightwatchman will not be killed? Of course the clever answer is: Because Roark is an advocate of the nightwatchman state. But let us rise above such cleverness. And let us put aside

inessentials. Planning to save the nightwatchman provides an opportunity for Roark to offer Dominique a chance to join him in his stance against the world of the second-handers. But surely, even if this special feature were absent, Roark would have found some way to insure the safety of that nightwatchman. He would have rejected out of hand, as not among his morally possible choices, any plan which would have caused the death of the nightwatchman. Indeed, if Roark were to have discovered at the eleventh hour that his stratagem to lure the nightwatchman to safety had failed, surely he would not have proceeded with the destruction of Cortlandt. Surely, he would have postponed that destruction until he had come up with some other way to proceed without killing (or even injuring) the watchman.

Why? The answer cannot be that killing the nightwatchman would be damning publicity for Roark. For this demands that we ask why killing the watchman would be damning publicity – as opposed to merely bad publicity, which Roark was never worried about. No appeal to bad publicity or the idea that killing the watchman would unduly complicate the trial gets to the core fact. Nor does Roark avoid killing the nightwatchman because he has engaged in some other complex calculus which reveals that the unprovoked killing of people or this man in particular will be damaging to his (independently specified⁹) interests. Roark avoids killing the nightwatchman because doing so would wrong the watchman. It would infringe upon the watchman's right to his own life which the watchman possesses just as surely as Roark¹⁰ possesses a right to every minute of his life and to all parts of his energy. This right of the watchman against Roark can no more adequately be accounted for in terms of its being contrary to Roark's well-being to kill him than Roark's right against the nightwatchman or anyone else to his (Roark's) life can be accounted for in terms of its being contrary to their self-interest to kill him.¹¹

Let us, just for a moment, move back to the perspective of the rightholder – in particular the rightholder in chief of *Atlas Shrugged*, John Galt. Let us imagine some communication, right after the final scene of *Atlas Shrugged*, concerning practical details about the return of the inhabitants of Galt's Gulch to the larger and now chastened society. John Galt says to "society's" representative, "Let's be perfectly clear, we are returning only because you now recognize our rights over our own lives, and over the fruits of our labor, and to determine on the basis of our own chosen purposes what we shall do with our lives, our labor, and our products." In response the representative says, "That's right. We have

learned our lesson. We now see that it is highly disadvantageous to us to try to control your lives, your holdings, and your decisions, and for that reason we are resolved never again to try to do so. We almost killed the geese that lay the golden eggs. Come back to the barnyard geese, and we will be much more prudent in our treatment of you.” And John Galt (rightly) says, “!#! off.”

Or, if he were willing to make one more speech, he would say, “Listen representative, you have only grasped one of the lessons that you should have learned and it’s the less morally fundamental one. The lesson that you have grasped is that it’s not really in your interest to seek to exercise control over our lives, holdings and decisions. The lesson that you have not grasped is that we have rights over our own lives, holdings, and decision-making capacities such that we don’t have to justify ourselves and our freedom to you in terms of how well we and our freedom will serve you. Our fundamental moral point is that we have no intention of justifying ourselves and our freedom to you in terms of how well we and our freedom serve you.”

Part of what Galt would be pointing out is that rights have their primary basis in properties of the right-holder. Those properties obligate others to constrain their conduct toward the right-holder in certain ways. That’s why compliance with the right is owed to the right-holder. That’s why it is the right-holder who is wronged when the right is violated, not the agent of that violation. The rights of individuals are not a function of the advantages to others of abiding by those rights.¹²

The recipient well-being view seems to accommodate this focus upon the victim. On this view, it is because constraint on A’s part is a necessary condition of B’s well-being that B has a right against A to that constraint. “Rights are conditions of existence required by man’s nature for his proper survival.” Since B requires non-coercion on the part of A (and all other persons) for his proper survival, since he “cannot function successfully under coercion,” he has rights against A and all others not to be subjected to coercion.¹³ This grounding of B’s right not to be coercively interfered with in using his mind, in acting on his own judgment, etc. upon the rightness of B’s using his mind, acting on his own judgment, etc. seems to be the point of Rand’s claim that,

If man is to live on earth, it is right for him to use his mind, it is right to act on his own free judgment, it is right to work for his values and to keep the product of his work. If life on

earth is his purpose, he has a right to live as a rational being. .
¹⁴

The common criticism of this passage focuses on its apparent inference from propositions about how it is right for B to act to a proposition about B's rights against other parties. But I want to put matters slightly differently – in a way that speaks generally to the recipient well-being view. To assert that B has a right against A is to assert that A has some sort of reason – at least normally a decisive reason – to constrain his conduct toward B in certain ways. But how can the fact that it's valuable for B to use his own mind, to act on his own judgment, etc. itself provide reason for A – at least normally a decisive reason – to avoid preventing B from using his own mind, preventing his from acting on her own judgment, etc.?

A hallmark of any coherent egoist theory is the theorem that, from the fact that some condition or form of activity is valuable for individual B and that B has reason to promote that action or activity, it does not follow that any other individual has reason to promote or even not thwart that action or activity.¹⁵ It will be extremely valuable for me to get to the summit of Kit Carson Peak next time I try and I have good reason to devote my resources and efforts toward this activity. But, within any coherent egoist theory, nothing follows from this about my getting to the summit being valuable for anyone else. Nothing follows about anyone else having reason to assist me or even having reason not prevent me from reaching the summit. The problem is that propositions about what conditions are conducive to recipient B's well-being simply don't speak to the issue of whether B has rights (inherently interpersonal claims) against others. They do not speak to the issue of whether others are subject to some obligation to B such that, if they do not constrain their behavior in certain ways, they will wrong B.¹⁶ This is the fatal flaw in the recipient well-being view.

Now let us turn briefly to the coordinate view. Consider the following claim from "The Objectivist Ethics."

. . . every living human being is an end in himself, not the means to the ends or welfare of others – and, therefore, . . . man must live for his own sake, neither sacrificing himself to others nor sacrificing others to him. (p.30)

While this passage is subject to a number of different readings, one thing that is almost indubitable is that it offers the idea of each person's being a moral end-in-himself as the source of two distinction injunctions.¹⁷ The first is the injunction that one ought not to sacrifice oneself to others. The second is the injunction that one ought not to sacrifice others to oneself. It is about as clear as these things can be that the second injunction is not offered merely as a particularly important implication or application of the first. Rather it is offered as a co-equal component in the articulation of the idea that each individual is an end-in-himself.

This "two-pronged"¹⁸ understanding of an ethic that thoroughly rejects the vision of man as a sacrificial being is also at the very core of the oath that Galt and his fellow strikers take in *Atlas Shrugged*. "I swear by my life and my love of it that I will never live for the sake of another man nor ask another man to live for mine."¹⁹ Here again there are two dicta; one should not live for the sake of others and one should not force or even suggest the propriety of others living for one's own sake. And, once again, the second dictum appears as a co-equal element within the oath. It is not at all represented as an implication or application of the first dictum. Both the passage from "The Objectivist Ethics" and the oath from *Atlas Shrugged* express a two-faceted ethic which, at its core, prescribes each person's pursuit of his own life and well-being and proscribes the pursuit of one's ends in ways that treat others as sacrificial beings.²⁰

So the following seems to be a plausible unpacking of the passage from "The Objectivist Ethics."

Every living human being is an end-in-himself. This is a claim more fundamental than either the doctrine of egoism or the doctrine of rights. Since this is a claim about every human being, for each human being it has two main implications. It has an implication for each person vis-a-vis his disposition of his person and life; and it has an implication for each person vis-a-vis his disposition of other persons and their lives. The first implication is that this person ought to discover, promote, and sustain his well-being, the well-being which is of ultimate value for this agent. The second implication of each persons' being an end-in-himself is that no agent ought to treat any other individual as a means to his ends – however sound those ends otherwise are. To do so would be to presume that others, unlike oneself, exist for the sake of ends outside of themselves. To recognize that one is

morally excluded from treating others as means to one's ends – excluded by the crucial fact about others that they too are moral ends-in-themselves²¹ – is to recognize that others have (exclusive) moral jurisdiction over themselves. Others have rights over themselves and, correlatively, each individual is bound to comply with those rights. So the second more specific articulation of the core idea that every person is a moral end-in-himself is that each person possesses rights over himself which others are obligated to respect.

Neither the doctrine of egoism nor the doctrine of rights have priority over the other. And because they are distinct implications or specifications of the understanding that each person is a moral end-in-himself, neither doctrine is reducible to the other. Each prong of this anti-sacrificial ethic provides agents with reason for engaging in or avoiding various courses of action. For instance, the first prong calls upon A not to kill B because doing so would be disadvantageous to A while the second prong calls upon A not to kill B because this would violate B's rights.²²

Although these two sorts of reason will, if the Objectivist view of the world is correct, coincide and reinforce one another (except in extreme emergency situations), they remain reasons of two different sorts. The first sort are essentially self-regarding; the second sort are essentially other-regarding. The first sort reflect the agent's reality as an end-in-himself; the second sort reflect the reality of other persons as also being ends-in-themselves. This recognition of essentially other-regarding reasons is no more than the rejection of normative solipcism. It is no more than the acknowledgement that other persons have moral significance in their own right and, hence, are not subject to one's use and exploitation as are entities that lack rational ultimate ends of their own.

This rejection of normative solipcism ought not to be confused with any suggestion that A is called upon to sacrifice his well-being for the sake of B's well-being. A's recognition of the reality of B as a moral end-in-himself does not involve A's adoption of B's well-being as part of his (A's) ultimate end. It does not involve to the slightest degree the idea that it is rational for A to compromise himself or his well-being for the sake of B's. This is because the ultimate value of B's well-being which is involved in B's being a moral end-in-himself and which is acknowledged by A is ultimate value for B.²³ Thus, A's essentially other-regarding reason is not what we may call an "end-revealing" reason. It is instead what we may call a "means-precluding" or "boundary-setting" reason. This is the sort of reason

that is operating when Roark rejects out of hand any method of destroying Cortlandt that would involving causing the death of the nightwatchman. It is the sort of reason Galt expects the world to acknowledge before he and his fellow strikers return.

Unfortunately, I have only provided here an intimation of the coordinate view. But, before explaining why it is only an intimation, I want to make two further constructive points. The first brings us back to the original question of why it is rationally incumbent upon the person who accepts the doctrine of egoism also to accept the doctrine of rights. The answer within the intimated coordinate view is not that the latter is some sort of application of the former. Rather, the answer is that the underlying rationale for the doctrine of egoism -- which is presupposed in the adoption of that doctrine -- commits one also to the doctrine of rights. The second point is that there is an important further sense in which the two distinct implications or specifications of the core proposition that every person is a moral end-in-himself are coordinate.

It is highly advantageous for each of us to live in a world in which rights are scrupulously observed. But rights will not be scrupulously observed if each of us thinks that the only reason any given individual has for abiding by "rights" is the enhanced well-being that the individual anticipates through compliance. The point here is a game-theoretic point about the rational propensity of each agent to defect from the compliance game when everyone (or nearly everyone) has reason to believe that everyone (or nearly everyone) will be deciding whether to comply with "rights" solely on the basis of whether they individually anticipate such compliance to be advantageous to them.²⁴ To get mutual assurance and convergence upon a regime of general compliance with rights people have to believe in rights and believe that others believe in rights.²⁵ That is, they have to believe and believe that others believe that they have reason to constrain their conduct toward one another that does not arise solely through assessments of whether this or that act of constraint or policy of constraint serves the well-being of the agent involved. The mutual advantageousness of a regime of compliance with rights depends upon belief that those rights demand compliance independently of the advantages that accrue through compliance. Only if the doctrine of rights is not taken to be reducible to the doctrine of egoism will a regime of rights which serves people's interests obtain.

Now, why have I provided only an intimation of the coordinate view? Consider this discomfoting question: Which comes first, the rational endorsement of the protean proposition that each person is a moral

end-in-himself or the rational endorsement of each of the specifications of that proposition, i.e., the rational endorsement of the doctrines of egoism and of rights? On the one hand, if we say that the protean affirmation comes first, we are faced with the question: Why is this protean affirmation rational? On the other hand, we may say that the rationality of each of the two doctrines comes first and, with these two doctrines at hand, we construct the protean proposition that each is a moral end-in-himself. But if we say this, then we have to provide justifications for each of the two doctrines without engaging in a question-begging appeal to the protean proposition. The astute reader will notice that we have circled back towards where we began!

But not entirely. For we have: (1) disposed of the agent well-being and recipient well-being views; (2) sharpened our understanding of what rights are and of the ways in which egoism and rights are coordinate phenomena; and (3) seen how Rand's appeal to the idea of persons' being moral ends-in-themselves suggests her own subscription to the coordinate view. Nor are matters at all philosophically bleak. There are, I think, good arguments justifying the move from the endorsement of egoism to the endorsement of rights – arguments that are not subject to the problems of the agent well-being and recipient well-being views.

Here is a sketch of one such argument, which I call the Prerogative Argument.²⁶ A moral theory that recognizes the fact that, for each person, his own well-being is the end of ultimate value must incorporate a robust individualist prerogative which says something like this: It is reasonable and proper for each individual to reject moral demands that he sacrifice his own well-being for the sake of advancing the ends of others. It is reasonable and proper for each individual to devote himself to the discovery, promotion, and sustenance of his own well-being – even if others call upon him, instead, to serve their ends. Only if a moral system includes such a robust individualist prerogative will it protect individuals against being unduly morally subject to the ends of others. But, although such a prerogative is necessary within a moral theory to preclude individuals from being unduly morally subject to the ends of others, it is not sufficient to preclude moral subjugation.

The reason is that an individual can become subject to the ends of others not merely through his own choice – through his choosing to sacrifice his well-being for the sake of others – but also through his being prevented from devoting himself to the discovery, promotion, and sustenance of his well-being by the interference of others. We are vulnerable not merely to our own betrayal of our well-being, but also to

others' interfering with our chosen exercise of our individualist prerogative. We are each pervasively vulnerable to such interference whether it be undertaken in the name of some alleged common good or in the name of the personal good of the interferer. Each individual's prerogative of devoting himself to his own good will be rendered nugatory and the rationale behind that prerogative – viz., that the moral subjugation of individuals to the ends of others be precluded – will be defeated unless the moral system which includes this prerogative also includes moral restrictions against interferences with the exercise of this prerogative. In order for the prerogative not to be rendered nugatory and for its underlying rationale to be served, the moral system also has to include the attribution to each individual of a right to exercise that prerogative, i.e., a right to devote himself, in his chosen ways, to the discovery, promotion, and sustenance of his well-being. The attribution of this protective right to each individual against each other individual is a condition of the rationality of attributing to each individual the reasonableness and propriety of pursuing and maintaining his own well-being. The reason that the adoption of the doctrine of egoism makes the adoption of the doctrine of rights rationally incumbent is that the adoption of the latter is a condition of the rationality of the adoption of the former.

Conceivably, but barely conceivably, this argument can be read back into Rand's remark that,

“Rights” are a moral concept – the concept that provides a logical transition from the principles guiding an individual's actions to the principles guiding his relationship with others -- the concept that preserves and protects individual morality in a social context.²

1. This essay is a revised version of a presentation made on July 6, 1998 in Boulder CO to the ninth annual Summer Seminar of the Institute for Objectivist Studies.

2. For reasons that are not relevant to the present discussion, I describe my own position, not as a species of egoism, but rather as “moral individualism.” This position includes the advocacy of “value individualism,” at the core of which is the assertion that, for each individual, the ultimate value is his well-

being. What I say in this paper about the fit between “egoism” and rights, I would usually cast in terms of the fit between “value individualism” and rights.

3. The agent well-being view is the egoistic counterpart of what is often referred to as the Benefit theory of rights. According to this view, B has a right to condition C if it is advantageous to society that B be protected in his possession of C. (Cf., chapter five of J. S. Mill’s *Utilitarianism*.) The recipient well-being view is the counterpart to what is often referred to as the Interest theory of rights. (Cf., the chapter on the nature of rights in J. Raz’ *The Morality of Freedom*.) I survey and critique the Benefit theory, the Interest theory, and also the Choice theory and support what I call the Jurisdiction theory in my paper, “In Defense of the Jurisdiction Theory of Rights.” (forthcoming)

4. Cf., the arguments in “The Objectivist Ethics” for why parasitism cannot be a means to one’s survival or one’s well-being, i.e., one’s “survival *qua* man.” (pp. 24-27) I think that these arguments fail for two main reasons. (1) They rely on the mistaken (and very non-Objectivist) principle that, if things would work out badly for you if *everyone* were to act in a certain way, then you shouldn’t act in that way even if others won’t be acting in that way. (2) They rely on the mere stipulation that to survive by certain means is not to survive as a rational being (and, hence, is not to “survive *qua* man”) whereas the issue at hand is precisely whether it is rational to survive by those means.

5. *The Fountainhead*, p.683.

6. The agent well-being view construes the rights that entities have against agent A to consist in the expediency for A of constraining his conduct toward those entities. For this reason, if there were entities – even non-conscious, non-purposive entities – such that it would be expedient for A to constrain his conduct toward them in the same way as it is expedient for A to constrain his conduct toward persons, the advocate of this view will have to attribute to the same rights to those entities as are attributed to persons. Imagine, e.g., that there were a group of non-conscious, non-purposive robots who were, however, programmed to act and react exactly as people would both to “dangers” and to “opportunities.” They are programmed with lots of skills and have their glitch-less “truck, barter, and trade” software up and running. By hypothesis, the same patterns of conduct that are conducive to A’s well-being in his interaction with persons would be conducive to his well-being in his interaction with these robots. And, for this reason, the friend of the agent

well-being view *must* say that these robots would have the same rights against A that people have. But this, of course, is absurd. Non-conscious, non-purposive entities like these robots cannot have rights. Why does the agent well-being view yield this absurd conclusion? The answer is, because of its single-minded focus on the conduciveness of various actions or patterns of conduct to the agent's well-being and, hence, its failure to focus on the presence or absence of morally fertile properties in those entities the agent acts upon – properties which, if present, account for those entities' having rights.

7. "Man's Rights," p. 110.

8. Nor can one argue: (1) it is in one's interest to be rational; (2) it is always rational to abide by what has been identified as other people's rights; (3) therefore, it is always in one's interest to abide by what has been identified as other people's rights. For whether (2) is true (in the sense that abiding by what has been identified as other people's rights is always in one's self-interest), is precisely the question at hand.

9. It will not do to pack respect for others' rights – or living in accord with the principle that one should not prey upon others – into Roark's conception of his interests. One can only incorporate compliance with such dicta into Roark's self-interest if one has successfully gone through that complex and speculative line of psychological, sociological, economic, and historical reasoning which is supposed to show that it is (almost) never in one's true interest to prey upon others. In the case at hand, Roark's moral reasoning is *not* tied to this sort of ratiocination. (And even an instrumentalist case against *preying* on others would not preclude Roark's *indifferently* killing the nightwatchman in the course of destroying Cordtland. See note 11.)

10. *The Fountainhead*, p. 686.

11. One should not expect and one won't find much of a *theory* of rights in *The Fountainhead*. Nevertheless Rand more than hints at a version of the agent well-being view. Her position is something like this: (1) One's "first duty" is to oneself. (p. 683); (2) It is essential to one's self (and hence to the well-being of one's self) that one not be dependent upon others, that one not live through others; (3) Any act in which you victimize another involves dependency. (cf., p. 683); (4) Therefore, one ought to avoid victimizing others so as to fulfill one's duty to oneself of preserving and enhancing one's well-being. Needless

to say, the crucial weaknesses lie in premise (3). First, it is not at all clear how victimizing another through, e.g., robbing or enslaving him, involves more dependency or worse dependency than enriching oneself through highly specialized, complex market interactions. In neither case, contrary to Rand, is one as dependent as "the beggar" (p. 684). Second, (3) falsely presupposes that all victimization involves centering one's action on the victim (and, in this sense at least, becoming dependent upon the victim). But this is mistaken -- as the nightwatchman case illustrates. If Roark were to kill the watchman, his doing so would not be a matter of centering on him, but rather a matter of *totally disregarding* him. Surely acting in total disregard of other people is not a form of dependency. Notice also that Rand's conclusion has the consequence of any version of the agent well-being view. This is that the agent wrongs himself; the so-called victim is only wronged in some derivative sense.

12. The most philosophically elaborate and sophisticated version of what I have called the agent well-being view is developed in Douglas DenUyl and Douglas Rasmussen's *Liberty and Nature: An Aristotelian Defense of Liberal Order* (LaSalle, IL: Open Court, 1991). I discuss this work in "Rasmussen and DenUyl on Natural Rights" in *Reason Papers*, no. 18 (Fall 1993), pp. 89-99 and the authors respond on pp. 123-128 of that volume. For a position that seems to me to blend insights of both the agent well-being and recipient well-being views, see Tibor Machan, *Individuals and their Rights* (LaSalle IL: Open Court, 1989).

13. "Man's Rights," p. 111.

14. "Man's Rights," p. 111, originally from *Atlas Shrugged*.

15. The best statement of the logical structure of a coherent egoism remains Jesse Kalin's "Two Types of Moral Reasoning: Egoism as a Moral Theory," *Canadian Journal of Philosophy* (November 1975), pp. 323-356. The basis of this structure is egoism's assertion that all values and all value-based reasons for action are "agent-relative." Thus, this logical structure is shared by all normative theories that are agent-relativist. One place where I invoke this structure and defend the agent-relativist view about the nature of value is "Moral Individualism: Agent-Relativity and Deontic Restrictions," *Social Philosophy and Policy* (Autumn 1989), pp. 81-111. In "Deontic Restrictions are

not Agent-Relative Restrictions” in *Social Philosophy and Policy* (forthcoming) I point to a pervasive misuse of the concept of “agent-relative.”

16. Even if the inference at the core of the recipient well-being view were sound at least one major problem would remain. B’s rights against interference with his choices and actions will have been so tightly linked to the *rightness* of his choices and actions that there will be no room for *principled* anti-paternalism. That is, there will be no room for B’s having a *right* to engage in choices and actions that are known to be self-harming.

17. I think that it is pretty clear that Rand takes the concept of “end-in-itself” to apply only to “living human beings” or other rational and volitional creatures; it is pretty clear that she does not intend it to apply to clumps of grass or termites or cows. Thus, grounding rights on a being’s status as an end-in-itself is not subject to the charge that it amounts to asserting the rights of clumps of grass, termites, and cows. To preclude this too broad construal of the concept of end-in-itself, i.e., to indicate its application only to rational and volitional beings, I shall often talk of persons as being “*moral ends-in-themselves*” and as having, in their own lives and well-being, ultimate *rational ends*.

18. The helpful phrase, “two-pronged,” comes from John Hospers’ characterization of Rand’s ethics in his presentation on July 6, 1998, in Boulder Co, at the ninth annual Institute for Objectivist Studies Summer Seminar.

19. *Atlas Shrugged*, recent paperback edition, p. 676.

20. These passages and the repeated insistence of Rand’s heroes that there is a principled and not merely instrumental reason for others to stay out of their way should give very long pause to those who take up the defence of the agent well-being view because they think that Rand clearly favored this alternative.

21. The appeal here is to man’s *normative* nature as a being with ultimate rational ends of his own. This, I believe, is the crucial sort of appeal to man’s “nature” within arguments for rights. The other sort of appeal to man’s nature is especially prominent in Rand’s expression of the recipient well-being view. Here the claim is that “the source of rights is man’s nature” in the sense that individuals have to be allowed certain freedoms if, given their nature, they are to “function successfully” (“Man’s Rights,” p. 111).

22. Surely Hank Rearden's assertion that "no man has the right to seek his good through the violation of the rights of another" manifests the idea of rights as moral constraints upon man's pursuit of his good that are not reducible to maxims about how most fully and/or reliably to attain one's good (*Atlas Shrugged*, p. 444, recent paperback edition).

23. The *value* of B's well-being is value *for* B; the value of that well-being is "agent-relative." But it is not true that the *fact* that B is a moral end-in-himself is agent-relative. This is a fact about reality. And, if rationality involves responsiveness to realities that confront us, rationality requires that we be responsive to the fact that some of the entities we encounter are moral ends-in-themselves.

24. For a wonderful description of something like this process of mutually reinforcing pre-emptive defection see Rand's description of the events leading up to the destruction of the Taggart Tunnel (*Atlas Shrugged*, pp. 544-562, recent paperback edition).

25. If they are in a state of nature, they have to take themselves -- and take others to take themselves -- to be in a Lockean state of nature rather than a Hobbesian state of nature.

26. The name derives from the use of the term "prerogative" in Samuel Scheffler's *The Rejection of Consequentialism* (Oxford: Clarendon Press, 1982) and in the philosophical literature that has developed from that work.

27. "Man's Rights," p. 108.