

Response to Eyal Mozes, “Tara Smith’s *Ayn Rand’s Normative Ethics: A Positive Contribution?*”

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1. Introduction

In this discussion note, we respond to Eyal Mozes’s critique of Tara Smith’s *Ayn Rand’s Normative Ethics* via his criticism of Carrie-Ann Biondi’s review of that book in *Reason Papers*.¹ We take issue with Mozes’s discussion of Ayn Rand’s non-conflicts-of-interest principle (NCIP) along with his discussion of the nature of moral virtue. We end by taking issue with his inappropriately moralized conception of philosophical discourse. Since we agree with many (though not all) of Mozes’s claims about emergencies and the scope of morality, we leave those topics undiscussed.

2. Conflicts of Interest

Mozes offers two objections to Smith’s discussion of the NCIP:

For any book that purports to be a presentation of Rand’s normative ethics, a crucial part of its task is to give an elaborate explanation and defense of Rand’s no-conflicts-of-interest-principle, filling in the details of Rand’s own cursory discussion. In evaluating such a book, I don’t think there’s any question more important than how well it succeeds in explaining and defending this principle. *Ayn Rand’s Normative Ethics* disgracefully fails in this task.²

We reject every element of this criticism.

¹ Tara Smith, *Ayn Rand’s Normative Ethics: The Virtuous Egoist* (New York: Cambridge University Press, 2006), hereafter *ARNE*; Carrie-Ann Biondi, “Review Essay: Tara Smith’s *Ayn Rand’s Normative Ethics: The Virtuous Egoist*,” *Reason Papers* 30 (Fall 2008), pp. 91-105.

² Eyal Mozes, “Tara Smith’s *Ayn Rand’s Normative Ethics: A Positive Contribution to the Literature on Objectivism?*” *Reason Papers* 35, no. 1 (July 2013), pp. 124-25.

The NCIP is one of a set of “non-conflicts of X” principles within Objectivism.³ Some of these principles lack formal names, but each one of them is a recognizable (and in principle nameable) claim within the system. Each of these principles, including the NCIP, involves two assertions, one positive and one negative: (1) something, X, is claimed to have a nature such that (2) properly conceived, no genuine X conflicts with any other X. Applied to the NCIP, this claim becomes: (1*) rational interests have a nature such that (2*) no rational interest conflicts with any other rational interest. Applied to the NCIP, Mozes’s objection asserts that a discussion of (2*) is more important than a discussion of (1*). In other words, a discussion of the non-conflicts of rational interests is more important than a discussion of the nature of the interests themselves.

As we see it, (2*) is just a deductive implication of a worked-out version of (1*), and an exposition of (2*) is just an account of how (2*) applies to hard cases. So (1*) is where the philosophical action is. Given the difficulty of providing a worked-out version of (1*), an author would entirely be justified in writing a book that focused only on (1*), or even on selected aspects of (1*), leaving the elaboration and application of (2*) for another work, possibly a work by another author.

In order to understand the NCIP, we’re obliged first to understand the nature of the interests covered by the principle, and then to see that they don’t conflict, and why. On the Objectivist view, virtue is among our basic interests—the means to and realization of every interest.⁴ If NCIP is true, then, this is so in large part because of the nature of virtue. So an account of virtue will be a crucial part of any account of (1*).

This brings us to Smith’s book and to Mozes’s objection to it. Smith’s book focuses on the nature of virtue and the virtues, and leaves discussion of the NCIP to a relatively brief section. In doing so, the book focuses on (1*)-type issues with the intention of clarifying them as a precondition for subsequent discussion (not necessarily by Smith) of (2*)-type issues. We don’t dispute that the NCIP is a distinct, possibly even revolutionary claim. But it is distinct and revolutionary (if it is) because of the revolutionary claims it presupposes about the nature of rationality, rational interests, and virtue. The latter topics are conceptually prior to a discussion of

³ On the Objectivist view, no genuine axiom conflicts with any other genuine axiom, no true definition conflicts with any other true definition, no genuine moral principle conflicts with any other genuine moral principle, and no genuine right conflicts with any other right.

⁴ Strictly speaking, Rand says that the cardinal values and their corresponding virtues (rationality, productiveness, and pride) “are the means to and the realization of one’s ultimate value, one’s own life,” but since the other virtues are themselves aspects of rationality, the claim in the text stands. See Rand, “The Objectivist Ethics,” in Ayn Rand, *The Virtue of Selfishness: A New Concept of Egoism* (New York: Signet, 1964), pp. 27 and 28.

the NCIP. Since any piece of writing must omit discussion of something, it makes no sense to fault an author—as Mozes does—for failing to discuss a conceptually posterior subject in preference to its conceptually prior counterpart.

The only argument Mozes gives for the demand he makes of Smith is that people have in the past misunderstood Rand’s NCIP, leaving it in need of extensive clarification. That is true enough, but it does nothing to establish the legitimacy of his demand. If Rand’s readers are confused about the NCIP, one plausible explanation for their confusion is their failure to understand the nature of the interests it presupposes. In that case, there is no good reason for objecting to a book that tries to explain the nature of those interests, which is precisely what Smith’s book does.

Mozes accuses Smith of “disgrace” for her failure to discuss the NCIP in what he regards as an adequate way. In making this accusation, he seems to forget that he himself admits that the confusions at issue began with what he calls Ayn Rand’s “cursory discussion” of the principle. He is right to call it cursory. The direct argument for the NCIP takes all of three sentences in John Galt’s Speech in *Atlas Shrugged*.⁵ If it is a disgrace to expect understanding of the NCIP in eight pages of a book like Smith’s,⁶ why is it not a disgrace to expect understanding of the same principle in three sentences of a hyperbolic speech in a novel? But Rand expected just that.⁷ If Mozes is so eager to level moralized accusations for failures of exposition and understanding, perhaps he should begin with their source.

Mozes’s second objection asserts that to the extent that Smith does discuss the NCIP, her discussion offers a bizarre and fallacious argument that ultimately trivializes it. Once again, we disagree. The disagreement in this case turns on the proper interpretation of the five-sentence passage of *ARNE* that Mozes quotes:

[E]ven when a person’s desires are rational, the proper benchmark for calculating gains and losses to interest is not what a person would like but what he actually has. Realism demands that effects on a person’s interest be gauged against his actual situation rather than against a wished-for situation. . . . If a conflict means that as one person’s interest advances, another’s must suffer, that is not what

⁵ Ayn Rand, *Atlas Shrugged* (New York: Signet, 1957), p. 948.

⁶ Tara Smith, *ARNE*, pp. 38-46.

⁷ The first sentence of Rand’s essay “The ‘Conflicts’ of Men’s Interests” asserts: “Some students of Objectivism find it difficult to grasp the Objectivist principle that ‘there are no conflicts of interest among rational men’” (Rand, *The Virtue of Selfishness*, p. 57). The internal quotation comes from Galt’s Speech in *Atlas Shrugged*, p. 948. The implication seems to be that students of Objectivism should have been able to grasp the principle simply by reading Galt’s Speech.

transpires in everyday cases in which individuals compete for a good that only one of them can obtain. For failing to achieve a goal cannot be equated with suffering damage to one's present position. Being turned down for a job is not the equivalent of losing your business; being passed over for another lover is not the equivalent of having your present lover die.⁸

We see nothing bizarre or fallacious about the quoted passage. In fact, what Smith says in the passage is not an "argument" at all, but merely an observation: the passage says that a person cannot be said to lose in a transaction what he never had in the first place, so that it is wrong to claim that a person's interests are harmed when he fails to get from a transaction what he lacks but wishes to get from it. We agree with her, and do not see how Mozes has managed to interpret the passage so as to make the claims he makes about it.

Mozes goes on to claim that the quoted passage contradicts Rand's definition of "value" as "that which one acts to gain and/or keep."⁹ We see no contradiction here (or definition, for that matter). Smith is not denying that a value is something one acts to gain and/or keep. She is denying, correctly, that someone can lose what he never had, or be harmed by the failure to get something, where the failure to get the thing is described as a loss simply because the person expected to gain it in a transaction but failed to.

In order to make the issue more concrete, consider an example. Suppose that Karl, upon meeting Ayn for the very first time, dispenses with the formality of a greeting and demands that Ayn provide him with a home-cooked meal, which Karl goes on to describe in great detail. Suppose that Ayn refuses and walks away. Now suppose that Karl infers that the preceding exchange is an instance of the "conflict of man's interests": for after all, Karl's interest consisted in getting a free meal, whereas Ayn's interest consisted in rejecting Karl's demands. Since (Karl concludes) both interests could not be realized without subversion of the other, Karl and Ayn must have been involved in a "conflict of interests." And since Karl's interest was the one not realized in the exchange, he concludes that he is the one who "lost out" because of the exchange. Indeed, he concludes, people like him are generally the "losers" in exchanges *like* this.

Smith's observation identifies the fallacy in Karl's thinking. The fallacy consists in Karl's thinking that he had an entitlement to Ayn's labor or goods such that Ayn's failure to satisfy Karl's demand made Karl "lose out." But if Karl never had such an entitlement, Ayn's "failure" to satisfy Karl's demand is not what leaves him worse off. What leaves him worse off is his

⁸ Mozes, "Tara Smith's *Ayn Rand's Normative Ethics*," p. 125, citing Smith, *ARNE*, pp. 40-41.

⁹ Mozes, "Tara Smith's *Ayn Rand's Normative Ethics*," p. 125.

making the demand, which wasted time that might have been employed more profitably—for instance, in making a meal of his own. The source of the conflict here is Karl’s defective character, not Ayn.

Mozes’s misinterpretation of Smith’s claim obviates the need for a lengthy discussion of the “obvious logical question” he asks of her. We think it more obvious on purely textual grounds that Smith is aware of Rand’s restriction of the NCIP to rational persons (pursuing rational interests). Nothing that Smith says about the benchmark for gain/loss requires a denial of Rand’s restriction.

3. The Nature of Virtue

In her book, Smith offers a two-step argument regarding virtue and kindness, respectively. With respect to virtue, she asserts what we call the lifespan criterion of virtue¹⁰:

No positive trait counts as a virtue unless it (i) guides the agent’s every action across the length of a natural human lifespan, (ii) can be expressed in the agent’s every action across a natural human lifespan, and (thereby) (iii) promotes the agent’s good across a natural human lifespan.

Given this criterion, she argues that kindness, though conventionally regarded as a virtue, is not one, since it fails the lifespan criterion: kindness guides some actions but not others, can legitimately be expressed in some actions but not others, and sometimes promotes the agent’s good but not always. Mozes rejects both steps of Smith’s argument, that is, the lifespan criterion itself, and by implication its application to kindness. We agree with Smith on both counts.

Mozes says nothing about the underlying rationale for the lifespan criterion, but offers what he takes to be a counter-example to it. If we accept the lifespan criterion, he argues, we cannot account for the distinction between productiveness and leisure activity. It is obvious that productiveness is a virtue, but it is equally obvious that leisure activity is a need. Productiveness does not guide leisure activity (he claims), and leisure activity seems not to express productiveness. It therefore follows that productiveness fails the lifespan criterion. Having made this argument, however, Mozes qualifies it by conceding that productiveness applies to *some* cases of leisure activity, insisting that it is “very far-fetched” to think that it can apply to *all*.¹¹ His

¹⁰ The coinage is ours, not Smith’s, as is the precise wording of the formulation that follows. Both of us worked out a version of the lifespan criterion prior to and independently of reading Smith’s work, and were gratified to see that she had come, independently of us, to a similar conclusion.

¹¹ Mozes, “Tara Smith’s *Ayn Rand’s Normative Ethics*,” p. 127.

argument therefore turns entirely on those leisure activities that can in no sense be thought to be guided by or express productiveness. *Those* activities, whatever they are, are incompatible with the exercise of productiveness.

We disagree. On Rand's view, which we follow and which Smith seems to be following, "[p]roductive work is the central purpose of a rational man's life, the central value that integrates and determines the hierarchy of *all* his other values."¹² Productiveness, in turn, is the virtue that enables the agent to give productive work this central and privileged place across a lifespan. The essential interpretive (and philosophical) issue at stake here concerns the relation between productiveness (the virtue) and productive work (the activity). Must every instance of productiveness be an instance of productive work? Must a productive person *qua* productive always be working? Our answers to both questions are "no."

Let us begin by distinguishing productive work from leisure. A person engaged in productive work is by definition producing while so engaged. By contrast, a person at leisure is at rest from productive work, that is, not working while at leisure. The distinction here applies to actions or activities, not places. A person can be at his workplace but on break or doing nothing; if so, he's at leisure. The same person may be lying in bed, awake, because he insists on solving a work problem, or be doing the same while on vacation; if so, he's engaged in productive work. Conceived in this way, the distinction between productive work and leisure activity is exclusive. Either a given activity is a case of productive work *or* it is a case of leisure, but not both.

Productive work, however, is itself to be distinguished from productiveness. Productive work is an activity. Productiveness is a virtue—that is, a disposition to act a certain way by following a set of principles. One of these principles is recognition of the centrality of productive work to a good life. But another is recognition of the fact that a person cannot always be producing and remain alive, much less do so and produce *well*. Work itself requires stoppages whose purpose is regeneration not just of the capacity for further work, but of the capacity to keep work *central*. To keep productive work central to life, a person must on occasion stop—*fully* stop—producing. He must grasp the exclusive nature of productive work and leisure, and arrange the two sets of activities so that productive work remains central, while leisure contributes optimally to its centrality while retaining its identity as leisure. He must grasp that while work is central to life, it is not exhaustive; at the same time he must grasp that work is central as opposed to peripheral. The virtue of productiveness is the life-long disposition to strike this balance in precisely the right way. It is (among many other things) a life-long commitment to observing the mean between indolence and workaholism. But observance of that mean *demand*s that one engage in leisure that involves *no*

¹² Ayn Rand, "The Objectivist Ethics," in Rand, *The Virtue of Selfishness*, p. 27; our emphasis with Rand's own emphasis omitted.

work. To paraphrase an old proverb: All work and no play make Jack an unproductive person. The virtue of productiveness doesn't just tell Jack to work. It tells him, in the name of productive work itself, to *stop* working.¹³

Understood in this way, the virtue of productiveness can be expressed in leisure activity by *setting the terms* of leisure. At the most general level, the virtue of productiveness determines what kind of leisure is permissible, of what duration, how often, at what times, with what frequency, with what kind of people (if any), and at what sorts of places. It demands that leisure make a positive contribution to the agent's productive life, and thus guides the leisure activities themselves, ruling some in, and ruling others out. A person who fails to balance productive work and leisure in the relevant way—when doing so is in his control—violates the virtue of productiveness. He is not productive, regardless of his unit-output, because he has failed to put productive work in its proper place in his life. Put in summary form: A rational agent has a productive plan for his life as a whole, in which leisure is regarded as a subordinate part of this whole, and leisure's place in the whole is justified by the causal contribution it makes to the overall plan.

A musical analogy might help to convey this. Leisure, we might say, is analogous to a rest—a compositionally scheduled silence—in a piece of music. The placement, duration, and rationale of a rest arises from the contribution it makes to the music, and is integrated into the music in much the way that leisure is integrated into the productive life of a virtuous person. But it is the music that plays the determinative and integrative role in the piece, just as productive work does in the life of a productive person.¹⁴ A *life* of leisure is not a productive life any more than John Cage's *4' 33"* is a piece of music.

Or consider an example—sleep. A productive person has the need for a specific kind and amount of sleep: the right kind and amount is pleasant, and facilitates both health and productiveness; the wrong kind does the reverse. Furthermore, sleeping is a matter of volitionally formed habit and principle; people don't automatically do what's necessary to get the kind and amount of sleep they optimally need. On our view (and presumably Smith's), sleep gets its point and value from the contribution it makes to productiveness: we sleep to be productive, not the reverse. The requirements of productiveness set the terms for sleep, guiding the many decisions that need to be made about it: how much to get, when to go to bed and when to rise, with whom (if anyone) to

¹³ We assume here that leisure is a viable option for Jack; we acknowledge that in some cases of desperate poverty, it may not be. For an instructive picture of a productive person wholeheartedly at leisure, see the depiction of Howard Roark in Ayn Rand, *The Fountainhead* (New York: Signet, 1971), Part IV, chapter 9. On our view, what Dominique describes as Roark's cat-like relaxation in that chapter is not an instance of productive *work*, but is an instance of *productiveness* (p. 586).

¹⁴ It's worth noting that some pieces of music *end* with rests; perhaps a life should end the same way. Thanks to Ernest Bady for helping us to see this point.

sleep and under what conditions (e.g., where and how), how to handle the many obstacles to good sleep (from insomnia to noise), and why all of the preceding is the case. A person is not actively engaged in productive acts while asleep,¹⁵ but he makes *productive use of his time* if he acts consistently on good sleeping habits. And if productiveness can guide and be expressed in *sleep*, we think it can guide and express any leisure activity.¹⁶ Comparable claims cannot be made for kindness, contrary to Mozes's suggestion.

With these claims in hand, we can respond briefly to Mozes's other objections. He objects, firstly, that Smith rejects Rand's definition of virtue—"virtue is the act by which value is gained and/or kept"—which he seems to interpret to mean that literally every life-promoting act is a separate virtue. We would contest that the quoted claim is properly speaking a definition, but that point aside, Mozes's interpretation of the claim cannot be right. There is a clear difference between discrete life-promoting acts and standing traits of character of the sort that Smith (and everyone else, Rand included) calls virtues. The latter make a more fundamental contribution to survival than any given action. The *most* fundamental contribution is made by traits of character that meet the lifespan criterion. It therefore makes perfect sense to say that virtues are "means to and the realization of" the agent's life (as Rand does)¹⁷ because they persist as beneficial dispositions to act across the *whole* of the agent's lifespan.

4. Philosophical Debate and Moral Judgment

We cannot end our response to Mozes without objecting to the adverse moral judgments of Smith he makes throughout his essay. In his discussion note, he describes Smith as "pretending to be presenting" Rand's view, and as "disgracefully" failing to do so accurately. He asserts that she is playing a "game"; that she has plagiarized David Kelley's work on benevolence¹⁸; that her arguments are merely an "excuse" for partisanship;

¹⁵ Not even if he dreams about work during sleep. In that case, the work begins when the agent uses the dream for a productive purpose once awake.

¹⁶ Sleep is not, of course, a leisure *activity*, but on our view it helps to clarify the nature of leisure because like leisure, it involves work stoppage. For a view involving an instructive set of comparisons and contrasts with ours, see Josef Pieper, *Leisure: The Basis of Culture* (Indianapolis, IN: Liberty Fund, 1952).

¹⁷ Rand, "The Objectivist Ethics," in Rand, *The Virtue of Selfishness*, p. 27.

¹⁸ As editors of *Reason Papers*, we were, on reading this claim, initially inclined to demand its deletion. The textual evidence for Mozes's claim is not at all obvious to us, and David Kelley tells us in conversation that it is not obvious to him, either. Beyond this, an accusation of plagiarism is not appropriately made in passing while discussing a separate issue. Being parties to the controversy, however, we were reluctant to demand substantive alterations to a discussion piece critical of a review one of us had written. We therefore decided to publish Mozes's critique essentially as submitted.

that she has “a long record of distortion” of Rand’s views on emergencies; that her theorizing is a dishonest attempt to “twist” Rand’s words; and that her claims are not just false, but “egregious misrepresentations.” Every one of these claims implies that Smith’s arguments are not just mistaken, but immoral.

As it happens, both of us agree with Mozes as to the moral status of the Ayn Rand Institute (ARI). Like him, we regard ARI as a fundamentally immoral organization, and regard all of those associated with it, including Smith, as (in varying degree) complicitous in its immorality.¹⁹ We therefore have no objection to anyone’s passing adverse moral judgments on ARI as an institution, and have no objection to anyone’s passing adverse moral judgment on the individuals associated with it. It doesn’t follow from this, however, and isn’t true, that adverse moral judgments can be made about a particular piece of scholarship simply because the scholar is affiliated with ARI. We don’t think Mozes provides any evidence for his moral accusations against Smith’s book over and above the sheer fact of Smith’s affiliation with ARI.

We would insist that judgments about scholarship be tailored to the evidence for them. It follows that the merits of scholarship by ARI-affiliated scholars must be recognized for what they are on a case-by-case basis, rather than judged adversely simply because of its connection with ARI. “When one pronounces moral judgment,” Rand writes, “one must be prepared to answer ‘Why?’ and to prove one’s case—to oneself and to any rational inquirer.”²⁰ As it stands, we don’t think that Mozes has proven his case, whether to our satisfaction or to that of any other rational inquirer.²¹

¹⁹ The best statement of the reasons for this judgment were given by the late George Walsh in his “A Statement,” *The Intellectual Activist* 5, no. 3 (November 17, 1989), p. 731.

²⁰ Ayn Rand, “How Does One Lead a Rational Life in an Irrational Society?” in Rand, *The Virtue of Selfishness*, p. 84.

²¹ Thanks to Kate Herrick, David Kelley, Shawn Klein, and Will Thomas for helpful discussion.

