The Fundamental Moral Elements of Rand’s Theory of Rights

Eric Mack

My goal in this essay is to describe, distinguish, evaluate and show the relationships among the key elements in Rand’s moral theory as that theory moves toward a doctrine of human rights. This is a substantial task—one which fully requires and merits a more lengthy treatment than is possible here. The many interconnections between Rand’s claims within moral theory and her claims about human nature and psychology are important, complex, and difficult to untangle. One device for limiting the scope of this essay will be to consider only a few of Rand’s essays, most especially “The Objectivist Ethics.” Essentially, the elements to be dealt with are: the grounding of moral theory in the demonstration of the goodness of life-sustaining action; the character of the good to be aimed at or attained in moral action; the connections between moral and political individualism, i.e., between Rand’s rational egoism and her doctrine of human rights; and the role of Rand’s moral psychology within each of these. In presenting Rand’s views I will often employ analogies, parallels, philosophical terms, and distinctions that do not themselves appear within Rand’s own writings. The hope throughout is to illuminate rather than render more obscure the character of Rand’s thought. This essay is divided into three major sections.

Rand’s Theory of Rights

The first focuses on Rand’s foundation for ethics. The second raises questions about the nature of the ethical standard thus founded. The third traces the transition to a theory of rights.

1

The two most prominent features of Rand’s moral view are her defense of rational selfishness and her insistence on the existence of and respect for human rights. Rand contrasts these doctrines with all varieties of self-negating ethics, i.e., with all versions of the view that individuals should sacrifice themselves or should be sacrificed by others to further the interests of some significant other, e.g., God, Society, the Race, the Noble, or the Wretched. Much of her case for rational selfishness and against altruism lies outside the standard bounds of philosophical argument. It consists in contrasting depictions of self-respecting, self-loving, and independent people and self-sacrificing, self-loathing, and dependent people and accounts of the long-run psychological, sociological, and economic accompaniments of rational selfishness versus the long-run accompaniments of self-abnegation. The entire case involves economic theory, historical analysis, and claims about the connections between ideological commitments and moral and psychological traits. None of this vast aspect of Rand’s position can be conveyed here. Instead, we must deal solely with certain of Rand’s explicit philosophical arguments or argument fragments.

The crux of Rand’s central philosophical insight in moral theory is that there is a far more intimate and profound connection between life and the process of valuation, i.e., the process of forming goals, of planning, of choosing strategies, of acting, than other moral philosophers have realized. It is this connection that, according to Rand, allows us to infer the rightness of certain courses of human action from the existence and nature of human life. The explication of such a connection, justifying such an inference from the existence and nature of human life to the rightness of some courses of action (and the wrongness of others), would close the notorious gap between is and ought, and between the facts of human existence and beliefs about the right and the wrong, the good and the bad. Only if this gap is
closed can moral beliefs be seen as having objective status, as resting upon and being defensible in terms of ascertainable facts rather than being merely more or less elaborate statements or expressions of arbitrary feeling. While Rand intends to establish a specific moral system, success in this endeavor would also put to rest the common twentieth-century doctrine that all systems of oughts are ultimately unfounded, that different individuals or different peoples are simply ultimately *committed* to diverse principles or goals, and that no rational appeal to discernible facts can resolve disputes between such ultimate commitments.

In focusing upon an intimate connection between life and valuation, Rand is not merely maintaining that life continues or flourishes only if certain goods, plans, or actions are acquired, formed, or performed. It is not merely that certain valuations are, in this way, necessary to life so that if life is esteemed then these life-giving and sustaining processes must also be esteemed. Such an argument would not preclude that esteem for life—in particular an individual’s esteem for his own life—was itself just an arbitrary emotive commitment or orientation. An argument having the form, if life is good (and life-sustaining actions are right), then so-and-so specific goals are good as conditions of life and such-and-such actions are right as strategies for life, does not meet the skeptical and relativist challenge that no ultimate value (e.g., life) can be rationally grounded upon the facts of human existence.

We must add, however, that Rand herself often slips or seems to slip into this less ambitious form of argument. As we shall note later in this section, she does not seem to distinguish sharply between arguments for the goodness of life and arguments about what follows from the choice or recognition of the goodness of life. Here, as elsewhere, Rand’s philosophical ambitions are endangered by the lack of clear self-conscious and self-critical structure in her exposition.

What then is the argument concerning the intimate connection of life and valuation? Let us take as our initial text for understanding this argument the following two passages.

It is only a living organism that faces a constant alternative: the issue of life or death. Life is a process of self-sustaining and self-generated action. If an organism fails in that action, it dies; its chemical elements remain, but its life goes out of existence. It is only the concept of “Life” that makes the concept of “Value” possible. It is only to a living entity that things can be good or evil. [OE, pp. 15–16.]

Metaphysically, life is the only phenomenon that is an end in itself; a value gained and kept by a constant process of action. Epistemologically, the concept of “value” is genetically dependent upon and derived from the antecedent concept of “life.” To speak of “value” as apart from “life” is worse than a contradiction in terms. “It is only the concept of ‘Life’ that makes the concept of ‘Value’ possible.” [P. 17.]

To the latter passage Rand adds, “the fact that living entities exist and function necessitates the existence of value and of an ultimate value which for any given living entity is its own life” (p. 17).

Our initial interpretative problem is that the clearest line from these passages is one which seems to express an uninteresting truism. This is the claim that “It is only to a living entity that things can be good or evil,” for surely it is obvious that one must be alive for something to affect one for good or for ill. But this truism certainly does not imply that some particular type of effect on living beings is good, while some other type of effect is evil. Similarly, an uninteresting reading is possible with regard to the sentence “To speak of ‘value’ as apart from ‘life’ is worse than a contradiction in terms.” Here we might see Rand as merely insisting that nothing is of value to nonliving things, that an entity’s being alive is a precondition for anything’s being good or bad for it. Surely if this is all there is to the link between value and life, Rand has nothing new or important to tell us. But Rand’s claims are deeper, more intriguing and fruitful than these truisms.

We should notice that for Rand the concept of life makes the concept of value possible. That is, her claim is not merely that the life of an entity is a background causal condition for things being of value to that entity. Rather, her claim is that our concept of value itself somehow incorporates or presupposes the concept of life. It is this dependence of the concept of value on the concept of life that Rand emphasizes in the second passage.
reproduced above and that she has in mind when saying the former concept is "genetically dependent upon and derived from" the latter concept.

What, then, is the nature of this conceptual dependence? According to Rand the existence of values, i.e., of action, of goal-seeking, of planning, of choice, is necessitated by the existence of living entities. By this Rand means not merely that, given the existence of living entities, one then causally gets the existence of valuing in the way that, for example, given the existence of burning candles one then causally gets soot. Here the concept of soot is not shown to be dependent on the concept of burning candles. One can understand what soot is without knowing anything at all about burning candles. Even if burning candles were, in fact, the only occasion for the existence of soot, soot needn't be understood as that which is (uniquely) produced by burning candles.

Rather, Rand is claiming that valuing is the need of living entities to sustain or attain specific states and conditions to remain in existence as living entities. Valuing is not to be understood as something tacked onto life (and capable of being tacked on only to life). It is something that will exist in any type of living thing in virtue of the nature of life—i.e., its precarious and conditional state. We understand valuing—i.e., we form the concept of valuing—neither by looking at this or that particular instance of action, goal-seeking, or planning, nor by noting its material causal antecedents, but by seeing how life, as the conditional state that only remains in existence through adjusting and readjusting to a changing environment, calls forth the existence of life as the process of action and reaction, goal-setting, and goal-seeking. Life as this state of conditional existence obtains only insofar as "a process of self-sustaining and self-generated action" obtains (OE, p. 15). As Rand puts it, "Life can be kept in existence only by a constant process of self-sustaining action" (p. 16).

Here again we must emphasize that the process is not something that just happens to be associated with the separate phenomenon of life. Rather, by its (conditional) nature, life requires such a process for its continued existence. It is this requirement, this condition of life, that explains the existence of and illuminates the character of the phenomenon of valuing. Valuing, then, has a teleological explanation—an in-order-that explanation. Such an in-order-that explanation for valuing can be understood in a number of ways. We can see a certain phenomenon as that which makes possible a certain outcome and that which is not fully understood until it is seen as making that outcome possible. An example would be our seeing hearts as making possible the steady supply of nutrients and oxygen to the cells of certain types of animals and our not fully understanding hearts until we see them as making this outcome possible. We understand what hearts are when we see them in the context of the requirements—the requirements of body cells for nutrients and oxygen—which the existence of hearts satisfies.

Paraphrasing Rand, we could say that the concept of heart is genetically dependent upon the concept of cellular needs, and it is only the concept of cellular needs that makes the concept of heart (i.e., the correct concept of heart) possible. In this paraphrase we are not claiming that people were unaware of hearts prior to an understanding of heart as that which exists in order that cellular needs may be satisfied. People have known of the existence of hearts for a long time. But their conception of hearts was flawed, or at least incomplete, as long as they remained ignorant of that for which hearts exist. The paraphrase asserts, then, that since the adequate concept of heart includes the understanding of heart as a thing that exists to satisfy cellular needs, this concept of heart builds upon and cannot be cut loose from the concept of cellular needs.

We can also understand claims like hearts exist in order that cellular needs may be satisfied in a quasi-evolutionary way. We can imagine the appearance of creatures with some primitive version of cellular needs and the survival of only those among these creatures who also possessed heartlike organs. Then we can imagine our way up an evolutionary spiral to more specialized needs and more elaborate heartlike organs to satisfy those needs. Within such a picture, it is the existence of such cellular needs and the comparative usefulness of heartlike organs for the satisfaction of cellular needs of organisms that explains the current existence of such organs. If it were not for the cellular needs, there would be no comparative advantage for creatures
with heartlike organs and, therefore, no explanation for the current existence of hearts. Hearts, then, can be said to exist because of the cellular needs of creatures (typically) possessing hearts.

The parallel to valuing and life should be obvious. The survival prospects of a living but nonvaluing, i.e., nonactive, non-goal-directed, entity are nil. As life appears and develops, so too must valuing—in order that life may continue. Valuing exists because of the needful nature of life. Valuing exists in order that these needs—instances of the general need to perform life-sustaining activities—may be satisfied. Life is what valuing is all about. But just as we may be acquainted with hearts without being aware of the end for which they exist and may, therefore, unknowingly fail to have an adequate concept of hearts, so too we may be acquainted with valuing without being aware of the end for which it exists and unknowingly fail to have an adequate concept of valuing. In fact, according to Rand, this has been the central failure in the history of ethics. This point merits explanation.

One can easily be acquainted with the existence of valuing, with human goal-seeking and choice, without seeing specific acts as instances of a phenomenon that exists in response to and as a reflection of the needful and precarious status of life. But such an acquaintance with valuing would be on a par with the acquaintance with hearts that does not include an understanding of the functional role of hearts. We can imagine intelligent beings from another planet with bodies very different from ours capturing various human beings and engaging in a variety of biological experiments upon them. They spend, let us suppose, quite a bit of time studying the muscular, pulsating organ they find within the chest of each individual. They weigh each specimen. They record the sounds it produces. They measure the volume of liquid it pumps, and they identify its electrical qualities. But they still remain ignorant of what these things called hearts are—as ignorant as we would be if our understanding of hearts was limited to the sort of information so acquired. They remain ignorant until they determine what the function of hearts is, what needs or requirements within the body explain the existence of these organs. For these aliens finally to become aware of these needs and to see these pumping, three-pound, muscular

organs as directed toward the satisfaction of these needs is for them finally to form an adequate concept of heart.

By extending this imaginative example a bit further, we can see the evaluative relevance of inquiry into the “what for” of hearts and also into the “what for” of valuing. Imagine that, while our aliens are listening to, weighing, and measuring hearts, but before they have reached a functional understanding of hearts, they are also speculating about which of the hearts are good hearts and which are not-so-good hearts. Some take a liking to the hearts that beat with particular regularity and declare these to be the good hearts—perhaps rationalizing their inclination with the theory that the role of the heart is to serve as a type of internal timing device. Others judge those hearts best that beat most often. Still others discover that some hearts make pleasing (to alien eyes) wall hangings and judge these hearts to be the good ones. Of course, none of these alternative systems of judgment coincides with our evaluation of goodness and badness in hearts. For none is based on a relevant understanding of hearts.

Only when the aliens arrive at a correct functional understanding of human hearts can they correctly grade them. Then the grading, the evaluation, is straightforward. A heart is good insofar as it fulfills the function of hearts. That is, hearts are good hearts insofar as they satisfy the need that explains the existence of hearts, insofar as they satisfy the requirements in the light of which we first understand what hearts are. Once the function of a type of thing—in this case hearts—is known, objective evaluations of things of that type are possible. For a thing of a specific kind is a good thing of that kind if it (or its activity or employment) fulfills the function of things of that kind.

Two points can be made here before returning to the case of life and valuation. The first point is that we now have a more specific reading of Rand’s notion of one concept being “genetically dependent” upon another and of the latter concept making the former concept possible. We have seen that in some cases an adequate concept of some kind of thing is formed only when these things are understood in terms of the fulfillment of certain needs. The concept of that type of thing is therefore dependent upon and only possible because of the concept of that
living entity in virtue of its being a living being. This is the doctrine we may read into Rand's cryptic remark, "The fact that a living entity is, determines what it ought to do. So much for the issue of the relation between 'is' and 'ought'" (OE, p. 17).

In one respect, the analogy between hearts and human goal-directed activity may be misleading. Hearts characteristically fulfill their function. They have no choice in the matter. Hearts do, unfortunately, malfunction—but not through intellectual or moral error on their part. The same is true, according to Rand, of goal-directed activity by organisms below the human level. Such activity automatically tends toward the preservation of the acting organism (pp. 18–19), although the mechanism of such activity can, of course, miscarry. Thus, if in attempting to understand valuation, ethical theorists had focused upon goal-directed activity below the human level, they would have more readily concluded that the function of goal-directed activity was the satisfaction of the life needs of the acting organism. And, therefore, they would have tended to conclude that within any organism the satisfaction of its life needs is the criterion for evaluating its actions.

But in the context of human activity, an additional complication appears. Human action, according to Rand, is not programmed. We survive and prosper by choosing the best alternatives among the many avenues for action available to us. It is this freedom of choice in the case of human action that, according to Rand, makes the evaluation of these actions moral evaluation. But this freedom of choice carries with it the possibility of choosing activities that are less than optimally life satisfying. This is especially true because of the great number and variety of cues that confront us—the sensorial pain or pleasure of an act, its many emotionally felt qualities, our anticipation of its consequences, its felt conformity with past or possible future actions, and so on. Indeed, since we may guide our choices in particular situations by general rules or strategies about how to choose and since these rules or strategies may themselves not be optimally life satisfying, we may end up systematically acting in ways that frustrate life needs. Such actions may, at the same time, be thought of as enlightened and right. So, in the case of
human goal-directed activity, we should not expect to arrive at a correct identification of its function simply by observing what characteristically results from human action.

Neither should we focus on existing opinion about what constitutes right action. In very traditional philosophical language, the point is that, because human beings have freedom of choice, the natural end of man’s activity (that which fulfills its function) may be neither the characteristic nor the characteristically endorsed end of human action. This is not paradoxical. There is nothing inconceivable about such divergence between a natural (i.e., function-satisfying) end and a characteristic result. If most physicians were concentration-camp personnel, the characteristic result of medical practice would diverge from the end in which its function is fulfilled. If physicians come into existence in ignorance of the function of medical activity, such a divergence is all the more likely.

So, because of freedom of choice, fallibility, and the complexity of choice situations, human beings are in much the same position with regard to understanding the phenomenon of their goal-directed activity as those imaginary aliens are with regard to their understanding of human hearts. In each case the parties are faced with a confusing riches of facts and patterns. What are we to make of these things called hearts? What are we to make of these episodes called goal-directed activities? We have seen that, upon taking a fancy to this or that aspect of hearts, our aliens might formulate all sorts of views about which hearts are good and which are not so good. The sort of surface inspection and disorganized collection of data that results from not wondering why such things exist does not yield an adequate conception of hearts or an adequate standard for evaluating them.

Rand claims that, in a parallel fashion, ethical theorists have taken the existence of valuation for granted. This is why they have not penetrated the vast and diverse medley of qualities and consequences of human valuation. And this is why they have offered us as standards for evaluating human activity only expressions of their own special fondnesses for this or that aspect of human action. Thus Rand says, “Most philosophers took the existence of ethics for granted as the given, as a historical fact, and were not concerned with discovering its metaphysical cause or objective validation” (OE, p. 144). Instead, we must ask the more fundamental questions, What are values? and Why does man need them? (p. 15.) Rand’s particular answer, we have seen, is that valuation exists in order that the life needs of the valuing organism may be satisfied and that the standard for judging any particular goal-directed action is its contribution to the life of the acting entity. “An organism’s life is its standard of value: that which furthers its life is the good, that which threatens it is the evil” (p. 17). Thus, Rand reaches the conclusion “that concern with his own interests is the essence of a moral existence, and that man must be the beneficiary of his own moral actions.” The second section of this essay will examine, in some respects, what the content of these interests is. This completes the exposition of Rand’s account of the link between life and valuation and the manner in which this link provides a basic standard for evaluating action (and results of action). It remains for us to take note of those passages in which Rand appears to retreat to the less bold contention that if each person’s life is the fundamental value for that person, then each person’s life-fostering acts can be evaluated as right and each person’s life-hindering acts can be evaluated as evil. Within this philosophically more modest approach, the only justifiable evaluations would be instrumental, e.g., this action is right because it tends toward an end assumed to be good. There would be no attempt to justify ultimate values. As was indicated at the beginning of this section, to adopt this approach is to start from assumed oughts and to give up the attempt to bridge the is-ought gap. How much of this can we find within Rand?

When Rand asks rhetorically whether ethics is an objective necessity, “Is ethics a subjective luxury—or an objective necessity?” (OE, p. 144) and “Why does man need a code of value?” (p. 13), it seems as though she is arguing that not any code of behavior will sustain “man’s existence,” that only specific forms and combinations of actions will in fact sustain man, and that these forms and combinations are objectively necessary for that end. Hence, objectivity resides in the identification of satisfactory means—not in the choice of ultimate goals.
The natural form of any answer to these questions would be: Because only specific forms or patterns of behavior will get men to state x. And the form of such an answer suggests that the value of state x (e.g., being alive) is assumed and not proven. That Rand poses her most fundamental question in this way suggests that she herself sees the value of life as an unproven assumption or axiom. Yet this interpretation clashes with her insistence on the absurdity of speaking of value as apart from life, i.e., the absurdity of ascribing value to life’s alternative, death. Furthermore, if Rand takes herself as merely assuming (postulating) the value of life, it is hard to see how she could expect her position to have any philosophical force against any party who denied this assumption.

But is there any way by which we can account for the air of assumption that Rand’s question creates without reading Rand as merely presupposing here the value of life? Perhaps. There is an alternative reading of Rand that ascribes some presupposition to her—but not the presupposition that life is valuable. On this reading, the presumption of the rhetorical question “Why does man need a code of values?” is that there is a genuine and valid need for some code of values, i.e., that there is some worthwhile end for the attainment of which guided action is necessary. Given this presumption, the rest of the argument follows quickly. If man’s worthwhile goal were death, then no code of values would be needed, for inaction or mere random activity would be causally sufficient for death. Hence, death cannot be man’s worthwhile goal. But there are only two fundamental alternatives, viz, death and life (OE, p. 15). So it must be life that is the goal worth being guided to.

There is one other, final place in which Rand seems to slip into an ethics that only judges actions against an assumed ultimate value. This is in her essay “Causality versus Duty.” There she writes:

Life or death is man’s only fundamental alternative. To live is his basic act of choice. If he chooses to live, a rational ethics will tell him what principles of action are required to implement his choice. If he does not choose to live, nature will take its course.

Reality confronts man with a great many “musts,” but all of them are conditional; the formula of realistic necessity is: “you must if —” and the “if” stands for man’s choice: “— if you want to achieve a certain goal.” You must eat, if you want to survive. You must work, if you want to eat.

One cannot deny that the natural reading of these passages is that the choice of life itself is not dictated by “a rational ethics.” That Rand here slips into this less ambitious moral theory cannot be plausibly denied. There is, however, a special explanation why, within the essay “Causality versus Duty,” Rand should stray from her primary position. In this essay Rand is attacking Kant and the notion that actions should be done simply for the sake of duty. The most obviously contrasting view is that actions can only be justified in terms of their effectiveness in realizing desired goals. On this contrasting conception, all justification for action is hypothetical. That is, an action is justified if and only if it yields some valued result. However, in pressing her case against Kant and in insisting that all rational action employs causal knowledge, Rand spills into the view that all rationality in human practice resides in actions’ being effective in bringing about their intended results—that no practical rationality resides in the choice of goals. That is, she slips into the view that all justification (not just for actions) is hypothetical. And to say this is to say there is no justified ultimate value.

Clearly Rand need not have adopted this latter view. This view, of course, conflicts fundamentally with her main line of argument in “The Objectivist Ethics,” where she claims: “Without an ultimate goal or end, there can be no lesser goals or means: a series of means going off into an infinite progression toward a nonexistent end is a metaphysical and epistemological impossibility. It is only an ultimate goal, an end in itself, that makes the existence of values possible (OE, p. 17). Clearly Rand means that only a rational, justifiable, ultimate goal makes the existence of rational values possible.

II

The combination of the stark contrast between life and death as alternative ultimate values leads to the question What is this life which, according to Rand, each is supposed to hold as the ultimate measure of his actions? Answering this question will be a
complex matter, for we must consider not only what Rand says, but also why she says it. Furthermore, we must point out where her arguments go wrong and how they might be put right. Let us start by noting the context within which Rand seeks to answer questions about the ultimate measure of a person's actions.

There is a strong suggestion in the language of many of the passages in "The Objectivist Ethics" that the ultimate value for each living being is that being's survival, its remaining alive. This is implied by the sustained contrast between life (being alive) and death. And the use that Rand's argument makes of vegetative and animal life suggests that there is a common denominator among live entities, viz, being alive, which is the standard for evaluating entities' activity.

But Rand certainly wants to deflect this suggestion. She claims instead to favor "man's survival qua man." This means survival with certain character traits—especially rationality, productivity, and self-esteem. It is significant that the problem Rand notices in the contention that survival as such is the ultimate value is not that this contention commends survival no matter how painful and miserable. For Rand the crucial task is to build rationality and productivity into the good of human survival.

Rand does not see a comparable need to show pleasure and happiness to be constitutive of a person's ultimate good. While she does hold that happiness is connected with the value of life, her characteristic claim is that it is the "result, reward, and concomitant" of "the activity of pursuing rational goals," i.e., of "the activity of maintaining one's life" (OE, p. 29). And while Rand does say that happiness is "one's highest purpose" (ibid.), nowhere in the several paragraphs devoted to explaining the meaning of the standard "man's life" is happiness mentioned (pp. 23–24). Rand, in fact, has a special reason for not wanting to include a person's pleasure and happiness as part of his ultimate good. Roughly and for now, she thinks that to claim this would be to claim that people should be motivated by the desire for pleasure and happiness and that this commends a fruitless hedonism.

Given this context, I can briefly preview my claims within this section. Rand's arguments that are intended to show rationality and productivity to be constitutive of what is ultimately valu-
and productivity as part of its nature. On this view, one should not abandon rationality and productiveness even on those (unlikelier) occasions when such an abandonment would enhance the prospects for biological survival.

One unhappy fact about Rand's exposition is that it runs together these two very different positions. On the one hand, Rand is drawn to the hard-nosed criterion of survival—a conception of the "what for" of valuation that seems dictated by the shared life-orientation of goal-directed activity among all living things. On the other hand, Rand rejects mere brutish, "subhuman," survival as the sole ultimate value. We have here something quite parallel to the problem of the ethical hedonist who, having declared that pleasure and pleasure alone is the good, feels uneasy about judging all else by its tendency to maximize the amount of some homogenous stuff called pleasure. So the hedonist begins to talk about "higher," "refined," and "lower," "swinish" pleasure and about how less of the higher pleasure should be preferred to more of the lower. For her part, Rand talks about subhuman survival versus man's survival qua man.

But neither the strategy of the hedonist nor the parallel strategy of Rand is felicitous. If there really are different types of pleasure, the basis for one's ultimate preference for one type over another cannot be in terms of pleasure. There is need to appeal to a principle—refinement is better than swinishness—which is quite independent of the endorsement of pleasure.

Similarly, if there really are different types of survival, the basis for one's preference for one type over another cannot be in terms of survival. If there is human survival and subhuman survival, one's preference for the former must be in terms of the greater value of humanness over subhumanness. There is need to appeal to a principle—humanness is better than subhumanness—which is quite independent of the endorsement of survival. This need is merely obscured by Rand's insistence that human survival is better than subhuman survival, because it is the higher or better sort of survival.

The ambiguous character of Rand's position can be illustrated from the remarks that follow the passage previously quoted, which links survival, rationality, and productiveness. When con-

sidering the prospects of those with "unfocused minds" whose survival activity is at best like that of "trained animals," Rand says that the "survival of such mental parasites depends upon blind chance" and that these "are the men who march into the abyss" (OE, p. 23). And when considering unproductive "looters," she says that they "may achieve their goals for the range of a moment, at the price of destruction: the destruction of their victims and their own" (p. 24). Later in the "The Objectivist Ethics" Rand writes that "man is free to attempt to survive by any random means, as a parasite, a moocher or a looter, but not free to succeed at it beyond the range of the moment" (pp. 28-29). In these passages, Rand certainly appears to be tracing the disvalue of irrationality and nonproductiveness to their negative effect upon survival pure and simple. Such traits are condemned because they endanger the life of the agent.

Of course, the problem with this line of reasoning is the uncertain character of its empirical premises. Do mere imitators who act like "trained animals" tend to live less long than rational innovators? Do criminals and dictators (cf. p. 24) of all sorts tend to live less long than noncriminals and nondictators? Bertrand Russell has been a problem for disciples of Rand just because they did not want to say that he or his actions were predominantly good (for in Rand's eyes he espoused immoral philosophical and political doctrines), yet he lived a very long time. So seriously is the criterion of longevity taken that some Randian disciples have felt that in order to criticize the socioeconomic order of contemporary Sweden they had to brand as a lie the claim that on the average Swedes stay alive a long time. Rand herself is clearly uncomfortable with this longevity criterion. Often the condemnation of ways of acting that Rand's words convey are clearly intended to be independent of the likely lifespan effect of those ways of acting. For instance, there is the constant refrain in Rand's writings that certain ways of existing are animalistic, brutish, and parasitic. Consider the following passage:

If some men attempt to survive by means of brute force or fraud, by looting, robbing, cheating or enslaving the men who produce, it remains true that their survival is made possible only by their victims, only by the men who choose to think and to produce the goods which
they, the looters, are seizing. Such looters are parasites capable of survival, who exist by destroying those who are capable, those who are pursuing a course of action proper to man. [P. 23.]

In reality Rand does not claim here that the looters will not survive. For, while she does say that they are not capable of surviving, clearly the force of this is that the looter’s mode of life-sustaining activity is dependent upon the nonparasitic activities of others. Speaking of their incapacity is only a way of condemning them for surviving in ways that do not involve “action proper to man.” Saying that someone is “incapable of survival” simply functions for Rand as the ultimate insult. But is this a justified insult? Is survival as a rational and productive being established as the appropriate standard for evaluating human action? If a beaver should manage to adapt so as to be able to survive without building dams, would we judge its actions to be contrary to its life because they don’t foster life as a dam-building being? Given that rationality and productiveness are the characteristic survival traits for human beings, if survival is the goal, then each person should as a matter of general strategy foster rationality and productiveness in himself. But this in no way excludes the value of animalistic and parasitic courses of action when they are demanded by the longevity criterion.

At this point we should take note of one other way of construing Rand’s argument. This turns on her continual use of the generic term man. This man is not the collection of individuals who make up mankind. Still less is it this or that particular individual. It is hard to say just who or what this man represents. It seems to be something like man in general or even man-ness or, even more speculatively and peculiarly for Rand the individualist, the collective human species. Consider, for instance, statements like “everything man needs has to be discovered by his own mind and produced by his own effort” (p. 23). This is just obviously false if meant as a generalization about all individual human persons. And it is very likely false if meant as a statement about this or that particular individual. In fact, the most natural reading of this passage is the collective species reading. Any needs discovered in man (the species) can only be satisfied by the thought and work that occurs in man (the species).

However, we can give a less metaphysically collectivist reading to this passage and all those others that speak of man’s needs, man’s survival, man’s virtues, and so on. This interpretation also helps to understand why Rand thinks that showing a particular mode of survival (e.g., looting) as parasitic upon another (e.g., production) is a decisive argument against that parasitic mode. By focusing on man in general when considering the aptness of some mode of behavior for survival, Rand in effect is asking whether the general practice of this mode of behavior would be beneficial to the members of a community of such practitioners. Thus, if a mode of behavior, when generally adopted, endangers the life of individuals in the group adopting that behavior, that mode of behavior is deemed bad by the standard of human survival. If some mode of behavior works for some individuals only if other individuals shun that way of acting, e.g., if, like predation, it is parasitic upon nonpredatory production, then its general adoption would not enhance survival prospects. Hence, it is judged to be bad in any individual who practices it.

Ironically, in this argument Rand implicitly adopts the Kantian stand that for an action to be morally right it must be of a sort in which any rational being can engage. A given individual is not to wonder whether his predation might be advantageous because, in fact, others are engaged in nonpredatory production. We can imagine Rand claiming that such an individual’s predation could not be truly advantageous because it would not foster his survival qua man. But such a claim presupposes an independent means of specifying the meaning of survival qua man.

The tendency to lose sight of the individual and his concrete choice situation is, we shall see, a recurring one in Rand’s thought. But this is not to say that Rand loses all sight of the distinction between general principle and its application to specific individuals. In fact, she writes: “That which is required for the survival of man qua man” is an abstract principle that applies to every individual man. The task of applying this principle to a concrete, specific purpose—the purpose of living a life proper to a rational being—belongs to every individual man, and the life he has to live is his own” (p. 25). But notice that the individual’s “concrete, specific purpose” is simply to apply a
The Philosophic Thought of Ayn Rand

general principle to his own case. In the name of survival qua man, all the guiding content is built into the general principle. His purpose is not to act so as to maximize his lifespan or to do what accords with his desires or nature. It is simply to live “a life proper to a rational being.” His “task” is to exemplify in his own life this universal model. The has to live in “the life he has to live is his own” has a double reading. On the possessive reading, each possesses a life, his own, to live. On the more instructive and startling imperative reading, in possessing a life, each must live it according to the general standard of survival qua man. Each person, it seems, is to view his life as an occasion for the abstract man being made concrete.9

Aside from noticing the weaknesses and ambiguities in these arguments, it is crucial to recall that Rand’s aim throughout is to attach rationality and productivity to survival to complete the concept of what has ultimate value for any human being. There is no attempt to establish the ultimate value of (sensorial) pleasure or (emotional) satisfaction. But I want to maintain that Rand’s argument would be better if she had set out to show that, not merely being alive, but also attaining pleasure and happiness is constitutive of a person’s ultimate good. Here we may hint at how such an argument might go. Subsequently we shall see why Rand mistakenly did not want an argument to this effect and how such an argument might foster the introduction of rationality and productivity at a different, later, place in the doctrine’s development.

The argument for pleasure and satisfaction being constitutive of the ultimate good of beings capable of these experiences turns on the structure of the concept of benefit. Consider the difference between an entity that is vegetatively alive and an entity that experiences pleasure and pain. The appearance of the latter type of entity can be understood as an alternative evolutionary strategy for the survival of living entities. When such alternative strategies are viable, it is because the capacity for pleasure and pain introduces benefits and costs not previously present and these benefits and costs influence the behavior of the entities subject to them.

Similarly, the appearance of an entity capable of experiencing satisfaction (in the completion of projects) and dissatisfaction (in their noncompletion) can be understood as a further alternative evolutionary strategy. Here new benefits and costs are introduced that further influence the behavior of the entities subject to them. But to say that the pleasure and/or the satisfaction work by being new benefits and that the pain and/or dissatisfaction work by being new costs is to go beyond the claim that the pleasure and/or the satisfaction are signs of life-preserving activity and that the pain and/or dissatisfaction are signs of life-hindering activity. It is to accept that the pleasure and/or satisfaction is a part of the good of the entity and that the pain and/or dissatisfaction is constitutive of disvalue for that entity.

The reasoning for these last claims is simple. To a being for whom being alive is the only value, neither pleasure nor satisfaction would be a benefit, and neither pain nor dissatisfaction would be a cost. Hence, for such a being, the appearance of the capacities for such experience would not represent an alternative evolutionary strategy. But since the appearance of these capacities does represent an alternative evolutionary strategy, pleasure and/or satisfaction must be of value and pain and/or dissatisfaction must be of disvalue to the entities capable of experiencing them. Here is at least a Randian-style argument for pleasure and satisfaction being part of each human’s ultimate good.

In the light of this argument, we turn to those features of Rand’s views that make her reluctant to consider pleasure and satisfaction to be part of a man’s ultimate good. This investigation will allow us to do two things. First and obviously, it will explain this reluctance. But second and more interesting, it will show us how Rand might have gone about, yet nevertheless blocked herself from going about, successfully bringing traits like productivity into her ethical scheme. Our topic here is Rand’s views about the relation of reason and emotion. In particular, our concern will be with emotion as the wellspring of action—emotion as desire, interest, fascination, and obsession. I will contend that Rand’s appropriate rejection of certain roles for feeling combines with a fear of emotions to yield a disastrous view about the ultimate sources of human actions.

There are at least three possible roles for feelings that Rand opposes. First of all, she opposes subjectivism and emotivism
within moral theory. That is, she rejects the view that our most fundamental moral principles must be nothing but statements or effusions of our feelings. She rejects all versions of the view that "ethics is outside the power of reason, that no rational ethics can ever be defined, and that in the field of ethics—in the choice of his values, of his actions, of his pursuits, of his life's goals—man must be guided by something other than reason" (OE, p. 15).

Second, emotions are, in general, rejected as cognitive tools, as guides to truth. Neither one's feeling that so-and-so is true nor one's wanting it to be true is evidence of its truth. And, more specifically, Rand rejects the identification of what is actually in one's self-interest with what one actually desires. Desires may be irrational. Their existence or their satisfaction may be contrary to the real interests of the desirer. "[M]an's self-interest cannot be determined by blind desires or random whims." For "Desires (or feelings or emotions or wishes or whims) are not tools of cognition; they are not a valid standard of value nor a valid criterion of man's interests. The mere fact that a man desires something does not constitute a proof that the object of his desire is good, nor that its achievement is actually to his interest."

Third, Rand denies the viability of ethical theories that make such desired psychological states as pleasure or happiness the controlling goal. As we have already seen, happiness is conceived simply as the by-product of actions that are directed according to the standard, "man's life." Thus we are told that "Happiness is possible only to a rational man, the man who desires nothing but rational goals, seeks nothing but rational values and finds his joy in nothing but rational action" (OE, p. 29).

A standard and decisive philosophical criticism of hedonism is that if one had only a desire for happiness as a source of one's actions, one would achieve little happiness. Since happiness is the product of valued actions and achievements, before the actions or achievements can be valued for the happiness they bring, they must be valued on some independent basis. Only under such circumstances will they bring happiness. I may say that I want to eat roast duck so I will be happy and that here, therefore, is a case in which my desire for happiness is my guiding motive. But unless I independently want (the taste of) duck, eating it will not make me happy and will not be anticipated as making me happy. A desire for happiness will only be satisfied insofar as I have all sorts of other, independent, desires, interests and concerns. If a person were to be stripped of all desires except for the desire for happiness, the paths by which he had gained happiness would lose their interest and their happiness-generating power. He would be left stranded with one, now futile, desire.

Insofar as Rand points to the fact that happiness is a by-product of independently valued action and that, therefore, such a desire cannot itself constitute an adequate guide for action, she joins in this standard criticism of hedonism. But her argument differs from the standard one in a number of important respects. Consider, for example, her claim that "To take 'whatever makes one happy' as a guide to action means: to be guided by nothing but one's emotional whims" (OE, p. 29). This is not just a rejection of guidance by the desire for happiness. It is a more general attack on the employment of desires, e.g., my desire for (the taste of) duck, as guiding motives for action. We are told that guidance by emotional whims can at most produce an "alleged happiness" that is really only a "moment's relief from [a] chronic state of terror" (OE, p. 28). While the problem with hedonism proper was that the desire for happiness by itself provides too little motivation, the problem with the whatever makes you happy theory, according to Rand, is that it sanctions too broad and too indiscriminate motivation.

In attacking guidance by emotional whims, Rand is not intending to deny that people's actions should be ordered and directed by felt desires and interests. She objects, it seems, not to the element of personal desire but, rather, to the unexamined character of some motivating desires. She wants people to act only on rational desires. The problem, however, lies in her conception of rational desire.

Rand's general view about emotions is that they are the products of judgments either implicit or explicit. They are the felt automatic reflections of our evaluations. And, with the sole exception of our wired-in valuing of sensorial pleasure and disvaluing of sensorial pain, all evaluations involve judgment. As
Rand puts it, "Emotions are the automatic results of man's value judgments" (OE, p. 27). Some emotions flow from relatively passive judgments—the judgments we form in unthinking conformity with others' judgments or in accord with paths of least resistance formed by previous judgments and feelings. Such emotions are deemed irrational in two senses: (1) they flow from nonrational judgment, and (2) they are unlikely to generate action that is in the objective interest of the agent. And, of course, emotions that flow from flawed explicit judgments are considered irrational in virtue of their source and irrational with respect to their probable effect on the agent's well-being.

Since Rand holds that emotions are dependent phenomena, she concludes that emotionally we are born tabula rasa.

Man is born with an emotional mechanism, just as he is born with a cognitive mechanism; but, at birth, both are "tabula rasa." It is man's cognitive faculty, his mind, that determines the content of both. Man's emotional mechanism is like an electronic computer, which his mind has to program—the programming consists of the values his mind chooses. [P. 28.]

Thus Rand arrives at what I call the promulgation view of (proper) desires, viz, that "all of one's convictions, values, goals, desires, and actions must be based on, derived from, chosen and validated by a process of thought" (p. 26, emphasis added). This view should be contrasted with a validation view of rational desires. On the validation view, one is not directly concerned with the source of a desire but, rather, with the effects for one's life and well-being of affirming, fostering, and acting upon that desire. While tracing the source of some desire might help one judge the effects of acting on it, one would not, as on the promulgation view, refuse validity to a desire simply because it was not based on and derived from a rational judgment.

Rand is led to insist upon a source in rational judgment just because she thinks the only alternative source for a desire, interest, or disposition is in irrational judgment. But this is a false dichotomy. Many of a person's desires, interests, and dispositions (the emotions that are the well-springs of actions) do not flow from—they are certainly not derived from—antecedent judgments. There are, of course, complicated background stories that can be told about all of my desires, interests, and dispositions. But at some point in each of these stories we must make reference to natural (i.e., nonpromulgated) desires, interests, capacities, and propensities that I have in common with all or most other people or that distinguish my personality and hopes from those of others.

Since it is not true that all my desires and interests are derived from antecedent judgments, it is not true that to clear them of the charge of irrationality they must be traced to rational judgments. It seems enough that the possession of and guidance by these desires and interests are advantageous to me, i.e., they serve my life and happiness. Alterations in my desires and interests that on net bring greater safety, riches, or more articulate harmonious experience to my life are to be sought. Passions that are self-destructive or that conflict with the satisfaction of more central goals are to be examined, modified, and, if necessary, overcome. But all this requires only a determination to validate one's desires and not the radically more stringent determination to promulgate them. Such a validation approach seems enough to guard oneself against emotional "unknowable demons" (p. 29). Neither does such an approach make desire "the ethical standard . . . regardless of its nature or cause." Nor could it be fairly said that in its adoption, "the gratification of any and all desires is taken as an ethical goal" (p. 30).

It is false, then, that all my desires and interests have their source in judgments and that they will, therefore, be in some sense irrational if they are not derived from rational judgment. But may not Rand still be right in insisting that we should only act on the subset of desires that do have their source in rational judgment? The answer is no, for such a stricture would rule out the great bulk of human desires. Reason itself has at most a very limited capacity to call forth desire ex nihilo—far too limited a capacity to call forth the forceful and rich fabric of desires and interests that, according to Rand herself, motivates the actions of a rational person.

Some philosophers have even maintained that the dictates of reason as such can have no effect on the passions. On this view, a rational judgment that $x$ is good or right will not as such ever constitute or generate any motive for getting or doing $x$. On
The Philosophic Thought of Ayn Rand

such a view of the relationship of reason and desire there can be no rational desires in Rand's sense. But this is not the view I am maintaining against Rand. For it seems that sometimes we do desire x, because we judge x right or good (and not merely as a means to something already desired). In such cases desire does seem to be based upon, derived from, (purportedly) rational judgment. For example, my judgment that a particular political crusade is right may itself generate a desire for or interest in joining that crusade."

Nevertheless, the judgment that survival (or survival plus happiness or survival plus happiness and the effective means for these ends) is good is not in itself enough to call forth the level of motivating desire for survival (and so forth) that Rand would consider appropriate. Moreover, such a general judgment and its cognate desire (whatever the desire's strength) will not generate the concrete fabric of specific goals and hopes that makes up the motivational structure of any well-motivated individual. No such general judgments and cognate desires will confer on an individual the particular concerns with which he must be blessed to have what Rand would consider a productively purposeful life. Rather, such life-ordering interests appear in us as expressions of our individual natures and personalities. And our choice is whether to embrace and foster such direction-giving interests or to modify or overcome them. To deny validity to any such interest because it does not derive from a judgment or desire affirming survival would be to deny the interests and concerns through which accomplishment and satisfaction can be founded. Rand's fictional heroes do not deny validity to such interests. They wisely do not attempt to deduce their specific values and desires from some general rule about living "a life proper to a rational being."

Rand's doctrine that the "emotional mechanism is like an electronic computer, which [the] mind has to program" (OE, p. 29), in effect denies that there is anything essential to a person or his nature beyond the fact (common to all others) that he is living and in possession of a programming mind. Since almost every ethical theory, including Rand's, can be seen as advocating the fulfillment of human nature, it is not surprising that Rand's substantial denial of human nature is accompanied by an inability to find justification for her own specific contentful prescriptions to individuals.

All that Rand need do to break out of this bind is reject the tabula rasa view of human desires and interests and abandon the promulgation view of proper human motives. Although the ultimate value for each person is his life and (we have argued) happiness, this does not mean that only the desire for life and happiness can be a proper motive. Instead, any desire, interest, or obsession—whether promulgated by reason or not—will be a proper motive if fostering and acting upon it further the life and happiness of the agent. The lesson to be learned from the critique of hedonism is that the establishment of happiness as of ultimate value need not—indeed, cannot—establish the desire for happiness as the central, validated, desire. If happiness is established as partially constitutive of human good, then independently esteemed desires and interests must be allowed as proper, if that human good is to be attained. Being alive, of course, remains partially constitutive of human good, and staying alive is a necessary condition for any subsequent pleasure and happiness. So, clearly, the survival effects of fostering or pursuing an interest must be given great weight in anyone's rational validation of that interest. The interest may be judged unworthy of directing action because such action would conflict either with other satisfactions or with the agent's very survival.

Given the validation view of proper interests, to establish the value of rationality and productivity Rand must show that persons can foster rationality and productivity in themselves and that doing so is itself rational in terms of a person's ultimate good. Do we have natural (i.e., nonpromulgated) interests in being rational and productive, and is the fostering of these interests both a source of satisfaction and an enhancement of one's survival prospects? These are difficult, substantially empirical questions, and answers to them cannot be defended here.

But, clearly, Rand the novelist would want to answer them in the affirmative; and such answers are plausible when we recall that rationality is simply the way of interacting with the world that renders it intelligible and predictable and that gives us confidence in our beliefs, inquiries, and plans. Productivity is simply the way of interacting with the world that places us in active

Rand's Theory of Rights

ability to find justification for her own specific contentful prescriptions to individuals.

All that Rand need do to break out of this bind is reject the tabula rasa view of human desires and interests and abandon the promulgation view of proper human motives. Although the ultimate value for each person is his life and (we have argued) happiness, this does not mean that only the desire for life and happiness can be a proper motive. Instead, any desire, interest, or obsession—whether promulgated by reason or not—will be a proper motive if fostering and acting upon it further the life and happiness of the agent. The lesson to be learned from the critique of hedonism is that the establishment of happiness as of ultimate value need not—indeed, cannot—establish the desire for happiness as the central, validated, desire. If happiness is established as partially constitutive of human good, then independently esteemed desires and interests must be allowed as proper, if that human good is to be attained. Being alive, of course, remains partially constitutive of human good, and staying alive is a necessary condition for any subsequent pleasure and happiness. So, clearly, the survival effects of fostering or pursuing an interest must be given great weight in anyone's rational validation of that interest. The interest may be judged unworthy of directing action because such action would conflict either with other satisfactions or with the agent's very survival.

Given the validation view of proper interests, to establish the value of rationality and productivity Rand must show that persons can foster rationality and productivity in themselves and that doing so is itself rational in terms of a person's ultimate good. Do we have natural (i.e., nonpromulgated) interests in being rational and productive, and is the fostering of these interests both a source of satisfaction and an enhancement of one's survival prospects? These are difficult, substantially empirical questions, and answers to them cannot be defended here.

But, clearly, Rand the novelist would want to answer them in the affirmative; and such answers are plausible when we recall that rationality is simply the way of interacting with the world that renders it intelligible and predictable and that gives us confidence in our beliefs, inquiries, and plans. Productivity is simply the way of interacting with the world that places us in active
and creative control of our environment and makes us reliable patrons of our own lives and values. If Rand the novelist is in this respect right about human nature,17 rationality and productivity can be welcomed into her ethical scheme—as traits to be valued for the life and happiness they bring. Similarly, the more specific concerns and fascinations that help define our individual personalities and aspirations also enter her scheme—as proper motives for those whose fostering of these concerns and fascinations will bring life and happiness. Rand can and should hold that, not some tabula rasa “emotional mechanism,” but rather these common and uncommon desires determine (at least in part) the content of an individual’s proper motivation.

III

To this point we have been entirely concerned with one of the two distinctive features of Rand’s moral view: her defense of rational selfishness. We can now finally turn to the other distinctive feature: her advocacy of human rights. Rand sees her claims about rights as flowing very directly from her claims about the good for each person being survival qua man. In this section I will be concerned with Rand’s underlying arguments for rights and with the views about the nature of rights associated with these arguments. I will not be concerned with the specific list of rights that Rand recognizes or with her numerous sound criticisms of “the process of inflation . . . [in] . . . the realm of rights.”18 In general I shall contend that Rand’s arguments about rights are not nearly as good as her conclusions or as good as her arguments could have been. More specifically, I claim that her arguments show a failure to understand well the character of rights; that the problems within her arguments are obscured by a continual appeal to the generic man; that alternative and more fitting arguments for rights are available to Rand; and that these arguments are more easily advanced if the promulgation doctrine discussed in the last section of this essay is rejected.

Rand proposes to move from certain conclusions about what actions are right for people to certain conclusions about what rights people have. To understand the task involved we must, therefore, take note of the differences between claiming that an action is morally right and claiming that the agent has a right to perform it. The simple and hardly contentious first point is that a person can have a right to do something it is not right for him to do. Having a right to do x involves its being wrong for others to interfere forcibly with one’s doing x. And it is more than possible that it will be wrong for others to interfere forcibly against one’s doing x even if one’s doing x is, in various ways, immoral. For instance, it may be wrong for me to cut off my finger, refuse to befriend someone because of his race, or write essays making fun of someone’s religion. But, wrong or not, these are all things I have a right to do. Whatever immorality is involved in any of these acts, it is not of the sort that justifies their forcible suppression. To defend a person’s right to do x, one does not have to defend the rightness of his doing x. A theory of rights that had the implication that individuals only have rights to do right actions would be, for this very reason, highly unsatisfactory.

The more complicated point about right actions and rights is that to establish that a person is right to do x is neither to establish that he has a right to do x nor to establish that others have a right that he do x. (A further argument might establish one or another of these claims.) The whole ethical theory that includes the claim that this party is right to do x may yet have no place at all for the idea of rights. For having a right includes having a moral claim against other people that they act or not act in certain ways. For example, my right to chop off my finger includes a moral claim against others that they not forcibly prevent me from doing so. Yet an ethical theory might consist entirely of indications to individuals of what actions are right for each of them given what is of ultimate value for each of them. That is, the theory would say: Jones, it’s right for you to do this; Smith, it’s right for you to do that; and so on, and never thereby include moral claims by one party against another party. Indeed, this looks like the Randian position as it has been considered so far. Jones is told that it is right for him to foster his life; Smith is told that it is right for him to foster his life; and so on. Nowhere do we have claims by one party against another to the latter’s action or inaction.

Another way of making this point about the possibility of
rightness without rights is to note that rights involve correlative obligations. If Jones has a right against (with respect to) Smith, then Smith has some obligation toward Jones—albeit, perhaps, only a negative obligation not to kill, assault, or cheat Jones. Yet when we affirm that Jones is right in fostering his life, that Smith is right in fostering his life, and so on, we seem to be making no assertion at all about obligations among these parties. Where, then, do rights (and their correlative obligations) come from according to Rand? Unhappily, in Rand’s pivotal essay “Man’s Rights,” she places most of the burden on a passage reproduced from her novel *Atlas Shrugged*. This passage seems oblivious to the distinctions we have just been recalling. Rand argues: “Rights are conditions of existence required by man’s nature for his proper survival. If a 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: nature forbids him the irrational.” Here Rand is saying that various types of unimpeded action and acquisition are right for individuals as conditions of their respective proper survival and that, therefore, each individual has a right to engage in these unimpeded actions and acquisitions. But how is the conclusion supposed to follow from the premise? If using his own mind is a condition of Jones’s “proper survival” then it would be irrational of Jones not to (try to) use his own mind. But how does this imply that it would be irrational or otherwise unjustified for Smith to impede Jones’s use of his own mind? How does the rightness for *Jones* of using his own mind support the claim that it would be wrong for *Smith* to impede Jones’s use of his own mind? It is far from obvious that if it would be right for Jones to do *x*, it would be wrong for Smith to prevent Jones’s doing *x*. After all, the good that renders action *x* right for Jones is Jones’s good (his proper survival) and seemingly it is not in terms of this good, but rather in terms of Smith’s good, that Smith is to rationally evaluate his possible actions. Besides, we may wonder, how does the rightness for Jones of his using his own mind create or underlie a moral claim against Smith, a moral claim on Smith’s action or inaction? Furthermore, if we have read this passage from *Atlas Shrugged* correctly, Rand’s argument for rights has the consequence that persons only have the right to do what is right. If it is the rightness of an activity that confers upon an agent the right to perform that activity, then the agent never will have a right to do anything improper. That Rand is very much in danger of embracing this conclusion can be seen by her characterization of the fundamental right to life as “the freedom to take all the actions required by the nature of a rational being for the support, the furtherance, the fulfillment and the enjoyment of his own life.” For it seems that only proper uses of one’s life will count as being protected by one’s right to life. A person’s right to life would not include, e.g., a right to squander life recklessly.

The same theoretically bothersome consequence threatens whenever Rand speaks of rights as “[t]he social recognition of man’s rational nature—of the connection between his survival and his use of reason.” Rand might reply that since man’s survival is most enhanced by self-determined actions, man’s right to perform “actions required by the nature of a rational being” must encompass a right to act however he chooses (consistent with others’ rights). But can Rand maintain this position in real, concrete cases? For instance, consider the case of Jones freely deciding to amuse himself by playing a solitary game of Russian roulette. Although this action is self-determined, surely Rand would deny that it is among those actions “required by the nature of a rational being for the support, the furtherance, the fulfillment and the enjoyment of his own life.” It follows from this that the freedom to perform this action is not included within Jones’s rights. These sorts of questions about Rand’s stand on the relationship between actions’ being right and persons’ having rights arise when we focus, as we did above, on the moral relationships between particular individuals, e.g., when we ask how its being right for Jones to do *x* is related to Smith’s having an obligation not to prevent Jones from doing *x*. Rand avoids such questions by speaking more abstractly about what is right for *man* and about *man’s* rights. She would, without doubt, claim
that this represents the proper, metaphysical approach in contrast to the improper, concrete-bound, and corruptly nominalistic approach that is adopted above. However, it is hard to see Rand's approach as not at least verging on the reification of the species man (or the universal man-ness) as a living, acting, thinking being.

In “What Is Capitalism?” Rand argues, for instance: “In order to sustain its life, every living species has to follow a certain course of action required by its nature. The action required to sustain human life is primarily intellectual: everything man needs has to be discovered by his mind and produced by his effort.” Rand then claims that freedom is generically valuable because of its connection with productive work: “Since men are neither omniscient nor infallible, they must be free to agree or disagree, to cooperate or to pursue their own independent course, each according to his own rational judgment. Freedom is the fundamental requirement of man’s mind.”

So, the argument goes, the rightness of man’s survival implies the rightness of the generic conditions for man’s survival. Each person subject to the standard of man’s life must recognize and respect the conditions of man’s survival. Freedom is such a condition because man (the species, the generic man, the nonaccidental man?) cannot survive without it. Hence, each person subject to the standard of man’s life must recognize and respect man’s freedom. Freedom in general makes a claim upon us as a fundamental condition of man’s proper end. This seems to be what Rand has in mind when she declares, in “The Nature of Government,” that “To recognize individual rights means to recognize and respect the conditions required by man’s nature for his proper survival.” Thus, Jones’s claim against Smith to be free of interference from Smith does not flow from the propriety of Jones’s actual current action. It flows, instead—to use Randian language—from the metaphysical importance of freedom for man’s survival.

It is difficult to evaluate this argument with confidence because it is difficult to know just what the argument is. Three brief comments that may be relevant must suffice. First, even if the survival of human life as a whole or the survival of characteristic human lives requires that some human beings enjoy free-

dom, it does not follow that all persons should possess freedom. Second, it does not follow that some or all persons have a right to freedom. If “man’s life” or people’s lives generally require that (some or all) individuals be free, then in the name of man’s life or people’s lives generally we may value freedom for those individuals. But this hardly shows that respect for this freedom is owed to these individuals. It hardly shows that persons have obligations to them to respect their freedom in the sense that is involved in their having a right to be free. Third, if the argument just sketched is Rand’s, it still foreshadows the conclusion that persons only have the right to do what they should, for each is merely to have the freedom to act “according to his own rational judgment” (emphasis added). This is the freedom that is valuable for man’s life and seemingly the only freedom individuals have a right to—if they have rights at all.

One of the problems with the Randian arguments about rights is that Rand seems to tie an individual’s rights to do some action to the usefulness of his being in some condition or his doing some action for man’s life. But emphasis on such a tie between usefulness and rights represents a misunderstanding of rights. If Jones has a right relative to Smith to do x, it needn’t be that Jones’s doing x is useful to Jones, to Smith, to man’s life, or to society at large. Indeed, if Jones could only defend his freedom to do x by pointing to its usefulness to some party or cause, he would not have a right to do x. Take the simple case of Jones’s having a right to shave his beard, Smith and all others having a correlative obligation not to (forcibly) prevent Jones from doing so. Clearly Jones can have this right even though his exercise of the right is not useful to Jones, Smith, man’s life, or any other favored cause. It is his beard to do with as he chooses, free of others’ forcible interference.

If Jones has a right to shave off his beard, then there is something in the very character of Smith’s forcible intervention (and not merely in its results) that renders the interference unjustified. Some quality of the intervention taints it morally, so that the intervention can be condemned independently of knowing its results. To ascribe rights to any person, e.g., to Jones, is to insist that there are ways in which he may not be treated, even if treating him in such ways was to promote the good. Rights and
their correlatives obligations involve deontological claims, i.e., moral claims about how persons must (or must not) be treated that are not determined by the consequences of persons being so treated. Although Smith’s respect for Jones’s rights may be useful (have good consequences) for Jones, Jones’s rights do not consist in such usefulness. This ends-do-not-justify-all-means feature of rights is the underlying reason why people’s rights cannot directly be read off from some truth about their proper ends.

Although Rand never explicitly acknowledges it, it is clear that Rand steadily employs this notion of rights and that she has a basis for this employment in her doctrine of rational selfishness. Thus, in “What Is Capitalism?” Rand asserts that each man is a “sovereign individual who owns his person” and that no man is a “natural resource” at the (rightful) disposal of others. These distinctions, in turn, reflect the fact that “every man is an end in himself” and that individuals are not to be seen “as members of a pack, each regarding the others as the means to his end and to the ends of ‘the pack as a whole.’” Similarly, in “Man’s Rights” Rand contrasts the conception of man as “an end in himself” with the conception of man as “a sacrificial means to the ends of others.” And for Rand it is the treatment of a person as a “sacrificial animal” that constitutes denying him his rights (OE, p. 32).

So the connection between Rand’s rational egoism and her belief in rights is this: rational egoism tells us that each person’s life (and well-being) is the ultimate value for that person, that there is no higher value (e.g., someone else’s life and well-being or society’s well-being) to which he should subsume his life. Each person is, in this sense, a moral end in himself. He is not to sacrifice his life and well-being for others. His moral purpose is his own life and happiness. But certain ways of dealing with a person involve treating him, not as an end in himself, but as a means to some end other than his own life and happiness. Such treatment occurs when (by force or trickery) we override a person’s own purposes and employ him for our own purposes. Such actions would be justified only if this victim was a sacrificial animal, i.e., a being whose moral purpose was to be of service to us. But, according to Rand’s rational egoism, no person is such a sacrificial being. Hence, actions of the type described,

in which a person’s life, faculties, or activities are disposed of by others, are unjustified. They are unjustified by their very character and not merely because they (typically) fail to advance the interests of the agent, man’s life, or the subject of the disposal.

On this interpretation of Rand, the principle that for each person his life and happiness is his highest purpose functions in two distinct ways. When a person evaluates his actions, plans, and choices in terms of an outcome, he should do so on the basis of how well they serve his life and well-being. But a person must also evaluate his activity with regard to the treatment of other people that it involves. If a person’s action violates another’s control of his own person and life, then the action is unjustified. All parties, in virtue of being ends in themselves, have moral claims against being subject to such treatment. And each person has a correlatives obligation toward all others not to engage in such treatment. All persons remain morally at liberty to do anything that does not violate rights; and all others, of course, have obligations to respect such liberties. This is why, and the sense in which, individuals have rights to do many things (e.g., cutting off their own fingers) that it is not right for them to do.

Explicit recognition of the dual role for the principle that each person is an end in himself highlights the possibility that self-interested and rights-respecting courses of action might diverge. Perhaps, for some person, the truly self-interested course would involve violating someone’s rights. If such a case arose, one would have to choose between sacrificing one’s own interests and violating another’s rights. Such a possibility represents a problem for the Randian view, with its distinctive emphasis on advocating rational selfishness and human rights. Whether such cases truly arise and, if so, how they should be handled is an immensely complicated topic that cannot be done justice here. It is not enough to claim, as Rand does, that “human good does not require sacrifices and cannot be achieved by the sacrifice of anyone to anyone” (OE, p. 31). This is either a highly dubious assertion—false at least for some lifeboat cases—or it is rendered trivially true by defining human good as good that does not depend upon others’ being sacrificed. Rand’s task is too difficult to be handled so facilely. Neither does it help for
Rand to put forward, as she does in "The 'Conflicts' of Men's Interests," the much more bold claim that persons' rational interests never clash. For surely the interests of highly competent competitors for the same highly specialized and attractive position do conflict. One can acknowledge this while still denying that it would be in the interest of either of these competitors to violate the rights of the other—by, e.g., eliminating a rival through murder.

What Rand has to show is that, at least outside of special emergency situations that should not in any case be the testing ground for an ethical theory, the best life course for a person is congruent with his respect for others' rights. Of course, whether such a congruence exists is a complex and substantially empirical question similar to and connected with the question of whether rationality and productivity are necessary for the good of happiness. Certainly a start is made by emphasizing the value to individuals of character traits such as rationality and productivity, and integrity, honesty, and independence (OE, pp. 25–26) and by molding these traits into an ambitious and attractive ideal of human life; for such a life is not a predatory and rights-violating one. To these considerations in favor of congruence can be added the simple danger of suffering retaliation for one's rights violations (or the dangers of living in a society in which such retaliation is not likely).

But beyond these factors is the interesting possibility that each person's most satisfactory life course includes the internalization of the principle that each person is an end in himself—an internalization that adds psychological costs to his violating rights, so that such violations are sure to be contrary to his (thus modified) interests. Is such an internalization part of each person's most satisfactory life course? Its costs in terms of actions thereby foregone are not great. For, even prior to such an internalization, it would be (at most) very rare for a rights-violating action to be genuinely crucial to an agent's interest. Internalization would, at most, block only such rare opportunities for the agent to advance his (unmodified) interests.

Are there sufficiently compensating benefits from internalization? For one thing, any person who psychologically commits himself in this way benefits from others' being (additionally) as-
rally experience and characterize all their thought, planning, and action as fundamentally moves within a battle for survival.

8. Though elsewhere she says "the ethical purpose of each individual...is...his own life" (OE, p. 25).


10. Rand, VOS, p. x.


12. There are places in which Rand seems to tie life and happiness more tightly together. For instance, she says, "To hold one's life as one's ultimate value, and one's happiness as one's highest purpose are two aspects of the same achievement" (OE, p. 29); and "It is by experiencing happiness that one lives one's life" (ibid.). Perhaps part of the idea here is that the desire for happiness is the emotional form taken by an esteem for one's life. Still, the first of these sentences distinguishes between one's ultimate value and one's happiness. And the second can be read as expressing the "reward and concomitant" view of happiness. In connection with the second sentence, see the argument presented below for the ultimate value of happiness.


14. We may leave aside the question of whether we should postulate that underlying such cases there is a more basic desire for or interest in the right and the good.


17. Ibid., pp. 94-95.

18. Ibid., pp. 93-94.

19. Similarly, in the introduction to VOS (p. x), Rand jumps from saying "man must [i.e., should] act for his own rational self-interest" to asserting "his right to do so." Here, again, it would follow that a person only has the right to do what he should do.


22. Rand, "What Is Capitalism?" p. 52. The following two quotations are taken from this essay.


24. For a similar but more sympathetic reading of Rand on these points, see Den Uyl and Rasmussen, "Nozick on the Randian Argument," p. 199.

25. For Rand, to acknowledge any deontological element would be to acknowledge a kinship with her favorite archvillain, Kant. On this, see her essay...