

Reason Papers

A Journal of Interdisciplinary Normative Studies

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THE LIBERTARIAN PHILOSOPHY OF JOHN STUART MILL

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JOHN STUART MILL'S ESSAY *On Liberty* has been praised and attacked for many reasons and from many different perspectives, but one aspect of Mill's work that has been overlooked is a conception of freedom that was new to the British political tradition. I shall focus on that novel conception of freedom in order to show that it is more properly understood as libertarian, not liberal, and to demonstrate how this conception of freedom sheds light both on a number of other ideas in Mill's social philosophy and on the evolution of his thinking.

MILL'S NOVEL CONCEPTION OF FREEDOM

There are two major obstacles to the comprehension of Mill's novel conception of freedom. First, we need a terminological clarification of the meaning in this context of *libertarian* and *liberal*. Second, the belief that Mill is "the" expostulator of liberalism is so widely held by both admirers and critics that it has achieved a kind of textbook status. It is this presupposition that largely distorts the reading of Mill and the result of this distortion is that we are denied access to valuable insights.¹

Let us turn to the terminological issue first. By *libertarian* I mean the moral position that the paramount value is individual liberty. This moral position has social, political, and economic implications, all of which are exhibited in the social philosophy of Mill. There are, of course, numerous individuals and positions that are vaguely and sometimes incongruously identified as libertarian, and in the popular mind libertarians tend to be narrowly viewed as holding only an economic position favorable to laissez-faire.² Nevertheless what all of these positions share is a conviction of the supreme importance of individual liberty and a commitment to its principled adherence, however much they may disagree on the detailed principled defense. Individual liberty takes precedence over everything else.

Whatever else may be said, no one has ever questioned that in the essay *On Liberty* Mill advocated what I have just defined as the libertarian position. In fact, even those who criticize Mill do so by trying to show either an alleged conflict between the principled defense of individual liberty and other values Mill advocated in politics and economics or the allegedly untenable implications of such an extreme position. My contention is that Mill's moral libertarianism is fundamental, whereas his positions in politics and economics are derivative, but consistently derivative, from the moral libertarianism.

What is moral libertarianism? The fundamental value is freedom. Freedom is living according to rules that are self-imposed. This concept of freedom has two dimensions: (a) it means opposing the imposition of rules from without (that is, oppression and coercion); and (b) it means not imposing rules on others (paternalism).

The two things most noticeable about Mill's moral libertarianism is that it is strikingly reminiscent of Rousseau's conception of freedom, and it is clearly incompatible with any theory of man that alleges that there are any goals or needs more fundamental than the condition of being free.³ It would, to be explicit, be incompatible with the psychological and social theories of utilitarian liberalism, or Benthamism.⁴

This brings us to the second obstacle to the understanding of Mill's position, namely, the assumption that Mill is "the saint of liberalism." The distance between Mill and liberalism is most apparent on the issue of freedom, so it is important to spell out the difference.

The traditional liberal definition of freedom, going back to Hobbes and Locke, is that freedom is the absence of arbitrary external constraint. It is customary to read Mill's essay *On Liberty* as a plea for minimizing newly emerging external constraints such as public opinion and the general conditions that conspire to induce conformity.

There are some well-known paradoxes generated by the traditional liberal notion that freedom is the absence of arbitrary external constraint. This definition, when pressed to its logical limits, leads either to the cult of self-gratification or to its diametric opposite,

totalitarianism. If, for example, freedom is the absence of external constraint, then I am constrained by not having the means or power to achieve my objectives, or I may be constrained by the available alternatives or by any factor influencing my knowledge of or imagination of all possible alternatives. When the state is designated as the institution charged with protecting my freedom, then it follows that my freedom is increased by every function assumed by the government to remove obstacles. The more powerful and interventionist the government, the more free I become. Here we approach totalitarianism. We should also note that every function performed by government to guarantee or to expand one person's freedom could conceivably limit everyone else's range of alternatives or means available (limited resources) to satisfy them. At the other extreme, some schemes of self-gratification not only undermine the social fabric but clearly conflict with the gratification of others.

These paradoxes are always arbitrarily resolved by arguing that not all desires are legitimate (hence the qualification about "arbitrary" constraints), that some interests take precedence over others, and that some sort of preestablished harmony (either in the individual or in the community or in both) serves as the criterion for resolving the conflict. Hence emerge the "hidden hand" and egalitarian schemes. Individual theorists disagree, of course, but the postulated harmony is the implicit teleological premise that renders the definition of freedom plausible. Thus, the distinction between classical liberals who oppose government intervention in the market and modern liberals who advocate liberation through the welfare state is understandable; they rely on alternative visions of what constitutes the legitimate set of ends. Ironically, both subscribe to the same definition of freedom.

Mill's writings straddled that period when the paradigm of classical liberalism was giving way to the paradigm of modern liberalism. Depending on one's own bias, it is easy to interpret Mill as either (a) committed to classical liberalism but making too many concessions to modern liberalism or (b) committed to modern liberalism but retaining too many vestigial traces of classical liberalism or (c) just plain confused or confusing about which way to go. If we attribute (c) to Mill, we might be tempted to interpret him as an incipient totalitarian (as Cowling does) or, however reluctantly, as the forerunner of the licentious society and the cult of self-gratification (as Himmelfarb does).⁵

What I am proposing is that Mill was no liberal at all and that he did not subscribe to the traditional liberal definition of freedom as the absence of external constraint. On the contrary, Mill was a moral libertarian. In order to establish this thesis, we must first present the positive evidence of Mill's libertarianism, second marshal all of the evidence against Mill's alleged liberalism, and third show to what extent Mill emerges as a more consistent and insightful thinker if we take this approach.

MORAL LIBERTARIANISM IN *ON LIBERTY*

The clearest statement of Mill's moral libertarianism is his principle of liberty:

... the sole end for which mankind are warranted, individually or collectively, in interfering with the liberty of action of any of their number is self-protection. That the only purpose for which power can be rightfully exercised over any member of a civilized community, against his will, is to prevent harm to others. His own good, either physical or moral, is not a sufficient warrant. He cannot rightfully be compelled to do or forbear because it will be better for him to do so, because it will make him happier, because in the opinions of others, to do so would be wise or even right.⁶

Objectively speaking, this is a remarkably clear statement. The only thing more remarkable is the misunderstandings generated by trying to read something else into what Mill is saying. No statement of principle could be more anti-utilitarian. No statement could more clearly rule out any teleological doctrine that makes freedom or liberty a means to some other conception of human well-being. In short, *freedom is integral to individual well-being, individuality is living according to self-imposed rules, and freedom is not a means to promoting well-being.*

From this point of view, the much-trumpeted ambiguity of this passage—namely, the meaning of *harm*—is self-evident. To harm someone is to interfere with his freedom. That is, to harm someone is to prevent him from living according to his self-imposed rules. Harming someone has nothing to do with preventing that person from reaching some desired end or maximizing his self-interest; rather, harming someone is a formal matter of not letting him choose for himself. This conception of moral libertarianism makes paternalism self-contradictory.

Is there any evidence that Mill understood harm in this way? A statement in *Utilitarianism*, written subsequent to *On Liberty*, spells this out.

The moral rules which forbid mankind to hurt one another (in which one must never forget to include wrongful interference with each other's freedom) are more vital to human well-being than any maxims, however important, which only point out the best mode of managing some department of human affairs.⁷

Not only does this connect harm with freedom, but it establishes that *Utilitarianism* must be read in the light of *On Liberty* and not the other way around.

If paternalism is in Mill's theory self-contradictory, then this will explain a number of interesting features about Mill's argument.

Nowhere does Mill attempt to prove that intervention will prevent the maximization of happiness. On the contrary, Mill admits that even if government intervention were to promote efficiency, it would still be inconsistent with freedom.⁸ Nowhere does he argue that individuality means maximizing one's well-being or maximizing self-realization. Quite the contrary, he chides his opponents for arguing that failure to maximize our potential is a harm to others. The justification for intervention, therefore, is not positive but negative. It is not to promote the maximization of welfare but only to protect freedom. As we shall see, Mill makes exactly the same point in the economic sphere.

The most important and lengthy part of Mill's discussion of censorship is his stress on the important moral influence upon the individual of contesting opinions.⁹ Nowhere does Mill say that free and open discussion guarantees the discovery of the truth. The moral process of debate is what justifies our acting on a belief, not the truth of the belief. Once it is recognized that there is an important influence on the individual of contesting opinions, of rehearsing the pros and cons, it is necessary to admit that Mill's doctrine is not limited to elites. Even those with ordinary intellects may attain to the "dignity of thinking beings."¹⁰ As more and more people participate in decision making, the need for responsible individuals grows.

What then is the relation between a free individual and his society? Mill himself stresses that social stability depends on a consensus, but no consensus is really stable unless it is freely arrived at.¹¹ Hence a society of free individuals whose consensus is freely arrived at—that is, self-imposed—is more likely to be stable. Instead of encouraging indifference, Mill's theory not only permits social concern but requires that it be expressed in a manner compatible with freedom.¹² Finally, the connection that Mill draws between individual freedom and social welfare is that the greatest contribution of free individuals is that they serve as an example to others.¹³

On Liberty is not a political statement but a moral one. In a letter to Villari, Mill stressed that he was concerned with a liberty that is "moral and intellectual rather than political."¹⁴ He was not making a policy recommendation but formulating a doctrine or principle designed to influence people before they engaged in policy making. It is a principle that is designed to be consistent with the fundamental freedom of human beings and that avoids both the totalitarianism of increased paternalism and the cult of self-gratification. Failure to provide such a principled defense leads, as Mill himself pointed out, to the likelihood of erring on the side of laxity as much as on the side of interference.¹⁵ Moral libertarianism in Mill is, then, the self-conscious avoidance of the dilemmas and paradoxes of liberalism. Whatever other problems human beings may face, nothing is to be gained and a great deal will be lost by confusing those problems with the problem of freedom or by making freedom subordinate to other ends.

LAISSEZ-FAIRE, THE WELFARE STATE, AND SOCIALISM

What are the implications of Mill's moral libertarianism for economic policy? If individual freedom in the moral sense is *the* fundamental value, then no economic or political doctrine can take precedence over it. That is, there can be no unqualified adherence to laissez-faire or any other economic doctrine. At best, laissez-faire can be derivative from or limited by moral freedom. Mill, therefore, cannot be an unqualified supporter of laissez-faire. But it also follows that every limitation of laissez-faire must be consistent with individual moral freedom.

Because Mill is not an unqualified advocate of laissez-faire, it has been customary to interpret this as symptomatic of the modern liberal version of freedom—namely, that the state liberates us by removing obstacles. But the issue is not whether Mill qualifies laissez-faire but the grounds of the qualification. As we shall see, his grounds are not the liberal ones.

Having noted that for Mill laissez-faire is subordinate to moral freedom, we are in a position to note more carefully the relation between the two. First, since laissez-faire is a subordinate principle, there can be no “universal solution”¹⁶ to controversies over whether there should be government intervention either in the economy or in other institutions. Whatever case can be made for laissez-faire, it is always subject to override in terms of the supreme value of moral freedom. This, however, can give little comfort to the proponents of centralizing power, for the same point can be made about any argument for intervention. Second, in both *On Liberty* and the *Principles of Political Economy*, Mill advocates that laissez-faire be the rule, and the onus is always on those who would introduce limitations. Third, Mill's main argument on behalf of laissez-faire is that it is the economic arrangement most consistent with developing moral freedom.¹⁷ Laissez-faire is a means to moral libertarianism and not vice versa. Fourth, the exceptions that Mill notes (education, access to information, children, the dole, practical monopolies, giving effect to voluntary agreements, etc.) are all so qualified as to give no comfort whatsoever to advocates of government activism. The qualifications are (1) that proponents of intervention must provide *factual* support of effectiveness, (2) that the purpose of the help is to “help towards doing without help” and (3) that there should never be intervention if it can be done by private effort.¹⁸

I would like to interject the remark that putting the onus on interventionists is a complete reversal of current discussions of these issues. Nowhere does Mill maintain that the state has a positive function to improve or to aid the progress, fulfillment, and self-realization of its citizens. And always there is the warning that the ultimate value is not prosperity but moral freedom.

I want to maintain that Mill is one of the clearest and most consis-

tent defenders of laissez-faire. To emphasize this point, let us contrast Mill's views with those of the major alternatives.

Classical liberals (for example, Adam Smith, Jeremy Bentham) permit government intervention in the economy (for example, building canals) in order to increase *production*. The same rationale applies to legal reforms.

Modern liberals justify government intervention in order to improve *distribution*, either on humanitarian grounds or because they also think that this will improve productivity or both.

Socialists (for example, Hobhouse) justify government intervention in order to improve *consumption*—that is, to encourage selected forms of social behavior such as participation.

All three of these positions—classical liberalism, modern liberalism, and socialism—assume some form of economic determinism, wherein it is argued that all other values are derivative from economic arrangements.

Anarchist libertarians are in principle opposed to all government activity. They argue that government intervention is by definition coercive (which allows the issue to degenerate into a semantic one) or that as a matter of fact government intervention is counterproductive economically and to freedom.

Conservatives are opposed to government intervention because it undermines some traditional values that are themselves defended on metaphysical or religious grounds.

Superficially, one can place Mill almost anywhere. He was favorably inclined to activities like canal building, he was humanitarian, he was concerned that the cure would be worse than the disease, and he certainly defended some traditional values like independence. Ironically, the only place he does *not* fit in is with the notion of social control over consumption (paternalism). Yet, on reflection, one sees the vast gulf between Mill and all these other positions. Mill would certainly reject the assumption of economic determinism. Freedom is not the incidental by-product of economic progress (read, for example, the “stationary state”), however much economic progress may under some circumstances help. Nor would Mill share the metaphysical or religious convictions of conservatives. Mill is perhaps closest to the libertarians described above, but I think that he would stress that counterproductivity has to be established as a contingent matter of fact in each individual case and cannot therefore be assumed a priori.¹⁹

Mill does not defend laissez-faire as a basic axiom or as a right; rather, it is derivative from moral freedom. Mill would insist on an issue-by-issue analysis. Government intervention, when it is permitted, is to prevent harm and not to do good, and harm is defined by reference to the moral conception of freedom.

MILL AND SOCIALISM

Given the foregoing, how could anyone ever have come to believe that Mill favored or was drifting toward socialism? The most important historical reason is Mill's alleged authorship of *On Social Freedom*. But, as J. C. Rees has shown, Mill was not the author of that work.²⁰ This invaluable service to scholarship now allows us to examine Mill's discussion of socialism without the cloud of that spurious authorship.

The second main source of misunderstanding derives from Mill's remarks on socialism in his *Autobiography*. To begin with, Mill noted that a "substantial" change of opinion in his life had been the adoption of a "qualified Socialism." The actual endorsement was described some pages later when Mill classified himself and Harriet "under the general designation of Socialists."²¹ Clearly, what is needed is some clarification on what Mill meant here by *socialism*.

From a terminological point of view, what we contemporary readers must keep in mind is that *socialism* simply did not have the specific meaning that it has now. When we examine the specific policies and proposals that Mill thought of as socialist, they turn out to be what we would now designate as syndicalism or trade unionism. In every instance, what Mill endorsed was the "ideal" of individuals working for a larger communal goal as opposed to a narrowly construed self-interest. Negatively, this is to be understood as Mill's rejection of Benthamism, a doctrine that denied the very possibility of this kind of motivation.

What Mill rejected, and always rejected, in socialism was a centralized and planned economy. That is why he consistently qualified his endorsement. He also rejected what we now commonly understand as Marxist—namely, the socialist conception of history, social science, the analysis of institutions, and the political and social means by which Marx proposed to achieve socialist objectives. Moreover, Mill's fundamental reason for rejecting it was not its unworkability (true but irrelevant) but the belief that socialism unqualified is incompatible with the fundamental freedom Mill thought to be inherent in human beings. Mill's ideal of socialism is not incompatible with any form of libertarianism, for libertarianism does not proscribe any social or institutional arrangement that is freely and voluntarily agreed upon. Just as Mill argued in *On Liberty* that we could not, consistent with his conception of freedom, choose slavery, so it would seem that we

could not consistently choose an irrevocable centralization of power.

The evolution of Mill's economic views on socialism can be traced in the following works:

1. 1829-30—*Essays on Some Unsettled Questions of Political Economy* (published in 1844 but written in 1829-30)
2. 1830—Mill on the St. Simonians (these points were made in the *Autobiography*, written and revised 1854-58, but were originally expressed in a letter to d'Eichtal, 1830)
3. 1834—review of Miss Martineau's "Political Economy"
4. 1845—review of "Claims of Labour"
5. 1848—*Principles of Political Economy* (first edition)
6. 1849—Letter to Harriet on Fourier
7. 1851—review of Newman's "Political Economy"
8. 1852—*Principles of Political Economy* (third edition)
9. 1855—*Autobiography*
10. 1865—*Comte*
11. 1869—review of Thornton's "Labour and Its Claims"
12. 1869—*Chapters on Socialism* (posthumous)
13. 1872—letter on the First International

During the early 1830s, Mill became disaffected with Benthamism, or classical liberalism. His criticism was quite simple: it rests on a distorted view of human nature, namely, the pursuit of self-interest. This is why when Mill raised the question of the definition of political economy he could chide "the mere political economist. . . who has studied no science but Political Economy" and who "if he attempt(s) to apply his science to practice, will fail."²² The false image that generates poor policy operates in two ways, in what it ignores and in what it adds. What it ignores is man's moral freedom. What it unwittingly adds is an apology for the status quo. In his critique of Miss Martineau, Mill lashed out at those who took existing institutional frameworks as a permanent feature of the human condition. Nowhere did Mill attack laissez-faire; what he attacked was the attempt to deduce laissez-faire from an inadequate view of man and the confusion between laissez-faire and what existed in current practice.

An analogy can be drawn here between Mill's rejection of the classical liberal defense of laissez-faire (not laissez-faire itself) and the classical liberal defense of democracy (not democracy itself). Just as the value and proper functioning of a free market require a different explanation and a certain kind of moral awareness, so will the operation of political democracy require a different explanation and the same kind of moral awareness. In his *Autobiography* Mill actually linked these two issues when he discussed the major change in his outlook.

During the 1840s, Mill became increasingly sensitive to and critical of the alternative views that were beginning to fill the vacuum left by the inadequacy of classical liberalism. In his important but neglected

1845 review of "The Claims of Labour," he was uncompromisingly harsh in his critique of the new philanthropy. While Mill refused to apologize for the status quo, he also saw the dangers of paternalism. He opposed reinforcing "the persuasion that it is the business of others to take care of their (laboring people) condition, without any self-control on their own part." And although he was sympathetic to "all that is good of the new tendencies, and to avoid the hard, abstract mode of treating such questions which has brought discredit upon political economists," he did wish to emphasize that "those who are in the wrong" were frequently able "to claim, and generally to receive, exclusive credit for high and benevolent feeling." What he most criticized was the "'new moral world' which the present philanthropic movement aims at calling into existence."²³ He went on to emphasize that the problem of poverty cannot be solved by "inculcating" in the working classes the belief

that their wages are to be regulated for them, and that to keep wages high is other people's business and not theirs. All classes are ready enough, without prompting, to believe that whatever ails them is not their fault, but the crime of somebody else. . . . it is one thing to tell the rich that they ought to take care of the poor, and another thing to tell the poor that the rich ought to take care of them. . . . there is no way in which the rich *could* have helped them, but by inducing them to help themselves. . . . If we go on in this course, we may succeed in bursting society asunder by a Socialist revolution; but the poor, and their poverty, we shall leave worse than we found them.²⁴

The first edition of the *Principles of Political Economy* (1848) contains the well-known criticism of socialism. Mill's objections were of two types. First, socialism is impractical. Second, socialism when imposed by the government is inimical to freedom. Again Mill distinguished between laissez-faire and the status quo and chided socialists for promoting this confusion. "The laws of property have never yet conformed to the principles on which the justification of private property rests. . . . [and there is] no necessary connection with the physical and social evils which almost all Socialist writers assume to be inseparable from it."²⁵

Laissez-faire cannot come into existence until individuals are prepared to interact with one another on a moral basis. That moral basis is not the mere acceptance of the feudal status quo, not the mindless pursuit of self-interest, and not paternalism. Most important of all, the moral basis cannot be imposed but must develop on its own. In an 1849 letter to Harriet, Mill continued to stress that socialists who favor government intervention (not a redundant expression for Mill) ignore the moral dimension. "Admitting the omnipotence of education, is not the very pivot and turning point of that education a moral sense. . . . Now Fourier, & all of his followers, leave this out entirely."²⁶ The most remarkable thing about this letter is its similarity to the same point Mill made in letters in both 1830 and 1872.²⁷ In

short, on the issue of moral libertarianism, Mill never wavered.

It is widely believed that Mill changed his views in the 1850s under the influence of Harriet, a change allegedly reflected in the third edition of the *Principles* and the *Autobiography*. The three key issues raised were distribution, efficiency, and moral pressure. With regard to distribution, Mill criticized the existing system and suggested the possibility of alternatives. But on closer inspection, the criticism turns out to be a restatement of his view that the existing system was not really an example of *laissez-faire*.

If, therefore, the choice were to be made between Communism with all of its chances, and the present state of society with all its sufferings and injustices; if the institution of private property necessarily carried with it as a consequence, that the produce of labour should be apportioned as we now see it, almost in an inverse ratio to the labour—the largest portions to those who have never worked at all, . . . in a descending scale . . . until the most fatiguing and exhausting bodily labour cannot count with certainty on being able to earn even the necessaries of life; if this or Communism were the alternatives, all the difficulties, great or small, of Communism would be but as dust in the balance. But to make the comparison applicable, we must compare Communism at its best, with the regime of individual property, not as it is, but as it might be. The principle of private property has never yet had a fair trial in any country; and less so, perhaps, in this country than in some others.²⁸

Moreover, the variability of distribution was carefully qualified by Mill himself.

. . . the proper distinction between the laws of the Production of Wealth, which are real laws of nature, dependent on the properties of objects, and the modes of its Distribution, which subject to certain conditions, depend upon human will.²⁹

This turns out to be a restatement of his criticism of the status quo, for the variability Mill stressed is in institutions and customs. There is absolutely no evidence that Mill ever contemplated centralized redistribution.

The second issue was efficiency. What Mill retracted in his argument against socialism was the general point about incentive. Mill now pointed out that time wages and fixed salaries are also detrimental to incentive. This is not an argument in favor of socialism.

With regard to the third issue, moral pressure, Mill asked an interesting question. Could a more publicly spirited society bring more moral pressure to bear on the problem of population, specifically, family size amongst laborers? This problem always plagued classical economists. Malthus and religion aside, classical liberal economists made assumptions about social relationships that prevent any pressure from being meaningfully applied. Not only is government intervention forbidden, but the psychology of egoism eliminates any way of dealing with the problem.

Over and over Mill dissociated himself from any notion of government control. He always stressed that no real improvement can be achieved unless individuals change their inner moral conception. But Mill's principled defense of liberty, as we have been at pains to point out, is not a theory of indifference. On the contrary, Mill's theory makes it possible to remonstrate, reason with, persuade, or entreat people to be more responsible—always careful, however, to avoid compelling or visiting people with evil. There is little or nothing in all of this to indicate a major shift. There is much to indicate a refining of points to stress the theory of *On Liberty*, or the theory that was to be expressed in that work.

In his 1865 essay on Comte, Mill (*a*) still defined socialism as working for the larger community, not as government control; (*b*) continued to subscribe to a laissez-faire position; (*c*) continued to insist that classical liberal defenses in terms of psychological egoism are inadequate; (*d*) still stressed the moral problems of a division of labor; and (*e*) repeated the notion that social change is as much a product of people's attitudes as are those attitudes the product of circumstances.³⁰ It is here that we can stress the distance between Mill and those economic determinists who seek to explain the moral world as a by-product of impersonal economic forces. Moral libertarianism can account for the moral dimension in a way that neither classical liberals, modern liberals, socialists, nor Marxists can.

In 1869, Mill published a review of Thornton's "Labour and Its Claims," in which he spelled out the ethics of collective bargaining in a manner totally consistent with *On Liberty*. Mill advocated a prohibition on violence, defamation of character, injury to property, and threats. At the same time, he encouraged workers to "express" their feelings against other workers who reaped the benefits of collective bargaining but shared none of the risks.

The posthumously published *Chapters on Socialism* were also written in 1869. Here again it is sometimes thought that Mill reverted a more antagonistic position now that Harriet was dead. But such an interpretation continues to miss the moral dimension of Mill's critique. Once again Mill tried to clarify the technical misconceptions on such issues as the falling level of real wages, competition, the magnitude of profits, the variability of the property institution, and the incentives to good management. Once more he stressed the danger to freedom of central planning, and once again he argued that economic institutions are not the sole determinants of the moral and social world. He repeated his crucial point that people must first be changed if we desire any meaningful changes in economic arrangements. These are the themes that Mill developed in the 1840s with Harriet and articulated in the 1850s. Once Mill's moral libertarianism is seen and understood, and once we stop viewing him as a confused and confusing liberal, the consistency as well as the cogency of his position emerges more clearly.

POLITICAL POLICY

In the previous section I interpreted the evolution of Mill's economic theory and policies as a progressive movement away from classical liberalism toward libertarianism culminating in *On Liberty*. If I am right, then we should expect to see the same evolution and the same culmination in his political views.

The development of Mill's views on political policy are well documented both in the *Autobiography* and in the secondary literature.³¹ Mill began as a radical democrat, by which he meant that he subscribed to the view that good government creates a good society and a good government is guaranteed by universal suffrage. Very early, he realized the inadequacy of this view. At first he tried to correct the inadequacy by stressing the need for elitism in some form compatible with democracy (shades of Aristotle's polity). Not satisfied with this view, Mill then passed through a conservative period during which he stressed the need for strong social institutions to serve as a check on government. The final phase of Mill's development, from roughly 1849 on, was what I call the libertarian phase:

- (a) good government is *minimal* government;
- (b) government can only be checked by a moral society;
- (c) a moral society, therefore, cannot be created by government;
- (d) neither can a moral society be created solely by social institutions (including economic ones);
- (e) only a society of individuals who recognize the importance of freedom, moral freedom, can contain government and make it work properly.

Mill's policy recommendations can be best understood from this point of view. In *Considerations on Representative Government*, he stressed the need for professional administration, but the civil service is not the holder of power. That is why this recommendation is different from Mill's early elitism. Power resides with the representatives. Instead of a return to early authoritarianism, it is a clever additional check on abuse. The issue is not whether there is to be a professional bureaucracy but what the bureaucracy is supposed to do and to whom its functionaries are responsible. In addition, the legislature is to consist of unpaid representatives. Mill's opposition, then, to radical democracy was not in the interest of authoritarianism but in the interest of restraining government abuse.³²

Perhaps the most significant switches in Mill's political policies were with regard to the secret ballot and capital punishment. Both of these switches are attributed to Harriet; if these changes can be interpreted as libertarian, then that will reinforce my claim that Harriet's influence was not in the direction of mindless modern liberalism but toward a stronger libertarianism.

What is libertarian about the open ballot? People must learn to accept responsibility for their decisions. The open vote would force the moral dimension into the open, and it is this dimension that is the only hope for a decent society. "There will never be honest or self-restraining government unless each individual participant feels himself a trustee for all of his fellow citizens and for posterity."³³ Will the open ballot guarantee this? Clearly, there are no technical solutions to moral problems. The most we can do is provide people with the opportunity to confront the moral dimension.

The analogue to this in economic policy is not just the obvious opposition to central planning but the attempt to get all participants in the economy, including the consumer, to learn to accept responsibility for what they do. You cannot have freedom in one place without having it everywhere. Freedom in the economic sphere encourages freedom everywhere else, including politics. Freedom allows for character development by training individuals to act responsibly. The entire social structure ultimately depends on responsible individual acts. Freedom creates the habit of rejecting things based on mere unexamined customary preference. Freedom reduces spiritual as well as material dependence. Finally, it loosens the feudal social structure based on paternalistic deference and hierarchical personal authority.

Mill opposed allowing a defendant not to testify, for a moral being who has voluntarily agreed to the rules should be answerable. More important still, Mill was in favor of capital punishment.³⁴ Not to enforce rules to which one has agreed is to disrespect that individual's freedom. It is Mill's counterpart to Rousseau's notion of forcing people to be free.

Finally, we should note the difference between Mill's defense of women's choosing and being responsible individuals and the modern liberal notion of a collective class entitled to "fulfill" itself in a common identity. The comparison is ludicrous. A free being needs the opportunity to risk failure as well as success, and in this sense competition is one more way in which we can exercise our freedom and develop morally.

THE EVOLUTION OF MILL'S THOUGHT

Only a philosopher who believes that people are free and truly capable of dealing with their freedom in a responsible way could advocate a libertarian social philosophy. If we are products of forces beyond our control or if only some members of society are considered capable of dealing with these forces, then a very different conception of freedom emerges. The difference between Mill and conservatism is obvious. The bad effect of mere custom is that it has prevented people from recognizing the pivotal importance of moral freedom.

The chasm between Mill and liberalism has also to be stressed.

Liberalism keeps turning freedom into some kind of means. This is the result of identifying freedom with the absence of external constraint. It is, on the one extreme, indistinguishable from license and, on the other, gives rise to paradoxical questions about the conditions of freedom. Ultimately it justifies social control on the grounds that such control liberates us. For the libertarian, freedom is not a means to anything else, including prosperity and fulfillment. If we accept this, then we may dismiss the paradox of whether individuality is a means to the social good or an end in itself for the individual. It is necessarily both. A stable society is either despotic or free; and recalling the Cole-ridge essay, if free, it requires a commitment to self-restraint or, as Mill would put it, a life of self-imposed rules.

We are now in a position to mention why Mill wrote *On Liberty*. Economic, social, and political circumstances were conspiring to transform modern society in a way that was frightening. As early as the second review of Tocqueville (1840), Mill saw that the characteristic development of commerce and industry was in the direction of larger collectives. Hence we can understand Mill's concern for joint stock companies and unions. This brought benefits, but it also brought a growing threat of the centralization of power and the potential misuse of that power.³⁵

The political circumstance that caused alarm was the increasing growth of egalitarian democracy—the focus moving more and more to rights and privileges, not responsibilities. From this point of view, it was a form of self-delusion for critics like J. F. Stephen to castigate Mill by saying that people require custom for social order and that most people are incapable of deciding issues for themselves. If unbridled democracy was a growing reality, then it was not Mill who had created the problem. He was in fact trying to head it off.

The social circumstance that concerned Mill from as early as the 1840s was the “new moral order,” by which Mill meant the new paternalism. As A. V. Dicey made clear in his classic account, the main social force that carried the transition from Benthamite individualism to collectivism was Tory philanthropy.³⁶ It was the feudal mentality of supercilious Tories who refused to understand the Industrial Revolution that fostered the doctrine of state paternalism, mindless and romantic critiques of economic change, and the reform bill of 1867. Mill, on the contrary, never romanticized either the working class or feudalism. The whole notion of paternalism was antithetical to Mill's new conception of liberty and responsibility. In the light of classical liberal crassness and Tory paternalism, Mill's ideal of “socialism” is easy to understand.

The evolution in Mill's thought is self-confessed and self-consciously documented in the *Autobiography*. Strategically speaking, the first draft of *On Liberty* was written in 1854 and the *Autobiography* (covering the period to 1851) was written between 1855 and 1858. Mill was at the same time rereading and restating the beliefs and

positions he had expressed in earlier works as seen from the later stage. There is thus every reason to believe that the position expressed in *On Liberty* was the fundamental plateau from which Mill perceived himself and wanted to be perceived. *On Liberty* is also the clearest expression of the libertarian moral perspective.

If I were to epitomize the libertarian philosophy of *On Liberty*, I would say that it stresses the moral dimension as fundamental to social, political, and economic life, and it understands the moral dimension as the freedom of the individual. That freedom consists in living according to rules that are self-imposed, not imposed by others and not imposing on others. Self-imposition has both of these dimensions, and Mill was one of the few aware of it. It allowed him to see both sides of the moral issue, something his critics miss or think of as confusion or bemoan because they at best can only see one. To take the moral dimension seriously is (a) to reject the purely technical approach to public policies, an approach that leads inevitably to despotism; (b) to attack all false images of man, especially those that ignore or undermine the extent to which human beings must accept responsibility for their actions; and (c) to explore and to embrace the consequences of human freedom. This is precisely what Mill did for the remainder of his life; he persistently pursued libertarianism.

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1. A recent book by C. L. Ten, *Mill on Liberty* (Oxford, 1980), makes a highly persuasive case that Mill's discussion cannot be understood from a utilitarian point of view.

2. For a comprehensive analysis of the designation *libertarian*, see Tibor R. Machan, "Libertarianism and the Conservatives," *Modern Age*, Winter 1980.

3. Albert V. Dicey, *Law and Public Opinion in England* (1908), p. 160n3, notes the following: "John Mill . . . entertained, though unconsciously, a sentiment in favor of equality which belongs to the school rather of Rousseau than of Bentham." Mill certainly could have acquired this view from the German metaphysical tradition that emanates from Kant and with which Mill was familiar through Coleridge. On this point, Dicey refers to a statement made by Place in 1838 (*ibid.*, p. 423), "I think John Mill has made great progress in becoming a German metaphysical mystic." Dicey cites as his source Wallas, *Life of Francis Place*, p. 91.

Dicey also says the following (*ibid.*, p. 308n2): "J. S. Mill was so convinced of the value to be attached to individual spontaneity that he, in fact, treated the promotion of freedom as the test of utility,—others such as Chadwick were prepared to curtail individual freedom for the sake of any object of immediate and obvious usefulness—e.g. good sanitary administration."

4. Sir J. F. Stephen's *Liberty, Equality, and Fraternity* (London, 1873) was an attack on *Liberty* from the point of view of older Benthamites.

5. Maurice Cowling, *Mill and Liberalism* (Cambridge, 1963); Gertrude Himmelfarb, *On Liberty and Liberalism: The Case for John Stuart Mill* (New York, 1974).

6. *On Liberty* (LLA), p. 13.

7. Mill, *Collected Works*, 10: 55.

8. "The second objection is more nearly allied to our subject. In many cases, though individuals may not do the particular thing so well, on the average, as the officers of

- government, it is nevertheless desirable that it should be done by them, rather than by the government, as a means to their own mental education—a mode of strengthening their active faculties, exercising their judgment . . .” *On Liberty*, chap. 5; LLA edition, ed. Shields (1956), p. 133.
9. See also Shirley Letwin, *The Pursuit of Certainty* (Cambridge, 1965), p. 298.
10. Mill, *Collected Works*, 18: 95.
11. Nicholas Capaldi, “Censorship and Social Stability in J. S. Mill,” *The Mill News Letter* 9, no. 1 (1973).
12. This point is made in both chapters one and four of *On Liberty* (LLA, pp. 13, 92).
13. *Ibid.*, pp. 78-79.
14. Mill, *Collected Works*, 15: 550.
15. This point is also made twice in *On Liberty*: “And it seems to me that in consequence of this absence of rule or principle, one side is at present as often wrong as the other; the interference of government is, with about equal frequency, improperly invoked and improperly condemned.” (LLA, p. 12). “. . . owing to the absence of any recognized general principles, liberty is often granted where it should be withheld, as well as withheld where it should be granted.” (LLA, p. 127).
16. Mill, *Principles of Political Economy*, bk. 5, chap. 11, sec. 1.
17. *Ibid.*, sec. 2.
18. *Ibid.*, sec. 8.
19. *Ibid.*, “a question of fact.” The same expression is used in sec. 12.
20. J. C. Rees, *Mill and His Early Critics* (Leicester, 1956).
21. Mill, *Essential Works of John Stuart Mill, Autobiography*, ed. Max Lerner (New York, 1961), pp. 115, 137.
22. Mill, *Essays on Some Unsettled Questions of Political Economy*, Essay #5, “On the Definition of Political Economy,” *Collected Works*, 4: 331.
23. Mill, *Collected Works*, 4: 364, 372-73.
24. *Ibid.*, pp. 375-76.
25. *Ibid.*, 2: 207-08.
26. *Ibid.*, 14: 22.
27. Letter to Gustave D’Eichtal (Feb. 9, 1830): “Your error is this: you imagine that you can accomplish the perfection of mankind by teaching them St. Simonism, whereas it appears to me that their adoption of St. Simonism, if that doctrine be true, will be the natural result and effect of a high state of moral and intellectual culture previously received.” *Collected Works*, 12: 49. The following was written to Georg Brandes (March 4, 1872) with regard to the First International: “Il faut que les hommes éclairés s’occupent en attendant de préparer les esprits et les caractères.” *Ibid.*, 17: 1874-75.
28. Mill, *Collected Works*, 2: 208.
29. *Essential Works, Autobiography*, pp. 146-47.
30. Mill, *Auguste Comte and Positivism* (Ann Arbor, 1961), pp. 78, 81, 162, 94-95, 103-05.
31. See J. H. Burns, “J. S. Mill and Democracy, 1829-61,” *Political Studies*, 1957.
32. There is, for example, much misunderstanding about Mill’s notion of plural voting. Mill made clear two things. First, plural voting was to accompany universal suffrage. Second, it was intended to have the function of an intellectual counterweight, not the exercise of power. “The representatives of the majority . . . would indeed outnumber the others . . . they could always outvote them, but they would speak and vote in their presence, and subject to their criticism.” *Representative Government*, chap. 7.
33. Mill to G. C. Lewis, March 20, 1859, *Collected Works*, 15: 608.
34. There is an analogy here to Rousseau, as well. For Mill’s position and arguments, see *Hansard Parliamentary Debates*, 3rd series, April 21, 1868 (London, 1868). “It is not human life only, not human life as such that ought to be sacred to us . . . We show, on the contrary, most emphatically our regard for it, by the adoption of a rule that he who violates that right in another forfeits it for himself.”
35. Mill on de Tocqueville, *Edinburgh Review*, 72, no. 41.
36. Dicey, *Law and Public Opinion*.

LOVE, POLITICS, AND AUTONOMY

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RECENT ANGLO-AMERICAN PHILOSOPHY has seen a resurgence of interest in the ethics and psychology of personal relations, and books and articles with such titles as *Friendship, Altruism and Morality*, *Philosophy and Personal Relations*, and “Servility and Self-Respect” abound.¹ Two disparate developments have acted as catalyst for this turn: the discovery of Aristotelian ethics by analytic philosophers, and the politics and philosophy of feminism. The subject of this paper is one aspect of the latter.

It is easy to see why feminism should spark an interest in the philosophical study of personal relations; for feminism has always been born (and it has been born more than once) “from a recognition of personal oppression and injustice,”² an oppression and injustice fostered and justified by theories of inferior female nature and virtue. But this time around, the examination of the psychological prerequisites of healthy personal relations, and especially of healthy romantic love, has resulted in a startling phenomenon in academic philosophy—an explicit and self-conscious rejection of the ethics of self-sacrifice as an ethics that is incompatible with self-respect and autonomy and thereby, ultimately, destructive of genuine love.

This theme is of course familiar to readers of novelist-philosopher Ayn Rand (whose contribution is, deplorably, *not* acknowledged by these writers), but it is revolutionary in academic philosophy. Unfortunately, the same writers who emphasize autonomy and the morality of “proper” self-love in the personal realm also for the most part advocate statism—a political philosophy of sacrifice and coercion—as a means to this end. This, of course, is a blatant contradiction: as libertarian feminists have pointed out, exchanging the oppression of husbands and fathers for that of the state is hardly an advance on the road of liberation.³

How, then, can feminists endorse such a position? One obvious answer is that the actual *loss* of autonomy entailed by state intervention in the marketplace is indirect and distant, whereas the (no doubt ephemeral) *gain* is direct and immediate. If I can turn to a “free” child-care agency to feed and play with my child, I am immediately freed to pursue my career interests but only mediately constrained by the prohibitive costs of the university degree that is necessary (thanks, no doubt, to the “public conscience” of someone who sought to preserve “professional standards” through legislative fiat...) for promotion from psychometrist to psychologist. Further, I know—and know “by acquaintance”—what the “free” agency frees me of, but I may forever remain in blissful ignorance of the causal chain running from other such “free” agencies (for which I, likewise unaware, am paying), to my inability to pay for a course, for want of which I lose out on the degree, for want of which I lose out on the promotion, for want of which I lose out on the money, for want of which I clamor for more “free” agencies. . . .

An important task of libertarian writers is to make such causal chains salient, and indeed arguments addressed specifically to women’s issues have started appearing in the literature.⁴ Such arguments and studies should serve to combat yet another reason for this outré alliance of a philosophy of personal freedom with the political philosophy of unfreedom—the fact that the women’s movement has always adopted the political ideology of the times, and it is welfare statism, not classical liberalism, that is the prevailing political ideology.⁵

The relevance of libertarianism to the contemporary women’s movement is obvious not just when we consider the defects of that movement, which libertarianism alone can repair, but also when we consider its merits: its emphasis on the autonomy and the mind-body integrity of the person. This essentially this-worldly, Aristotelian principle brings feminism closer to the philosophical spirit and foundation of libertarianism than to any other putative liberation movement.⁶

But if, from the ontology of the individual as a self-determining, embodied entity with the moral right to pursue his or her own happiness, it is a straight route to the ethics of political and economic liberty, then it is likely that what has sidetracked feminism from this route and led it, instead, up the garden path to statism is a fault in the analysis of this ontology itself. A libertarian critique of feminist statism must address itself to this basic level in addition to the economic level.⁷

I shall here examine just one aspect of this ontology, namely, the view of the individual as autonomous, in the context of the theory of socialization adopted by feminists as an account of our cognitive and moral development. An examination of this account is important for two reasons: (1) it is the foundation for the illegitimate notion of coercion employed by feminists, which notion naturally leads to, and

justifies, their advocacy of programs of social and economic state intervention; (2) it contains, nevertheless, an important element of truth that is usually overlooked or denied by libertarians on the mistaken belief that granting it will commit them to accepting this false notion of coercion. The result, however, is a weakening of the libertarian position insofar as this denial of an intuitively insistent truth is seen as essential to its defense.

A central idea of the socialization thesis, an idea that is commonsensical enough despite the technical vocabulary, is that our social institutions, and particularly the family, play a crucial role in the definition of our selfhood, the beliefs and attitudes we acquire regarding the values we ought to pursue, the virtues we ought to inculcate, and their proper expression. So, for example, what we regard as appropriate and desirable expressions of concern or love for others, and as our legitimate expectations of them, is learned through paradigm cases of such concern and caring shown by parents and spouses. But these paradigms (inevitably?) exemplify these attitudes and traits in distorted or harmful forms, so that concern and compassion in women come to be “associated with negative qualities such as dependence, sense of inferiority, and self-denial, instead of, as they ought to be, with positive qualities such as autonomy and independence.”⁸ In the post-*Feminine Mystique* era—not to mention the post-*Fountainhead* era—it is easy to recognize the truth of this contention.⁹

However, we are also told that these negative qualities are not simply individual psychological traits but “an integral part of the social structure to which women are relegated in our society, in which they are generally denied independence, and thus actually are dependent on their parents, brothers, husbands, sons.” It follows that “the structure of marriage is a relationship in which women are objectively dependent and which also causes the individual woman’s emotional make-up to be characterized by dependence.” The authors emphasize that “it is the institution of marriage and the socialization of women which brings about such a situation, and not a defect in the individual person.”¹⁰

What are we to make of this? Taken in its entirety, it is clearly a statement of social determinism and denial of moral responsibility for one’s character and actions, a view wholly incompatible with the metaphysical and ethical foundations of libertarianism. It is also clearly incompatible with the actual moral beliefs and practices of people (including feminists in real life).

Nevertheless, I believe that it builds on an element of truth that is perfectly compatible with the thesis of self-determination and responsibility but is usually denied by libertarians seduced by statements of what I shall call Super Freedom. A prime example of such a statement is psychologist Nathaniel Branden’s otherwise eloquent and inspiring declaration: “Of any value offered to him as the right, and any asser-

tion offered to him as the true, a man is free to ask: *Why?* That ‘Why?’ is the threshold that the beliefs of others cannot cross without his consent.”¹¹

I believe that this is entirely true so long as the freedom referred to is taken in the *metaphysical* sense: the capacity or potential to choose what we shall “make our own.” But it is not *entirely* true when freedom is taken in the *psychological power* sense: the ability, at any given time, to *actualize* this potential. This, I submit, is *not* always wholly up to us but may be in part a function of external factors (external, that is, to our characters, so that our own purely physical states, and not merely that which belongs in our social or physical environment, would count as external in this sense). An example will help clarify the distinction: a person retains the *potential* or capacity for freedom even while asleep or heavily drugged, but the ability to actualize this potential approaches zero in these states. Common sense and psychological studies both suggest that even while awake, and fully conscious, the power to actualize this potential cannot always be fully adequate to one’s environment.

To explain with the help of an analogy: when we use our eyesight, we have to focus on some thing(s) in our environments to the exclusion of others; such selectivity is necessary for the achievement of any coherent vision at all. At the same time, what is out of visual focus is not thereby completely out of sight: our brains register sights without our consent, sights that we can recall when the occasion demands. Similarly, in critically attending to some idea(s) presented to us in books or conversations, we necessarily exclude others from our mental focus. But these others are not thereby denied entry into our minds: our subconscious minds can and do pick up beliefs and attitudes without our consent. It is an all-too-common—and singularly chastening—experience for daughters-turned-mothers to find themselves sounding or behaving like their mothers, *even in ways they had both consciously and emotionally rejected and deplored*. (Once caught, of course, such behavior can be monitored and changed, but this is another matter.) Again, to take a more humdrum example, we know only too well how songs we never listen to, and may dislike to boot, have a way of lodging themselves in our brains.

In the light of such data, there doesn’t seem to be any reason for denying that individuals *can* sometimes pick up certain negative traits and attitudes from their culture, without the awareness necessary for examining their worth, where such lack of awareness is not evasion; that is, it is not motivated by fear or inertia or, for that matter, any other motive but is simply a natural condition of a being whose powers, like the powers of any other natural being, are finite.¹² Nor is a person always blameworthy when he or she knowingly cultivates a negative trait such as some form of dependency; for the person may honestly though mistakenly believe that it is (a sign of) a virtue.¹³ And such mistakes are especially likely when we are in fact dependent on

another person economically and socially, so that our goals have to take second place to his or hers.¹⁴

None of this, of course, supports the feminist contention that we are *caused* by our environment to be dependent, etc. On this view, there can be no difference between adopting a belief or value subconsciously and adopting it critically. And there can be no possibility of changing it when we become aware of it.¹⁵

This last lands the feminists in a dilemma: theoretical consistency (consistency with their theory of social determinism) demands that they assert this. But practical consistency demands that they deny it; for it contradicts the fact and point of their attempts to raise consciousness through writing and women's groups. So they sort of assert-it-and-deny-it: consciousness-raising groups, we are told, "have enabled individual women to discover caring with autonomy." But we are also told, on the same page, that "the women's group can aid its members to see that their problem cannot be solved by personal change or in the isolated sphere of the group."¹⁶ Determinist feminists both admit the possibility of individual change—of change that transcends social structures—and deny it.

Their worst philosophical fault, however, is their failure to see that by rejecting autonomy in the metaphysical sense, they undercut the logical basis of the autonomy they call for in the psychological power sense. If all our beliefs and desires are determined by our social environment, then the distinction between *independence* and *dependence* becomes vacuous.

This metaethical view has predictable political consequences. It leads to a definition of coercion that cuts across the distinction between speech and action and justifies, ultimately, programs of political suppression of free speech.

Thus, in a discussion of consent and coercion, Judith Tormey divides coercion into two kinds: "(a) cases where the coercion is an overt form of force [a gun at one's head; the threat of starvation] and (b) cases where the coercion is covert and more difficult to detect [the shaping of one's beliefs about oneself, for example]."¹⁷ The "coercive," or oppressive, device Tormey is concerned with here is the morality of self-sacrifice.¹⁸

Feminists justify their advocacy of the censorship of pornography by denying that such restriction is a suppression of free *speech*. And indeed, if pornography "is a powerful agent of socialization" that "fosters acts of violence against women" and thus "constitutes a *threat to one's physical safety and emotional well being*,"¹⁹ they have both logic and morality on their side when they insist that its suppression *is not an issue of free speech*.

But if pornography, then why not other "oppressive devices"—such as the morality of self-sacrifice, which "forces" women into inferior social positions by "making" them form false beliefs about themselves, which in turn render them "incapable" of taking advan-

tage of alleged equal opportunities? Such oppression is, after all, “a special form of enslavement...differentiated from other forms of enslavement [only] by the fact that the force of coercion involved operates on psychological as opposed to physical states.”²⁰

And now that the psychological-physical distinction no longer serves to distinguish persuasion or influence from coercion or enslavement, how are we to distinguish between the two? There can be only one answer: a belief is freely formed, a value is freely acted upon, only when these are (what the feminists regard as) *true* beliefs and *good* values. In a society of *such* free individuals, what need is there for the shallow negative rights of free speech and exchange that make a political community an untidy plurality?

So we reach the political dead-end of a metaphysics of environmental determinism: self-respect and autonomy must be construed as *wholly* a matter of holding certain beliefs and values, with *no* connection to *how* we come to hold them—that is, whether as a result of our own honest practical reasoning or as a result of a surrender to the minds of others whatever the motive.²¹ And when they are thus defined, self-respect and autonomy become compatible with total political control.

It would be unjust to claim that total political control is the desire or aim of most statist feminists, even of those who explicitly put forth a theory of social determinism.²² But the logic of our ideas can coax our desires and aims to fall in line with the conclusions that follow willy-nilly from our premises. Is it any surprise, then, that feminists have gone from advocating censorship on grounds of physical danger to advocating it in the interests of a “decent society?”²³ After all, if enslavement may be spiritual as well as physical, and the bad and the false (the indecent) enslave us, then removal of the indecent, even when it poses no physical danger (real or imagined), can only free us.²⁴

Ironically, the feminist world picture of helpless women victimized by oppressive sexist institutions has become self-confirming, insofar as it has created what Jean Elshtain calls “the victim syndrome.” In her article by the same title she presents statistics from the FBI and from the Justice Department’s Bureau of Justice Statistics to show that women’s perceptions of themselves as the chief victims of violent crime—and the ever more likely victims—are “startlingly out of proportion to the actual threat.”²⁵ Not women but young men have been and are the most victimized group.²⁶ Women are becoming the most victimized group, not of a violently sexist society, but of their own “victim ideology.” This bodes ill for a program of restoring autonomy to individuals so that they may join together in mutual love and respect.

Aristotle’s remarks on friendship and political association, and his related criticism of Plato’s ideal society, are significant in this context. It is friendship, he says, rather than law, that holds states together. But friendship and justice have the same extension, so that “each of

the constitutions may be seen to involve friendship just insofar as it involves justice.”²⁷ Elsewhere Aristotle tells us that the individual must exercise his own practical reason if he is to be virtuous and happy.²⁸ And since the state exists for *eudaimonia*,²⁹ we can infer that the just state will allow individuals the freedom to make and follow their own choices and plans. It is in such a state, a state inhabited by humans who are free and equal, that friendship will best flourish. True unity is a result of plurality. If friendship, justice, and peace are the aim of the state, it must be and remain a plurality, a *plethos*.

A state with the kind of unity that Plato envisages—the unity of one mind and will, that of the guardians—is, in the first instance, impossible. But even were it possible, it would be undesirable. For it would destroy the freedom and equality that are necessary for friendship.³⁰

Feminists who declare so easily that “the personal is political”—and nowhere more than in the sexual love of man and woman³¹—would do well to reflect on these remarks.

1. L. Blum, *Friendship, Altruism and Morality* (London: Routledge & Kegan Paul, 1980); Alan Montefiore, ed., *Philosophy and Personal Relations* (London: Routledge & Kegan Paul, 1973); T. E. Hill, “Servility and Self-Respect,” in *Rights*, ed. David Lyons (California: Wordsworth, 1979).

2. Carolyn W. Korsmeyer, “Reason and Morals in the Early Feminist Movement: Mary Wollstonecraft,” in *Women and Philosophy*, ed. Carol C. Gould and Marx W. Wartofsky (New York: G. P. Putnam’s, 1976), p. 97.

3. Sharon Presley and Lynn Kinsky, “Government Is Women’s Enemy,” Association of Libertarian Feminists Discussion Paper, (New York, 1976, 1979).

4. Thus Joan K. Taylor’s “The Welfare Mystique” (*Inquiry*, Nov. 1982), which presents evidence for the thesis that welfare programs have actually led to greater poverty and a narrowing of women’s horizons.

5. Korsmeyer, “Reason and Morals,” notes that “as women became conscious of and actively dissatisfied with their place in the social order, their oppression as they perceived it was explained in the context of the prevailing ideas of the time, and, accordingly, prescription for change mirrored much contemporary political philosophy as well” (p. 97).

6. I am aware that some libertarians do not subscribe to the thesis of autonomy. Thus, in “What Means This Freedom?” John Hospers argues for a form of psychological determinism. Nevertheless, I believe that the notion of the self-determining individual is a necessary metaphysical foundation for the ethics and politics of liberty.

7. Unfortunately, I have been unable to obtain Sharon Presley’s seminal “Libertarianism and Feminism,” referred to in Taylor’s “Welfare Mystique.” So I do not know what has already been done in this area.

8. L. Blum et al., “Altruism and Women’s Oppression,” in *Women and Philosophy*, ed. Gould and Wartofsky, p. 223.

9. Betty Friedan, *The Feminine Mystique* (New York: Norton, 1963); Ayn Rand, *The Fountainhead* (New York, 1943).

10. Blum et al. “Altruism and Women’s Oppression,” pp. 229, *Ibid.*, p. 231, 236. I should note here that not all feminists subscribe to the social-determinist view. Friedan in *Feminine Mystique* discusses at some length the importance of accepting responsibility for one’s character and actions, while acknowledging the influence of society’s institutions and values.

11. Nathaniel Branden, *The Psychology of Self-Esteem* (Los Angeles: Nash, 1969), p. 47.

12. Arguing against Branden's Super Freedom Thesis is a tricky proposition, because he never addresses himself to the possibility of this kind of subconscious learning, hence never gives any reasons for his (implicit) rejection of it. He (and other libertarians who agree with him) assume without discussion that a rejection of social determinism entails an acceptance of Super Freedom.
13. Louisa May Alcott's struggles against her pride and temper, in an attempt to develop the womanly virtues of humility and sweet-temperedness, are a dramatic example of the mistaken associations a woman can make under the influence of her culture. It does not seem to have occurred to her that her irrepressible temper may well have been the result of her vain attempt to subdue her well-earned pride in her courage and intelligence.
14. Compare Aristotle on moral education: "We become just by doing just acts, temperate by doing temperate acts, brave by doing brave acts" (*Nicomachean Ethics* 2.1). Common experience amply demonstrates the influence of physical states and acts in general on mental states: *acting* calmly can induce an inner calm; "whistling a happy tune, whenever you feel afraid," cuts into your fear; vigorous physical activity reduces depression.
15. It should be clear from this and following considerations that my claim that we can pick up beliefs and values subconsciously cannot be assimilated to the social-determinist view. Hence it cannot be used to support the feminist claim that the social environment is a coercive agency. I am aware, though, that to adequately defend my contentions on this matter, much more needs to be said than is possible in a paper of this length.
16. Blum et al. "Altruism and Women's Oppression," p. 243.
17. Judith Farr Tormey, "Exploitation, Oppression and Self-Sacrifice," in *Women and Philosophy*, ed. Gould and Wartofsky, p. 214. Brackets in original.
18. *Ibid.*, p. 215.
19. A representative of the New York City branch of Women Against Pornography (WAP), quoted in Jean Bethke Elshtain, "The Victim Syndrome: A Troubling Turn in Feminism," *Progressive* (June 1982), pp. 44, 43.
20. Tormey, "Exploitation," pp. 216, 217.
21. The issue of the relationship of self-respect to autonomy, and of these to the objective validity and worth of our beliefs and desires on the one hand and to the cognitive route whereby we arrive at them on the other, is an important but complicated one. For now it must suffice to note that neither condition by itself is sufficient for guaranteeing self-esteem and autonomy (although, perhaps, neither can exist to any significant degree without the other).
22. Methodologically, too, it is no more justified to use a contradiction in someone's position to deny its positive content (in this case, the phenomenologically valuable analysis of autonomy-with-caring), than to use it to deny its negative content.
23. See Nat Hentoff, *The New Legions of Erotic Decency*, Cato Institute (Washington, D.C., 1979).
24. In a recent incident, the political power of "persuasive definitions" brought the Metro Police to the lobby of a University of Toronto building to remove a student anti-abortion display on grounds of its "obscenity." The Graduate Students' Union President declared that the action was not an infringement of free speech.
25. Elshtain, "Victom Syndrome," p. 42.
26. *Ibid.*, p. 43.
27. *Nicomachean Ethics* 8. 1, 2.
28. *NE* 6. 2.
29. *Politics* 3. 9.
30. *Politics* 2. 1261^{aff}.
31. Elizabeth Rapaport, "On the Future of Love: Rousseau and the Radical Feminists," in *Women and Philosophy*, ed. Gould and Wartofsky, p. 185.

RATIONALITY AND FREEDOM IN ARISTOTLE AND HAYEK

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THE *POLIS* EXISTS ACCORDING TO NATURE, Aristotle argues, because it originates for the sake of life and continues to exist for the sake of the good life (*Politics* 1. 2. 1252b27-30). Modern liberal critics have pointed out that by assigning such a positive goal to the *polis*, understood as the state, Aristotle has compromised his dedication to liberty.¹ Nevertheless, some philosophers argue that certain distinctive doctrines in Aristotle's ethics can serve as grounds for a defense of individual freedom antithetical to Plato's authoritarian social philosophy.

First, there is the doctrine that the ultimate good is *eudaimonia*, i.e., flourishing or happiness. Many commentators find *eudaimonia* to be quite different from the concept of utility, which forms the basis of modern welfare economics, for flourishing does not consist in "maximizing" anything. Rather, flourishing is an *inclusive* conception of the good life, comprehending a plurality of specific values: primarily actualizations of intellectual virtues and, secondarily, of moral virtues. Thus, David Wiggins remarks that "in Aristotle's *Politics* that form of government is held to be best in which every man, whoever he is, can act well and live happily." Aristotle's "theory does not subserve a program for social action to maximize anything." Wiggins adds: "Insofar as it suggests a social program, the program is only for the removal of the public impediments to *eudaimonia*."²

A second doctrine involves the concept of *choice* (*proairesis*). Flourishing consists in activity in accordance with perfect virtue, but virtuous acts must be *chosen for their own sakes* (*Nicomachean Ethics* 2. 4. 1105a26-33; *Eudemian Ethics* 8. 3. 1248b40-1249a8). If another person makes your choices for you or forces you to act in a certain way, you will not be acting virtuously thereby, but only as if you were

virtuous. Thus, D. J. Allan argues that “precisely because [Aristotle] desires that men shall perform *kalai praxeis* [noble actions], which entails actions from *proairesis* [choice], the legislator is likely to restrict his improving activity by self-imposed limitations,” for “to make an action compulsory may stifle *proairesis*.” Accordingly, “the law requires not virtuous action in the full and proper sense, but the external actions of virtue irrespective of the motive which may lead particular men to do them.” Therefore, Aristotle does not “credit the politician, in his capacity as a lawgiver, with the power of manufacturing happiness or virtue, but represents him as establishing a framework within which happiness can be attained.” Not surprisingly, “the requirements, positive and negative, of the law should be kept to a minimum.”³

This paper will argue that a third doctrine in Aristotle’s ethics provides further support for an individualist social philosophy: the doctrine that virtuous moral agents must exercise practical rationality at the time of action in order to determine how to pursue their ultimate ends. Even if agents have a correct general apprehension of the end, this will not provide them with *a priori* recipes for answering concrete moral questions in complex and unpredictable situations. Since it is up to agents to determine how the end is to be attained in concrete occasions for action, they should be free to determine the precise character that the virtuous life will take for them. The first section of this paper will rather summarily set forth the textual evidence for this doctrine in Aristotle’s ethical writings.⁴ The second section will try to unpack the social implications of this doctrine by comparing it with the views on social planning of the modern economist Friedrich Hayek.

PLANNING, PRACTICAL RATIONALITY, AND INSIGHT

Practical rationality (*phronesis*) is an intellectual virtue or excellence that enables a person to plan or deliberate⁵ well about what is good or useful for living well or being happy (*N.E.* 4. 5. 1140a25-28). There is strong *prima facie* evidence that practical rationality is confined to identifying the means to ends; for, in addition to the bald statement that we deliberate about means and not ends (*N.E.* 3. 1112b11-12), Aristotle states that practical rationality makes our means right, in contrast to excellence of character or moral virtue, which makes the end right (*N.E.* 6. 12. 1144a7-9); cf. also *N.E.* 3. 8. 1151a18-19).⁶ In *Nicomachean Ethics* Book III, Aristotle compares the process of planning or deliberating to the process of scientific discovery (to the process of geometrical construction [*N.E.* 3. 1112b16-24], for example). Just as problem-solving terminates in the recognition of something ultimate, which forms the first step in the construction of a figure, planning terminates in the recognition of something ultimate, which is the “first cause” in action.

Aristotle provides detailed and difficult discussions of the relationship between the action taken by the moral agent and the practical reasoning leading up to it. The most plausible interpretation is that the employment of practical rationality in the planning process can be completed only at the time of action, and that it includes, as its terminus, a practical syllogism. In the *Motion of Animals*, for example, Aristotle describes the following reasoning:

I need covering; a cloak is a covering. I need a cloak. What I need, I have to make; I need a cloak. I have to make a cloak. And the conclusion, the "I have to make a cloak," is an action. And he acts from a starting-point. If there is to be a cloak, there must necessarily be this first, and if this, this. And this he does at once. [701a17-22]

The reasoning here involves both means and ends reasoning ("If there is to be a cloak, I must do *X*, and to do *X* I must do *Y*, etc.") as well as the practical syllogism (which generally has the form, "An *A* is to be acted on in such and such a way, this is an *A*, so this is to be acted on in such and such a way"). It is also evident that the reasoning leads "at once" to action.

There are a number of passages in the *Nicomachean Ethics* which indicate that practical rationality is exercised in the concrete context of action: "Nor does practical rationality deal only with universals. It must also recognize particulars, since it is concerned with action, and action has to do with particulars" (*N.E.* 6. 7. 1141b14-16). Further, practical rationality is "concerned with the ultimate, for this is what is to be done" (6. 8. 1142a24-25). Aristotle uses "particular" (*kath' hekaston*) and "ultimate" (*eschaton*) to refer to concrete individuals like Socrates, which are objects of sensory observation in the context of action. Aristotle's position here is quite reasonable. In normal cases of planning—in business, teaching, healing, warfare, etc.—the process of working out what to do cannot be completed before action, and perception of the field of action must make a contribution. Even if one has drawn up contingency plans for a battle, these necessarily will be incomplete, in that the final crucial stages of the plan can be identified only by coming *in medias res*. A deliberating doctor should also take into account the observable peculiarities of a patient, as Aristotle emphasizes: "While, on the whole, rest and abstinence from food are good for someone with a fever, for a particular person they may not be" (*N.E.* 10. 9. 1180b8-10). Moreover, a patient's condition changes in observable ways, which requires continuing revisions in one's plan of treatment. Thus, deliberation or planning terminates with the identification of individual things and circumstances in the context of action and can be considered complete only at the time of action. Further, practical rationality is concerned with the ultimate, which is the object of *perception* (*N.E.* 6. 8. 1142a26-27). Aristotle links perception to the working of *insight* or *nous* in practical contexts (*N.E.* 6. 11. 1143b5). An understanding of this notion of practical insight is

therefore also required for a full appreciation of practical rationality in Aristotle.

Insight is an indispensable mental capacity in the sphere of purposeful action as well as of theoretical wisdom (*N.E.* 6. 1. 1139a33-35; *N.E.* 6. 7. 1141a18-19). In its practical application, insight brings deliberation to completion, through the identification of suitable means, within the observable field of action, for the realization of the agent's ends. To see that this is the correct interpretation, it is useful to start with the contract that Aristotle makes between the theoretical and practical uses of insight.

And insight is of ultimate things in both directions; for insight and not reasoning is of the primary bounding principles and of the ultimate things, and insight, in *demonstrations*, is of immutable bounding principles, whereas insight, in *matters of action*, is of the ultimate and of the contingent and of the minor premise.... [*N.E.* 6. 11. 1143a35-b3]

One might well ask why Aristotle uses the same word *nous* for these theoretical and practical excellences, if they differ so strikingly. An important reason is that insight, in either context, has a close connection with *perception* or *observation*. In the *Posterior Analytics*, as well as the *Ethics*, theoretical insight is a capacity to grasp universal principles as a result of repeated sense experiences, for insight is an epistemic capacity acquired through the process of induction (*N.E.* 6. 3. 1139b28-29 and *N.E.* 6. 1141a7-8; cf. *Post. An.* 1. 18. 81b2; *Post. An.* 2. 19. 100b3-5, 12); and the induction presupposes *experience*, which consists of sense-perceptions retained in the form of memories (*Post. An.* 2. 19. 100a3-9). For example, one might observe visually that spherical bodies wax and wane in a specific manner. One sees the connection between the properties of being spherical and waxing and waning in a certain way, and has the insight that it must be so in all cases (cf. *Post. An.* 1. 31. 88a16-17). One grasps such a generalization through a process of induction on the basis of accumulated experience.

Aristotle's account of practical insight resembles this in important respects, for he speaks of insight as the perception of particulars (*N.E.* 6. 11. 1143b5); but the precise relationship between practical insight and sense-perception is quite subtle. Insight involves an act of sense-perception, but it also presupposes the possession of accumulated experience.

This can be inferred from two passages. In the first, Aristotle is arguing that one cannot be *morally* virtuous without having insight. Natural virtue is a necessary, but not sufficient, condition for moral virtue in the full sense; for natural virtue without insight (*aneu nous*) can be harmful, "as a strong body which moves without sight may stumble badly because of its lack of sight" (*N.E.* 6. 11. 1144b9-12). Aristotle notes that this deficiency is especially characteristic of

children, an observation that seems to recall another passage, in which he says that young people cannot have practical rationality because they lack experience (*N.E.* 6. 8. 1142a12-16). It is reasonable to infer that the lack of *nous* of the young involves their inexperience and resulting inability to identify particular ways of attaining their goals.

Aristotle does not go into detail about the precise contribution of insight and experience in these passages, but he evidently has in view the necessity of perception in order to find the means. For example, a youthful person may possess natural generosity but, due to inexperience, may blunder disastrously in trying to act generously. He may err in identifying the proper beneficiaries of his actions. He may be mistaken in the form his generosity should take, so that he ends up insulting or humiliating his beneficiary. He may be wrong about the magnitude of the gratuity or the beneficiary's true interests, his timing may be off, and so forth. "In the case of such particular matters, the decision rests with perception" (*N.E.* 4. 5. 1126a31-b4; *N.E.* 2. 9. 1109a24-30, b20-23). But, as the foregoing passages about the young suggest, the ability to perceive available opportunities in one's field of action presupposes *experience*. The role of experience in practical cognition is, in a way, analogous to its role in theoretical inquiry; for, by experience one can "go on" to new and difficult cases and identify specific means for attaining one's ends.

Insight is called perception, and like practical rationality, it is directed to the concrete object of perception. Insight is, in effect, the perception that an individual thing will serve one's needs. Since practical rationality is excellence at deliberation, the implication is that deliberation can be completed only at the time of action by the agent observing the field of action and that insight brings deliberation to completion through the identification of suitable means in the field of action. For example, if one has the goal of eating healthful foods, the process of deliberating about what to eat will be properly completed when one observes a particular object in one's environment, observes that it is, say, a piece of chicken, and observes that it will serve as a means to one's ends.

Moreover, insight is the perception of "what is ultimate *and* contingent *and* the minor premise," which serve as the starting points for the goal (*N.E.* 6. 11. 1143b3). Insight is the perception that a perceptible means (the ultimate thing) is required to reach one's end prescribed in the minor premise.

Thus concludes the defense of the interpretation of Aristotle on rationality in action according to which practical rationality is exercised at the time of action, practical insight is indispensable to the completion of rationality, and the practical syllogism is a part of deliberation.

This view of rationality and deliberation holds both for the technical case in which the doctor who is deliberating about how to treat a patient and for the moral case in which the citizen is trying to determine what is the generous thing to do. Practical *moral* knowledge

often differs from productive knowledge of the sort exhibited by the doctor, insofar as the means to the end grasped by practical rationality and insight is itself a constituent of the end sought (*N.E.* 6. 5. 1140a24-28). Practical rationality enables one to grasp in a concrete situation what the generous or courageous act is, i.e., what constitutes the noble act, which is valued for its own sake. (cf. *N.E.* 2. 4. 1105a26-69). Hence, it is by means of practical rationality that the end of human conduct is to be fully articulated (cf. *N.E.* 6. 5. 1140b4-7).

INDIVIDUAL FREEDOM AND SOCIAL PLANNING

Aristotle's moral epistemology has implications about the way in which planning should be carried out in a wider social context. As we have seen in a variety of instances, deliberation about a specific course of action will be tied to immediate observation of the context of action. This is why Aristotle emphasizes the importance of experience in a field such as medicine. He applies similar considerations to the areas of education and athletic training:

Private education has an advantage over public, as private medical treatment has; for while, on the whole, rest and abstinence from food are good for someone with a fever, for a particular person they may not be; and a boxer presumably does not prescribe the same style of fighting to all his pupils. It would seem then, that the particular (*to kath hekaston*) is worked out more precisely if the control is private; for each person is more likely to get what suits him. [*N.E.* 10. 9. 1180b7-13]

Aristotle's point does not touch on the manner in which education is financed but on the way in which it is administered. His arguments are directed primarily against a centralized and prefabricated system of education of the sort envisaged by Plato in the *Republic*. In medicine or education the process of deciding what type of action to carry out in order to reach one's objectives cannot be carried out effectively without detailed factual knowledge of the circumstances in which one must act. Hence, in such cases direct observation *by the individual agent* is indispensable for carrying out the planning process, and the agent cannot simply be mechanically implementing a plan made in advance by a philosopher-king or anyone else.

The view that Aristotle takes toward planning has very interesting affinities with the criticisms of centralized social planning by the twentieth-century economist F. A. Hayek,⁷ who was following the lead of Ludwig von Mises. Von Mises had argued that centralized economic planning of the sort envisaged by the socialists was impossible on the grounds that facts relevant to planning could be taken into account in an efficient manner only by means of the pricing process of the competitive market (p. 143). In his defense of this thesis, Hayek relies not on formal economics but on informal epistemological con-

siderations. He compares the difference between a system in which prices are registered by a central authority on the basis of certain mathematical formulas and a free-market system to the difference “between an attacking army in which every unit and every man could move only by special command and by the exact distance ordered by headquarters and ways in which every unit and every man can take advantage of every opportunity offered to them” (p. 187). The suggestion that an “omniscient” planning board could draw up a plan, which was to be mechanically implemented by plant managers and workers, and that such a planning board could modify this plan by “trial and error” on the basis of new data, involves a false view of the context of human action and planning.

If in the real world we had to deal with approximately constant data, that is, if the problem were to find a price system which then could be left more or less unchanged for long periods, then the proposal under consideration would not be so entirely unreasonable. With given and constant data such a state of equilibrium could indeed be approached by the method of trial and error. But this is far from being the situation in the real world, where constant change is the rule. [p. 188]

Effective planning in a social context requires a method that will serve the most “rapid and secure adjustment to the daily changing condition in different places and different industries.”

Hayek accepts the Aristotelian view that planning is normally carried to the point at which the individual is directly observing the context in which he is acting and deciding on the most appropriate options. The knowledge required is knowledge of the particular circumstances in which the economic agent is acting. Hayek rejects as the “fallacy of composition” the claim that all the available data would be compiled and used to draw up a master plan for everyone to follow:

... it is the main merit of real competition that through its use is made of knowledge divided between many persons which, if it were to be used in a centrally directed economy, would all have to enter the single plan. To assure that all this knowledge would be automatically in the possession of the planning authority seems to me to miss the main point. [p. 202]

Each person acts within a specific context, facing specific alternatives, and plans on the basis of the knowledge that he possesses in virtue of his special circumstances. This knowledge is based on direct observation and, as Aristotle would say, is of the ultimate particular. For example, the decision of “whether and in which way the making of tools already in use should continue to be disposed of” is not a judgment about a type or class but about “an individual whose usefulness is determined by its particular state of wear and tear, its location, etc.” (p. 154). Likewise, detailed technical know-how is not found in a prefabricated form: “Most of it consists in a technique of thought which enables the individual engineer to find new solutions

rapidly as he is confronted with new constellations of circumstances” (p. 155). Hayek sees similar difficulties in responding, on the basis of mathematical formulas, to the *continuous* revision of individual consumers’ demand for commodities: “We have to treat as different commodities all the final products to be completed at different times,” and the mathematical equations used to define consumer demand have to take into account all such differences (p. 156).

Hayek’s argument, of course, goes beyond Aristotle’s both in terms of its level of economic sophistication and in terms of the libertarian conclusions at which it arrives. But, at bottom, Hayek’s stand on the rational foundation of social planning is quite close to Aristotle’s. For both Aristotle and Hayek, the locus of rationality in planning is the experienced individual agent exercising perceptiveness and insight in the immediate context of action. Therefore, both Aristotle and Hayek repudiate the Platonic vision that effective social planning can, in general, be carried out by a group of experts who hand down prescriptions to be mechanically carried out by nonexperts.⁸

1. Karl Popper, *The Open Society and Its Enemies* (New York, 1963), vol. 2, chap. 11, pp. 2-4: “Aristotle’s thought is entirely dominated by Plato’s.” Jonathan Barnes, *Aristotle* (Oxford, 1982), pp. 82-83. I have argued that Aristotle’s assignment of this positive goal to the State results in part from conflating the functions of the political state with those of the social community. See “The State and the Community in Aristotle’s *Politics*,” *Reason Papers* No. 1 (1974), pp. 61-69.
2. David Wiggins, “Weakness of Will, Commensurability, and the Objects of Deliberation and Desire,” in *Essays on Aristotle’s Ethics*, ed. A. O. Rorty, (Berkeley, 1980), p. 261.
3. Donald J. Allan, “Individual and State in the *Ethics* and *Politics*,” in *Entretiens sur l’Antiquité Classique* 11 (1964), pp. 64, 66, 68-69.
4. The arguments of the first section are set forth with much greater rigor and detail in a forthcoming essay, “Aristotle on Rationality in Action.” In that essay I criticize at length an alternative interpretation of *phronesis* and *nous* in John Cooper, *Reason and Human Good in Aristotle* (Cambridge, Mass., 1975), chap. 1.
5. The Greek word *bouleusis* can be translated as “deliberation” or “planning.” The Greek word does not have the connotation of weighing alternatives associated with “deliberation,” which derives from the Latin verb *librare*, “to weigh.” Although deciding on a plan of action rules out alternative plans, the process of planning need not always involve a consideration of alternative means.
6. One passage, *N.E.* 6. 6. 1142b32-33, has been thought to provide evidence that practical rationality provides knowledge of the end, but this passage is too ambiguous and controversial to provide much support. The controversy over whether it is possible to deliberate over ends has, in any case, been somewhat misdirected; for the real issue should be whether the means about which one deliberates are *constitutive of* or part of the end (as having good digestion is a means to health) or merely external preliminaries to attaining the end (as paying a fare is a means to going on a voyage). See the final paragraph of the first section.
7. F. A. Hayek, *Individualism and Economic Order* (Chicago, 1948). Subsequent page references are to this work.
8. This paper has gone through several previous incarnations, including versions read at Johns Hopkins (1977), Bowling Green State University (1981), and Georgetown University (1983). In its original version it was presented to the Liberty Fund Conference on Reason, Values, and Political Principle held at Pomona College in 1977, under the title “The Rational Basis of Social Planning in Aristotle.”

A PHYSICAL DEFINITION OF RIGHTS

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WHAT IS A RIGHT? Despite copious usage, this simple word still lacks an unequivocal definition. Innumerable attempts to capture its elusive meaning have only succeeded in substituting equally vague and imprecise terms.¹ The intent of this paper is to define *rights* in terms of the physical quantities of mass, space, and time, enabling one to determine, with rigor, who caused what to whom and to what degree in human interactions.

ARBITRARY “RIGHTS”

“Rights” is a fundamental concept in both legal and ethical theories. What is *good* for a person obviously has some relation to what his rights are. Usually, a person’s ethical duties are a subset of his more extensive rights. Consequently, developing an ethical theory requires an understanding of rights to assure that none are transgressed.

Similarly, the law is thoroughly dependent upon the concept of rights. The impreciseness of the prevailing definition probably accounts for the inconsistency and murkiness of legal opinions.² Are no-smoking laws in public places just? Does neighbor Smith have the right to smoke in his own house while in a guest’s presence? Does a fetus have rights? Do its rights prevent the woman from aborting it? Does the father have any rights over the fetus?

The questions regarding rights are endless and, evidently, are essential enough to involve the “right to life” itself. That all the aforementioned questions are still heatedly debated evinces the unsatisfactoriness of the current definitions. *Right* has been variously defined as

that which is "in accordance with what is 'good' or 'just' or 'fair'";³ and *good*, *just*, and *fair* are defined as what is "right" or "fair" or "good" or "just."⁴ These definitions are not only circular but highly imprecise.⁵ Consequently, it is not surprising that after a legal education or graduate study in ethics, one is no more prepared to resolve the previous questions than is the legal or philosophical tyro.

Although this paper is intended as an exposition of a new idea and not a critique, a brief look at legal doctrines is in order. The legal approach to resolving rights conflicts is to *balance* the rights. For instance, the law attempts to balance the "rights" of people to smoke and to breathe clean air. Judges draw a line in theoretical space; if this line is trespassed, a right is transgressed. Where the line is drawn is determined by balancing the sociological and utilitarian benefits of each side.⁶ As regards the rights of smokers and nonsmokers, for example, assume the line is drawn between public and private places. (Of course, what distinguishes a public place from a private place requires its own separate line-drawing and balancing test.) So-called public places must provide separate sections for smoking and nonsmoking patrons. In fact, however, many "public places," like airplanes and restaurants, are privately owned. Are the rights of these property owners simply disregarded? No. The balancing of the opposing rights and their corresponding sociological values favors making these property rights subordinate.

Lawyers and other professionals accept this arbitrary line-drawing with equanimity even though this judicial whimsy results in people suffering unredressed injustice. The law never defines *rights* but merely prefixes the term to almost every act or action a person normally may perform: One breathes; therefore, one has the "right" to breathe. One smokes; therefore, one has the "right" to smoke. The exceptions involve religious and cultural taboos whose entrenched niche in the law has never been adequately explained.⁷ Why do murder and prostitution both constitute acts that no one has a "right" to perform?

To eliminate the arbitrariness, *rights* must be defined fundamentally and not "intuitively." We will attempt here to define *rights* in terms of causation, which is translatable into the fundamental physical concepts of mass, space, and time.

CAUSATION

By the most common understanding of the concept "right," one has the right or freedom to act. Generally, the courts find culpability in people who deprive others of this right or freedom to act. From this understanding of "right" as being a freedom to act arises the principle that one has the right to act as long as so acting does not violate another's right to act.

What, however, is an action that violates another's rights? Usually, one who causes or is responsible for harm to another is considered to have violated that person's rights. "Rights," therefore, is related to causation. Since causation is a well-understood, defined, and observable physical phenomenon, we will use it to formulate a definition of *rights*. More precisely, causation will be used to determine guilt and innocence.

Of course, this use of causation is not novel, although using it as the only factor is novel. The law subdivides causation into proximate and actual causation. Actual causation is defined as the causes *in fact* of an event. Whether something or someone is a cause in fact of an event is decided by the laws of physics. Proximate causation is man-made. It serves to delineate arbitrarily which humans-causes are legally held responsible and which are exculpated.⁸

For example, a car driven by Adams bumps into pedestrian Barnes, hurling him into Conrad, a postman. Conrad had been bending over speaking to Dorothy, who was poised spade in hand while gardening. Barnes propels Conrad head-first into Dorothy, who is thereupon thrust onto her spade and fatally stabbed.

Adams is a cause in fact of Dorothy's death. He initiated the chain of events or, in other words, was the driving force for each succeeding mass to interact physically. In legal jargon, Adams is, therefore, an actual cause of Dorothy's death. The question then becomes whether he is legally the cause (i.e., guilty). This falls under the category of proximate causation.

For this example, the question of proximate causation is phrased as: "Is Adam's action a substantial factor in causing Dorothy's death or is it too remote?" Under proximate cause, the lawyer is charged with arguing the social advisability of recognizing Adams as either being or not being the proximate cause of Dorothy's stabbing.⁹

The purpose of the concept of proximate causation is to prevent finding culpable someone who has "innocently" triggered a disastrous event or chain of events. Yet, note the impreciseness and subjectivity of the terms *too remote* and *substantial factor*. Even if the truth of a verdict could be ascertained, how could it be ascertained in this instance? What is a substantial factor? What is too remote? Guilt and innocence (liability and no liability) are determined by individual interpretations of these vague terms.

A more essential question is, Why must Adam's act be a substantial factor in Dorothy's death in order for Adams to be guilty? In other words, why should guilt be determined by a substantial-factor test? Why isn't every actual cause legally liable? The standard answer is that this society simply does not view an act as being sufficient for culpability.¹⁰ It must be accompanied by some blameworthy mental state. The mental state can be one of either intent or reckless indifference—anything to eliminate an individual who unknowingly flips on a light switch and sets off a bomb. Why is a particular mental state

necessary? Why the arbitrary line-drawing to hold mental states of “reckless indifference” blameworthy, and not just those of direct intent?

Our approach also draws a line—at *primary causes*. Simplified, he who *primarily* caused an event is responsible for causing it. Why? And how is it determined who or what is the primary cause?

RIGHTS

The purpose of the term *rights* is to denote the legal boundaries of permissible actions among individuals. When people conflict and seek legal redress, they are seeking a resolution of their respective rights. Specifically, they want to know who is at fault—who violated or is violating the other’s rights. In other words, who caused what to whom?

If a person lived alone on a deserted island, he would never have to concern himself with rights. Of course, he would have them, but it would never be necessary for him to know what they are. Once, however, he begins to interact with others, he must know his rights with accuracy if he is to increase the probability of his disputes being justly resolved. (Since humans are fallible, juries will never always be truthful even if they apply true theories.)

What then is a *cause*? Commonly, we say the object that “moved into” the person or other object is the cause of that interaction. The person or object occupying the space “moved into” has *primacy of action* over that space. We postulate that primacy of action is derivable from the concept of primary causation. Primacy of action is a concept involving space, time, and entities. An entity that occupies a space prior in time to another entity has primacy of action over that space. And between those two entities, the one with primacy of action over the space has the right to it. *Right*, therefore, is defined as primacy of action.

Where do we get the concept of primacy of action? Simply, we postulate that all people and animals possess the sense or idea of causation and the primacy of action. When an animal fights for its territory, it is fighting because of its sense of primacy of action. It occupied, or “believes” it occupied, the territory before any other animals.

Man’s theory of causation demonstrates his idea of the primacy of action. For example, Andy and Alice are brother and sister who prefer the same chair for watching television. Alice grabs the chair first one Monday evening. She leaves it briefly to go to the bathroom and returns to find Andy occupying the chair. She angrily orders him out of the chair, and a fight ensues. Their mother hears them, rushes into the room, and demands to know who caused the fight.

Who *did* cause it? Would we answer, “Alice, because she ordered

Andy out of the chair"? No. We would conclude that Andy caused the fight, since he violated Alice's rights. Alice had primacy of action over the chair for the evening (assuming the primacy of action over the chair is decided anew at the beginning of each evening period). Upon his sitting in the chair, Andy had second primacy of action. He would, therefore, have had a "right" to the chair over everyone else except Alice. When Alice came back to claim the chair, he should have vacated it.

To take another illustration, suppose a person rushes in to defend another person from a third person's attack. This so-called Good Samaritan thinks he is witnessing a victim of a mugging. He jumps in and pummels the assailant—who is, in fact, a policeman making a legitimate arrest. Certainly, this is a more complex example. However, the cause is still determined by the primacy of actions of the persons involved. The "Good Samaritan," if he is not aiding a victim, becomes liable himself for having caused an attack.

PRIMACY OF ACTION

As stated, primacy of action is a concept involving space, time, and entities. *Primacy of action* is defined as "the occupation of a space and time." Consequently, anyone interacting with an entity has primacy of action with that entity. When, as in the previous example, Andy sat in the chair, he had primacy of action with that chair. However, Alice had interacted with the chair prior to Andy, so she had first primacy of action with the chair and Andy had second primacy of action. If Alice again vacated the chair and their mother sat in it, then the mother would have third primacy of action for the chair. In answer to the simple question concerning who had rights to the chair: Alice has first primacy of action, Andy has second primacy of action, and their mother has third primacy of action.

Primacy of action for moving bodies works similarly. A jogger Henry running a circular route over virgin ground has primacy of action for his path. (It makes no difference whether he runs at specific times or not.) Suppose there is another jogger Henrietta, whose circular route encompasses Henry's course. Again, she has primacy of action for the ground she occupies. Henrietta then alters her route to intersect with Henry's at point *x*. They both begin jogging at 7:00 A.M.; however, Henrietta does not occupy point *x* until after Henry has passed through it. Henry, of course, has first primacy of action for *x*, while Henrietta has second primacy of action. Since they do not conflict at point *x*, there is as yet no problem.

Previous Primacy of Action

When they do conflict, there are two questions to ask regarding primacy of action: Who has previous primacy of action for the space

of the interaction? and, Who has primacy of action for the interaction?

Suppose, for instance, that Henry slows down his jogging pace at his doctor's suggestion. Now he and Henrietta will reach x at the same time. In other words, they have an involuntary interaction at point x . (The consent of the persons interacting is an essential consideration in this theory of justice. Obviously, no conflict arises and nothing need be resolved if each person interacts voluntarily. However, there is a greater significance to each person's consent, and it will only be given a cursory treatment toward the end of this paper.) Henry has primacy of action for x , that is, the space of the interaction between Henry and Henrietta. Primacy of action for the space of the interaction is termed *previous primacy of action*. Henry has previous primacy of action for the space of the interaction (point x) between him and Henrietta.

Assume Henry and Henrietta are running on that particular area for the first time. The mechanics of the interaction, therefore, determine whose primacy of action is violated by whom. The concept involved is imagining a line drawn on the surfaces of Henry and Henrietta at the point and instant of contact. The first person to "cross the line" and occupy a space previously occupied by the other person is the *primary causal* actor of the resulting interaction. In other words, the primary causal actor first "moves into" the other person. Of course, both actors cause the interaction; since without both Henry and Henrietta, no interaction between them could occur. Only one of them, however, can be the *primary* cause.

Suppose Henry is standing at x and Henrietta is running along, eyes fixed on the ground. They interact at x , and neither of them had previous primacy of action for x . Who is the cause of the interaction? Henry was at rest and Henrietta moved into him. Since Henrietta did not have previous primacy of action for point x , she is the primary cause of the interaction.

For a second example, Henry is jogging through point x at a speed slower than Henrietta's when they collide. Again, Henry has his primacy of action violated by Henrietta, since she moved into him. (Of course, each person has first primacy of action over his own body, since he interacts first in time with himself.)

Third, Henry and Henrietta are jogging at equal speeds when they collide at x . In that event, although they both cause the interaction, neither of them is the primary cause.

Assume that Henry has previous primacy of action for x when he and Henrietta interact. In that event, regardless of the mechanics of the interaction, Henrietta is the primary cause. In short, Henry owns point x for the times he chooses to interact with it. The actor without first primacy of action is almost always going to be the primary causal actor and, in other words, the one who primarily results in the involuntary interaction. The mechanics of the interaction do become important in determining whether Henry (the actor with previous primacy of action) has reacted excessively to the primary causal actor.

Exclusion of an Interaction

The person who has first primacy of action with an entity and space has exclusive ownership of that entity and space for the times he chooses to interact with that space and entity. A person's primacy of action is violated not only by a collision (as in the previous example) but also when the owner must move in order to avoid (exclude) a collision (interaction).

A primary resulting action (primary *resultant action*) is an actor's (A's) action that *would have primarily caused* an interaction with an actor (B) except for at least one of the actors' action(s) to exclude that action and its interaction. The action of excluding is defined as *primarily resulting* from A's actions.

For example, Whitston is sitting in his lawn chair underneath his shade tree while sipping a glass of cold lemonade. He has his feet propped up on a wrought-iron table as he balances himself on his chair's back two legs. His son, Whitston Junior, is bowling on their expansive front lawn with a friend. After a brief, laughing consultation with his friend, Junior turns, bowling ball in hand, and pulls back his arm, aiming at Whitston's back chair legs. His aim is perfect, but Whitston Senior sees the ball coming. In attempting to set the chair forward on the ground, he loses balance and falls backward into the tree trunk. He receives a prominent bump on his head.

In this example, Junior's bowling the ball *resulted* in Whitston's bump but did not cause it. His father's own act of losing balance and falling backward into the tree caused his injury.

Resultant actions are a general classification of actions that include causal actions. The action that would have caused an interaction to an actor except for another actor's action(s) to exclude it is a resultant action even if it does cause the interaction.

Suppose Junior had succeeded in bowling over his father's chair. The hurled ball sent Whitston over backwards on his head and into the tree trunk. The thump gave Whitston Senior an egg-shaped swelling on the back of his head. In this case, Junior's bowling the ball caused Senior's fall, and it also resulted in his bump.

Our postulation is that a person (actor) is liable for all his actions that primarily result in the violation of another person's first primacy of action. Since Whitston Senior has first primacy of action over the chair (as given) and the ground on which it stands, Junior violates his primacy of action with his primary resultant actions: (a) he primarily results in Whitston's act to exclude the interaction that otherwise would have occurred or (b) he primarily causes his chair to fall over by hitting it with his bowling ball.

The Nature of the Ownership

This paper is necessarily a brief discussion of the primacy of action. All implications of its application cannot be covered, but a few addi-

tional examples will further illuminate the aspects of the primacy of action already mentioned.

For example, Polar Bear Airlines flies northern air route z every morning at 9:00 A.M., and it flew that route z prior in time to Polar Wind Airlines. Polar Wind Airlines flies route z at 11:00 P.M., and it was the first in time to fly z at that time. If both airlines fly at the times at which they have primacy of action, they do not conflict. However, one morning while starting on course at 9:00 A.M., Polar Bear encounters a Polar Wind jet flying the same air route. Since Polar Bear has first primacy of action for route z at 9:00 A.M., Polar Wind, obviously, is violating Polar Bear's rights.

Similarly, if Polar Bear flies a jet on route z at 11:00 P.M. while Polar Wind is flying, then it is violating Polar Wind's primacy of action. Primacy of action, therefore, allows for nonconflicting ownership by more than one party of the same space but at different times.

Suppose Polar Wind runs a jet along route z at 9:00 A.M., but Polar Bear's morning flight suffers a mishap preventing it from taking off. Has Polar Bear's primacy of action been violated by Polar Wind? Since there has been no interaction between Polar Bear's jets and Polar Wind's jets, there has been no violation of either airline's primacy of action.

For an additional illustration, Mary leaves her house for a two-month vacation. Can burglar Harry then enter that house without violating Mary's primacy of action? If he could do so without interacting with the house or any possession inside it, then he would not be violating Mary's primacy of action. For example, a phantom or ghost, if such existed, might be able to pass through Mary's house without interacting with any of her possessions. In that case, there would be no violation of Mary's primacy of action. Similarly, there is no violation of Polar Bear Airlines' primacy of action in the previous example, since Polar Wind Airlines does not interact with any of its possessions.

Suppose Mary does not return from her vacation in two weeks. In fact, a year passes and she is still away. She ends all her interactions with the house. She pays no bills and asks no one to check on it. Since the house exists in the land of Oz where people are not forced to show gratitude to the state for their possessions, there are no property taxes or taxes of any sort. Mary also has no mortgage on the house, so the bank has no claim to it. One day, a stranger, Max, wanders by, enters the house, thinks it pleasant enough and begins to reside there. Mary never returns, but Mary's heirs claim the house. Max would win, since he has ample evidence that Mary abandoned her house. Suppose, however, Mary returns after twenty years. She claims she did not abandon the house; Max claims she did. Obviously, since she has returned, she did not abandon (cease interacting) with the house. Mary has first primacy of action over the house while Max has at most second primacy of action.

MENTAL STATES

In the scheme presented here, what is the relationship between responsibility and the "criminal's" mental state? Responsibility is not determined and has no relationship to the mental states of the actors involved in the interaction.

Mental states are an inextricable part of today's law. The division of the law into civil and criminal is based on the responsible party's mental state. For example, in his own house which he also maintains, Henry stumbles and falls down a flight of stairs. He smashes into Peter, a visitor, and breaks Peter's leg. Applying the law, since Henry did not intend to break Peter's leg and did not exercise a reckless disregard for Peter, he is only (if at all) civilly liable. In fact, Henry must be found negligent to some minimal degree to even be held civilly liable to Peter.

Why does the law hold that a mental state is integral to civil or criminal liability? Does Peter care whether Henry intended the act? Certainly, Peter's medical bills exist regardless of Henry's intent. The answer given repeatedly by both law professors and legal texts is that common sense so dictates.¹¹ "We feel," they claim, "that a person who through blind chance causes some wrong ought not be held responsible for the act." Peter might not agree. (If he did, however, he would not seek legal redress against Henry.)

Of course, the latter is an example of a relatively minor and reparable injury. Suppose, however, that Henry had instead killed Peter when he fell on him, landing on him with such force that Peter's body was flung onto the concrete floor. Further, Henry's fall was not even the result of negligence. He lost his balance when he stubbed his toe on his stair. Is this the type of person, a law professor might ask, whom we would want to hold responsible for manslaughter? From the obvious facts, Henry is responsible for killing Peter. He physically caused Peter's death by knocking him down. Consequently, since the legal theory presented here disregards mental states, Henry is responsible for manslaughter.

The hypothetical law professor would disagree with this conclusion. He agrees that Henry caused Peter's death. Henry violated Peter's primacy of action by "moving into" Peter's body. Nonetheless, the law professor would deny Henry's responsibility for Peter's death. Why? The law professor wants to carry causation one step further. He wants to find out whether the perpetrator had a mental state that initiated the physical causation chain. Did Henry, for instance, choose to step on the stairs in such a manner as to cause him to stub his toe and lose his balance? Or, if he did not actually choose it, was he nevertheless aware of the step's irregular structure and negligently stepped on the step anyway? The law professor and the existing law do not want to hold guilty the person who is an innocent victim of circumstances. For example, a hunter whose stray high-powered bullet

kills a man inside a building more than a mile away is not held criminally liable.

Under the current legal system, a guilty verdict for a defendant charged with a crime results in the imposition of punishment. The defendant may be either obligated to pay a fine or incarcerated in a prison. In the system of justice herein presented, this is not the consequence of a guilty verdict. The guilty verdict is not an expression of public disapproval or condemnation. The party found responsible has been only resolved by the jury to have taken an action that primarily resulted in, is primarily resulting in, will primarily result in, or would have primarily resulted in an involuntary interaction with the victim. As so adjudicated, the responsible party is obligated to make restitution to the victim.

Briefly, since the involuntary interaction with the victim changes him to an undesired condition, he must be returned to his condition prior to the involuntary interaction (i.e., returned to a voluntary condition). The only action(s) that can be required from the responsible party are actions returning the victim to his prior state. Such actions are called restitution. Restitution of the victim is the ultimate purpose of the judicial system herein, not punishment of the guilty. Neither the logical foundation of the restitutive procedure nor the various intricacies of its application can be detailed in this paper.

A problem with carrying causation to mental states is proving that the mental state was or was not the cause. As yet, there are few facts known about the mind and its mental states.¹² And any particular criminal defendant could probably find ten psychiatrists with respected credentials testifying that he is insane, and the district attorney could find another ten psychiatrists with equally respected credentials asserting that the defendant is sane.

Under the present law, the criminal's mental state is a crucial factor in determining his guilt or innocence. Presumably, if the law were consistent, it would also be relevant in determining the victim's right to self-defense.

For example, a man A is running with a meat axe after another man B. In the first case, A is insane and kills B. A, however, is found innocent by reason of insanity. Next, suppose that B defends himself and kills A. In this instance, the jury also finds B innocent because he justifiably acted in self-defense.

The second variation is that A is sane and kills B. This time A is found guilty since he had the requisite intent. Suppose again that instead B kills A and is acquitted for validly acting to defend himself.

If the law were consistent, then a man should not be acquitted for killing an insane man. Since, in fact, insane A would be found innocent of killing B, B has no right to kill a man who is innocent of committing any wrong. Obviously, the law avoids this ridiculous result by inconsistently recognizing the relevance of criminal's mental states.¹³

Additionally, current legal doctrine countenances a murderer who

kills for no sane reason receiving a lesser sentence than a man who kills that murderer for revenge. Or, analogously, a husband kills his wife upon finding her in another man's bed. A court might conclude that he killed in a fit of passion, which would mitigate his sentence. If, however, that wife's father killed the husband a week later, then he probably would be found to have committed nonmitigable premeditated murder.

In summary, one of the defects with adding mental states to the causal chain is inability to prove them. Psychiatry has not established what evidence or actions must be present to prove that a person is "insane,"¹⁴ "intentional,"¹⁵ or suffered from an "irresistible impulse."¹⁶ Whereas, to prove X caused an involuntary interaction with Y requires showing: (1) the alleged action did primarily result in, is primarily resulting in, will primarily result in, or would have primarily resulted in an involuntary interaction with Y; (2) X is, as alleged, the person who took that action; and (3) Y is the person, as alleged, who had the interaction occur to him without his consent. Note that in his defense, X has the burden of proving the interaction was consented to by Y.

TOPICAL APPLICATION: ABORTION

In debates over abortion, the all-important question is, When does life begin? Even granting the advocates of prohibition of abortion their extreme position that life begins at the moment of conception, abortion is still legal under the system of justice briefly outlined here.

A woman has primacy of action over her body and its interaction with the fetus. To avoid criminality, she cannot take an action that is primarily resulting in, did primarily result in, will primarily result in, or would have primarily resulted in an *interaction* with the fetus that is not consented to by the fetus. She may therefore exclude or terminate her interaction with the fetus. If the fetus is a human life, as assumed here, then the mother may not interact "harmfully" or injure the fetus upon removing it from her uterus.

This removal of the fetus presumably is, for the fetus, an involuntary interaction, and the mother does thereby cause its death. By simply touching the fetus, however, she does not primarily cause its death. Of course, if the mother had the fetus yanked out so abruptly as to sever its head, then the mother would have primarily caused its death. Assuming the fetus is a human being, the actual mechanics of the abortion therefore is important in determining whether the mother does or does not primarily result in the fetus's death.

Analogously, imagine a man Gerald who is senile and entirely dependent on another man, Fred. Without Fred's constant attendance, Gerald would die. Fred and Gerald have no contract. Fred merely started spontaneously to care for Gerald as something to do

while he was unemployed. One day, however, his former boss telephones him with a job offer, and Fred accepts it. Soon after Fred returns to work, Gerald dies.

Is Fred responsible for manslaughter for terminating his life-supporting interactions with Gerald? No. Why not? Fred has not violated Gerald's rights (primacy of action). He did not take an action that primarily resulted in an involuntary interaction with Gerald. Or, in other words, he has not "moved into" Gerald or any of his possessions or excluded Gerald from an interaction with himself or his possessions. Fred has solely removed himself from Gerald's life. Note the importance of the concept of interaction. The exclusion of an interaction is never criminal unless a voluntary agreement (contract) between the actors exists to the contrary. The inclusion of an interaction, however, may be criminal.

Suppose Fred does interact involuntarily with Gerald. On the day Fred received the telephone call from his former boss, he was caring for Gerald in his own apartment. His last interaction with Gerald was driving him home, carrying him inside, and placing him on his couch. Thereafter, Gerald died of neglect. Gerald, in fact, did not want to go home where there was no one to care for him. By carrying him home, did Fred primarily cause his death? Certainly, he did cause it, but he did not *primarily* cause it. Generally, the mere act of touching a person cannot cause that person's death. By contrast, suppose Fred opened the door to Gerald's apartment, tossed Gerald inside, and left. Gerald is thrown against a table and suffers internal injuries from which he later dies. Is Fred now responsible for causing Gerald's death? Yes. His involuntary interaction with Gerald does primarily cause Gerald's death. To repeat, the responsible person is the one who *primarily* results in an involuntary interaction with another.

SUMMARY

Right is defined as "primacy of action." *Primacy of action* is defined as "the occupation of a space and time." It is derived from primary causation, which is a concept we all have a sense of: a cause being that entity or actor which first "moved into" the other object or actor.

Predictably, current law, in fact, does apply the concept of primacy of action to resolve conflicts. It is just as predictable that since "rights" is not defined precisely in the law, the application of the primacy of action is inconsistent and arbitrary. For example, the law rightfully recognizes the violation of a person's primacy of action by extending the unlawful touching in the crime battery to include any objects the person may be sitting on or holding.¹⁷ And, of course, rape, assault, manslaughter, and theft are recognized as criminal acts. On the other hand, many existing laws promote violations of a

person's primacy of action, and the enforcement of these laws inflicts injustice on a massive scale. For example, when a residential complex grows up near a preexisting farm or airport and the homeowners complain of the noise, smell, or appearance, many courts will not acknowledge the farm's or airport's primacy of action.¹⁸ Rather, with a utilitarian justification, they will rule for the residential owners. Obviously, a clear, precise definition of rights is an invaluable aid to earnest judges and jurors whose task now at effecting justice is woefully haphazard.

1. See Henry Campbells Black, *Black's Law Dictionary*, 4th ed. (St. Paul, 1968), pp. 1486 ff.; Robert Nozick, *Anarchy, State, and Utopia* (New York, 1974), p. ix; John Rawls, *A Theory of Justice* (Cambridge, 1973).
2. Black, *Law Dictionary*, pp. 1486 ff.
3. Nozick, *Anarchy, State, and Utopia*, p. ix.
4. Black, *Law Dictionary*, p. 1487.
5. Rawls, *Theory of Justice*, p. 60.
6. *Roe v. Wade* 93 S. Ct. 705 (1973).
7. Rollin M. Perkins, *Criminal Law*, 2d ed. (New York, 1969), p. 393.
8. *Ryan v. New York Central R. Co.* 35 NY 210 (1866).
9. Charles O. Gregory and Harry Kalven, Jr., *Cases and Materials on Torts*, 2d ed. (Boston, 1969), p. 318.
10. *Ibid.*, p. 70.
11. See Perkins, *Criminal Law*, p. 741.
12. See Black, *Law Dictionary*, p. 931.
13. Perkins, *Criminal Law*, p. 995.
14. *Ibid.*, p. 853.
15. Black, *Law Dictionary*, p. 947.
16. Perkins, *Criminal Law*, pp. 868 ff.
17. Gregory and Kalven, *Torts*, p. 914; Perkins, *Criminal Law*, p. 995.
18. Cf. *Goldbatt v. Hempstead*, 369 U.S. 590 (1962).

Discussion Notes

DISTRIBUTING ACKERMAN'S MANNA

IN HIS RECENT BOOK *Social Justice in the Liberal State*, Bruce Ackerman presents a lively version of liberalism as a social and political philosophy.¹ After isolating a few abstract principles that he regards as the core of liberal theory, Ackerman applies them to a variety of more concrete issues—for example, abortion, exchange, education, and citizenship. In the present paper I will discuss his treatment of the distribution of wealth. My contention will be that he has seriously misunderstood the nature of claims for a share of wealth. When their real nature is understood, I argue, it is no longer clear that Ackerman's preferred solution—equal shares—is the outcome that his own liberal principles would favor. The point at issue goes beyond Ackerman's work, however, and reaches to the moral basis of claims to shares of a community's resources.

Ackerman first presents two principles—the Rationality and Neutrality principles—that he regards as embodying the essence of liberalism. He then applies these principles to a highly idealized situation. In the latter part of his book he considers more realistic situations, while claiming that the results from the ideal case can be applied without abandoning liberal ideals. I wish to argue that even in the ideal case, Ackerman misunderstands the sorts of claims that people typically make in order to receive material resources.

Ackerman conceives of the task of justifying a particular set of institutions or relations dialogically. That is, a person has justified his or her enjoying a particular set of rights or privileges when that person has been able to reduce to silence any conversationalist who might challenge these privileges. For example, if I am an industrialist whose

possession of wealth is challenged by, say, an unemployed worker, I must find an answer to my interlocutor that justifies my advantages. But, says Ackerman, in order to meet the challenge, I must make no statement that is inconsistent with the principles of Neutrality and Rationality. If I can only defend my advantages by violating these principles, then my privileges are illegitimate. On the other hand, if I can defend them without thereby violating liberal principles, and my fellow conversationalist has no further challenge to make, then my claims to advantageous treatment have been vindicated. Thus, Ackerman's book is full of a number of entertaining imaginary dialogues wherein various sorts of advantage are exposed to attack by the underprivileged.

The ideal case for liberalism that he first considers is structured in the following way. A group of colonists is on a space ship that is about to land on an uninhabited planet. The planet contains a wonderful resource, manna, that is in limited supply but has the ability to assume any shape desired by its possessor. So there is still the familiar "circumstance of justice," to use John Rawls's phrase, that governs problems of distributive justice on earth—that is, scarcity. Ackerman's group of colonists is ruled by a female commander who is committed to implementing whatever solution to their disputes a dialogue governed by liberal principles produces. She commands a perfect "technology of justice" that is capable of costlessly realizing any such solution. And an omniscient computer can supply the colonists with whatever information they regard as relevant.

Ackerman's ideal case is picturesque, but, as I said, his claim is that more-familiar sorts of problems in political theory can be approached by working out from the ideal. For example, distributive questions arising where justice has costs can be approached, he thinks, in the fashion just indicated. That is, we ought first to consider solutions where justice has no costs, and then try to deal with less ideal cases by using the former as a guide to the latter. And Ackerman complicates his analysis with a number of other factors besides costs. There is, for instance, the problem of how to deal with the share that future generations will have. And so on.

It will now be useful to state Ackerman's two liberal principles and show how they operate. Rationality simply requires that any person whose power is challenged must offer a reason for his or her enjoyment of this power. A rich man, for example, must give a reason to a poor one why he has the advantage of greater wealth. On the spaceship—where the allocation of manna is to be decided upon—no one is wealthy yet, presumably. But some proposals for distributing manna will favor some rather than others, and the people who make these proposals may be challenged to give reasons in just the same way that people already privileged are. While there is, of course, a good deal of obscurity about when a statement is a reason, it seems to me that it is Ackerman's second principle that requires more scrutiny.

The Neutrality Principle is:

- No reason is a good reason if it requires the power holder to assert:
 (a) that his conception of the good is better than that asserted by any of his fellows *or*
 (b) that, regardless of his conception of the good, he is intrinsically superior to one or more of his fellow citizens.
 [P. 11, emphasis in original]

It is easy to see that the Neutrality Principle will stymie certain sorts of reasons offered in defense of some distributive proposals. If A claims that more manna ought to be given to her so that she can build a cathedral, and she defends her proposal on the grounds that cathedrals are superior to, say, houses, her reason is disqualified by part (a) of Neutrality (p. 44). On the other hand, if she appeals for more for herself on the grounds that she is intrinsically superior to, say, Jews or blacks, these reasons are ruled out by part (b) (pp. 44-45). Although Neutrality and Rationality seem relatively weak and formal, Ackerman argues that they eliminate virtually every conceivable proposal for distributing manna in the situation described. He concludes that there is only one proposal that could survive a conversation conducted along liberal lines (pp. 57 ff.). This would simply be to give each person an equal share of manna. Now when Ackerman considers distributive principles for more realistic cases, he by no means insists upon material equality. But his suggestion that an ideal case would require equality is itself of interest. And, of course, the "ideal" case is not the best imaginable case—perhaps that would be where everyone had an infinite amount of manna. Ackerman's case is ideal because a number of contingently complicating factors have been removed.

Before I state what I think is the most serious problem with Ackerman's analysis, I want to offer a quibble. Like many egalitarian writers, Ackerman carelessly equates an equal distribution with a distribution where everyone receives the *largest possible* equal share. But these are not necessarily the same. If we have two pounds of candy and ten people, the latter idea would mean that each gets one-fifth of a pound. But if each person receives one-tenth of a pound, and the rest is destroyed, they would all have an equal share. Indeed, if everyone got no candy, they would have equal shares. So *equal* does not mean "greatest equal." And, as far as I can see, if a suicidal person in Ackerman's imaginary spaceship proposed that everyone get no manna, there would be no violation of the two liberal principles Ackerman advances. If equality is the liberal preference for the distribution of a limited quantity of goods, then there is no determinate liberal distributive scheme; for there is an infinite number of ways of equally dividing a finite amount of goods.

The more serious problem, though, centers around the word *intrinsic*; for one only rarely encounters a claim for material resources that depends on a claim of the intrinsic superiority either of the claimant or

of his or her preferred activities or states of affairs. Perhaps only fanatics would urge, when the distribution of some good is at issue, that they ought to receive especially large shares because they are intrinsically superior to the others. But it would not be at all unusual, I think, for some to base their claims on the fact that, for example, they produced shoes more efficiently than all the others. A sizable number of claims to special treatment, that is, rest on an assertion of superiority in *instrumental*, not *intrinsic*, value. Good shoemakers need not claim that they are superior *as persons*, which is presumably what the “intrinsic value” of a person consists of. Indeed, they could happily concede that they are less valuable in this respect, so long as they regard themselves as more valuable in the services they can provide others.

The principle “the tools to him who can use them”² does not depend on an assertion of intrinsic superiority, and it is not clear that Ackerman’s liberal principles forestall claims supported in this way. Indeed, it is curious that when he comes, in a later portion of his book, to consider “second-best” solutions to nonideal cases, he admits that a liberal statesman is permitted to make “an instrumental case for special privilege” for some. He states the conditions that must hold for such a situation to be permissible:

Call it the incentive-tax argument. To make it work, the statesman must assert, first, that the prospect of one or another special advantage will serve as an incentive for the increased production of some scarce resource that would not have been supplied under the regime of strictly equal sacrifice; second, that he can design a tax scheme that will deprive the advantaged of some of the extra resources they produce, without leaving them fewer rights than they would have possessed under the equal-sacrifice regime, b_j ; and third, that the extra taxes will be spent in a way that gives the disadvantaged a richer set of liberal entitlements than they would have had under b_j . If all three of these conditions apply, the empirical groundwork has been laid for a successful claim of general advantage. [Pp. 258-59]³

But clearly if claims based on instrumental superiority are allowable in nonideal cases, one would like to know why they are disallowed in the ideal. And, again, “ideal” is only to be understood as the situation where certain empirical complications have been eliminated. In short, the Neutrality Principle seems to be mute with respect to claims based on instrumental superiority and hence does not lead automatically to equal shares.

Ackerman might offer three responses to the points I have raised. In the first place, it could be objected that I have ignored an aspect of the ideal case under discussion: perfect “transactional flexibility.” Each space colonist can costlessly make and receive offers for goods and services (pp. 170 ff.). Thus, it might be argued, if some colonists truly have a special ability to make shoes, they will receive income from the

others who want to pay them their price. An equal initial distribution will soon result in inequalities, as the more efficient producers have manna directed to them by others. And Ackerman has no complaint about inequalities arrived at by free exchange in this way.

This suggestion, however, offers no rejoinder to the theoretical point at issue. It is true that an initial allotment according to instrumental value will coincide with one arrived at by costless and fully informed free exchange by rational agents given equal shares. That is, the two concepts will coincide in practice in this special case. But my point was a theoretical one, namely, that the Neutrality Principle has nothing to say about claims based on instrumental superiority. Thus, if someone in the ideal case were to claim more manna on the grounds that he or she was more valuable instrumentally than the others, Neutrality could not rule out this move. Insofar as Ackerman's liberalism was supposed to sort out those conversational moves that are illegitimate and those that are not, an impasse in theory would be reached; for claims based both on instrumental superiority and on intrinsic equality (Ackerman's preferred ground) would pass through the conversational filter. And, of course, in every situation where transactions have costs or information is incomplete, the two sorts of proposals would lead to different results in practice. The fundamental problem is that Ackerman's liberal constraints give us no way of adjudicating *in principle* between claims based on assertions of instrumental superiority and those based on assertions of intrinsic equality.

There is a second response that could be made to my criticism. Perhaps Ackerman means to argue that an assertion of intrinsic superiority needs only to be presupposed, and not explicitly asserted, in order to invalidate a claim. If A supports a claim to more resources on the grounds that he makes better shoes, and this is construed as an assertion of instrumental superiority, it might yet be argued that this assertion presupposes that *something* has intrinsic value. Instrumental value presupposes intrinsic value.

But this point is irrelevant. While it may be conceded that judgments of instrumental value presuppose some judgments of intrinsic value, it does not follow that they presuppose any judgments of intrinsic *superiority* in a sense that Ackerman's principles would disallow. Let me make the discussion more concrete. Suppose that someone claims that the satisfaction of each person's desires is of equal intrinsic value. Then it could still follow that some people are more instrumentally valuable—that is, are more efficient satisfiers of others—than the rest. I do not want to rest my case on this example, though, for the point is more abstract. It is unnecessary to use satisfaction as the basis of intrinsic value. Any characteristic will do, it seems to me, so long as one claims that every person is equal in intrinsic value in the appropriate sense. Intrinsic equality of persons is quite compatible with differences in their instrumental value.

A third reply would contend that there is no need to consider instrumental value in the ideal case.⁴ Here, it may be said, there is no problem of production; for Ackerman assumes that the manna is simply discovered. The only possible problem is that of distributing the given amount of manna.

It seems to me that there are at least two points that should be stressed here. First, Ackerman continually insists that although the manna is infinitely malleable, it is still scarce. There is not enough to satisfy every colonist's desires (pp. 31, 33, 34, 62-64). Second, while it is true that there is no problem about producing the manna that is discovered, there *is* a problem about how to put that finite amount of material to work for the future. It may be, for instance, that one distribution of the given amount will lead to twice the amount of goods and services in ten years as will another distribution. That is, more desires in the future might be satisfied as a result of one distribution rather than another. Though Ackerman's manna is pleasantly there for the taking at the outset, it is clearly meant to be a productive asset that can be more or less efficiently used. And he also makes it clear, when discussing inheritance and the transmission of wealth to a new generation, that some colonists will be more adept at producing wealth than others (p. 201). Therefore, the existence of different instrumental capacities in colonists cannot be ignored even when considering the distribution of an unowned and newly discovered store of goods. The reason is simply that their capacities have consequences for the future well-being of the community.

In conclusion, regarding the distribution of economic goods, it seems that some people will claim that their equal value as persons should guide apportionment, while others will appeal to their superior value as producers of goods or providers of services. Both sorts of statements are made, and they need somehow to be evaluated by a political theory. Ackerman seems unaware of the tension here, and his work provides little guidance as to its resolution.

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1. *Social Justice in the Liberal State* (New Haven, Conn.: Yale University Press, 1980).

2. Quoted by Bernard Bosanquet, *The Philosophical Theory of the State*, 4th ed. (London: Macmillan, 1923), p. xxxv.

3. By "equal sacrifice," Ackerman means that liberalism requires each person to make the same sacrifice from his or her actual rights in order to secure second-best justice. Second-best justice attempts to compensate those whose ideal rights have been abridged. For instance, Ackerman thinks many physical handicaps require compensation since a perfect technology of justice would have prevented their occurrence.

4. I am indebted for this suggestion to an anonymous referee.

SELF-LOVE AND BENEVOLENCE

RECENTLY I HAVE BEEN READING Adam Smith and some of the scholarship connected with Smith's works. One problem that continually crops up is something that might be called the "problem of self-love." The problem, in its barest form, stems from an argument like the following: (1) Self-love is a socially destructive passion. (2) Smith (or the "capitalist") argues for a society founded on self-love. (3) Therefore, the kind of society advocated by Smith (or the "capitalist") will be [is] fundamentally antisocial.¹

Scholars on Smith have various ways of dealing with this problem of self-love. Critics emphasize the problem and try to show that a market society is therefore fundamentally immoral, that Smith cannot reconcile the conflict between his *Wealth of Nations* and *Theory of Moral Sentiments*, or that the social virtues are lost in favor of such merely commercial (and individualistic) virtues as thrift, prudence, and rational calculation.

Admirers of Smith who care about moral issues try to show that Smith seeks to harness the dominant passion of self-love for the good of society. In this case, self-love is not necessarily antisocial. Indeed, self-love can be an extremely potent tool for achieving sociality. Nevertheless, both groups share the basic conviction that self-love is a problem because of its inherent antisocial properties.²

My aim here is not to debate the pros and cons of interpretations of Adam Smith. Nor is my aim to offer a new interpretation of Smith or in any way to discuss Smith's social philosophy. Instead, I wish only to make an observation about the basic problem of self-love as it is described above.

Let us grant, for the sake of argument, that self-love can be an anti-social passion. I will discuss why this might be so in a moment. In the light of this first assumption, let us also grant that self-love needs to be checked, so that it does not become a socially destructive force. Depending on one's philosophical commitments, self-love could be checked by reason, law, custom, benevolence, markets, or some combination of these regulatory devices. We may disagree on which of

these devices is most effective and on the relative merits of a society based on one or more of them, but we are agreed that some check on self-love is necessary.

Let us also, again for the sake of argument, assume that we want a society based on the passion of benevolence (“love of others”) rather than one based on self-love. We now believe that the more people are moved by this passion, the more sociality there will be. Benevolence is an inherently *social* passion.

The argument of the last paragraph works only if we are prepared to admit that benevolence is always (or inherently) a social passion. The plausibility of that assertion stems from the fact that benevolence seems (almost analytically) to be other-regarding, whereas self-love is self-regarding. Surely the mere fact that a passion is inherently other-regarding qualifies it for the adjective *social*; for it *means* “with respect to others.”

It seems to me, however, that the argument for the inherently social nature of benevolence needs analysis. In the first place, whether a passion is self- or other-regarding seems to be logically irrelevant to its social characteristics, despite the argument given above. My passion to take your life is “other-regarding,” yet it surely is a “social” passion only in the formal sense that satisfying the desire requires the presence of another person. Thus, to say that benevolence is connected to the concept “social” because it is inherently other-regarding is not yet to say what we want to say about the social character of benevolence.

Obviously, some equivocation about the term *social* is going on here. Benevolence is not a social passion *merely* because it is other-regarding. It is a social passion because it involves love or kindness toward others, and one would not harm another in an act of love or kindness. Yet surely this last claim is dubious, at best, if not just plain false. We are all familiar with those who make pests of themselves in their concern for our “welfare.” And there are numerous examples of social programs that are motivated by benevolence but that actually harm the very people they are designed to help. By the same token, the self-love that motivates a person to accomplish something of worth in his profession is certainly not an antisocial passion. It may even be a directly social one. Moreover, Smith may be right in arguing that self-love can actually strengthen social bonds if used properly. He is certainly right in holding that actions motivated by pure self-love have often led to socially beneficial consequences.

It now seems that we are drawn to the conclusion that there is no more a problem of self-love than there is a “problem of benevolence.” Both passions can have their problems and for the same reason—they are both passions. Passions by themselves are neither good nor bad, social nor antisocial. But by themselves they are a problem, since any and all unregulated passions can become antisocial. That is why we say that the passions must be checked, or regulated. What separates

human beings from other creatures is that we have or develop mechanisms for regulating our desires. For the Humeans, regulation may take the form of custom. For the Aristotelians, the passions are humanized by reason. To avoid having to choose among competing theories here, let us say that passions must be minimally regulated by justice. I have chosen "justice," because (1) it is a peculiarly human concept that gives rise to peculiarly human institutions; and (2) whatever one's more metaphysical preferences, the enforcement of justice is agreed to be minimally necessary for social life (which is not to say that all agree on what justice is).

The point, of course, is that unguided passions pose problems for social life. But this is not a problem peculiar to self-directed desires. Smith, for example, thought that benevolence is too weak to be relied on for social policy. He also did not believe that any social structure can do away with the dominant passion of self-love. However, even if we were to suppose that benevolence is or could be the more dominant passion, that would do little to alleviate concern about it as a passion. The "problem" of self-love can therefore only be called a *special* problem (compared to the "problem of benevolence," the "problem of lust," etc.) if: (a) we agree with Smith about the dominance of self-love and then hold that self-love is special because it is most important or most forceful and thus deserving of most attention; or (b) we claim that some other passion is the legitimate basis for social life.

Under (a), self-love would *not* be a "special problem" because only one institutional arrangement (i.e., capitalism) is grounded in an anti-social passion; for (a) actually implies that capitalism could not be singled out for being grounded in the (vicious) passion of self-love, because *all* social systems are so grounded. Thus under (a), capitalism is in the same position as all other social systems and has the same "special problem" with self-love as they do. Retaining this use of *special problem*, there is no reason to subject capitalism to particular abuse.

What about under (b), where one denies that self-love is the most forceful passion and instead claims that the social structure compatible with one's own vision of the good society would foster or be grounded in some *other* passion (e.g., benevolence)? Under these conditions, one may have a new set of problems to tackle (e.g., paternalism), but not the right to claim *a priori* that this new passion is necessarily any less socially troublesome than the one it replaced. Thus, although self-love may be special to capitalism in the sense of being uniquely related to it, self-love and capitalism would not be special in the sense that only they have the problem of antisocial tendencies. Here again the advocate of capitalism is not conceding very much. The proponent of the new order must show not only that self-love will be replaced or suppressed but also that whatever passion(s) becomes dominant is less subject to antisocial excesses than the one it replaced. Surely that is a tall order if not a fanciful one.

There has been too much uncritical rhetoric by scholars and lay persons alike about the "problem of self-love." This rhetoric has been misleading, because it creates the impression that all that is needed for social harmony is to replace self-love with a more benevolent passion, or that self-love is a passion that uniquely requires regulation. I would suggest, in contrast, that although self-love unchecked by justice is bestiality, benevolence unchecked by justice is tyranny.

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1. Although this is not a discussion of Adam Smith, I was originally motivated to think about the problem of self-love in connection with what has traditionally been called "das Adam Smith problem." The most recent article on this traditional problem is by Richard Teichgraeber III, "Rethinking *Das Adam Smith Problem*," *Journal of British Studies* 20 (Spring 1981): 106-23. Some contemporary examples of those who make the error about self-love discussed here are cited by Antony Flew, *The Politics of Procrustes* (New York, 1981), pp. 138-48.

2. Almost any secondary source on Adam Smith devotes attention to the role of self-love in Smith's thought. For a balanced bibliography of writings on Smith see J. Ralph Lindgren, *The Social Philosophy of Adam Smith* (The Hague, 1973). For a helpful discussion of the historical concerns about self-love, see A. O. Hirschman, *The Passions and the Interests* (Princeton, 1977).

*I wish to thank Edward Regis, Jr., for his most helpful comments on an early draft of this paper.

WHAT ARE NATURAL RIGHTS? A NEW ACCOUNT

WHAT EXACTLY ARE “NATURAL RIGHTS”? In a recent exchange, Loren Lomasky has argued that natural rights and Gilbert Harman’s moral relativism are not compatible—indeed, that the latter cannot serve as a foundation for the former.¹ The discussion between Harman and Lomasky suggests that there may be different ways of understanding natural rights, some possibly more promising than others.

Harman is the well-known defender of “moral relativism,” the view that “morality is the result of implicit bargaining and adjustments among people of varying powers and resources.”² Such a “relativism” holds that morality is the outcome of mutually advantageous convention, and I shall refer to any such theory as “moral conventionalism.” Harman argues that this conception of morality offers the only plausible foundation for natural rights. This is an extraordinary thesis, one that had never occurred to me prior to reading Harman’s reply to Lomasky’s first article. Conventionalist accounts of morality are undergoing a revival these days,³ and it would be of great interest to know whether such theories do offer a way of defending appeals to natural rights.⁴

Harman defines natural rights as “rights people have simply by virtue of being people.”⁵ He then seeks to show how his conventionalist theory can provide a foundation for such rights. I do not find his case very persuasive, nor does Lomasky.⁶ In any case, Harman’s characterization of natural rights is at best incomplete. Lomasky contends that “natural rights, by definition, are not conventional.”⁷ And surely this is part of our traditional understanding of such rights. Harman’s idea of founding natural rights on moral conventionalism may not offer much hope after all.

In my “Human Autonomy and the Natural Right to Be Free,” I

contrasted natural and “conventional” rights and characterized the former as follows:

- (1) Natural rights are those rights (if any) a person has in the state of nature;
- (2) they are held prior to and independently of institutional arrangements (e.g., legal systems), conventions, or agreements;
- (3) they derive from or have their basis in human nature or activity, they flow from some attribute(s) of the person rather than of the situation;
- (4) they are basic and infeasible, and they provide the framework within which teleological moral considerations (if any) may operate;
- (5) they are self-evident; and
- (6) they include rights against coercion.⁸

I think that this characterization fits most of the eighteenth-century natural rights tradition, as well as most of the contemporary theories in this line of thought, but I cannot defend this claim here. The main difference between contemporary and “classical” natural rights theories concerns (5). We tend to be skeptical of appeals to self-evidence, so perhaps we should drop (5) from our list of characterizing attributes.

Reflecting on Harman’s thesis, and rereading some of David Hume’s writings on justice, property, and government, it occurred to me that it may be useful to develop another characterization of natural rights. It seems clear that the view I have just outlined—let us call it the classical conception of natural rights—is incompatible with moral conventionalism. Here Lomasky is right. However, by clarifying (1) and amending (2), we may develop a second conception of natural rights, one that may be compatible with moral conventionalism.

Natural rights are those rights, if any, that persons have in a state of nature. Such states are in part hypothetical states that illustrate what a particular theorist believes characterizes human nature. If in a state of nature we find that humans are asocial and lack government (Hobbes), then implicit in such a notion is the view that society and government are of instrumental value to (such) humans and to be justified accordingly. If in a state of nature we find that humans are social and are obligated by a natural moral law (Locke), then implicit in such a state is the view that government is to be justified in terms of that sociality and that moral law. On the first view, there are no natural rights in the state of nature, while on the second there are.⁹ These two positions have always seemed to me, and to others, to be the basic alternatives.¹⁰ Thus, skepticism about natural law leaves us only with the view that there are no natural rights.

Consider, however, a third possibility, that offered by Hume. On his view, society is possible prior to government, and so are moral laws or rules of justice and property (*contra* Hobbes), but these laws and rules are conventional (*contra* Locke).¹¹ Reflecting about Hume’s

alternative suggests to me that condition (1) should be altered to read as follows:

- (1') Natural rights are those rights (if any) a person has
- (a) in a state of nature that is prior to society,
 - (b) in a state of nature that is prior to government.

Hume can argue that humans have rights in sense (1')(b), although not in sense (1')(a). Why call such rights "natural," though? We may refer to Hume's thoughts about the "naturalness" of the "artificial" virtue of justice:

Mankind is an inventive species; and where an invention is obvious and absolutely necessary, it may as properly be said to be natural as any thing that proceeds immediately from original principles, without the intervention of thought or reflexion. Tho' the rules of justice be *artificial*, they are not *arbitrary*. Nor is the expression improper to call them *Laws of Nature*; if by natural we understand what is common to any species, or even if we confine it to mean what is inseparable from the species.¹²

Now it seems to me that Harman's conventionalism, as that of Baier, Gauthier, and Mackie, can generate natural rights in sense (1')(b). It is our thinking of Hobbes and Locke that blinds us to this possibility.

What about condition (2)? This must be altered as well. Distinguish "background moral conventions" and "agreements." The latter should be understood as normal agreements, promises, contracts, and the like, tacit or explicit. The former are those mutual expectations and tacit conventions or norms that make possible agreements, promises, and contracts. More precisely, let us define "background moral conventions" as those regularities R in the behavior of persons P in situations S, such that part of the reason that most of these persons conform to R in S is that it is common knowledge among P that most persons conform to R in S and that most persons expect most other persons to conform to R in S, where R are those regularities which are a necessary condition for normal agreements, promises, contracts, and the like.¹³ Background moral conventions, then, are precisely the result of the "implicit bargaining and adjustments" that Harman (and Hume et al.) describe.

Suitably modifying (2) and replacing (1) with (1')(b) (and dropping (5)), we have a new characterization of natural rights:

- (1') natural rights are those rights (if any) a person has in a state of nature prior to government;
- (2') they are held prior to and independently of institutional arrangements (e.g., legal systems), and of agreements, promises, and the like (although they are not prior to and independent of "background moral conventions");
- (3) they derive from or have their basis in human nature or activity, they flow from some attribute(s) of the person rather than of the situation;

- (4) they are basic and indefeasible, and they provide the framework within which teleological moral considerations (if any) may operate; and
 (5) they include rights against coercion.

While it seems to me that there is no way of generating classical natural rights from a conventionalist moral theory, it may very well be possible to generate these "new" natural rights from such a foundation. Indeed, I would claim that Hume does precisely this. For those of us who are skeptical of the rationalism necessary for classical natural rights, this new characterization of these rights may be more promising.

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1. Loren E. Lomasky, "Harman's Moral Relativism," *Journal of Libertarian Studies* 3 (1979): pp. 279-91, and "Relativism and Rights: A Reply to Harman," *ibid.*, 4 (1980): pp. 373-77; and Gilbert Harman, "Moral Relativism as a Foundation for Natural Rights," *ibid.*, pp. 367-71.
2. Harman, "Foundation for Natural Rights," p. 367. Harman continues "...and, although it is in everyone's interest that there should be a strong duty not to harm others, it is not in everyone's interest that there should be an equally strong symmetrical duty to help others avoid harm." For Harman's "moral relativism," see his "Moral Relativism Defended," *Philosophical Review* 84 (1975): pp. 3-22; "Relativistic Ethics: Morality as Politics," *Midwest Studies in Philosophy* 3 (1978): pp. 109-21; and "What Is Moral Relativism?" in *Values and Morals*, ed. A. I. Goldman and J. Kim (Dordrecht, Holl.: D. Reidel, 1979), pp. 143-61.
3. See Kurt Baier, *The Moral Point of View* (New York: Random House, 1965); J. L. Mackie, *Ethics: Inventing Right and Wrong* (Harmondsworth, Eng.: Penguin, 1977), and David P. Gauthier, "Bargaining Our Way into Morality: A Do-It-Ourselves Primer," *Philosophical Exchange* 2 (1978): pp. 15-27. The notion of convention is clarified in David Lewis, *Convention* (Cambridge, Mass.: Harvard University Press, 1969).
4. Natural rights theories are also undergoing a revival. See Murray Rothbard, *For a New Liberty*, rev. ed. (New York: Macmillan, 1978); Robert Nozick, *Anarchy, State, and Utopia* (New York: Basic Books, 1974); and various articles in *The Libertarian Alternative*, ed. Tibor Machan (Chicago: Nelson Hall, 1974).
5. Harman, "Foundation for Natural Rights," p. 367.
6. Lomasky, "Relativism and Rights," p. 376.
7. *Ibid.*
8. *Journal of Libertarian Studies* 4 (1980): p. 391n. In terms of this characterization, Harman focuses on (3), Lomasky on (2).
9. Hobbes's "right of nature" is, of course, a mere liberty. See his *Leviathan*, chaps. 14-15.
10. See David P. Gauthier, "Why Ought One Obey God? Reflections on Hobbes and Locke," *Canadian Journal of Philosophy* 7 (1977): pp. 425-46.
11. For Locke, see his *Second Treatise of Government*, chap. 2, as well as the excerpts from the *Essay* and the *Essays on the Law of Nature*, in *British Moralists 1650-1800*, vol. 1, ed. D. D. Raphael (Oxford: Clarendon, 1969), pp. 154-90. For Hume, see *A Treatise of Human Nature*, bk. 3, sec. 2.
12. Hume, *Treatise of Human Nature*, ed. L. A. Selby-Bigge, 2d ed. (Oxford: Oxford University Press, 1978), bk. 3, sec. 1, last para.
13. This account is adapted from Gauthier, "David Hume: Contractarian," *Philosophical Review* 88 (1979): p. 6, and from Lewis, *Convention*, chaps. 1-3.

Review Essays & Reviews

Philosophical Explanations. By Robert Nozick. Cambridge, Mass.: Harvard University Press. 1981.

I, too, seek an unreadable book: urgent thoughts to grapple with in agitation and excitement, revelations to be transformed by or to transform, a book incapable of being read straight through, a book, even, to bring reading to stop. I have not found that book or attempted it. Still, I wrote and thought in awareness of it, in the hope that this book would bask in its light.

The opening sentences of Robert Nozick's *Philosophical Explanations* suggest that one is embarking on a book of uncommon scope and intention, one liable alternately—or simultaneously—to dazzle, bewilder, and edify. The expectation is amply realized in the 647 pages of text and additional 102 pages of notes. With extraordinary verve and ambition, Nozick embraces in six long chapters problems basic to the philosophic enterprise: identity of the self, why there is something rather than nothing, the nature of knowledge and its challenge by skepticism, free will, value, and the meaning of life. Each of these major topics subsumes dozens of separate investigations, the whole being peppered with digressions and asides.

The intellectual patrimony from which it draws is correspondingly vast. Not surprisingly, the references display easy familiarity with work in the Anglo-American analytic tradition, including its mathematicized variants. Here, though, Hempel and Kripke brush shoulders with Hegel, Heidegger, and Fichte—and assorted rabbis, yogis, evolutionary biologists, psychologists, physicists, aestheticians, and comics. In this case, it is more than a tired cliché to affirm, "There is no other book quite like this."

A mosaic so bold and sprawling cannot be adequately viewed by aiming a light at a few of the pieces that make it up. While each might be singly lustrous, it is the interconnected patterning of the parts that demands attention. Several of the issues addressed by Nozick will be discussed below, and an attempt will be made to identify motifs that interweave their way through the book. But even more than is customary with book reviews, inadvertent misrepresentation lurks. A synopsis may pick out some of the extraordinary

technical accomplishment of *Philosophical Explanations*, but how is it to reflect the exuberant high spirits that animate the book? Philosophizing as encountered here is a joyous activity; grizzled professional philosophers will be reminded of what originally impelled them into their chosen field.

EXPLANATORY RISK-TAKING

The book takes its title from methodological considerations raised in the introduction. Nozick rejects a conception of the business of philosophy as constructing proofs based on self-evident premises that generate inescapable conclusions. He dubs this model “coercive philosophy” and rejects it both because it promises more than it can deliver—one’s interlocutor can either deny a premise or simply walk away from the fray—and because forcing another to believe against his will is morally questionable. The alternative to proof or argument that Nozick holds forth is *explanation*, which he defines as showing how something S is possible, given other facts that apparently exclude S from obtaining. For example, how can it be possible that I know I am sitting in my office at my desk given the skeptic’s possibility that I am a disembodied brain in a vat being stimulated by a mad scientist? A Nozickean explanation will not aim at refutation of the skeptic but rather at the giving of an account that would render understandable how I can know that I am in the office *and* how the skeptical rejoinder can have the unsettling power we feel it to have. *That* S is true is the burden of argument; *how* S can be true is the query/quarry of explanation.

Nozick seems to be proposing a fundamental alteration in the way philosophy is done; yet the distinction between coercive proof and noncoercive explanation seems too tenuous to carry the weight of any decisive shift. It is, of course, only in a metaphorical sense that we can speak of arguments as coercing anyone, and it is doubtful that the metaphor carries as much conviction in philosophical practice as Nozick would have it. True, one speaks of arguments as *powerful*, *forceful*, even *knockdown*, but also as *persuasive*, *attractive*, *elegant*. The latter are terms of seduction, not rape. And although philosophers are not unmoved by the allure of changing others’ minds, few respond to recalcitrance with cold fury. Philosophical conversations are voluntarily entered into by those who so choose, typically with the understanding that universal and enduring consensus is the outcome least likely to emerge. It is passing strange to see the author of *Anarchy, State, and Utopia* construing *coercive* so broadly.

The history of philosophy provides few instances of individuals claiming to have discovered incontrovertible arguments that lead from self-evident premises to unshakable conclusions, and these few are not necessarily to be taken at face value. (The strategy *is* to be taken at face value within mathematics, but Nozick offers no strictures against a coercive mathematics of axiomatization and proof. Indeed, the book features a number of mathematical proofs. Is this, too, “[not] a nice way to behave toward someone?” [p. 5]) Thoroughgoing foundationalism is so little practiced and so often criticized that a condemnation of coercive philosophy seems moot.

I find the introduction to be doing something rather different from what is advertised. Nozick’s quarrel with contemporary analytic philosophy is less one

of *method* than one of *range*. A lingering heritage from positivism is the reluctance to confront directly global conundrums on which hinges our conception of ourselves as valuable and precious. These are the puzzles that motivate the initial attraction to philosophical reflection and that underpin the world's great religious traditions. Analytical philosophy may have moved beyond issuing manifestos that rigidly segregate sense from nonsense, but discomfort with untidily large questions still constricts its practice. The novice who seeks enlightenment at one of our major universities will be taught that investigation is to proceed by way of manageably small units, and that it will most often take the form of precise scrutiny of language. Issues that are not amenable to treatment in this fashion carry within themselves the seeds of incoherence, and the inclination to pursue them will have been sublimated well before the doctoral dissertation is attempted.

Analytic philosophy is not coercive; it is risk-averse. The outcome it most dreads is foundering in a sea of enigmas from which reason cannot plot a confident egress. Nozick, however, obviously delights in risky activity. He is unwilling to abide by constraints that counsel caution except where a clear line of progress is foreseen. Explanation, as he wields it, eschews the safety of solid premises and methodical reasoning therefrom. Instead, it posits a way of viewing the world that *might be true* and that charms in virtue of its responsiveness to philosophical perplexity. It is not the case that within the context of an explanation, anything goes; Nozick need not apologize to anyone for the analytical rigor of his arguments. An explanation's risk quotient derives not from slapdash syllogizing but rather from the tenacity of questions entertained and the willingness to suspend fixation on the truth of one's premises.

Can one, though, be so noncommittal—some will say cavalier—about the *truth* of one's speculative constructs? Foundationalism is a red herring, but what raises concern is whether this exercise in free-form creativity is continuous with the disciplined search for truth by way of rational reflection that has traditionally gone by the name "philosophy."

Nozick explicitly addresses this concern in the last two pages of the book, but his statement that "philosophy must be true enough to the world" (p. 647) seems deliberately designed to keep this particular cauldron bubbling. Perhaps that is a tactically sound move. If explanation is to be validated, it will not be through metatheoretical considerations but through the ability of particular instances to enliven philosophical activity. That is, Nozick's most important advocacy for this conception of philosophy is implicit in the discussions he offers. If they elevate, captivate, impress, animate—and perhaps jog one closer to significant truths—then explanation is vindicated; otherwise, it is not. Therefore, I now turn to those discussions.

THE CHAIN OF EXPLANATION

Chapter Two, "Why Is There Something Rather than Nothing?" is perhaps the one most representative of Nozick's enterprise. The question appears bleakly unpromising. Anything that figures in an explanation is itself something that potentially stands in need of explanation, and so a noncircular *complete* explanation, one that leaves nothing unexplained, is impossible. If the chain of explanation is nonterminating, then there is no final explanation

in terms of which all else is intelligible. If the chain is finite, then there is a last link that is itself unexplained.

Nozick's crucial move is to press the investigation one step further by considering more closely whether all self-explanation is perniciously circular.

E_1 : p because p

is clearly unsatisfying if put forth as an explanation of p . But consider a quantified proposition of the form:

E_2 : Every statement having characteristic C is true.

If E_2 itself has characteristic C , then E_2 is true in virtue of being an instance of itself. The intuitive distinction between E_1 and E_2 as self-explanatory principles is that the latter possesses a kind of logical depth that the former does not. E_2 as *explanans* is at a different level than E_2 as *explanandum*, and thus self-explanation need not have the feel of uninformatively standing in the same place.

The intuitive case for self-explanation via quantification theory stands in need of considerable sharpening and refinement. Nozick admits that self-subsuming explanation appears strange; but rather than taking that as a mark against the strategem, he counts it in its favor:

The question [of why there is something rather than nothing] cuts so deep, however, that any approach that stands a chance of yielding an answer will look extremely weird. Someone who proposes a non-strange answer shows he didn't understand this question. Since the question is not to be rejected, though, we must be prepared to accept strangeness or apparent craziness in a theory that answers it. [P. 116]

It is only to take the author at his word to agree that the subsequent 50 pages contain an ample quota of strangeness. Along the way he considers whether there might "be" a state that transcends both being and nonbeing, a "reality" (language inevitably stalls in such rarefied atmosphere) that neither is nor is not but that existence and nonexistence alike presuppose. This slides into a discussion of the epistemic status of mystical experience and concludes with what may well be the oddest footnote ever to grace a philosophical manuscript. (Revealing its content would be as unkind as the movie reviewer's giving away the plot of a whodunit. However, readers who might find themselves interested in possible connections among self-subsuming relations, Hatha yoga, the interpretation of esoteric texts, and auto-fellatio will do well to turn to pp. 163-64.)

Is this journey truly necessary? Nozick says that the question why there is anything at all is not to be rejected; but he provides, so far as I can detect, no reason whatsoever for that judgment. That is, even if he is persuasive in suggesting that a *summary* dismissal of the question is too abrupt, a more deliberately rehearsed dismissal may be precisely what is indicated. Indeed, some might take the waywardness of Nozick's rambles to be prime justification for just that course. And how can he say nay? To insist that the question

may not be rejected hints more than a little of that coerciveness he has decried elsewhere.

Rather, the question is embraced because he *wants* to confront it; Nozick's proclivity for bearing risks is nowhere better illustrated. To take as an embarcation point the Vedic Hymn of Creation is not the stuff of which ordinary philosophical activity is made, but ordinary treatments of standard issues are clearly not what Nozick seeks. What he achieves is, however, another matter, one much harder to judge, at least for this reviewer.

Where a range of discourse has a firmly established tradition within a philosophical community, conceptual moorings have been frequently tested, and proposals have benefited from considerable prior criticism and modification, it is with relative confidence that one can judge the merits of a suggestion that is novel yet basks in familiarity inherited from similar conjectures. As innovation becomes more radical, it becomes progressively more difficult to judge with any degree of assurance whether one is confronting a move that has high potential for continued development or instead a hopeless jumble. In at least this respect, philosophical judgment resembles aesthetic judgment.

For what it may be worth, I found the discussion of a realm beyond being and nonbeing mostly impenetrable—and would confess to being mystified were I impervious to the charge of reveling in a bad pun. Nor has Nozick stilled all doubts about the explanatory value of self-subsuming propositions. The metaphor of depth has some resonance, but whether it can intelligibly be construed as providing the room between *explanans* and *explanandum* that any bona fide explanation must have (and that “p because p” blatantly lacks) remains unestablished.

Even a cursory acquaintance with the semantic paradoxes will prompt uneasiness concerning the coherence of a proposition explaining itself through an endless cascade of levels. An analogue to explanation of everything might be a map that maps everything and thus maps itself, thereby mapping itself mapping itself, thereby. . . Or is the appropriate analogy that of a city map that, in virtue of being isomorphic to itself, also maps itself? If so, is every map—is every *thing*—a map of itself? Reflexive mapping seems to involve a breakdown in our concept of what a map is. Perhaps the same is the case for reflexive explanation. Here, however, intuitions also run in the opposite direction: a complete theory of grammaticality in English may be written in English sentences whose grammaticality is explained by that theory. If this isn't incoherent, then perhaps neither is Nozick's explanation (more accurately, package of alternative explanations) of why there is something rather than nothing. I have little confidence in my ability to judge.

With very great confidence, however, I can assert that various of the digressions and byroads of the chapter are splendid. The examination of mystical experience is the most important offered by any philosopher since William James. Nozick's analysis of the distinction between inegalitarian and egalitarian theories amounts to a solid contribution to the theory of explanation. And his skill in utilizing formal relational properties such as reflexivity, self-subsumption, and iterated structures pays philosophical dividends throughout the remainder of the book. This chapter resembles the NASA moon landing venture: the overriding national purpose—getting there before the Russians—may have been of questionable worth, but several of the spinoffs are undeniably positive.

IDENTITY AND KNOWLEDGE

The chapters "Identity of the Self" and "Knowledge and Skepticism" are those that will seem most familiar to analytical philosophers. Standard problem cases and ingenious variations on them are introduced, the literature surveyed is culled much more heavily from philosophy journals than from *Midrash Rabbah* or Vedantic hymns, and the explanations proffered look much like old-fashioned philosophical arguments. That is not to deny originality to these contributions but rather to note that originality is displayed within recognizable forms. In both chapters the results are dazzling. I shall be brief in my scrutiny of them because they are certain to become a touchstone for further philosophical explorations during this century and well into the next.

A vast literature has accumulated since Locke on the criteria for personal identity. Nozick uses it creatively as the jumping-off point for his own proposal, the closest continuer theory. Briefly, it holds that I at time t_1 am identical to the person at t_2 who is the closest continuer of myself at t_1 provided that the person at t_2 is "close enough" to the person I am at t_1 . This is the bare framework of a theory; it is fleshed out by specifying how close is "close enough," what dimensions count in the evaluation of closeness, and how relative weights are to be assigned along these dimensions. It is notoriously the case that any particular way of specifying what should count in judging identity over time, especially what should count *decisively*, is susceptible to problem cases. Nozick's own proposals are no exception, but he is particularly persuasive in elucidating why characteristic problem cases are felt to challenge conceptions of identity.

Were it not the case that we insist on viewing ourselves as uniquely precious and that each recognizes reason for special care about *the future self that will be he*, there would be no acute dilemma of personal identity. That issue would merge into the general problem of identity conditions for temporally extended entities. The identity of the continually rebuilt ship of Theseus requires a theory that is consistent and otherwise logically tight (transitivity, etc.); almost any such theory might do. But personal identity is further constrained. It is not enough that a future being just *turn out* to be me rather than someone else; in a deep sense, the identity ascription cannot be contingent or a matter of arbitrary stipulation. For example, suppose that at t_1 you know that there will exist two persons at t_2 each close enough at t_2 to be you but scoring equally high on the closeness function. Which is you? It seems unsatisfactory to hold either: (1) neither is you, and so you have no reason to care specially about either one, though you would have had reason to care about the one you would have been identical to had the other not existed; or (2) both are you, although they are not identical to each other; or (3) you are identical to the one of them who meets some arbitrary criterion (e.g., being closest to the North Pole at t_2).

No theory can entirely avoid a whiff of the paradoxical when confronted with such riddles; Nozick's efforts are directed not so much at blowing away that whiff as at tracing its source to what it is about our future selves that prompts the caring relationship. Part of his response is a quasi-Fichtean analysis of the nature of the self in which it is created over time through its own acts of referring to itself. Reflexivity strikes again! Here, though, I find it strikingly successful; an adequate account of personal identity cannot construe

identity merely as a passively received endowment from without, but as something a person continually creates and recreates through acts of *identifying* himself with particular objects of care—including, but not limited to, himself. An “identity crisis” is not merely homonymously related to the metaphysical problem of personal identity, in spite of the fact that some familiar accounts leave room for no closer, no more interesting, connection. In short, this chapter *must* be read.

The discussion of knowledge and skepticism is also first-rate. Again, it displays command of the literature and great facility in manipulating problem cases. Nozick proposes that knowledge be understood as actual and counterfactual *tracking* of truth. At first acquaintance, the tracking explanation seems clever but appears, in managing hard cases, to offer no more than a marginal gain over an epistemological theory featuring a best-evidence criterion. That initial impression misleads; the full power of his proposal is revealed only when it confronts the challenge of extreme skepticism.

Stripped of complicating details, the tracking theory analyzes “S knows that p” as:

1. p is true
2. S believes that p
3. If p weren't true, S wouldn't believe that p
4. If p were true, S would believe that p.

Condition (4) requires some clarification. It is not good enough for knowledge that S in fact believe (the true) p; it must also be the case that had circumstances been *slightly* different (the emphasis is crucial), S still would have believed that p. This can be phrased: in those possible worlds close to the actual world and in which p is true, S believes that p. A similar understanding is given to (3): in those possible worlds closest to the actual world in which p is false, S does not believe that p. This is labeled *tracking* because S's beliefs tenaciously track truth (and falsity) across various possible worlds.

Skeptical possibilities challenge knowledge at condition (3). If S were a brain in a vat being appropriately stimulated by the stereotypical mad scientist, S would believe p though p were not true. S doesn't know that he is not a brain in a vat (because he would have precisely the same beliefs he now has if he were/is a brain in a vat); ergo, S does not and cannot know that p.

The crucial move in Nozick's response is to deny that knowledge is closed under known logical implication. S may know that p, know that p entails q, yet not know that q. In the particular case, S knows that he would not know that p were a brain in a vat, S does not know that he isn't a brain in a vat, yet S still knows that p. The skeptical possibility can be granted, yet knowledge survives.

How this is so can be explained in terms of possible worlds. Condition (3) holds because in those possible worlds *closest to the actual world* in which p is false, S does not believe p. To be sure, in the possible world in which he is a disembodied brain, he does believe p, but that world is too distant from the actual world to falsify the counterfactual conditional expressed by (3).

This may seem unacceptably tricky; what is remarkable about Nozick's discussion is that reading it makes the decisive move against skepticism seem almost obvious, not even a slight trick. (Is prestidigitation raised to its highest degree when it seems so commonplace as not to be worth a second glance?) It

may actually be the case that he has carried out his project of showing that skepticism does not defeat knowledge, while simultaneously exhibiting the source of skepticism's Hydra-like power to intrude its disturbing doubts no matter how often it has been "refuted."

One may continue to fear, however, that the pacification of skepticism is a Pyrrhic victory. The tracking theory is content to swallow the result that one does not know, indeed *cannot* know, that one is not a brain in a vat. Knowledge is safeguarded only by conceding that knowing a fact is compatible with inescapable ignorance concerning the necessary conditions for its truth. This is, of course, consistent with Nozick's espousal of philosophical explanation as replacing proof; in both cases, fixation on the truth of one's premises is rejected. Yet for one who is persistently attached to concern for the *reasonability* of premises, that they not rest on thin air, tracking is insufficient to remove the skeptical barb.

VALUE

Many, perhaps most, readers of *Philosophical Explanations* will come to it because of their prior reading of *Anarchy, State, and Utopia*. Nozick's further exploits in political philosophy are what they seek, and they will first turn to the section on value, leaving until later the chapters discussed above.

They will be disappointed. Political philosophy receives a nod only in passing. The connection to the earlier book is predominantly negative: one of its most important reviews was titled "Libertarianism without Foundations."² The current work can be characterized as "Foundations without Libertarianism."

That is not to say that these three chapters are without interest; perhaps the one thing that Nozick could not do is write dull material. But the approach is apt to defeat expectations. Construction of a general theory of intrinsic value is Nozick's primary objective, and he takes the surprisingly old-fashioned route of defining value as degree of organic unity. What is decidedly not old-fashioned is the analysis of the formal properties of value and of the act of valuing value. This is done at a very high level, and if taken simply as a derivation of necessary conditions that must be met by a general axiological theory, it makes a substantial contribution. But Nozick attempts more than an exhibition of the formal structure of value; he wants to argue that the unification of diversity best exhibits those requisite formal properties, that it (largely) suffices to provide the *content* of value. He fails, and I think fails by a wide margin, to convince, because what counts as relevant unities remains mostly opaque.

For example, Nozick confronts the objection that, on his account, a concentration camp emerges as intrinsically valuable, because it collects diverse elements into a tightly organized unity. Not so, he replies; the purpose, the *telos*, of a whole is an important component of unity. A concentration camp aims at the destruction of valuable (i.e., organically unified) beings; therefore it possesses disvalue.

This seems *ad hoc*. Why isn't the destruction of low-level unities in the cause of an all-encompassing unity a net gain in value? Do we know that it isn't *because* we know that concentration camps are bad things? Suppose that we

think not of Hitler's concentration camps but of Pharoah's; people are enslaved but not destroyed, and they unify lots of sand and water into very impressive wholes. Shouldn't Moses have had more respect for *this* kind of unity? To shift gears a bit, how do we compare the respective degrees of unity in diversity of a spontaneous market order with a hierarchically structured planned economy? F. A. Hayek prefers the former, John Kenneth Galbraith the latter; who is right? Does the question even make sense if construed as an inquiry into comparative degrees of organic unity?

Nozick has, I think, allowed fascination with formal structures to overwhelm concern for applicability. The theory is presented at so abstract a level that it could be as easily wielded by an organic state collectivist as by a Nozickean libertarian. This is the *wrong* kind of universalizability to aim at in value theory! Nozick has parsed knowledge as tracking truth; he now wants to explain ethics as tracking bestness. The symmetry has undeniable allure, but while truth is anchored in the firm cement of the way things are, value has been left as otherworldly and intangible as a Platonic form.

Although the major projectile misfires, it throws off sparks that are incandescent. Nozick's analysis of Glaucon's challenge—"Show that being moral pays"—in terms of "ethical push" and "ethical pull" is valuable even if one rejects organic unity as the force exerting the push and pull. An uncommonly persuasive justification of retributive punishment is set forth, in which retribution is explained as a certain way of connecting the malefactor with correct values from which his past actions have "unlinked" him. I think that the analysis ultimately breaks down because justifiable retribution must rest on response to the flouting of *law*, not the more general flouting of value. Nozick has very little place in his retributive account for law, possibly because of his proclivity for state-of-nature theory, within which the justifiability of punishment is logically prior to the formation of civil society as a law-enacting body. Still, for anyone concerned with the theory of punishment, this is required reading.

Space is lacking for even a quick tour of the sections on free will and determinism and the meaning of life. Each is apt to prompt vigorous disagreement, but each will amply repay careful reading and rereading. If the chapters on value disappoint, they do so only relative to Nozick's previous work, his superb achievements in the metaphysics and epistemology chapters, and his own professed aims. Judged against more tolerant standards, they are very good indeed.

RECOMMENDATION

Self-pity is an unattractive trait in a reviewer. Laments that it is impossible to do justice to so vast and sprawling a book, one that mines deeply diverse disciplines and traditions, are likely to be met with sighs of indifference. Perhaps, then, an appeal to the reader's own self-interest will be more effective; *Philosophical Explanations* more than most books exceeds the sum of its parts. Experiencing it second-hand is like reading a menu in place of eating a meal. Because several of its discussions are certain to shape the way philosophy is done in succeeding years, reading it is a high-return professional

investment. But it is also an opportunity to experience someone outstandingly good at what he does, doing it with imagination and unbounded enthusiasm.

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1. Robert Nozick, *Anarchy, State, and Utopia* (New York: Basic Books, 1974), especially pp. 262-65 on voluntary exchange. However, it appears as less of a deviation when compared with his "Coercion" in *Philosophy, Science, and Method: Essays in Honor of Ernest Nagel*, ed. Morgenbesser, Suppes, and White (New York: St. Martin's Press, 1969) pp. 440-72.
2. Thomas Nagel, "Libertarianism without Foundations," *Yale Law Journal* 85 (1975): 136-49.

All That Dwell Therein: Essays on Animal Rights and Environmental Ethics. By Tom Regan. Berkeley and Los Angeles: University of California Press. 1982.

All That Dwell Therein is a collection from Tom Regan's recent journal articles and public lectures. Each essay is preceded by an introduction that gives autobiographical information about the circumstances under which it was written, relates it to other essays in the collection, and describes the controversies it engendered (providing bibliographical references). The whole collection also has its own Select Bibliography on the topic of animal rights (not including environmental ethics). These extra features of the book give it value beyond that of the articles contained in it.

On the other hand, *All That Dwell Therein* has the usual faults of a collection of previously published essays—repetition and self-contradiction. Starting afresh in each essay, an author goes over much of the same ground traversed earlier; and second thoughts, perhaps in response to public criticism of his earlier publications, often lead him to modify his previously expressed views. Because of these inherent faults, the rule is that occasional essays must be of very high quality to justify their collection in book form; and Regan's pieces, in both style and content, fall below the standard I consider appropriate.

In content, most of the essays are concerned with the proper status of the lower animals within ethical theory. Regan is well known as an advocate of better, more considerate treatment of lower animals, to the point of not using them for food or for medical experimentation. But to argue seriously for these views, he must derive them from a plausible ethical theory. The most important part of Regan's task is the discovery and exposition of such a theory; and, I shall argue, his near complete failure to find and expound one makes his book a failure overall.

One ethical theory that might serve the purpose is utilitarianism. It does seem that a utilitarian should oppose the infliction of suffering and promote the satisfaction of desires regardless of whether or not the subject is human. Perhaps it follows from this that animals deserve vastly better treatment than most of them receive; such is Peter Singer's line of thought (see his *Animal Liberation*).

But Regan is a consistent opponent of utilitarianism—in one place he calls it “my major theoretical nemesis” (p. 115). In “Utilitarianism, Vegetarianism, and Animal Rights,” he examines Singer's utilitarian arguments against killing and injuring animals and finds them wanting. His major objection is that the equal *counting* of similar interests, which is implicit in utilitarianism, does not imply the equal *treatment* of beings with similar interests overall (since more utility might be produced by sacrificing some for the sake of others). I would add that it certainly does not imply the equal treatment of beings whose interests are systematically different, as are those of normal human beings, and say, cattle. Furthermore, a typical human being will have a richness and variety of interests that no idiot, and *a fortiori* no cow, can have. If the disparity is great enough, a utilitarian may find himself *almost* dismissing cows' interests

from his calculations, since human beings' interests will vastly outweigh them. So utilitarianism does not clearly require vegetarianism and other "pro-animal" behavior; at least, the case is yet to be made.

These criticisms of Singer are well taken and should be remembered when Regan's own position is evaluated. While Singer's basic ethical theory does not seem to imply his strictures about the treatment of animals, neither, I shall claim, does Regan's imply his similar strictures; and in addition Regan's ethical theory is stated with extraordinary vagueness, whereas Singer is quite clear about his. In a comparison with Singer, Regan does not come off well.

As an alternative to utilitarianism, Regan proposes an ethical theory that relies heavily on a notion of fundamental *rights* and that requires us to ascribe to animals certain rights that are violated by much of the treatment they routinely receive.¹ In seeking to expound such a theory, Regan devotes most of his effort to the search for a criterion of rights-possession—a property, that is, that is necessary and sufficient for the possession of rights. Some of the criteria that have been proposed as at least necessary conditions are: rationality, a faculty of choosing, the ability to make long-range plans, the ability to make and keep promises, and the ability to understand the concept of rights. Other more-or-less intellectual capacities have also been proposed, and the mere potential for developing these capacities rather than their actual possession has also been suggested. Remarkably, Regan dismisses all these proposals out of hand, without discussing their plausibility.

In justification, he appeals to the principle that even the most defective human beings have rights. (Actually, he is inclined to except the irremediably comatose, though he finds no strong argument for doing so. See especially "An Examination and Defense of One Argument Concerning Animal Rights.") When it is added that the more intelligent of the lower animals are just like very defective human beings in all relevant respects, we get an "argument from marginal cases," whose conclusion is that the more intelligent lower animals have rights. Since infants, idiots, and chimpanzees are being ascribed rights, clearly no intellectual criterion of rights-possession that is at all stringent can be acceptable. But both premises of the argument from marginal cases are dubious.

As for the first premise, the pretense that even the most defective human beings have rights may be a sort of legal fiction, adopted because of the inexpediency of encouraging legal officials to attempt to distinguish between human beings who do and those who do not have rights (especially since the number of the latter will be quite small). Granted, we feel a certain repugnance at the thought of treating even the most defective human beings in certain ways. But we also feel repugnance at the thought of treating corpses, or patriotic and religious symbols, in certain ways: this does not show that they have rights.

The second premise is doubtful because human beings apparently possess potentialities not found in any other terrestrial species. Even a severely brain-damaged human being may stage a surprising recovery of his faculties; then we would want to say that he had rights all along (just as people do when they are asleep). Normal human infants, too, clearly have potentialities that set them apart from the lower animals. Perhaps these potentialities justify our ascribing rights to infants and many defective adults, while denying them to animals.

With two such plausible responses to it, Regan's argument from marginal cases must be adjudged quite weak. It is all the more unfortunate that his reliance on it prevents him from considering any of the interesting questions that arise about the various intellectual criteria of rights-possession.

By rejecting any intellectual criterion, Regan necessarily rejects (though without discussion) the social-contract tradition in rights theory, according to which the system of rights has been developed as an improvement over the "war of all against all." When rights are widely acknowledged, the individual can largely rely on others to control their own potentially aggressive behavior, rather than having to attempt to control it himself. He has no need for extreme self-defensive measures, such as "preemptive strikes." He need only bring *his own* behavior into conformity with his recognition of others' rights. But rights so conceived can be attributed only to responsible agents, those who possess what Regan calls autonomy. The lower animals would not qualify.

Just because lower animals lack self-control or autonomy, their place in the system of rights must be quite different from that of normal people, even on Regan's extremely egalitarian view. The recognition of others' rights is supposed to constrain a person's actions. If he knowingly violates their rights, most theorists would hold, he thereby forfeits some of his own rights and becomes a proper object of punishment. But no one expects such recognition to constrain the actions of lower animals. So if they are nevertheless accorded rights, they can evidently never do anything to forfeit them—they can never rightfully be punished for violating the rights of others. In a way, this is sensible enough. No one is proposing to *punish* a wolf for killing a lamb, even though he has done something that, if it had been done by an autonomous agent, would (according to Regan) have been a violation of the lamb's rights. But it is thus apparent that normal human beings are being held to a higher standard of conduct than are lower animals—are subject to sanctions that are not applied to the latter—even though both equally enjoy the protection of rights. This hardly seems fair to the people.

Though Regan often tells us that lower animals should occupy a moral position like that of feeble-minded human beings, a different analogy would in many cases be more apt. When we consider that some kinds of animals, especially carnivores, systematically trample on the alleged rights of other animals, we must liken their position in Regan's system more to that of criminally insane people. The criminally insane have rights but are not expected to control their own behavior. Instead, others exercise that control, in ways that would violate some of the rights of a normal human being. But there is a justification for classifying people as criminally insane—namely, that their derangement may be only temporary, that they are at least potentially rational—which is lacking in the case of lower animals. The analogy does not strongly support the claim that lower animals should be accorded rights.

In "Animals and the Law," Regan collects some old legal cases in which animals were the defendants; in some of them an animal was found guilty of a crime and punished. In our more enlightened age, animals are thought to have almost no place in courts of law. But Regan is not satisfied with this progress. He wants to bring animals back into the courts: not as defendants, but as plaintiffs, or as the injured parties on whose behalf the state undertakes prosecution. It seems to me that this would be the swing of the pendulum from one extreme to the other.

Regan finally proposes that, in a sense, the *possession of interests* is the criterion of rights-possession. As I shall explain, he discovers an ambiguity in the notion of *interests*, so that the criterion is not as clear-cut as it seems. But let us ignore that for a moment and ask what would follow from the proposition that animals, since they have interests, have rights.

The first point to note is that nothing follows directly about *which* rights

animals have. Even if we know that animals have rights, it will take further argument to show that they have this or that particular right. Regan never supplies any such further argument, beyond making the negative point that one's rights are limited by the extent of one's capacities (pp. 142 ff.).

Instead, he arbitrarily attributes to animals two rights: the *right to life*, and the *right to be spared gratuitous suffering*. Now, the term *gratuitous* in the latter phrase robs it of all force. For the mere fact that someone wants to do an action that causes suffering shows that—in his view, at least—the suffering is not gratuitous but is rather a concomitant of the achievement of some good, if not a good in itself. And in any case these rights are regarded by Regan as *prima facie* only, rather than as absolute side-constraints on action. “A right may always be overridden by more stringent moral demands” (p. 18). Perhaps this is the best view of rights; but then knowing someone's rights helps us determine how to treat him only insofar as we know how to measure “stringency,” and Regan's articulation of this notion is inadequate. He does say that the right to be spared suffering is not to be overridden solely in order to provide pleasure for others, unless the pleasure is much greater in amount than the pain and the pain itself absolutely small in amount (“trivial”) (pp. 18 ff.). Elsewhere (p. 91) he maintains that overriding someone's right (and thereby harming him) is justified only in order to prevent “vastly” greater harm to others. Besides their obvious vagueness (what order of magnitude is represented by “vastly”?), these principles have an *ad hoc* look; they are not very plausible candidates for the role of fundamental moral principle. And they do not provide a clear case for vegetarianism, as we can see by trying to use them to judge a human carnivore.

Let us take as our defendant a person who has killed a lower animal and eaten it, thereby harming it and overriding its right to life. If this is a “trivial” harm, then the carnivore may be justified on the grounds that he derived a lot of good out of eating the animal, an amount of positive utility that “vastly” exceeded the harm done.² Now, to evaluate this defense we must be able to compare amounts of utility between the members of different species. *Interpersonal* comparisons of utility are notoriously difficult; *interspecific* ones are even more problematic and ought not to be appealed to without discussion. But in “The Moral Basis of Vegetarianism,” Regan seems unaware of the problem. Note that we cannot just assume that the harm done in killing a lower animal is nontrivial. If we knew how to make interspecific utility comparisons, we might find that killing a fish, or even killing a cow, had a negative utility equivalent to pricking a person's finger with a pin.

But if killing a lower animal always produced a nontrivial amount of negative utility, then (in order to satisfy Regan) the carnivore would have to show that he would have been seriously harmed by not eating meat, in an amount vastly greater than the harm done by killing. No utility *gain* could justify his action in Regan's eyes, but only the *prevention* of a utility *loss*. Now this emphasis on the difference between gain and loss-prevention is implausible. It does not seem important whether an action increases or decreases utility compared with the starting point; what matters is whether utility is increased or decreased compared with the results of alternative actions. Here, then, we ought to compare the individual's utility level if he eats meat with his level if he does not, regardless of whether either level is higher or lower than his pre-meal level. Regan's radical distinction between acts that increase utility and those that prevent its decrease seems misguided.

Thus the only plausible part of Regan's divergence from utilitarianism is his

insistence that *much* more good than harm must result from a rights-violation (as compared with alternative actions) in order for it to be justified. Then even if we grant to lower animals the rights to life and to nonsuffering, this will not obviously imply that we should not use them for food; for the problem of interspecific utility comparisons has not yet been solved.

With regard to the nature of interests, Regan seems torn between two conceptions that yield quite different results. He identifies these two conceptions with *explicit or conscious interest*, on the one hand, and *conduciveness to one's good or welfare*, on the other. Roughly speaking, you have an "interest" in X in the first sense if you think X would be good for you; in the second sense, if it really would be.

Now, obviously, possession of an interest of the first kind requires sentience. Accordingly, "neither clams nor oysters, amoebae nor paramecia" can plausibly be assigned rights (p. 162). But what if the second conception of interests is the appropriate one; will this conclusion still hold? I would say yes—that possession of an interest of the second kind also requires sentience. But in "What Sorts of Beings Can Have Rights?" and in "The Nature and Possibility of an Environmental Ethic," Regan considers and very tentatively endorses the negative answer. He thus lends his support to the truly wild thesis that nonsentient beings can possess rights.

As an example, Regan offers his Datsun: putting antifreeze in its radiator in the winter makes it a better car (or keeps it from becoming a worse one), and hence contributes to its good, though the car is nonsentient (p. 178). The Datsun has a *good of its own*, independent of any person's interests in it; it has *inherent value*. Thus it has rights.

Now the same can be said, according to Regan, for other artifacts, for plants, and for natural objects such as mountains and rivers; so they, too, have rights. These provide a moral ground for objecting to the activities of real-estate developers and industrial polluters, a ground that is quite independent of the bad effects of their activities on *people* or even on *sentient beings*. We are within sight of a truly "environmental ethic," as opposed to a person-centered "management ethic."

Warming to his subject, Regan speculates that the failure to recognize the rights of nonsentient beings may be the result of an insidious prejudice—*sentientism*, akin to the dread racism, sexism, and speciesism (pp. 184-85). But he does not seriously demand that we stop discriminating against those that cannot feel in favor of those that can; for Regan's own championing of the nonsentient is never more than tentative, and he allows himself to suggest that normal human beings, because of their autonomy (which involves both sentience and intelligence), are of greater inherent value than are lower animals, not to mention plants and inanimate objects (pp. 137-38). If the difference in inherent value between the autonomous and the nonautonomous were great enough, this would be practically to bring in an intellectual criterion of rights-possession by the back door. Again, it is far from clear that Regan's principles have the revolutionary implications he proclaims for them.

As a weapon in the battle against developers and polluters, Regan's "environmental ethic" will be logically valueless (though it may have some rhetorical effect) until he produces a clearer account of inherent value. Some of his remarks suggest that everything has its own inherent value and hence its own *prima facie* right to exist. If so, then, since virtually any action will involve the going out of existence or the substantial modification of something or other, we can do *nothing* without violating some rights. Probably Regan

would want to hold that only some things have positive inherent value and that great differences in inherent value are important in deciding which *prima facie* rights are to be upheld. But then the whole burden of his policy recommendations will rest on his account of how much inherent value each thing has. In *All That Dwell Therein*, this account is incredibly sketchy. Furthermore, the environmental ethic may well undercut his argument for vegetarianism: if not only animals, but plants and inanimate objects, have a right to exist, then there will be nothing *especially* objectionable about eating animals.

Insofar as Regan does offer us an account of inherent value, it seems to me that he tacitly relies on two very dubious philosophical theses, the first of which is essentialism. In order to assess the inherent value of Regan's Datsun, we must be able to see which classification of it is relevant. It must be *essentially* a car, rather than a *subcompact sedan* or a *vehicle*. If it had many equally good classifications, we could not assign it a unique inherent value. But if we know it is essentially a car and nothing else, we can evaluate it relative to the purposes for which cars in general are built; we will know which modifications of it are improvements and which are impairments. Altering it so as to make it a pickup truck, for example, will completely destroy it, since it will no longer be a car; but if it had been essentially a *vehicle*, such a modification might actually have increased its inherent value.

The second dubious philosophical thesis is creationism. In order to carry over what Regan says about artifacts such as cars to natural objects such as mountains, we must view the latter as being really artifacts too—as having been *created* for some *purpose*. Only by knowing the purpose for which mountains are created can we judge whether, for example, a mining or timber-cutting operation will make it a worse mountain and hence reduce its inherent value.

In spite of an offhand reference to the wisdom of Aristotle and Aquinas (p. 180), Regan makes no attempt to resuscitate either of these philosophical theses. That heroic task must be taken on before he can hope to make his environmental ethic plausible to most contemporary philosophers. The prospects for success are dim.

In sum, I find too little clarity and cogency in these essays. Nor does their style—which sometimes falls into a logic-chopping imitation of G. E. Moore and which includes a couple of purple passages of bad rhetoric (“Animal Rights, Human Wrongs” is the worst offender)—do much to redeem them. The book will appeal chiefly to readers who pride themselves on keeping up with all the literature on animal rights and environmental ethics.

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1. “I believe utilitarianism places too much value on consequences and not enough value on individuals. And I believe this deficiency in utilitarianism points to the need to postulate basic moral rights for animals as well as humans” (p. 70; see also p. 90). Regan adds (p. 70) that those who disagree are simply prejudiced. Often he is more guarded (see especially pp. 118-19) and presents himself as merely raising the possibility that human beings, and therefore also animals, have rights. But unless this possibility has a fair degree of probability, Regan's discussions are largely uninteresting. Since the book stands or falls with the hypothesis that human beings have rights (as a premise for the argument that lower animals do, too), I shall treat this hypothesis as Regan's without qualification.

2. I assume that by *pain* and *suffering* Regan means negative utility in general and that by *pleasure* he means positive utility.

Blake and Freud. By Diana Hume George. Ithaca, N.Y.:
Cornell University Press. 1980.

In *Blake and Freud*, Diana George has two main aims. The least important to her is to illuminate the poetry of William Blake with the analytic theory of Sigmund Freud. Although as George admits, the choice of Freud rather than Jung might surprise many, the business of reading a poet through a theorist from another discipline is a familiar critical procedure. And George, I think, does this more sensitively than most. Of this more later.

Her larger and more theoretical goal is also more controversial. She contends that Blake, writing more than a century earlier, was in some respects more correct than Freud about certain matters, particularly about the position of women in the whole of human affairs. She isn't only saying that Blake is more suggestive than Freud or that he lends symbolic or artistic expression to theories that Freud would later expound. Rather, George comes right out and says that in certain areas, Blake knew what Freud did not:

Blake's system often points in directions taken by revisionists only after Freud's death, and just as frequently gets where psychoanalysis has yet to go. I intend this study, then, as a contribution to psychoanalytic theory and criticism, regardless of any interest the analytic reader may or may not have in Blake as poet. [Pp. 17-18]

Blake embodies the system George refers to in his poems and engravings. Her willingness to explore his system for contributions to our knowledge of women (or of anything) reveals her belief in the power of poetry and the visual arts. In her view, poetry and engravings (in Blake's case) are not simply charming decorations designed to amuse a cultivated mind—instead, they are conduits of truth; bearers of substantive, not just decorative, content. This is not a new idea, of course, but it is unusual to see someone take it quite so much at face value.

Like many other processes in interpretation, George's is a bit circular. You get going in understanding Blake by seeing him through Freud's eyes (the first of her aims in this book). Then, with a large part of the poet understood, you begin to read Freud more critically, and the poet, at times, seems to see things more clearly than the analyst.

This is implied in George's statement of the program for the second half of the book:

Together with *The Four Zoas* and *Jerusalem*, *Milton* constitutes Blake's version of Freud's *Totem and Taboo*, *Beyond the Pleasure Principle*, *Civilization and Its Discontents*, and *Moses and Monotheism*. These . . . Freudian texts, like Blake's major prophecies, attempt a reconstruction of psychic evolution. As we have seen. . . Freud occasionally gave expression to deep regret that psychic patterns evolved as they apparently did. Blake expressed regret as deep as Freud's, based on a vision as dark as Freud's, but Blake also spoke in the prophetic and prescriptive voice Freud denied himself. [P. 147]

For Freud, Blake, and George, individuals develop primarily, centrally, as sexual individuals, as males and females; not only physically, but especially in their interior, mental development. The events in each life that lead to the developed individual, as well as the events in history or myth that account for humankind's developing in sexual ways, are, for George, "psychic development."

George is not only a Freudian, she is also a feminist. This theme of psychic development, however, takes her some distance from the usual feminist critical concerns. Rather than asking the usual question, What is the image of women in these writers' texts? she asks instead a much more interesting question, What is the nature of women, and how can these two acute observers of humanity contribute to our understanding of it? This is refreshing. And she looks to the future of womankind; she is worried about how it will all end. She finds evidence that Blake and Freud were also worried about this, but particularly Blake, possessor of the prophetic voice.

George finds that Freud was not completely comfortable with what he had said about women. And it would be easy for her to condemn him for his male-active, female-passive identification. Many feminists do. But George has decided that this identification is more description than anything else, and she cites Freud's later writings to point out his uneasiness over this division. He could have avoided this discomfort, this unease, she claims, had he permitted himself a prophetic or artistic escape from his own observations. George sees Freud as trapped by his too-scrupulous attention to nature and the natural, the source of his observations. This slavish attachment elicits some strong language from George as she explains how Freud sought to justify, almost sanctify, his enterprise: "Freud could not outgrow his acolytic attitude toward nature and her science, which promised that illusory objectivity his own discipline anatomized. He worshiped her as a goddess" (p. 222).

In George's view, however, Blake escaped the limitations that kept Freud from acting on his uneasiness. The prophetic and artistic were his sphere, and his view of women was more expansive. He could see beyond what was—Freud's "illusory objectivity"—to imagine Eternity, where (when?) fallen humankind could be redeemed.

In his later, longer poems, Blake created characters or beings to give flesh to abstractions or generalizations about human nature and its future. To embody the essence of womankind, he imagined, in *Jerusalem*, a series of female characters or categories, among them the Female Will, an active character, and the feminine, passive; and he tried to distinguish both of them from the female. All three of these are merely aspects of an ideal Human Form Divine that has male components as well. Or so George sees it. As she admits, these divisions are often unclear, and Blake did not sustain a positive view of these creations of his. For instance, the Female Will, a hopeful sign for feminists because it is an active force, has a dark side. Still, whereas Freud could see womankind only as passive, Blake, at least, could envision an active female even if he did not sustain his optimism in the face of such a creation. And he could envision a sexless, divine form for humanity. His *vision*, as George would have it, went beyond Freud's *description*, and is therefore better. It envisioned womankind in a redeemed state; Freud described womankind in their passive, fallen state.

But this scheme of Blake's, as George admits, has problems. In addition to being unclear and confused, it does not hold out much hope for womankind in

this world. Even for Blake, woman is not redeemed until Eternity. And to further point to the problems, George herself quotes Northrop Frye on the nature of the Eternity that Blake envisioned:

“In Eden there is no Mother-God. . . . God is always the Supreme Male, the creator for whom the distinction between the beloved female and created child has disappeared.”

Then she adds this comment:

Despite Blake’s warnings to the contrary, even so sensitive a reader as Frye has managed to miss Blake’s point. But it might also be suggested that Blake missed his own point. [P. 197]

Missed his own point? George explains this lapse on Blake’s part by claiming that he ran out of language to use to express the redemption of fallen sexuality:

. . . compelled to express ultimately genderless human forms in gendered terms he fell into confusion and error. If “Humanity is far beyond sexual organization” then it is also beyond language and image. [P. 200]

This is always a disconcerting argument—that fallen poets must at some point in their poems succumb to the flaws in our fallen language; that our language, flawed as it is by gender, provides these poets no escape from the values that this gender-laden language drags along with it. It is especially disconcerting to see this argument invoked in the name of a poet who so clearly set himself up, and none too humbly, as a prophet. How do you prove that this lapse into fallen language is what happened to Blake, and not that he is simply unclear on this point or that he contradicts himself? To put it another way, how does George catch a point that eludes both Northrop Frye and even, perhaps, Blake himself? She does not tell us.

It is here that *Blake and Freud* becomes political. But it is a scrupulous, self-conscious, gentle kind of politicization. The tanks of dogma and self-righteous preconception do not come rolling in to flatten and distort Blake’s difficult, delicate poetry. In fact, George is at considerable pains to criticize Susan Fox, another feminist critic of Blake, for first imposing her expectations on Blake’s work and then condemning Blake for failing to meet those expectations. But I think George is guilty of another critical error involving expectations. She is compelled to imagine, and perhaps even expect, a better future for woman-kind. This expectation, I think, pushes her reading of Blake toward a discovery of this brighter future whether it is in his work or not. I have overstated things a bit—George does not invent passages in Blake to support her hope, but I think she undervalues some of the conflicting material, dismissing it in favor of other material for reasons that she does not share with us.

The other side of this hopefulness, however, is her intolerance of a prevalent attitude among contemporary feminists:

The need to be free of responsibility for things-as-they-are is, I believe, a disturbing characteristic of the neo-feminist movement, one that implicitly attempts to salvage the exclusive privileges that accrue to the oppressed in a historical scenario in which women are only victims. [P. 207]

The book is valuable for this alone.

If the views George ascribes to Blake's system are partly the result of her desire to see those views expressed by a poet she admires (she styles herself a "Blaker"), individual interpretations she offers of his poetry, her first and lesser aim in this book, seem particularly free of this error. *Blake and Freud* is thematic and thus moves through Blake's works quickly in pursuit of certain large issues: innocence, experience, marriage, psychic organization, and the value of the feminine. But at times a difficult poem or passage is thrown into the strong light of a careful Freudian interpretation, and the darkness that surrounds much of Blake for many of us non-Blakers and non-Freudians does disperse. Particularly nice was her analysis of the last stanza of Blake's early *Book of Thel*, in which she identifies the voice from the grave as Thel's own unconscious and explains both the violence and the ambiguity of the series of questions that the voice delivers. At these moments she takes us inside Blake's poetry and helps us understand it better.

As you might imagine in a book dealing with two difficult, complex thinkers, the reading of it can be heavy going. Although George's style is typically clear, she does mention at one point that the book was a much longer manuscript that she edited down to its present length (253 pages, including notes and index). I wonder if *Blake and Freud* might not have been easier to read had it been longer. The ideas here are densely packed.

The assumption underlying this whole enterprise is an attractive one. Without ever really preaching about it, George seems to believe that we are all engaged in an attempt to better humankind's lot and that thinkers like Blake and Freud have a particularly key role to play in this betterment, acting, as they do, as acute interpreters and daring visionaries to help us see the kind of world we would like to have, sometimes before we realize that a better world is possible. This lofty, noble view of our enterprises as thinkers suffuses this book, raising our sights from our immediate squabbles to contemplate the future of humankind.

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Reality at Risk. By Roger Trigg. Sussex: Harvester Press; Totowa, N.J.: Barnes and Noble. 1980.

“Physical objects cannot be thought of as existing apart from a thinking mind,” says the idealist, but does this mean: (a) physical objects cannot be thought-of-as-existing apart from a thinking mind, or (b) physical objects cannot be thought of as existing-apart-from-a-thinking-mind? Proposition (a) is undoubtedly true. One cannot think of anything without thinking. Yet, this does not mean that what one thinks about cannot exist without being thought of. There is a difference between the act of awareness and the object of awareness, and the idealist cannot win an easy victory over the realist by conflating proposition (a) with proposition (b).

Putting this distinction a little differently, the fact that a concept or word must be used to understand reality does not mean that what one understands are only concepts or words. To assume this is to commit the fallacy of confusing the use of a concept or word with the mention of a concept or word. Similarly, the fact that concepts or words are not the same as the reality they are used to know does not mean that one cannot know what things really are. Though human cognition must answer to the real in order to attain truth, this does not mean that the mode of cognition must be the same as what is known. Knowledge of reality does not require that the subject-object distinction be denied. Knowledge is *of* the real, but it is false to say that it *is* the real.

Finally, and most importantly, percepts and concepts are not, as much of modern philosophy has held, objects of direct awareness. They are not what we know. Rather, they are that by which we know.

Armed with these and other distinctions, Roger Trigg seeks to defend realism and do battle with idealism. Yet, Trigg is concerned with idealism only insofar as it is anthropocentric, that is, to the extent it regards reality as limited to what is real for men. He notes that “there is a fundamental divergence between those who wish to ‘construct’ reality out of men’s experiences, concepts, language or whatever, and those who start with the idea that what exists does so whether men conceive of it or not” (p. vii). Trigg finds this fundamental parting of the ways crucial to contemporary discussions of objectivity and seeks to show how realism is the necessary prerequisite for objectivity and how idealism (at least the anthropocentric kind) leads to relativism.

A primary example of the type of idealism that bothers Trigg is conceptual idealism. According to Trigg, this position does not deny the existence of a reality independent of minds, but it does deny that reality has any structure independent of minds. Concepts are used to carve reality into determinate sorts of things; but independent of the conceptual scheme in which this is done, there *are* no distinct things. A man, for example, can only be specified relative to a framework of identification. One cannot know what man really is independent of all frameworks and perspectives. Thus, the idea that our concepts might be validated or invalidated by reality is fruitless. “Reality” must mean reality-as-we-think-it; it cannot be understood in a mind-independent manner. Accordingly, theories are true as a result of intratheoretical coherence and not in virtue of reality. Now it should be realized that conceptual idealism involves

more than the trivial claim that we cannot step outside our mode of awareness. It involves the stronger claim that our concepts cannot describe the real. Our concept of man, to continue the example, cannot be taken as describing what he really is, because descriptions as such require the mind in order to exist. The classification "man" cannot be "read off" from the world but is itself a product of the mind. Thus, we cannot say what something really is.

Trigg objects that if conceptual idealism is true, then the status of mind-independent reality becomes suspect. If it is always inaccessible to us, then what entitles us to say that anything exists apart from our thought of it? Admittedly, a conceptual idealist such as Nicholas Rescher does not hold mind-independent reality to be a self-contradictory notion, but he does consider it "an essentially empty idealization . . . , something of which we know that we can know nothing of it in terms of our conceptual scheme" (quoted p. 9). So, Trigg asks: What point is achieved by referring to mind-independent reality? Why not apply Ockham's razor to such a superfluous entity? Trigg suspects that conceptual idealism's reluctance to adopt ontological idealism is due to the difficulties it would face in explaining such phenomena as scientific discovery and progress. *What* is being discovered and investigated? Why would scientists ever change their minds if there is nothing real apart from their thoughts? Trigg urges that conceptual idealism has no basis for speaking of mind-independent reality, and this makes it exceedingly difficult (if not impossible) to adequately account for what it is that scientists do.

Trigg also asks a very important question: Why is it assumed that our concepts are a barrier to reality? Why must they be regarded as blocking off the real? Why could they not be a means to reality? In other words, Trigg is accusing the conceptual idealist of a *non sequitur*. While it is most certainly true that we cannot describe or classify without a conceptual system or language, this in no way implies that our description or classification does not tell us what something really is. Our mode of cognition need not be the same as what we know. Trigg suggests that we should not allow the conceptual idealist to assume that our use of concepts precludes us from knowing reality as it is. Arguments that are often provided to support the claim that we cannot know what things really are lose much of their force when this simple, but important, point is made. Trigg illustrates this when considering Richard Rorty's claim that the notion of "the world" as used in such phrases as "different conceptual schemes carve up the world differently" is either determined by theory or unspecifiable. Trigg states:

It is a false choice. Different conceptual schemes may indeed carve up "the world" differently and "the world" is outside all such schemes, but this does not mean it is an inaccessible something of which we can know nothing. All the schemes do have access to it. Some may be more successful in capturing the nature of reality, but they cannot be seen in isolation from their attempts to describe it. Reality may be independent of all schemes, but they do not appear in a vacuum. They are produced by people who are trying to put into conceptual form the nature of reality, and the best scheme will come closest to showing reality as it is. There is then a middle course between conceptual idealism and the Kantian belief in things-in-themselves. [P. 120]

Indeed, there is a middle course, but this middle course depends on making clear that the mode of human cognition—for example, "man"—can still describe reality—for example, Rescher and Rorty—even though "man" does not exist as it were along side them as part of the world's furniture and cannot therefore be "read off" from the world.

Realism of the kind Trigg endorses, traditionally called “moderate realism,” considers knowledge to be more than merely a passive reflection of reality. Rather, human interests and needs play a role in the development of conceptual schemes. When confronted with the multifarious features of the world, we do tend to pick out those features that are relevant to our interests and needs; for example, the snow dweller’s account of snow as compared with the non-snow dweller’s reflects the former’s greater concern for the features of snow than the latter’s. This is not something that Trigg would deny. Yet, Trigg would insist that this does not prove that our mind, our concepts, or our language play an active role in molding reality. All that it shows is that human knowing “starts somewhere” and that we cannot claim to know everything in all its detail all at once. Thus, Trigg admits that there is a sense in which our knowledge is relative—namely, in the sense that we cannot be said to know *sub specie aeternitatis*—but this in no way requires that the real is either determined by theory or that our theory is barred from describing the real. As Trigg notes,

Our knowledge *is* still correct, since partial, or relative, knowledge is knowledge, and the mere use of the term ‘relative’ need not make us fear that we are lapsing into the kind of position which makes truth and reality themselves relative matters. ‘Relative’ is in fact being opposed to ‘absolute’ rather than ‘objective’.
[P. 196]

Human knowledge is achieved in pieces, step by step, and thus need not be regarded as a static, timeless snapshot or picture. Human knowledge can change and develop. Though Trigg’s realism requires that man is *not* the measure of all things, it allows man to be the *measurer* of all things. Our knowledge can thus be “objective” without having to be “absolute.”

Crucial to Trigg’s account of human knowledge is his view of truth. According to Trigg, truth can be seen from two perspectives, from that of someone trying to discover the truth and from that of someone trying to define the truth. Trigg defines truth as a correspondence with reality—“true theories are true *in virtue of* the nature of reality” (p. xiv). Yet, he takes no position on the exact nature of the correspondence required. Trigg does not seek to advance a unique set of all-purpose criteria by which truth can be determined in any area. He does not believe in some overall prescription for arriving at what is the case but instead holds that “the very natures of the objects of our interest should dictate different strategies to uncover them” (p. 199).

Admittedly, this position is metaphysical and general and is thus frustrating to those who want philosophy to be more concrete and deal with men’s actual epistemological problems. Trigg, however, claims that in one sense he is doing just that by allowing the procedures for discovering the truth to be determined by the subject matter of particular cognitive enterprises and not by some *a priori* methodology. In another sense, however, Trigg wants to take issue with those who would conclude that unless explicit criteria for discovering truth are forthcoming from its definition as a correspondence with reality, the entire concept is useless and should be discarded. Trigg regards the correspondence view of truth as analogous to a football player being told that the aim of the game is to score more goals than your opponent. Such instruction will not tell the player how he should run or pass the ball or even what plays to call. Yet, this instruction is of paramount importance; for without it the game has no purpose. Trying to discover truth without referring to an independent reality is like trying to play football without attempting to score goals. It leaves human

knowledge without a purpose, a series of clever gambits with no ultimate point.

It seems that Trigg's view of truth, as well as his stand regarding the realist/antirealist controversy, depends on the credibility of what he calls a "realist theory of meaning." Trigg does not, however, develop such a theory. Rather, noting that a realist theory of meaning is most complicated to devise, he offers the following intuitions about what such a theory should do: (1) Meaning has to be linked in some way to experience, but not as rigidly as verificationists hold. (2) Language has to be capable of being *about* something that is independent of it. (3) It must be possible to talk about something that is beyond our experience or refer to something that is very different from what we take it to be. (4) Most important, the basic realist insight—what is true is to be distinguished from what is recognized or agreed as true—must be preserved.

Trigg regards it as essential to avoiding anthropocentric idealism that theories of meaning not confine the meaning of a sentence to the conditions under which it is verified. If only verifiable sentences are meaningful, and if only meaningful sentences are capable of being either true or false, then truth is only what men can find out. Trigg considers the link between reality and man in verificationism to be as close as in any anthropocentric idealism. The crucial question, of course, is how *can* is interpreted. If, on the one hand, the process of verification is limited to what is at present humanly possible, then Trigg's concern has merit; for certainly the real is not necessarily confined to what man is currently capable of knowing. If, on the other hand, *can* is interpreted to mean what is *in principle* possible for man to verify—namely, what man *would* verify given appropriate conditions or circumstances—then Trigg's concern seems excessive. Indeed, Trigg himself notes that any realist would accept that there is a general connection between reality and what is recognizable in principle for man given that certain counterfactuals are fulfilled.

The point, of course, of all this is that there is tremendous ambiguity connected with any appeal to a principle of verifiability. Verificationists often argue for their principle by appealing to the highly weakened version but then operate with the stronger, but less plausible, version. Trigg is correct to note this ambiguity and to warn us of its dangers. Yet, it seems that Trigg himself gets caught up in this ambiguity. At times, he seems to hold that realism requires the acceptance of the proposition that there can exist things that are not only "incognizable" but are so forever as a matter of principle. At other times, he seems to hold that realism only requires the acceptance of the proposition that it is meaningful to speak of things that are "incognizable" and may indeed always be so, but not, however, as a matter of principle. Certainly, there is more to the world than we know, and it may just be that certain parts of reality will forever be beyond our grasp. Who can say? Realism requires that this be recognized. This is, however, different from the claim that there can exist something that we can never know in any way as a matter of principle. It is not necessary for a realist to claim this, nor is it intelligible. To make such a claim requires that we at least know why this something can never in any way be known. We must have a basis for making such a claim. Yet, if this is so, then we at least know something about this reality, and so it is not entirely unknowable.

Closely related to Trigg's analysis of the verificationist position is his consideration of whether developments in quantum mechanics require the abandonment of realism at the subatomic level. It seems to many physicists and

philosophers that it does. The reason for this is that it is impossible to make measurements of a subatomic physical system without disturbing it in some way. We cannot, for example, discover *both* the position and the momentum of a particle; the investigation of one precludes knowledge of the other. So, the question arises: How can we say a particle has both position and momentum if we cannot discover both? Trigg responds that the inability on our part to determine both the position and the momentum of a particle does not prove they are not real or that it is meaningless to refer to them. After all, a particle's position and momentum are not entirely inaccessible to us. We can know either. It is just that we cannot know both simultaneously.

There is, of course, the question whether our inability to know both the position and the momentum of a particle is due to some enforced ignorance or from some indeterminacy in things themselves. Yet, this question is not a problem for realism. In fact, the question arises from a realist perspective; for it distinguishes between restrictions on our knowledge of an entity's character and peculiarities in the character of an entity itself. Realism leaves either possibility open. If the distinction between our knowledge of an entity and the entity were collapsed, then this question would be pointless. The advantage of realism is that while it permits our knowledge to be of reality, it never forgets the subject-object distinction, and thus it "allows questions to be asked which would not otherwise be raised, and makes distinctions which would otherwise be ignored" (p. 169). Thus, while it is true that instruments causally affect what is being measured at the subatomic level, this does not imply that there is no distinction between the measurement and the thing measured. Some physicists have been too ready to equate reality with our knowledge of it.

Trigg is, however, quick to note that his insistence on an independent reality at the subatomic level does not mean that particles must behave like individual things at the macroscopic level or even that they *must* have definite quantities. The nature of reality at the subatomic level may indeed be far stranger than we can currently conceive. Realism does not try to adjudicate between physical theories. It seeks, rather, to aid the physicist in understanding what he is doing and his purpose in doing it.

Probably, the form of anthropocentric idealism that bothers Trigg the most is that found under the guise of sociology of knowledge. Though some versions of the sociology of knowledge are only concerned with investigating the processes by which a belief comes to be accepted as true, there are other versions that seek to explain what knowledge is. These latter versions turn to the psychologist or sociologist for an account of the nature of knowledge and thus seek to replace epistemology in its traditional role. In other words, some versions of the sociology of knowledge (usually the most interesting ones) seek to explain knowledge by reference to the historical, psychological, and social origins of our beliefs. They seek to show us the actual forces that make a belief true.

Trigg, of course, notes that such accounts of knowledge commit the "genetic fallacy"—the fallacy of confusing questions of origin with questions about validity and truth. There is a fundamental difference between what it is that makes someone believe something and what it is that makes a belief true, and this difference should not be ignored. Yet, advocates of such versions of the sociology of knowledge would reply that the origin and truth of a belief are indeed linked, and so there is no fallacy. But what does it mean to claim that the origin and truth of a belief are linked? Presumably, it means that if we can give a complete account of the myriad forces that lead to a belief being re-

garded as true, then we know the belief is true. This, however, will not do. As Trigg states,

How can we tell who is caused to believe what is true as opposed to what is false? How can we see who is in possession of knowledge and who has hit on the truth by accident? We must obviously have a prior understanding of what is true and of what constitutes good reasons for belief. [P. 148]

It seems that there must be a distinction between that which is "accepted belief" and that which is "correct belief"; otherwise there would on such accounts of knowledge be no falsehood or error. Such accounts could not show us the real forces that move us as contrasted to the apparent ones. Yet, if there is a difference between "accepted belief" and "correct belief," then there is a difference between that which makes us accept a belief and that which makes a belief true. Once this is accepted, however, the "genetic fallacy" returns. So an advocate of the sociology of knowledge who seeks to explain knowledge by reference to the origins of our beliefs is faced with a dilemma: *either* deny the distinction between "accepted belief" and "correct belief" and fail to differentiate between the real origins and apparent origins of our beliefs, *or* accept the distinction and be guilty of committing the "genetic fallacy." In order to avoid this difficulty, the sociologist of knowledge should concern himself with the processes that influence what passes for knowledge in society and not with knowledge.

Roger Trigg's *Reality at Risk* is a very good book. It should not only be read by philosophers; it should be read by anyone who is concerned with maintaining the notions of objectivity and truth. The major weakness of the book is that it does not involve itself in the necessary philosophical groundwork that its point of view demands. One wishes that Trigg would develop more fully the realist account of human cognition or at least refer to sources that do develop such accounts. Further, it is not always clear that the "realism" Trigg wishes to defend is the same thing in every instance. Greater analysis of what is being defended and criticized in various areas would have been helpful. The major strength of the book is that it is a comprehensive treatment of the realist/anti-realist controversy in a variety of disciplines. Though the major themes of the work have been presented, it has not been possible to discuss Trigg's illuminating and cogent treatment of Peirce, Wittgenstein, Davidson, and Quine. It is very helpful to have the theories of these thinkers discussed in light of the realist/antirealist controversy. It is also, however, depressing, for it is most evident that the notion of an independently existing reality is under attack. Trigg's book is an attempt to repel that attack, but it is also more. It is a warning.

It is a paradox that man can demand the centre stage, insisting that everything should depend on him, and yet in the end find that in doing so he has lost his rationality and his freedom. Realism takes the possibility of error and ignorance seriously, but it also gives men the chance of notable success in extending the range of their understanding. It gives them something to reason about, while acknowledging that they are free to make mistakes. [P. 197]

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Sociobiology and the Preemption of Social Science. By Alexander Rosenberg. Baltimore, Md.: Johns Hopkins University Press. 1980.

John Stuart Mill was puzzled by the failure of the social sciences to produce true and significant generalizations about human behavior. He attributed this problem of science to the complexity of social phenomena. By and large, scholars concerned with the conceptual foundations of the social sciences have found this explanation satisfactory, as have many practicing social scientists. In the meantime, there has been an exponential increase in the amount of data gathered by social scientists and a proliferation of alternative paradigms, models, and methods. The long-awaited principles about social facts have not materialized and show little promise of doing so. Both sociology and anthropology have been buffeted around by every wind of doctrine. Some philosophers of social science and some social scientists have been so disturbed by the failure to produce laws of human behavior that they have suggested that the methodological unity of science, presupposed by Mill and his followers, was the root of the problem. Some social scientists have gone so far as to dispense with an interest in explanation altogether and have called for understanding, empathy, thick description, and the like. On occasion, even metaphor, intuition, and revelation have been encouraged to wait in the wings or take a bow on stage right. And of course, some have stuck to their empiricist guns and come up with nothing.

Recently the entire debate about the quality, stature, and nature of social science has been considerably enlivened by the emergence of a new form of argumentation about the explanation of human behavior, namely, sociobiology. It has not gone unnoticed that laws of human behavior are rather scarce. Some biologists, especially those working within the context of evolutionary theory and mathematical ecology, have developed a discipline named sociobiology with the express purpose of including the explanation of human behavior within the larger context of the explanation of all forms of social behavior. What is being proposed is that the life sciences can include the social sciences, by subjecting the data of the latter to the methods, concepts, and principles of the former.

Philosophers of science are naturally interested in this emerging confrontation between biologists and social scientists, and anthologies about the sociobiology debate have already appeared. There has been a distinct tendency in this debate to raise many ideological questions, and arguments have even reached the pages of the popular press. What the debate has lacked is rigorous and sustained philosophical argument.

There is no better introduction to the philosophical and scientific issues involved, no more sustained argument proposing an explanation for the failure of the social sciences to produce laws of human behavior, and no more convincing evaluation of the prospects of the emerging discipline of sociobiology than Alexander Rosenberg's *Sociobiology and the Preemption of Social Science*.

In this work, Rosenberg develops an inductive argument to the best explanation to account for the lack of social-scientific progress. He also encourages social scientists to redirect their efforts by operating within the context of the life sciences. Rosenberg does not argue for the truth of empiricism; he assumes its truth and argues that those social scientists who are followers of Mill can remain empiricists by recognizing that social science is a *life* science and that they should expect to develop and employ theories of no less and no greater generality than biological theory does. He presents us with an explanation of a failure and a prescription for a success.

What then is the best explanation for such a failure? Rosenberg argues that empirically motivated social scientists have searched for the determinants of human behavior in the joint operation of the desires and beliefs of intentional agents. It is his claim that even those social scientists, such as Claude Lévi-Strauss, who have attempted to proceed without locating the determinants at the intentional level nevertheless appeal to it at certain crucial points.

We are thus presented with the following situation. We obviously are sometimes correct in identifying particular desires and beliefs as the causes of particular actions. However, no matter how hard we have tried, we have failed to find any laws that will sustain the assumption that we are sometimes correct in such causal identification. Rosenberg thinks that it is a methodological principle that causal claims must be sustained by laws. The one candidate for such a law (proposed by Paul Churchland) does not qualify, because it fails to designate a causally homogeneous class of events, states, and conditions. Such events, states, and conditions are not natural kinds. He does not deny that such "kinds" (desires, beliefs) may be used to express true, singular, causal judgments, but he insists that there is no law expressible in terms of these notions that can sustain such singular claims.

Naturally, the claim that beliefs, desires, and actions are not natural kinds is itself in need of independent substantiation. Rosenberg provides the proof by showing that the concept "species" as used by biologists is not a natural-kind concept but the name of a spatio-temporally restricted particular. *Homo sapiens*, in other words, is a spatially distributed object and does not appear in the laws proposed in the life sciences. What does appear in such scientific laws are qualitative predicates. What we are to conclude from this is that there could not be species-specific laws and, hence, laws of human behavior. Although human behavior can instantiate a law, it cannot confine one.

So we have reached a dead end. The empiricist spirit was willing but the concepts were weak. In fact, they were still-born. Rosenberg insists that the exclusion of species-related notions from the vocabulary of scientific laws is not a philosopher's trick but a fundamental constraint on scientific theory that nomologically successful sciences like physics, chemistry, and biology have satisfied and that unsuccessful ones like sociology and anthropology have not. Behavioral psychology is a more dubious case, but he shows there are serious obstacles to the development of that discipline.

What we have, then, is not a problem with the *empirical commitments* of many social scientists. That has been evident since John Stuart Mill. The problem lies in the failure of such scientists to *grasp the constraints on scientific laws*. The new direction for social scientists to move, then, is to discover the kinds of laws, with the appropriate qualitative predicates, that are applicable to human behavior. From Rosenberg's argument it is clear that such laws can be found only at the level of either neurophysiology or population and evolu-

tionary biology. The chances of development, as some psychologists have proposed, at the level of neurophysiology are slim. Sociobiology, therefore, becomes the likely context for the redirection of social-scientific energies.

There is, of course, a great deal more in Rosenberg's essay than has been presented here that makes it such a worthwhile book to read. He even invents intriguing examples to show how sociobiology might not only "preempt" sociological "explanations" but, in fact, could produce surprising new facts about human behavior.

What is clear is that in the next few years, social scientists and sociobiologists will be wrestling with empirical issues and that sociobiology will be challenged to produce the kinds of explanations and predictions that Rosenberg thinks they are capable of. Philosophers, of course, will remain content to let these opposing sciences fight it out. But clearly, Rosenberg's essay is of considerable philosophical interest. The most important issue is whether Rosenberg is correct about the nature of scientific inquiry and the kinds of constraints upon scientific explanation. Rosenberg is quite clear in stating that he assumes and does not argue for the truth of empiricism. He acknowledges that the rationalist/empiricist debate will be around for a long time to come.

One minor problem I have with Rosenberg's case is not with the assumption of empiricism but with the *content* of that assumption. Clearly, as Rosenberg himself acknowledges, there are different versions of empiricism. Does the kind of empiricism one assumes make a difference to the kind of argument one develops about the status of the social sciences? For example, the empiricist distinction between the logic of discovery and the logic of evaluation has become increasingly clouded in philosophical debate. Far more attention is now being paid to the rationality of scientific discovery. Social scientists desperately wish to discover significant facts about human behavior. While the paucity of laws is obvious to any honest philosopher and scientist, there is no guarantee that moving down a level as a heuristic procedure will be more nomologically productive. Rosenberg is aware of this problem and thinks that our expectations may be too high. I would be the last to claim that reasons, beliefs, and desires are sufficient for explaining human behavior. But it is not at all clear that it is terribly efficient for social scientists to move down a level when they are dealing with economic, political, or religious systems. Furthermore, cognitive science seems to show some promise of dealing with the problem of mechanisms in a nonintentionalist vein.

Carl Hempel acknowledged the heuristic importance of the kind of functionalism employed in earlier versions of social science, although he saw no reason for expecting laws of human behavior to come from such inquiry. By acknowledging the highly idealized version of science characteristic of empiricism, and by focusing on discovery procedures, we might not so much argue for the preemption of social science as the reevaluation of the nature of all forms of scientific inquiry without having to conclude that we are forced into a rationalist mode.

Empiricism has an important normative quality. It emphasizes what is required of scientific inquiry, how it should proceed. Without such norms, philosophy degenerates into a purely descriptive enterprise. And there are better describers around; we call them scientists. These norms, however, need to be flexible enough to acknowledge a broad range of discovery procedures within the scientific domain. None of these latter comments, however, should

detract from the first-rate quality of *Sociobiology and the Preemption of Social Science*. Social scientists ignore it at their peril.

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The Expanding Circle: Ethics and Sociobiology. By Peter Singer. New York: New American Library. 1982.

Sociobiology raises the most important questions in ethics: Is morality rational or merely emotional? Is morality basically egoistic or altruistic? Unfortunately, sociobiology's leading exponents have tended to muddy the issues and even the concepts involved. Edward O. Wilson seems to assume that doing ethics involves the philosopher consulting only his emotions, and Richard Dawkins makes it easy to confuse "selfish genes" with selfish individuals. One might think that the polemical nature of much sociobiology is to blame. However, Peter Singer's recent book, *The Expanding Circle: Ethics and Sociobiology*, shows that one can use sociobiology polemically and still present the philosophical issues with exemplary clarity.¹ The first three chapters provide an excellent elementary exposition of the facts of animal sociobiology, human sociobiology, and the ways sociobiology can be relevant to ethics. The last three chapters are polemical. Singer argues that universal altruism is the sole rational ethics and is not incompatible with the facts of sociobiology. (The title, *The Expanding Circle*, refers to the circle of altruistic moral community.)

I shall criticize Singer's argument, but not for being polemical. Quite the contrary, I shall show that it is not polemical enough. Had Singer presented his proposed rational altruism along with its proper competitor, rational egoism, his argument would have failed. Moreover, independently of Singer's particular argument, I shall argue that in the light of sociobiology, rational egoism is a better moral theory than Singer's rational altruism. While my essay is mainly critical, this attests to the virtues of *The Expanding Circle*. Because Singer's exposition of the ethically relevant aspects of sociobiology is so worthy of a wide audience and his case for rational altruism so forceful, it is important to see how weak the link between the two is.

EGOISM AND ALTRUISM

It may seem quaintly old-fashioned to engage in polemics on the bearing of evolution on human egoism and altruism. It will seem less so if we take care to bring both our biology and our moral philosophy up to date. In this section, I shall briefly introduce modern sociobiology by applying it against two crude versions of egoism and altruism. Then I shall use these as foils to develop two more-defensible modern principles: rational egoism and rational altruism.

Altruism. While sociobiology studies all sorts of behavior (such as communication, herding, and territoriality), I shall, like Singer, restrict myself to altruism, sociobiology's "central theoretical problem." . . . It is a problem because it has to be accounted for within the framework of Darwin's theory of evolution. If evolution is a struggle for survival, why hasn't it ruthlessly eliminated altruists, who seem to increase another's prospects of survival at the cost of their own?" (P. 5) The first move of modern sociobiology is to refute a popular answer to this question, namely, that altruism evolves because it is for the good of the species. "The flaw in this simple explanation is

that...the real basis of selection is not the species, nor some smaller group, nor even the individual. It is the gene." (Pp. 8-9)² A striking example is provided by the infanticide practiced by male langur monkeys. When a male replaces the dominant male in a group, "he will set about killing all the infants in his newly acquired group. This may not be good for the species as a whole, but the killer is not related to his victims." (P. 15)

Egoism. This example shows that while sociobiology begins with the rejection of species-wide altruism, it quickly moves to the rejection of individual egoism, as well. The function of langur infanticide is not to promote the individual male's interest but that of his offspring. Sociobiology's initial solution to the problem of altruism is kin selection: "genes that lead parents to take care of their children are...more likely to survive than genes that lead parents to abandon their children" (p. 13). Since it is genes, not individuals, that are selected, kin altruism can lead to self-sacrifice for the sake of kin; the individual has no special evolutionary value save as the carrier of genes shared with kin.

We have focused on a single criticism of egoism and altruism: the development of evolutionary theory has undercut the support biology has been thought to give these crude quasi-moral positions. One might become impatient at our method. Why not reject such positions simply because they are not moral? But this would overlook the power of scientific criticism to debunk some moral arguments. It also might easily beg the question of what should count as a moral position. To avoid the latter error, I shall cast improvements on these crude positions in terms of rationality.

Rationality and Reasons. The altruism and egoism I have discussed each fails to be rational in two ways. Consider species altruism first. As Singer shows, Wilson has tried to give a more rational foundation to species altruism by arguing for the cardinal value of the human gene pool (pp. 72-83). But, again as Singer notes, I may be totally indifferent to the fate of my genes. Of course, the basic dogma of sociobiology says that *genes* must be concerned about their reproduction, but it in no way follows that human individuals must care about their genes. And, again as Singer notes, "values must provide us with reasons for action" (p. 74). Therefore, species altruism fails to be a rational practical principle insofar as it fails to give us a reason for acting on it.

Rationality and Indirection. Turning to egoism, we can see a second way in which principles can fail to be fully rational. They can be short-sighted. Take the problem of removing unreachable parasites and its proverbial solution: you scratch my back, and I'll scratch yours. But a direct form of egoism undermines this reciprocity. I can do better letting you scratch my back and then failing to scratch yours. (Singer discusses this on pp. 16 ff.) A more indirect egoist removes others' parasites but discriminates against cheats, refusing to scratch any who refuse to reciprocate. If we follow this conditional strategy, we will induce even a direct egoist to reciprocate with us, so this indirection is a more rational egoism.

But the elaboration of indirection need not stop here. As Singer reports, Robert Trivers has argued that there will be a rational "preference for altruistic motivation. People who are altruistically motivated will make more reliable partners than those motivated by self-interest. After all, one day the calculations of self-interest may turn out differently." (P. 43) Hence egoism can lead to something quite removed from directly self-interested behavior. In sociobiology, this elaboration is explained under the heading "reciprocal altruism." Why do I treat this elaboration of indirect strategies as a form of

rationality? Because indirect strategies are means to egoistic ends, and means-ends efficiency is a paradigm of rationality.

TWO MORAL THEORIES

So far, I have illustrated each of the two aspects of rationality—reason providing and indirection—in regard to only altruism or egoism, respectively, but not to both. Now I will pull these two aspects together and present two moral theories based on competing principles that are fully rational in *both* respects.

Rational Altruism. I begin with rational altruism (hereafter, RA). This is the moral theory Singer defends, under the names “universal altruism” (p. 130) and the “imperative of impartial reason” (p. 155). Its first principle is “that I ought to do what is in the interests of all [sentient creatures], impartially considered” (p. 153). I shall consider below Singer’s argument that RA gives us reasons in a way that species altruism fails to. Here, I will consider the second requirement of reason and consider how RA provides indirection.

Singer elaborates a morality based on RA in chapter 6. The main point of this chapter is that while RA is the “ultimate criterion of what is right, it is not wise to make this the sole practical criterion” (p. 156). “An ethic for human beings must take them as they are, or as they have some chance of becoming. If the manner of our evolution has made our feelings for our kin, and for those who have helped us, stronger than our feelings for our fellow humans in general, an ethic that asks each of us to work for the good of all will be cutting against the grain of human nature” (p. 157). Practical criteria—for example, rules favoring kin—are derivative from RA as a first principle. Such a two-tiered moral theory is quite common among theorists today.³ Thus we see that Singer agrees that our two features of rationality, reason giving and indirection, are desirable for a morality.

Rational Egoism. Rational egoism (hereafter, RE) is the second of the two moral theories I shall consider. This is a theory that Singer neglects to develop, although I want to show that it exhibits the same two virtues of rationality that he favors. Its first principle is egoistic: one ought to pursue one’s own interests. This is proposed as an ultimate ethical premise in the sense discussed by Singer on pp. 84-86. There are general grounds for thinking that it is a paradigm of a principle that gives us reasons for actions. Moreover, Singer agrees that “there is a sense of the word ‘rational’ in which we are rational if we act so as to achieve what, on balance, we desire most. In this sense of the term, people can be perfectly rational and yet perfectly self-interested.” (P. 144) So evidently RE has little trouble meeting the first requirement of rationality. The second requirement, indirection, is easier to overlook. We must not conflate perfect self-interest with immediate self-interest, failing to see that RE can have the two-tiered structure common to many moral theories.⁴ Otherwise put, we must remember that RE is a first principle, an ultimate criterion of right, not the sole practical criterion. To return to the example used in the discussion of reciprocal altruism, there will be situations where the practical principle, or rule, derivable from RE is to act in the interest of another who may act in your interest later.

In summary, I have sketched two moral theories, similar in structure but diametrically opposed in the way they go about approaching the derivation of practical criteria of action. RA is a *top-down* theory; it starts with maximum scope for moral governance and pares this down when faced with the facts of

human nature. In contrast, RE takes a bottom-up approach, beginning with a minimal moral guidance and expanding it due to the possibility of beneficial cooperation. Both begin with a moral principle, but RA's is global, while RE's is local.⁵ Each seems to allow derivations of principles of action that lie in some middle ground. Of course, it is possible that the two theories reach the same middle ground, and this turns out to be the mixed bag of rules that make up our common morality. However, this is unlikely; and I will treat them as competing justificatory systems.

IMPARTIAL REASON

Now I turn to Singer's argument that RA is capable of giving us reasons for action and so is rational in the first sense discussed above. Actually, in the light of Singer's emphasis (in chapter 3) on the autonomy of ultimate ethical choices, this should not be too difficult: one merely chooses to be impartially altruistic. But Singer wants a stronger conclusion than this, since he wishes to avoid the charge of subjectivism. "Unless there is a rational component to ethics that we can use to defend at least one of our fundamental ethical principles, the free use of biological and cultural explanations would leave us in a state of deep moral subjectivism" (p. 85). Therefore, he sees that he must show that RA is *uniquely* rational (p. 102). Since I have argued so far that RA and RE are *both* rational moralities, we must be shown that RA but *not* RE is rational. I shall argue that Singer has not managed to do this, because his arguments in chapter 4 all depend on ignoring or misrepresenting RE. As a result, the considerations he brings forward are either indifferent between RE and RA, beg the question in favor of RA, or simply misrepresent the RE alternative.

Moral Progress. Much of chapter 4 tells a tale that Singer sees as the history of moral progress, beginning with justifications impartial within a limited group and moving through customs to come to include all humans equally. But, fortunately, Singer does not put much weight on this tale. (Unfortunately, its prominence in an introductory book may mislead some intended readers.) He acknowledges that he must show that this apparent progress is not accidental (p. 99). I might add, he must also show that it is not the result of a fortuitous selection of examples. By what objective measure is our age identified by the animal-liberation movement rather than, say, religious sectarianism? My main criticism is that the appeal to moral progress toward impartial altruism simply begs the question I have raised, since it assumes that RA is the standard of progress. In contrast, a reciprocal altruist could see extending consideration to animals that cannot cooperate with us (nor are valued by others who cooperate with us) as a mark of moral regress—of failure to discriminate properly.

Group Appeal. The focus on disinterested reasons, which will lead Singer to RA, is set by the beginning of his speculative history of ethics. He sketches a group about to move from kin, group, and reciprocal altruism to the use of reason to resolve a dispute:

If someone tells us that she may take the nuts another member of the tribe has gathered, but no one may take her nuts, she can be asked why the two cases are different. To answer, she must give a reason. Not just any reason, either. In a

dispute between members of a cohesive group of reasoning beings, the demands for a reason is a demand for a justification that can be accepted by the group as a whole. Thus the reason must be disinterested. [P. 93]

If this argument (from reasonableness to group acceptance to disinterestedness) seems obvious, it may be due to Singer's failure to attend to the alternative of reciprocal altruism based on RE. What if our nut-grabber, call her Gab, says, "I took Cheater's nuts, because he takes my nuts all the time and never offers any reason"? Has Gab offered a reason that can be accepted by the group as a whole? Perhaps not, since Cheater will likely refuse to accept it. Can Gab go on to say that Cheater doesn't count, because he refuses to reason (or limit his behavior by reason)? Obviously, asking whether Gab's reason is disinterested is affected by the same problem: do Cheater's interests count, or only the interests of those willing to abide by the rule (or perhaps by reason)?

The problem lies in Singer's assumption that he can pick out the relevant group prior to, and therefore as a neutral premise for, his argument for disinterestedness. But we have just seen that RE, via derived reciprocal altruism, picks out a different group from the one selected by RA. So picking the RA group begs the question. There is no easy way out of this problem for Singer, since if he allows the group to be delimited neutrally between RE and RA, no conclusion about disinterestedness, in a sense strong enough to lead to RA, follows. Nor can he appeal to his description of the group as "cohesive." Since the grounds of cohesion still need to be spelled out, either in RE or RA terms, this move merely prolongs the problem. Therefore, if this appeal to group acceptance in this "first step" is kept from begging the question, it remains neutral between RE and RA. (When Singer returns to the criterion of group acceptance on p. 108, he again neglects the crucial question of how the group is defined. Groups of rational egoists can certainly accept rules that aim at the good of groups of cooperating egoists.)

Direct Egoism. Singer's argument for the sole rationality of disinterested reasons faces another criticism. Throughout his discussion, he presents the ascent of the group as a whole as if its sole alternative were "a bare-faced appeal to self-interest" (p. 93). But as I have shown in my discussion of RE as a two-tiered system, this need not be so. Of course, Gab will have an interest in the reason she proposed (that, in part is what makes it RE-rational), but this interest will not be bare-faced. It will likely be modified by the indirect rules of RE, like reciprocity. So, once again, the case for RA depends on truncating its competitor, RE, into something—bare-faced self-interest—unlikely to solve the problems by which we judge a moral system. A fair comparison would treat RE and RA in the same state of development. If the group is offered the bare-faced axiom of RE, unmollified by its derivative rules, then the alternative should be bare-faced RA, with the pacifism, redistribution, and vegetarianism that this requires. Of course, the primitive group sitting around the primal campfire is unlikely to accept this proposal. No, Singer agrees that even for civilized folk like us, RA needs to be cut to the cloth of human nature. But then, so must RE be similarly developed. This unfair comparison undermines Singer's argument in the section "The Rational Basis," where RA is claimed to be the only way to resolve conflicting preferences. The alternative he defeats is once again bare-faced self-interest. It is rejected (pp. 104-5) as dangerous for a group, because egoists will cheat on each other. But as I showed in the first section above, if most follow the reciprocal altruism derived from RE, then they won't cheat (nor will even direct egoists dare cheat

them). So the criticism from the danger of egoism depends on substituting “bare-faced” direct egoism for the system of reciprocal rules derivable from RE.

Inherent Logic. Now I come to Singer’s main—and most original—argument. Why should evolution produce a capacity—reasoning in terms of RA—that ignores individual, reciprocal, and kin boundaries?⁶ Singer’s answer is that “the capacity to reason is a special sort of capacity because it can lead us to places we did not expect to go” (p. 88). His example is counting, which leads us unexpectedly from ordinals through integers and rational numbers to irrationals. Similarly, Singer argues, reason applied to conduct “is inherently expansionist. It seeks universal application.” (P. 99) But why should this lead us to RA? So far, allowing this to be true of reason, it could be also true of RE. For example, take the most elementary form of the rule of reciprocity: Tit for Tat, or help those who have not refused to help you. One might consider this principle too limited, as it fails to take into consideration whether the other helps others, who help others, etc. Perhaps the fully recursive version of Tit for Tat is what is demanded by the expansion of reason. Perhaps. It seems that RE, equally with RA, is capable of being described in terms of the expansion of reason. The only difference is that RA expands its premise, and RE expands its conclusion.

This result should suggest a deeper problem with Singer’s argument. What if the expanded version of Tit for Tat was not in one’s interests? Perhaps it is too global, leading to the spread of conflicts. (“Yes, you cooperated with me, but you didn’t with X.” “But X didn’t cooperate with Y.”) So now ask, What if the expansion of disinterestedness to RA turned out...? But the question is indeterminate, since now we have no independent standard with which to evaluate the expansion. The expanding RA sets its own standard. It seems that we need an argument at this point to show that RA once so expanded is still capable of giving us reasons, since it is determined by something other than our interests. The criticism is similar to one I quoted Singer using against Wilson. Singer asked why I should care about my genes’ interests. Now we ask: Why should we care about reason’s expansion? Put crudely, there is no reason to think that that which appeals to reason will appeal to us if, as Singer argues, reason has different interests (expansion, perhaps elegance) from us. So Singer’s claim that reason’s independence leads to RA can be seen to cut the other way. RE has the advantage of controlling the growth of impartial reason by appeal to our interests.⁷

This concludes my critical examination of Singer’s argument for the exclusive rationality of RA. I have agreed with Singer that the sociobiology of ethics does not exclude the possibility of a rational morality. But I have criticized his argument that this possibility restricts us to one morality, rational altruism. I have shown that his argument is marred by his failure to consider RE as an alternative to RA. In a sense, the whole argument begs the question by assuming that rational altruism is the sole candidate for the title of rational morality. This is facilitated by Singer’s ignoring how the sociobiological elaboration of egoism into reciprocal altruism adds to the attractiveness of rational egoism. We have seen that once we introduce rational egoism as a second contender, none of Singer’s arguments count decisively against it, and some even count for it.

MORALITY AND HUMAN NATURE

I have shown how none of Singer's arguments shows his favored theory, rational altruism, to be more rational than rational egoism, in the light of sociobiology. Now I can turn to other arguments that may decide this question.

Our two contending moral theories have been taken to consist of both first principles and the practical rules derived from them. This emphasis excludes two sorts of arguments that it might be tempting to introduce at this point. First, critics of RE might point to its disagreement with (some of) our considered moral judgments. The problem with this criticism is our working assumption that RE and RA are *both* plausible when developed as moral theories. Taken together, they easily explain most moral judgments. Further, the disagreement of RE with some RA-laden judgment has little critical weight, especially if RA is held for Singer's main reason, namely, that it purports to be the only reasonable moral theory. On the other side, defenders of RE are tempted to chide RA for being unrealistic, especially with respect to our biologically given nature. But this ignores the fact that RA can be elaborated to take even the most selfish human tendencies into account, as facts with an impact on our conduct. So an elaborated RA need be no less realistic than RE.

However, this last point leads to an argument I will press against RA. Singer contends that facts about our narrow tendencies cannot be used by an agent to justify his own conduct. This would be "bad faith." Blaming my own actions on my genes implies that I do not control my own behavior. . . . When we turn to ask what the ethical code of our society ought to be, however, we are dealing not with our own actions but with the actions of people in general. Statistical predictions of human behavior can be made without diminishing individual responsibility." (Pp. 153-54) To be precise, this distinguishes my own behavior from that of all other people, since in the case of "people in general" I should always take my own case as different, subject as it is to my control. Further, this distinction between self and all others is the basis for a difference in the way I ought to treat people, according to Singer's elaboration of RA. While I ought to act according to the first principle of RA directly, I should treat others according to derived rules, suitable to their less-than-fully rational nature. The point of these rules is to shape their behavior to achieve what I aim at directly, namely, universal altruism. And finally, these rules also aim to make others more like me, that is, more rational in the universal altruistic sense (p. 157).

It would be confusing to call this view a higher-level egoism. But it does manifest a disregard for others that has counted against egoism, narrowly construed. RA counts others' ordinary interests, directly, as its moral goal, and their innate tendencies, indirectly, as relevant factual constraints. But only the RA-rational moral man's *moral interests* direct the scheme. Put another way, something about everyone counts, but what is counted is selected by the higher-level goals of those who participate in Singer's favored version of rationality. In the light of this, we should not grant to RA the much-acclaimed virtues of equality and respect for persons. On the contrary, it seems to license a form of elitism that involves treating others manipulatively, with less than full respect for them as persons, for the way they naturally are and what they might aspire to.

We too easily accept that some variant of RA captures our ethical concern

for respect for persons, while certainly no egoistic theory could. Turning to the positive side of my argument, we see that this is mistaken. As the literature on reciprocal altruism has emphasized, the follower of RE should not aim to manipulate others in order to take advantage of them. The best environment for a reciprocal altruist is where as many others as possible are also reciprocal altruists. So it is in the interest of the reciprocal altruist for others to become as rational as possible, in the RE sense, and hence to become reciprocal altruists. And this is in the others' interests as well. By bringing together interest and reason for both parties, RE avoids the imperialism of "higher" reason over amoral human nature that marks RA. The RE-based reciprocal altruist appeals to others' reason—RE reason, that is—which is one of the tendencies sociobiology leads us to expect in human nature. Thus rational egoism, unlike rational altruism, encourages us to respect others as persons, as beings endowed by evolution with the ability rationally to cooperate in pursuit of their interests.⁸

1. All page references in the text are to Singer's book. Wilson's charge about philosophers' emotions is discussed on pp. 55-56 and Dawkins's on pp. 28 ff. Singer's references to these two books, which are well worth reading, are: Edward O. Wilson, *Sociobiology: The New Synthesis* (Cambridge, Mass.: Harvard University Press, Belknap Press, 1975), p. 3, and Richard Dawkins, *The Selfish Gene* (Oxford: Oxford University Press, 1976), pp. 28-30. Singer provides a guide to the literature in "Ethics and Sociobiology," *Philosophy and Public Affairs* 11 (Winter 1982): pp. 40-64.
2. For a forceful presentation of the gene-selectionist case against the popular-species-selectionist views of Ardrey and Lorenz, see Dawkins, *Selfish Gene*, who also provides a philosophically interesting discussion of the near-tautological definition of the gene as the fundamental unit of self-interest (pp. 34-39).
3. R. M. Hare's recent *Moral Thinking* (Oxford: Clarendon Press, 1981) discusses the two-tier structure of a utilitarianism similar to that which informs Singer's argument.
4. Jesse Kalin, "Two Kinds of Moral Reasoning: Ethical Egoism as a Moral Theory," *Canadian Journal of Philosophy* 5 (Nov. 1975): pp. 323-56, explicitly develops a two-tiered moral theory with an egoistic first principle. His discussion of the "primacy" of the reason-giving ability of egoism (p. 330) is also relevant.
5. I admit to doubts about applying *moral* to RE. For example, Kalin, "Moral Reasoning," n. 3, applies *moral* only to the more global principles derived from his principle of egoism. This tension will be even more acute for some, I am sure, when I draw out the contrast to the terms Singer uses for RA; RE is particular, not universal, and partial, not impartial. Many, like Kalin, insist that RE be a universal principle: everyone should pursue his own interests. But I would argue that a theory can be based on the weaker particular principle: I should pursue my own interests. Once we see that rules of reciprocity follow from this premise, it is in my interest for others to act in *their* interests, so that we can reach a more global principle as a derived result. I am inclined to call RE a moral first principle, due to the consequences that can be derived from it. But my reasons for this must be given elsewhere; and since my argument here does not depend on this terminological point, those unconvinced can substitute *practical* for *moral* throughout.
6. Singer acknowledges Colin McGinn, "Evolution, Animals, and the Basis of Morality," *Inquiry* 22: 81-99, yet Singer's treatment of the rational element is more general than McGinn's, which relies on strong dogmatic Kantian assumptions about morality. I should note that my argument has shared with Singer and McGinn a rather dogmatic insistence on basing ethics on reason abstractly considered, rather than basing it on a more general appeal to human nature which includes a noncognitive element. A corrective to this narrowness can be found in Mary Midgely's worthwhile book, *Beast and Man* (Ithaca, N.Y.: Cornell University Press, 1978). Nonetheless, balance is hard to achieve in these matters; see Midgely's fierce attack on the link between evolution and rational egoism in "Gene-Guggling," *Philosophy* 54 (Oct. 1979): 439-58.

7. Were there space to rehearse Dawkins's fascinating idea of the independent evolution of ideas, or "memes" (*Selfish Gene*, chap. 11), we might tie this criticism to Mackie's observation that the effectiveness of something like RA can be explained by the fitness of the *RA idea*, not the fitness of the behavior it requires. J. L. Mackie, "The Law of the Jungle: Moral Alternatives and Principles of Evolution," *Philosophy* 53 (1978): p. 462.

8. Much more needs to be said about the significance of reciprocal altruism for the moral theory of rational egoism. The most far-reaching development of reciprocal altruism is a series of papers by Robert Axelrod culminating in the formal presentation in "The Emergence of Cooperation among Egoists," *American Political Science Review* 75 (June 1981): 306-18. I develop rational egoism in the light of some of these results in my "Simple Minded Solution to the Prisoner's Dilemma," mimeographed (Toronto: York University, 1981).