

COMMUNICATIONS

ARE TELEOLOGICAL RIGHTS THEORIES UTILITARIAN?

Tibor R. Machan

In his essay "Rights, Contracts, and Utility in Policy Espousals," Leland Yeager (1985) argues that I am committed, along with several other unlikely candidates, to "tacit utilitarianism." As Yeager (p. 288) puts it:

Tibor Machan, avowedly a rights theorist, is another tacit utilitarian. Instead of simply postulating or intuiting rights, he inquires into the political principles of a good society—good for man's pursuit of happiness or perhaps excellence, given his nature and his character as a moral agent.

Yeager supports this claim by noting that the position I hold is defended on grounds that persons possess rights because only a society in which rights are respected and protected makes it possible for human beings to choose to pursue (or not to pursue) their happiness, the goal that is their moral responsibility to achieve as fully as they can manage.

Let me make clear that Yeager has not misquoted me—indeed, his entire paper is a model of good scholarship from the point of view of doing full justice to the views he explores, given the limitations involved in any kind of journal writing. Rather I want to take issue with Yeager's conception of utilitarianism, which I consider far too broad to warrant the label he uses for it.

Briefly put, Yeager seems to regard all teleological normative theories—ones that hold that principles of morality are guidelines for pursuing some supremely good end or goal—as utilitarian. This,

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I would argue, obliterates significant distinctions and nuances, ones that may secure the success of such a teleological theory or condemn it to failure.

Utilitarianism is by now one of the most refined normative theories discussed by philosophers, economists, decision theorists, and others concerned with standards of conduct and institutions. It would be impossible to give a full treatment to the diversity of this position here. Suffice it to point out that first and foremost utilitarianism is a value theory—a conception of what the good is in human or sometimes even nonhuman life. Some idea of the nature of the good is provided in most utilitarian viewpoints, although in certain cases it is a rather open notion—for example, that offered by G. E. Moore. What is crucial, however, is that utilitarian value theory avoids one of the central concerns of moral philosophy, namely, that of ultimate moral agency.

From Aristotle's *Nicomachean Ethics*, through Kant's *Critique of Practical Reasons*, all the way to Ayn Rand's *The Virtue of Selfishness: A New Concept of Egoism*, a central concern of many moral philosophers—as distinct from those such as Hobbes, Spinoza, Hume, and Mill, who dealt mainly with the issues of value theory (and only indirectly with the matter of personal responsibility for seeking values)—has been the role of volition, including the faculty of uncompelled reason, in ethics or morality. Value theory is interested only in answering the question “What is the good?” It is secondary to it what implications this has for human choice, although of course it is a crucial concern of many value theorists how decision-making should accommodate the answer to that question. But there is a difference between choice, as the initiation of conduct, and decision, the selection from among alternative courses of conduct.

Some who were concerned with agency—for example, Kant—went so far as to reject any association with ends where morality is concerned, so as to avoid the taint of determinism at all cost. They reasoned that by tying ethics to some good end the central role of wanting to be good for the sake of goodness alone would be completely lost. After all, good ends are merely empirical and one should not rest ethics on such uncertain matters as are known by way of contingently true science. We need an *a priori* ground for morality, they argued.

Utilitarians, in turn, argued that no sense could be made of the idea of good if it is so far removed from the actual, empirical world as Kantians would want. They simply could not accept the separation of morals and empirical values. But the price they paid for this is the

absence of a solid doctrine of personal moral responsibility in value theory.

J. S. Mill, among others, was committed to denying the doctrine of free will, as were most scientifically minded philosophers. Given the influence on them of mechanistic science, it seemed to them wholly untenable to suppose that a natural thing such as a human being could possess a sovereign will, autonomous choice, or whatever one might wish to call a free will. They were aware that philosophers of the scientific age who did embrace free will compromised naturalism—for example, à la Kant's separation of the noumenal and phenomenal worlds.

In any case, the main virtue claimed for the neo-Aristotelian ethics and its Objectivist politics is just that they manage to reconcile science and agent-morality.¹ Accordingly, the role of the individual person's choice to act in attaining the human good is paramount, and the natural rights defended in this outlook are essentially a necessary condition for the very possibility of moral conduct in a social context. Granted that every person's moral purpose is to attain happiness, and granted that a free society is a necessary condition for their accomplishing this as far as that is possible in human existence, the free society is insufficient for purposes of securing happiness for human beings.

If what Yeager is arguing is that natural rights theorists such as those who have taken Rand's ideas very seriously—myself included—defend the free society as a necessary prerequisite to attaining happiness, he is right. They do. But does this make them utilitarians? No. They are too concerned with the issue of agency in the moral life of individuals to be so identified. For them it is vital that any human happiness is to be tied to a choice made by the agent who is to be happy. For utilitarians this is not vital, even though Mill, quite incongruously from his own broader philosophical point of view, insisted on political sovereignty.

In short, what concerns the natural rights theorists of the sort I am is that every individual possess the right to free, uncoerced, uncompelled (by others) action to do what is good, that is, conducive to his or her happiness as a human being. This means that everyone needs to be free to seek happiness on his or her own initiative. This kind of ethics and politics will stress rights far more vigorously than will utilitarianism, whether simple or complicated. I also regard its defense

¹The most accessible statement of this occurs in Nathaniel Branden (1972). See also Tibor R. Machan (1974). For a technical development of the idea by a psychophysicist, see Roger W. Sperry (1965; 1976).

of the free society more theoretically adequate, mainly because it rests on sound grounds.

There is a great deal more to the story, of course, and I have elsewhere tried to spell out the details, as have others who advance the libertarian natural rights thesis.² The central point to be made here is that not all moral and political theories that are concerned with goals or ends as the *summum bonum* need be classified as utilitarian. There is more to a teleological system of ethical and political norms than a concern for good consequences. It is also concerned with the agent who produces those consequences. It is in large part because of this latter concern that such a teleological viewpoint stresses the negative (natural) individual rights to life, liberty, and property we find defended in the neo-Aristotelian system of Objectivism.

Yeager is correct that happiness is of paramount concern to me in the defense of individual rights I find most sensible. But this happiness must come about by way of the self-determined actions of the persons whose rights I am concerned about. That is not a concern associated with the mainstream utilitarian defense of the free society.

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²See Machan (1982a; 1982b; 1985; 1987).