

Interpretation

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Interpretation

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Book Review

Tibor Machan, *Individuals and Their Rights* (La Salle, Illinois: Open Court, 1989), 250 pp., cloth \$32.95, paper \$16.95.

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I

Had the events of 1989—the collapse, theoretically and practically, of Communism in Central and Eastern Europe, not to speak of its palpable fragility in China—occurred before Professor Machan's book had been published, he would have been able to offer the reader a less pessimistic, more truthful, though no less ironic text to serve as his epigram. That text, from Milan Kundera's *The Book of Laughter and Forgetting*, says the following:

Yes, say what you will—the Communists were more intelligent. They had a grandiose program, a plan for a brand new world in which everyone would find his place. The Communists' opponents had no great dream; all they had was [*sic*] a few moral principles, stale and lifeless to patch up the tattered trousers of the established order. So, of course, grandiose enthusiasm won out over the cautious compromises and lost no time turning their dream into reality: the creation of an idyll of justice for all.

As an escapee from Communist Hungary, moreover, Machan might even have celebrated the fact that the Communists' opponents without the grandiose dream, without the moralistic and dreamlike rhetoric of "justice for all," but armed with those few moral principles and the love of liberty, won out in the longer run. The China episode demonstrated that all the Communist utopians had left, if there ever was anything else, was mere rhetoric and brute force. Not social justice, not power, not authority, just mere rhetoric and brute force.

Machan's book is a defense of those few moral principles, but more especially of that liberty both presupposed by and resulting from them. At the same time it is a defense of the reality of persons as individuals whose rights hinge on the right to property as the necessary condition for the practice of virtue and the pursuit of happiness. It is, to say it somewhat archly, a noble defense of libertarianism. In this lies the originality of his thesis: the attempt to rescue the conceptions of life, liberty, and property from their associations with mechanis-

tic materialism and empiricism and to join them instead to a certain kind of moral individualism which he calls “classical ethical egoism.” It is an attempt to establish modern virtue on an ancient basis, to wed the truths in Thomas Hobbes, John Locke, David Hume, and Adam Smith to the truths in Aristotle. At the same time, Machan studiously and laboriously takes into account what he calls “the various critics of foundationalism, meta-ethical naturalism, ethical cognitivism, egoism, political individualism, and capitalism.” His taking account of the critics of these positions is concomitantly an affirmation of those very positions the critics deny. This results in a unified texture of his affirmations and their denials.

That unity is established over the course of seven chapters, two postscripts, an instructive introduction, and an even more instructive preface. Many of the ideas developed in the book, Machan tells his readers, were “partially aired” in such other forums as philosophical and political journals as well as in two volumes to which he contributed, *The Main Debate*, of which he is also the editor, and *Ideology and American Experience*.

II

A

In order to discuss classical ethical egoism philosophically and not merely ideologically, propagandistically, or casually, Professor Machan believes, and this reader concurs, that he must confront an epistemological issue, an ontological issue, and a metaethical one.

The first is to dispel the requirement of *modern* foundationalism, i.e., speaking the truth means speaking necessarily and with absolute certainty (saying that p means saying that \sim p is impossible) without dispelling foundations altogether. The application here is that Machan wishes to define the concept of rights truthfully and soundly without having at the same time to imply that the truthful definition is “some final, unalterable timeless statement that corresponds to some final, unalterable, timeless fact” (p. 1). Rather, the truth of the definition of rights, like many other truths, is “context bound.” In the case of the definition of rights, the contextual boundary is that of social morality, politics, and law. Correlatively, it is bound to that wider “context of human reality within a world in which not all that one wishes for is available just by wishing it” (p. 1). But to say that definitions are relational is not to deprive them of their objectivity. Just as a right not existing apart from a context of persons living together is not deprived of objectivity, so too a scientific principle holds conditionally yet objectively. *If* the sun’s rays shine on skin pigment, for example, certain results would obtain (p. 2).

Machan maintains that human beings possessed rights they now have, however clearly or unclearly this was known, from the time that human beings

began to exist. Here he addresses himself to the challenge offered to the existence and knowledge of such rights by a Kantian-Platonic/Cartesian model of knowledge which holds that knowing is a kind of timeless, changeless, mutual-entailment relation. Referring to knowledge accounts in the work of Keith Lehrer and Stuart Hampshire, Machan answers the first by asserting that contextual aspects of knowledge should be admitted into the meaning of necessary and sufficient conditions, and that Gettier-type counterexamples—wherein merely conceivable (i.e., logically possible and not *really* possible) scenarios serve to defeat a definition of ‘knowledge’—should be rejected because not to do so is to lose the concept of knowledge altogether by requiring it to live up to a “fantastic” ideal which can be attained only by an omniscient mind (p. 6).

He answers Hampshire by asserting: (1) Language is not conventional in the sense that a person can choose to have or not have it, although he can choose to use a particular language. (2) The rules of language are not created *ex nihilo* but develop gradually through the recognition of their suitability and effectiveness, as is the case with other tools. (3) Language is not a *mere game*. “Games are optional activities in human life whereas language is a basic tool” (p. 5). Machan implies that Hampshire and others like him seem to have reversed the order of analogy, which is that the rules of games are analogous to the rules of life and not the other way around. (4) The model of knowledge invoked by Hampshire is similar to Lehrer’s, i.e., “to know that p” means “to be unalterably, forever certain, beyond a shadow of conceivable doubt about p” (p. 6). Machan repeats that such a requirement for knowledge is impossible and self-defeating. To seek “an independently identifiable ground in reality,” one independent of human consciousness, is impossible *and* to show that something is the actual ground of reality, no other ground being possible, is to require infallibility, incorrigibility, and perfection—the qualities of divinity not humanity (p. 5).

At this point in his epistemological propaedeutic, Machan suggests a more appropriate conception of knowledge by regarding the rules of language the way Aristotle did in one of his formulations of the principle of noncontradiction: “It won’t be possible for the same things to be and not to be [not] just [as] a matter of the word—but where it’s a matter of the thing” (p. 5). What is more, although Machan does not impose on himself or his readers the requirement of meeting what he calls a fantastic Kantian-Platonic/Cartesian model of knowledge, he does not leave himself or his readers without any epistemological foundations. He settles on and for the Aristotelian view of the basic principles of reality (noncontradiction, identity and excluded middle) understood in a *substantive* rather than in a purely formal sense. The fact that there are mathematical objections to the principle of excluded middle does not vitiate Aristotle’s basic metaphysical position, according to Machan (p. 7). A system of concepts—in this case one which includes those of “individual” and “rights”—resting on such principles learned from Aristotle “is confirmed repeatedly in all thought and action,” to which Machan adds unnecessarily, “and also on the processes of sensory perception” (p. 7).

In addition to a proper epistemological basis for his argument about “individuals” and “rights,” Machan turns for further support to the ontological issue, the nature of human beings. He says that if it is the case that individuals have rights, these rights cannot be grounded only on either convention, contract, or interest. For these presuppose something else, i.e., something that is natural, something that human beings are, such that the conventions, contracts, and interests occur or exist. Machan is not deaf to the criticism that the concept of “the individual” is recent, however, a concept that either did not exist or did not have ontological priority in medieval or ancient discussions. He mentions the alternative of “the family” having ontological priority in these discussions but argues, among other things, that this may have been a mistake of omission, albeit an understandable one due to an inadequate development of our conceptual system. The recent so-called invention of the concept of the individual would then be not an invention but a discovery of what was implicit in the concept of ‘family.’ Machan then addresses himself to the issue that “individualism” has been associated with those philosophical concepts which entail a rejection of the concept of human nature. He formulates and addresses himself to the following dilemma: “the individual exists and has always existed, in which case there is no human nature and natural rights; or the individual has been invented and there is a human nature, but no individuals have natural rights since no individuals exist to have such rights” (pp. 8–9). The dissolution of the dilemma lies first, he says, in arguing that individualism has had an inadequate philosophical base, presumably Locke’s and more recently Sartre’s, and then in finding the adequate one, Aristotle’s, which reconciles individuality and human nature in such a nonreductivist way as to offer a conception of human beings who, while being members of a species, are the cause of some of their own actions. Thus they would possess not merely numerical individuality but, through choosing some of their behavior, individuality in the significant political sense of possessing individual natural rights (p. 9).

Machan proceeds, then, to consider, and to discard by way of sound arguments, the various ontological positions which deny human choice or freedom. Among the positions he considers are mechanistic scientific views such as Newtonian physics, Skinnerian behaviorism, and Darwinian natural selection, not to speak of those philosophic doctrines which accept a materialist and mechanistic physics such as positivism. In the course of his arguments, Machan more than hints that he considers a teleological view of nature neither obsolete nor incompatible with a rigorous nonreductivist science.

The third issue that Machan considers as preparatory groundwork for his central argument is the metaethical one of the “distinction” between facts and values, between “is” and “ought,” between nature and morality. Although he does not put it in the following way, my formulation would be congenial to him, namely that while the distinction is true, the *division* or separation is not. It is the dogmatic version of the distinction he disavows. This is to say that there are not two worlds—the world of facts and the world of values—but one

world with interrelated aspects. One interrelated pair is the “fact-value” pair. Machan puts it this way: Values may be regarded as kinds of fact and many facts must be inferred, especially those not immediately accessible to sensory awareness. He then proposes a theory to explain how values are indeed a species of complex fact. The theory says that with the emergence of living things, values come into existence, and with the emergence of human life, moral values come into existence. Since living things can perish, whatever contributes to perishing comes to be regarded as bad or “disvalue,” so that the idea of value or goodness derives from the fact of life. But lives are not all identical. Nor are the standards of value or goodness by which the differing kinds of lives find the best way to live. Human being is the kind of living being that discovers that the best way of life is to “adapt” to its environment through the capacity to rearrange it (i.e., free choice) and thereby take advantage of and create a number of options to forge a successful life. Morality, then, is the set of general principles that members of the human species must discover in order to live a successful human life. This is what Machan means by a fact-based concept of value or goodness. Good and bad are features of living human being. “They are objective relational features or aspects of living” (pp. 18–19).

B

Having established the groundwork for his central thesis, Machan, in the body of his book, proceeds to develop the argument through a set of proposals which he defends against their critics. He provides a brief summation of his thesis, which is worth quoting in its entirety.

We as human individuals are responsible for *doing well at living our lives*. This, when understood, implies a system of moral and political principles. It implies, morally, that each person should aspire to live rationally as a human individual and, politically, that regarding their chosen conduct, everyone must be left free from, and should seek protection against, intrusions by others. Each person, in short, must be left with a rightful, defensible sphere of authority to make his or her own way in life—for example, play it safe or take risks, develop or falter, stay apart from others or join with them when this is mutually agreeable. All this rests on a conception of ethics as a firmly-based yet contextual system of guidelines required by human beings because they lack automatic, built-in (instinctual) prompters for how to carry on with their lives successfully. In what follows it will be argued that the human self ought to be understood along not Hobbesian but Aristotelian lines. Then the egoism that emerges will prove to be the best and indeed most noble ethical system on which to ground a sound politics. (P. 27)

It is equally worth examining in somewhat greater detail some parts of this summary so as to illuminate further not only the thesis as a whole but also and especially the novel points expressed in the last two sentences.

The individualism which Machan defends is that conception of it which he

opposes to collectivism. To Marx's notion that "the human essence is the true collectivity of man," Machan opposes the notion that "the human essence is the true individuality of man" (p. 21). The main reason he gives for his treatment of the human essence is that since human beings are distinguished from other living beings in virtue of the form of consciousness they possess, and since this form of consciousness—namely rational and conceptual thought—implies the capacity for creative original thought, then it is correct to argue that it is an individual not a collectivity which is capable of original ideas. For this the individual brain is a necessary prerequisite. Machan adds the reminder that it is individual human beings who are born, live, enjoy, suffer, and die, whereas collectivities do none of these.

If this is so, then moral and political values arise. The rational and free individual, because of a creative role in governing the course of his life, can act wrongfully as well as rightfully in sustaining and enhancing that life. Hence morality. Since individuals spend most of their time with other individuals, the moral principles which sustain and enhance individual lives must also be a guide to public and economic policy. The rules that govern communities, therefore, must be such that they enable individuals to flourish in the best way possible. This is done best, according to Machan, not by rules telling individuals what they must do for and to one another but what they must *not* do to and for one another. Government is established, then, to protect individuals from and against interference with one another as they engage in their chosen conduct. The name for the power to choose the conduct of their life so as to sustain and enhance life is "natural right." The name for those rights that government exists to protect is "negative right."

Most of this sounds like the natural rights doctrine of Hobbes and Locke on one hand and the individualistic political economy of Adam Smith. Egoism or self-interest is required by these doctrines. But while Machan admits this, the egoism he defends he calls classical and finds in Aristotle. Herein lies the originality of his book. Such an egoism he regards as a sound system of morality, not merely a crutch for libertarian politics or capitalist economies. Indeed, since Machan considers ethics as conceptually prior to politics or economics, he expressly admits that he would abandon negative liberty and libertarian politics if classical egoism were to demand their abandonment. This admission is qualified with the admonition that rational self-development, i.e., classical egoism, is hardly conceivable in a society where some individuals have the authority to tell others what to do rather than what not to do (p. 29).

The task of separating a version of egoism for the basis for ethics and for liberal capitalism without overstretching the very concept of egoism or having it collapse into the Hobbes-Lockean version is formidable, and Machan knows it. He believes that his version will escape the logical and ethical solecisms of such formulations of the Hobbes-Lockean version offered by Milton Friedman and George Stigler.

. . . every individual serves his own private interest. . . . The great Saints of history have served their 'private interest' just as the most money grubbing miser has served his interest. The private interest is whatever it is that drives an individual. (P. 26)

. . . Man is eternally a utility-maximizer—in his home, in his office (be it public or private), in his church, in his scientific work—in short, everywhere. (P. 30)

Machan replaces the isolated and atomistic individual with what he calls Aristotle's "self-sufficient, self-loving human being" because it is more "sensible" than the other version and it is "closer to what we know about human beings" (p. 31).

The Aristotelian text which is the point of departure for Machan's "classical ethical egoism" is from the eighth chapter of the ninth book of the *Nicomachean Ethics*.

. . . if a man were always anxious that he himself, above all things, should act justly, temperately, or in accordance with any other of the virtues, and in general were always to try to secure for himself the honorable course, no one will call such a man a lover of self or blame him.

But such a man would seem more than the other a lover of self; at all events he assigns to himself the things that are noblest and best and gratifies the most authoritative element in himself and in all things obeys this; and just as a city or any other systematic whole is most properly identified with the most authoritative element in it, so is a man; and therefore the man who loves this and gratifies it is most of all a lover of self. (P. 37)

Machan is not oblivious to the objections that arise immediately about this use of Aristotelian material as support for ethical egoism. In fact, in the second sentence after the completion of the quotation, he asks: "Why call this 'egoism' in the first place?" He anticipates in this way a most obvious objection. Aristotle appears to be contrasting the moral individual with the egoistic one. The moral individual performs noble actions and obeys reason, the most authoritative element in him, and not self-love or self-interest. The end for the sake of which actions are performed, whether they be of the class of moral or of intellectual virtues, is the actions themselves and the satisfaction derived from performing them. Some such actions may require the sacrifice or denial of self-interest, such as risking one's life to save another's. If self-interest is not sometimes denied or sacrificed, then the notion of self-interest or egoism collapses into those versions of it that Machan wishes to avoid, as found, for example, in Milton Friedman and George Stigler.

In an endnote on page 214, in which Machan discusses the Aristotelian passage with respect to interpretations of it, he anticipates another serious objection to his use of Aristotle for libertarian ends. The objection is one of the few that the present reviewer has to the book. Machan quotes from Jack

Wheeler's essay "Rand and Aristotle: A Comparison of Objectivist and Aristotelian Ethics," in which Wheeler rightly says:

In a certain sense, no Greek can be labeled an egoist any more than an altruist. The whole issue of egoism and altruism is modern. Indeed, the entire project of attempting to reconcile one's own interests with benevolence or the interest of society as a whole seems clearly to start with Hobbes and the Hobbesian view of man.

Machan does not answer this objection. The response that the notion of the individual emerged later from its implicit locations in classical and medieval thought is not sufficient answer. Nor is the response to the question "Why call this 'egoism'?" sufficient. Machan's replies that "the ultimate beneficiary of moral conduct is the agent, in that he or she will be the best person he or she can be" (p. 37). He adds that the point of morality is to give human beings "a guide to doing well in life, to living properly, to conducting themselves rightly." But all these, as already said, may sometimes involve self-denial or self-sacrifice.

Machan insists that egoism is abhorrent because the standard version of it tends toward greedy, envious, lustful, and, in general, antisocial behavior—behavior that is incompatible with morality which entails generosity, good will, and noncalculating loyalty. The objection to standard egoism about its inability to resolve conflicts of self-interest in principle or in fact is a question-begging objection for classical egoism inasmuch as in this version it would never be in in one's genuine self-interest to do the morally wrong thing (p. 33).

The thrust of classical ethical egoism is that "everyone ought to strive to become the best individual human being possible" (p. 61). It does not abide making some individuals the "resources" for others, however. While "sociality" may be inherently human, says Machan, i.e., implicit in human nature, it must be a matter of choice (p. 61). In this way, whatever is morally dubious in egoism disappears for him. Ethical egoism or individualism, he repeats, is not an ethics of greed, ambition, or power, but one of self-development. Its political form, the doctrine of natural rights, is concerned with the expansion of self-development in as peaceful, "though not necessarily fraternal or familial," manner as can be obtained (p. 61).

A problem must be noted here with Machan's Aristotelianism. It would appear that he disregards the singularly characteristic line of Aristotle's *Politics*, "Man is a political animal by nature," a line which does not mean merely that human beings are social by nature but rather that individuals become human in and through the city. This means that the *kind* of life the city makes possible is precisely the human life (i.e., the life of reason and liberty). Hence this social form cannot be thought of solely as a matter of choice but as a necessary condition for a human life. It is no sin to be selective in one's Aristotelianism, however.

Machan's politics are Lockean, but his wish and desire are to relate this politics to an Aristotelian ethics understood as ethical egoism which establishes the content of the natural law ethics and which Locke claimed governed the state of nature. This is to say that "eudaimonistic individualism" is the ethics that should guide human conduct prior to the consideration of civil law (p. 95). Machan substitutes Aristotelian ethics understood as an egoism of self-development for Lockean ethics, whereby every man is an executive and an executioner of the law of nature. The problem may be one of an appropriate fit here. The Lockean ethic fits with the Lockean state of nature because the latter is the place of Hobbesian war of everyone against everyone. The Aristotelian ethics fits with the Aristotelian political society, which is primarily cooperative in character, starting as it does with the desire that unites men and women and the fear that unites master and slave. Locke's doctrine of natural rights fits comfortably with Locke's political doctrine. Aristotle's ethics, understood even as a benevolent egoism, seems to be ill fitted for a Hobbes-Lockean politics.

This is not to say that Machan's attempt to provide a sound and even humane moral theory for libertarianism is not original and interesting. He says that once it is accepted that every individual ought to pursue a good life, then the conditions that are necessary to make this possible, although not to guarantee it, are necessary conditions for justice (p. 123). Ethical egoism, he continues, demands that persons be treated in such a way that their right to acquire and retain some domain of personal authority be respected. Complete rational conduct would be difficult if not impossible without this domain of personal authority, liberty, and jurisdiction. The respect for the domain of authority is an expression of justice, while the domain itself is concretely expressed in the right to property (p. 137). Machan takes the term "property" first in the Lockean sense of one's own person, such that the individual, not others, must be the final authority in conducting his or her life and, second, "anything tradable or exchangeable [items, skills, or other valuables] that may be of value to persons" (p. 140).

Machan again admits at this point in his argument that prior to the modern period individuals were thought of by prominent thinkers as part of a whole, while at the same time personal privacy and property did not receive emphasis. But he rejects the view of those critics who exaggerate the point and draw invalid inferences from it. These critics claim, moreover, that the notions of the individual and of his moral sovereignty are *inventions*. He, however, asserts that they are *discoveries* based on a better understanding of human life reached at a later point in history. But he readily admits that extreme doctrines of individualism and of private property, i.e., those that understand the individual as entirely unique and separate from everyone else, capable of isolated self-sufficiency, are unwarranted. The concept of privacy which he defends is that which signifies the aspect of a person which *is* separate from others, namely autonomy, in the sense of self-direction or self-governance. This, in turn, is the

moral presupposition for private property such that an individual possesses naturally the authority to keep, use, or give away the things which belong to him and such that he (not others) is responsible for whichever choice he makes as to their disposition (p. 141). Machan finds a medieval suggestion of his view in the thought of William of Ockham (who, through some oversight, is placed in the twelfth century rather than in the late thirteenth and early fourteenth). He is supposed to have held that “private property is a dictate of right reason,” and also that “natural right [being] nothing other than a power to conform to right reason” (p. 141). It may be no accident, but it is mildly ironic that hints of modern capitalism can be found in an English medieval Franciscan.

At any rate, rational moral life requires a reflective deliberation on available alternatives and then responsibility for the decisions or choices made from these alternatives. Of course, deliberation about and choice from alternatives implies jurisdiction over the alternatives. In a totalitarian regime of a socialistic kind, both deliberation and choice would be so restricted that each of its members could rightly say about his actions, “Nothing is up to me” (p. 144). Without a clear distinction between what is ours and what belongs to someone else, says Machan, moral confusion sets in and confidence about leading a moral life is lost (p. 143). He quotes Aristotle’s criticism in the *Politics* concerning common property and says that what is ultimately tragic in the tragedy of common ownership is that even if an individual were determined to fulfill his responsibilities, it could not and would not be clear what his responsibilities are (p. 144). Hence property rights are necessary for the practice of the moral life (p. 147). A political economy which permits and guarantees to its participants not only the ownership of property but the derivative right to exchange or use it as they wish is one which is best suited for the possibility of human individuals living a moral life. That such a political economy does not at the same time guarantee equal economic results and avoid market failures is not and should not be a ground for government to disregard property rights altogether or to redistribute property in the name of a moral imperative to redress economic inequalities. The coercive power of government exists, precisely in the forms of defense and crime fighting, to protect the lives and property of its members so that they may engage in a rational pursuit of self-development (pp. 150–51).

Machan’s defense of property rights and a free enterprise political economy is a disavowal of Marx’s conception of private property and human individuals on one hand and of defenders of capitalism on the other. He quotes Marx as saying:

The right of man to property is the right to enjoy his possessions and dispose of the same arbitrarily, without regard for other men, independently from society, the right of selfishness. (P. 153)

Then he correctly points out that Marx is speaking of the worst possibility of private property and an inordinately pessimistic view of human intentions. The arguments against both are too obvious to be repeated here.

Machan's more interesting criticisms are directed at those champions of capitalism who are economists pretending to be value-free social scientists. In attempting to be purely "scientific," in a false albeit not falsifiable positivist theory of science, these economists who defend the free market presuppose a normative viewpoint as well as a controversial conception of the good (p. 154). When they defend the superiority of the free market system, they defend the superiority of private property over collectivism or welfare-statism even, argues Machan, when these economists attribute no more merit to the system than its efficiency for producing what people want (p. 155). He adds that this purportedly value-free posture is so transparently false that the adversaries of capitalism trade on it to discredit the transparently best economic system and the discipline which studies it (p. 154).

Machan does concede, however, that Marx was not mistaken when he connected the right to private property with egoism. Marx was mistaken, though, in taking the Lockean theory of rights as entailing the view of the individual as essentially an isolated monad and the view of the relationships between individuals as essentially those of separation and conflict. The only respect in which Machan admits separation as entailed by the Lockean natural right position when it is joined to classical egoism is in the moral sense, whereby each person is responsible for his or her own actions (p. 172). The rights to life, liberty, and property are not instruments of conflict between individuals but "conditions of existence required by man's *nature* for his proper survival." The words within quotation marks are those of Ayn Rand. Although "nature" and "proper" are stressed, the entire clause can be understood, in a purely Hobbesian sense, however, with "proper" meaning "own." In this way, the clause would not bear the moral weight that Machan wishes it to bear. Indeed, another more lengthy quotation from Ayn Rand is employed by Machan to strengthen the moral foundation he wishes to build for libertarianism, but it too does not seem to fit his needs. As Rand puts it,

'Rights' are a moral concept that provides the logical transition from the principles guiding an individual's actions to the principles guiding his relationship to others—the concept that preserves and protects individual morality in a social context—the link between the moral code of a man and the legal code of a society, between ethics and politics. (P. 172)

This passage does not say enough in order to establish what it claims to establish, namely, "the logical transition from the principles guiding an individual's actions to the principles guiding his relationship to others." If there were a mention or suggestion of *respecting* the rights of others, then Machan would have reason to hope for support from Rand. There is no mention of *how* the link between the moral code of an individual and the legal code of a society is to be forged. The moral code of the individual may involve only self-interest in a purely hedonistic sense, and the legal code may mean merely the coercion that the government may employ to keep people from interfering with each

other's pleasure. Without the concept of *duty* as its correlative, the concept of rights cannot do the job logically, morally, or politically.

Machan considers but rejects a rights theory such as that offered by Alan Gewirth, who defends what he calls the "supportive state" which is supposed to secure for each individual the rights of freedom and well-being. Everyone is equal in possessing these rights. But in the attempt to reconcile the right to liberty with the right to well-being, Gewirth, according to Machan, does not prove that well-being is something others must provide an individual, only that it is vital for the individual's life (p. 197). Furthermore, Gewirth's defense of a welfare-state theory of rights fails to take account, says Machan, of the difference between values only others can produce for the individual and those which almost all adults can produce for themselves (p. 198). A right to freedom exists because autonomy is something that an individual possesses if others do not take it away. Freedom cannot be given, only taken and regained. Well-being is different, according to Machan. Individuals may lack it apart from what others do or don't do to or for them (p. 198). While the value of well-being is not in dispute, regarding it as a right is a mistake. For if it were a right, it would impose on individuals legally enforceable duties that they do not have. The laws which authorized such an imposition would substitute the concept of need for the concept of justice as the basis for legitimacy (p. 199).

John Rawls' version of the welfare-state theory—that inequalities are morally and legally justified if they raise those people who are the worst off, as far as needs are concerned (i.e., the economically disadvantaged), to a higher standard of living—is paradoxical at best (p. 200). Rawls believes that "no one deserves his greater natural capacity nor merits a more favorable starting place in society." The welfare state, therefore, must remedy the unfairness of nature. Machan says that the paradox lies in the theory that moral character is essentially obtained by accident. If this is so, then Rawls must deny at least implicitly any merit to individual effort because character is what explains a person's moral deeds. Character is not obtained through effort but by accident. How then, asks Machan, can a person earn the right to anything of value by improving the lot of the poor and needy, as Rawls' theory requires. The appeal to character or virtue that Rawls makes to improve the lot of those who have lost out in life must fall on deaf ears unless, of course, the appeal rests not on moral grounds but on sheer force of government to establish and maintain equality which, in turn, is understood as the only index of fairness.

Machan concludes that the welfare state promotes rights and entitlements which are keyed to government interventions because the individuals within a capitalist system need equalizing forces to remedy both nature and a harsh socioeconomic system. A doctrine of natural rights formulated first by Locke and defended by himself and other libertarians limits individual rights to those of life, liberty, and property. These rights are derived from a conception of human nature as having a moral aspect. This is to say that each human individ-

ual has the responsibility to pursue the best possible life for himself and that other individuals may not interfere with either the effort or lack of it to meet that responsibility. The task of remedying the inequalities and harshness of life must be the responsibility of “voluntary cooperating individuals and groups” (p. 203). The worry that individuals will not accept this responsibility cannot be relieved by the appeal to a coercive state which, experience has now taught everyone but the most dogmatic of ideologues, produces only greater inequalities and greater suffering, not to speak of greater injustices. The doctrine of natural rights defended by Machan includes the expectation that a government which protects the rights of life, liberty, and property will produce a society that will be prosperous, decent, and just (p. 203).

III

Professor Machan has written a book that is excellent in every respect but one: the nagging doubt it leaves in the mind of the reader about the central thesis, the ontological priority of the individual with egoism as the basis for ethics. He is quite right and persuasive about the concept of the individual lying implicit in ancient thought only to be discovered by modern thought. Yet the concept of the individual required by an ethical egoism is one that is more compatible with Epicureanism than with Aristotelianism. Stretching the argument to redeem the libertarian concept of the individual from its Hobbes-Lockean origins is even more dubious. Just as the opposition between egoism and altruism is neither an ancient opposition nor a true one, so too the opposition between individualism and collectivism (or between the individual and the state) is neither ancient nor true. In such ancient texts as Plato’s *Apology* and *Crito* as well as Aristotle’s *Politics*, it is evident that the human individual becomes human, i.e., leads a human life, only in and through the city. This is the meaning of that characteristic sentence of Aristotle’s *Politics*: “Man is a political animal by nature.” This is the purport of the characteristic line of Plato’s *Apology*: “The life without inquiry is not a human life.” It is the burden of the speech of “The Laws” in the *Crito*, wherein the city is not only understood as natural but as of higher worth than the individual inasmuch as the individual becomes human only through the city. In the other political associations of the ancient world, the tribe and the empire, neither individuality nor a human life are probable, according to Plato and Aristotle. Tribes do not achieve high civilization. Empires, being large societies, do not manage to generate the kind of freedom an individual must have to lead a human life.

Machan does mention the first opposition, that between egoism and altruism, but does not attend to it, as was pointed out earlier in this review. He refers to the second in the context of responding to those critics who raise the issue of the priority of the family to the individual and those other critics who

say that the concept of the individual is a modern invention (p. 8). He attends to the issue not altogether satisfactorily, for while he is correct about a non-abstract notion of the individual lying implicitly in both ancient and medieval philosophy, the notion is discovered in modern philosophy but then transformed within the context of contractarian political philosophies. In this transformation by Hobbes and Locke “the individual” is just as much an abstraction, an artifice, as is the state. The appearance of concreteness is created by attributing the desires and fears of a *person* to the abstraction of “the individual.” In the Hobbes-Lockean social polity, the individual has a decisive preoccupation for and with himself over any concern he has for the community to which he belongs by social consent. Machan tries to remedy this concept of the abstract and selfish individual by releasing it from its modern context and by tying it to an ancient one, specifically Aristotle’s ethics, which in turn he calls an ethical egoism. Since Machan himself is somewhat dubious about such philosophers as Rawls believing that there is no need of any metaphysical and epistemological grounding for ethics, we must assume that he is prepared to drop the mechanistic atomism of Hobbes-Lockean individualism for the teleological and organic individualism of Aristotle. He says as much, but in this case he must and should let go of the notion of egoism. He cannot do so, however, because the notion of egoism is tied to the notion of rights, and Machan may not be prepared to yield the notion of rights. Yet Aristotle got along fairly well without it. And giving up the notion of rights means giving up the libertarian conception of polity. While Machan does replace a modern view of ethics with an ancient one, he can hardly be expected to replace the modern view of polity with an ancient one without being accused of nostalgia, romanticism, or, worse, ahistoricism.

Perhaps Professor Machan might concede a little, at least to understand that egoism is not so untroublesome a basis for ethics. Not only is the egoism-altruism opposition irrelevant for Aristotelian ethics, it is simply irrelevant. If posed as a disjunction—either egoism or altruism—it is a false disjunction because sometimes a person may choose for himself, sometimes for others on the grounds of a different ethic such as that of duty or love. Furthermore, self-interest may be a virtue, but it cannot be the basis for ethics, or as Socrates would say, it is not virtue itself. Still further, if interests are limited to the self as defined by the self (for how else could they be defined in an egoistic system), then it is not evident how the person could distinguish between right and wrong on one hand and self-interest on the other, especially since the self does not irrevocably surrender its natural rights.

Last but not least, even if this self-interest is called rational, as Machan insists on doing, one could still argue, by way of criticism, that even rational self-interest does not do the trick, because reason *sometimes* fails us in moral choices and *often* our passions, of either the erotic or aggressive kind, overcome our reason in those choices.

These criticisms are not meant to denigrate a splendid book but solely to enter into a brief philosophical discussion with it. Professor Machan, unlike many libertarians, is not only conscious of the weaknesses of the position but attempts to save it from those weaknesses. The effort is especially laudable and timely, for as millions of the world's people are shedding the shackles of collectivism, whether political, economic or rhetorical, they appear to be yearning for and choosing a political economy based on liberty.