

## Egoism versus Rights

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Thinkers influenced by Ayn Rand often think there is an especially close connection between her ethical egoism and the libertarian rights theory she also favored.<sup>1</sup> One encounters assertions of a connection in both directions: The second is supposed to follow from the first, or the first is said to be presupposed by the second.

In terms of the structure of Rand's philosophic system, egoism has pride of place; it is the more fundamental, and the rights theory is supposed to be derivative. There are, first, arguments for the correctness of egoism as a moral theory, and then there are further arguments that only a system of rights is consonant with the underlying truth of egoism. In practice, the argument nearly as often goes in the other direction. It is claimed that only egoism is consistent with the rights theory, and that those who do not recognize the truth of egoism can give no principled support for libertarian rights.<sup>2</sup>

If both were correct, then egoism would be true if and only if the rights theory were also true. That is, the two would mutually entail one another, and if either were false, so would be the other. For this to be credible, it must be hedged or qualified in some way. Most obviously, egoism might be the correct theory for assessing the conduct of some single agent outside or apart from any society, but no rights theory would apply to that agent, since rights are a matter of relations with others. What I have a right to is what I have a right to against others, and if there are no others, then I have neither any rights against them nor is there anyone who has rights against me. So, it must be under social conditions of some kind that the mutual implication is supposed to hold. I shall not try for any precise statement of the conditions, but shall only assume, as Objectivists also

do, that whatever additional conditions are needed, they obtain in the kinds of societies in which we actually live. In other words, the Objectivist thesis will be that, *given* some background conditions, egoism and rights mutually entail one another.<sup>3</sup>

### **From Rights to Egoism: A Fallacious Argument**

Now, I do not think the arguments given for mutual entailment are very good: in neither direction is a strong case made that either egoism or rights entails the other. But it is still of interest to ask why it is held to be true. Elsewhere, I have discussed the arguments from egoism to rights and found them less than compelling.<sup>4</sup> Here, I want to examine the other argument, for the entailment of egoism by rights. At least part of the reason the alleged entailment is accepted seems to be confusion, in this case confusion fostered by Rand.

She posited, as the alternative to egoism, a doctrine that she labeled *altruism*. By her lights, altruism is an ethical theory. This was a mistake on her part, since the term in fact labels practices, dispositions or motivations recommended by different ethical theories as appropriate to certain kinds of occasions; it is no more an ethical theory than courage is an ethical theory. Continuing, though, this theory is supposed by Rand to be committed to a variety of objectionable tenets, for example, “that service to others is the only justification of [a person’s] existence, and that self-sacrifice is his highest moral duty, virtue and value” (Rand 1982, 74), that “the *self* [is] a standard of evil, the *selfless* [is] a standard of the good” (74), that “*death* [is the] ultimate goal and standard of value” (Rand 1964, 34), “that *any* action taken for the benefit of others is good, and *any* action taken for one’s own benefit is evil. Thus the *beneficiary* of an action is the *only* criterion of moral value—and so long as that beneficiary is anybody other than oneself, *anything* goes” (viii; emphasis added on “any,” “only” and “anything”).

If these characterizations were correct, especially the last according to which “anything goes” if action is directed to a beneficiary other than oneself, then that would plainly be inconsistent with anything resembling a libertarian rights theory—for the central thrust

of a rights theory is to insist that *not* anything goes in interpersonal relations, that some ways of treating others are not acceptable. So, *if* altruism, as Rand conceived it, is the only alternative to egoism, then, *if* there are rights, altruism is a mistaken moral theory, and egoism, as its only alternative, must be correct. Or, given Rand's characterization of altruism, the entailment from rights to egoism holds.

This, however, should be no comfort to any Objectivist seriously concerned to address positions that real people hold. For Rand's conception of altruism was entirely fantastic. It is a doctrine that has never been held by any important moral thinker and, in particular, not by any of the thinkers she castigated as espousers of altruism—not, e.g., by Kant or Marx, Mill or Spencer, Dewey or Rawls.<sup>5</sup> Not one of them has maintained that the interests of the individual are of *no* importance, that service to others is the only justification for her existence, or that anything goes, so long as there is some beneficiary other than herself.

It is difficult not to suspect a bait-and-switch at work here. The thinkers she criticizes are indeed exponents of altruism in the ordinary sense of the word—that is, they believed that the interests of others matter in their own right, apart from the way they might impact upon one's own interests, and therefore that, in varying degrees (depending upon the thinker and his other commitments), it could be appropriate, desirable or morally required, on some occasions to act on behalf of others, even at some cost to one's own interests. Then, having identified these thinkers as altruists, in the ordinary or garden-variety sense, she charges them with being altruists in her entirely different sense. The argument might go:

1. Altruism is committed to objectionable tenets, which Rand has detailed.
2. These thinkers believe in altruism.
3. Therefore, these thinkers are committed to the objectionable tenets Rand has detailed.

But this argument depends entirely upon equivocation. If the same sense is attached to "altruism" throughout, either the first or the

second premise will turn out to be false. In the garden-variety sense, “altruism” does not mean the things Rand has detailed. And in the very different sense that Rand detailed, Kant, Marx, Mill and the rest did not believe in altruism. Any Objectivist who wishes to defend the entailment of egoism by rights will have to do better than this.

### **Is There Some Better Argument?**

In the end, there is no satisfactory case that rights entail egoism, but more respectable support than the argument outlined above can be found. The more respectable support comes from the observation that libertarian rights protect self-interested action. The pursuit of such objectives as wealth, happiness, longevity and health, often taken to be paradigmatically self-interested, may surely be engaged in within one’s rights. And the rhetorical question might be posed: If there is nothing morally valuable about such pursuits, why is it important to protect them by way of a system of rights?

There is something correct in this line of thought, though hardly enough to support a claim that rights entail egoism. If it is not to repeat the mistakes of the earlier fallacious argument, the first thing to be noted is that the rhetorical question runs the risk of misrepresenting at least some of the issues. It is not true that the only alternative to egoism is some doctrine that recognizes “nothing morally valuable” in self-interested pursuits.<sup>6</sup> Self-interest can be morally important without being the only thing of moral importance.

Second, a parallel line of thought could lead easily to the conclusion that there is something morally valuable about at least some (garden-variety) altruism. For, of course, altruistic activities, such as donation to a charity, volunteering time and effort to some community project, and the like, are also protected by libertarian rights. If what is protected by a system of rights must have some moral value in order to merit protection, then some measure of altruism must also be morally valuable.

In fact, neither of these arguments, for the moral value of self-interest or for the moral value of altruism, is correct.<sup>7</sup> By focusing upon the particular activities protected, the argument mislocates what

it is morally valuable to protect by way of a system of rights. For a central feature of anything much like a libertarian rights theory is that a person may have a right to do wrong. The fact that some action is morally wrong is not, by itself, a reason for holding that a person has no right to do it. I ought to be faithful to my lover. But if I am unfaithful, then, absent some contractual engagement, I am *still* within my rights, and, if it came to that, my right to be unfaithful would be supported by a libertarian legal system. Since people have rights to act wrongly, there can be no simple inference from the fact that some class of actions is protected by the system of rights to the moral value of actions of that kind.

Instead, a better account would go like this: what is morally valuable and deserving of protection by a system of rights is the *possibility* of living well or having a morally good life. Suppose there is some identifiable human good in the sense of a set of virtues, dispositions, projects and goals characteristic of a good life. That does not straightforwardly lead to rights. The argument might be made that if such a good is identifiable to third parties, then those third parties ought to impose the right choices and training to insure that the good is realized. That conclusion can be blocked if it is internal to the good to be realized that it be freely chosen or accepted. And, in at least many cases, this seems quite plausible. I do not exhibit the virtue of honesty by telling the truth under the influence of sodium pentothal or when threatened with torture. I exhibit the virtue of honesty by being truthful without being compelled or even when it might hinder the achievement of my other objectives. It is still more plausible applied to the larger-scale projects that integrate large tracts of a life. Devotion to a demanding career, faithfulness to a mate, steadfast support of a worthy cause are morally valuable traits that do not *exist* if they are not freely chosen or accepted. There is moral value to be achieved that will not be *possible* if the relevant liberties are not respected. That kind of value, which actions may not achieve, is what is protected by a system of rights.

## Egoism versus Rights: Some Preliminaries

The claim that egoism is entailed by rights, then, is ill-supported. It still might be thought that egoism and rights have some close connection, less secure than mutual entailment, but still perhaps amounting to mutual support. There might be some kind of fit between them, such that if one is assumed to be true, the other is more plausible. I would not deny that this may accurately characterize a psychological relation between the two theses, at least for some people. That is, it may be that some people, upon accepting one, find the other more credible.

I would, however, deny that this shows that there is some *rational* warrant for accepting one, given the other. The inference may be natural without being reliable, and psychologically but not rationally compelling. This is not because I harbor any general skepticism about people's cognitive processes. Rather, it is because the two theses, that egoism is true and that there are rights, are actually incompatible with one another. It *cannot* be rationally warranted to pass inferentially from one to the other, since on one hand, if egoism is true, then there are no rights, and on the other, if there are rights, then egoism is not true.

The argument for this incompatibility is simple, but a bit of preparation is in order. In particular, though my use of the terms, *egoism* and *rights*, has not been (and will not be) eccentric, it will be useful to say more about what I take them to mean.

Egoism can usefully be defined by the following two theses:

1. An *egoist* takes his own non-moralized interests to be of ultimate value.
2. *Egoism* is the moral theory that holds that everyone should be an egoist.

Two key terms in the first thesis are *ultimate value* and *non-moralized interests*. For present purposes, only a couple of points are necessary. A non-moralized interest does not count *as an interest* either partly or entirely because it has some moral characteristic, such as being

morally good, desirable, right or proper. To put it differently, it is not true that one must first know something about what is morally good (etc.) in order to determine whether something is in an agent's interests.<sup>8</sup> In the current context, the important implication is that the theorist of egoism cannot say that respect for rights is partially or wholly to be *identified* (at least at the outset) with pursuit of one's interests. His aim (in part) is to argue *from* egoism *to* rights. For that to be both possible and nontrivial, he has to distinguish the two: he has to be able to give self-interested reasons for respecting rights that do not simply suppose from the beginning that respect for rights is in an agent's self-interest. That may be the *conclusion* of his argument, but it cannot be the starting point.

Ultimate value can be treated more briefly. At a minimum, what it means is that, if the agent's non-moralized interests are of ultimate value to him, then they are overriding rather than overridden if there is conflict with any other concern. Perhaps he has other concerns—I do not think that is ruled out by egoism—but if he does, he never allows them to count for more than, or to outweigh considerations derived from, his interests.

A further point can be brought out by asking the question: What (if anything) is the status of moral requirements? For the egoist, the answer has to be that they are (at least) requirements of self-interest. If an egoist is morally required or if it would be morally better—not just morally permitted—for him to do  $x$ , it must be because it would be worse for his interests not to do it. If refraining from doing  $x$  were no worse for his interests, then there would be no egoistic basis for criticizing his failure to do  $x$ . If a supposed moral requirement or desideratum cannot be linked to the agent's interests in that way, the claim that he is morally required or that it would be morally better for him to attend to it is, for the egoist, unwarranted. To put it differently, what if I propose to the egoist that he is morally required to do  $x$  or that it would be morally better for him to do  $x$ , but do not claim that it will be better for his interests to do  $x$ ? He may or may not do  $x$ —whether he does or not will depend upon other factors. But he will profess not to understand what could be meant by the claim that doing  $x$  is morally better or morally required, if it is not better for his

interests. (Whether the fact that some action is better for one's interests than relevant alternatives is, according to egoism, *sufficient* for it to be morally required or morally better is not important here; what matters is that it is at least *necessary*.)

To turn now to the consideration of rights, I stipulate that I shall understand rights to be the kind of libertarian rights endorsed by Rand—for example, to life, liberty and property. In part, this is because these are the kinds of rights generally held to exist by Rand-influenced theorists and thought to figure in the mutual entailment or relations of mutual support alleged to obtain between egoism and rights. But only in part: the kind of argument I will present applies to almost any conception of individual rights. Libertarian rights are selected for illustrative purposes, not because they have some special feature absent from other rights-claims.

Two further features of rights are relevant. The first is that any claim of a right is a triadic relation: *A* has a right to *B* against *C*. That is, there is someone, a right-holder, who has the right; there is something—perhaps some good, such as food, perhaps just a state or condition, such as not being interfered with—to which the right-holder has a right; and there is someone (at least one person) who is the respondent, who owes the right-holder whatever it is that he has a right to. If I have a contractual right to be paid ten dollars by you, I am the right-holder, the ten dollars is what I have a right to, and you are the respondent—you owe me or are obligated to give me the ten dollars. The important point is that if one person has a right, then someone else has an obligation; the respondent ought to act or abstain from acting in such a way that the right-holder gets or keeps what he has a right to (from that respondent).

The second feature is that respect for rights—what respondents owe to right-holders—is morally significant. If a genuine right is at issue, it is at least *ceteris paribus* morally better for a respondent to respect it rather than not. Now, it is possible, just barely, to deny this. It might be maintained that rights are entirely a matter of what a legal system assigns, recognizes or enforces, and though there may be arguments about what the legal system should be, those arguments will not depend upon what rights people are supposed to have. This



is unsatisfactory in several ways, but for present purposes it suffices to note that this was not Rand's view of the matter. She never hesitated to condemn acts of government, even if carried out within the law, as rights-violating, and she was clear that the initiation of force—for her the paradigmatic violation of rights—was an “act of evil . . . that no man may commit against others and that no man may sanction or forgive” (Rand 1961, 133–34).

### **Egoism versus Rights: The Argument**

Given the above, it is easy to show that egoism is not compatible with rights. Consider this possibility:

Suppose an agent has a choice between two (and only two) options that are equally good in terms of his interests, but only one of which is rights-respecting. If he selects one of his options, he will respect the rights of some other person; if he selects the other, he will violate that person's rights. Which, if either, of the options is it morally better or morally required that he take?

Insofar as he is an egoist, he will be indifferent between them; insofar as he is a respecter of rights, he must regard it as morally better to select the rights-respecting option. If egoism is true, neither option is morally better than the other; if there are rights, one of the options is morally better. In other words, if we assume both that egoism is true and that there are rights, we can demonstrate a contradiction: the same option, the rights-respecting one, both is and is not morally better than the other. Anyone who aims to have a consistent moral theory must give up at least one of them. If egoism is true, then there are no rights; if there are rights, then egoism is not true.

### **Criticisms and Response**

The argument I have given is simple and, I believe, decisive. Unsurprisingly, however, it has attracted criticism from Objectivists.

(In the following, I shall call it simply the Argument.) Most of these criticisms are based on misunderstandings of one sort or another, but I shall try to address the more important of them.<sup>9</sup> They center around the following issues:

- A. Does the Argument prove too much?
- B. Where is the conflict between rights and egoism located?
- C. Can examples be given?
- D. Should rights be redefined?

I shall address them in order.

### **A. Does the Argument Prove Too Much?**

It has been urged that if the Argument is correct it would count, not only against egoism but against any ethical theory that might support some doctrine of rights. The thought seems to be that any such theory will have some conception of the good, and that it will always be possible to imagine a pair of actions, such that one is rights-respecting while the other is not, but where both are, in terms of the theory, equally good. So, if the Argument shows that egoism is incompatible with rights, generalizing it also shows that rights are incompatible with any other moral theory.

This misfires in two ways. First, the right conclusion to draw, if you accept the premises, is not that rights are compatible with egoism after all, but that rights are not compatible with any moral theory, and therefore that there are no rights. You do not defeat a claim that A and B are incompatible by showing that, if A and B are incompatible, so are A and C. The only way to defeat the claim is to examine the relation between A and B, with a view to showing that they really are compatible, or at least have not been shown not to be. To look at *other* incompatibilities alleged to follow from the first is just beside the point in supporting the conclusion that A and B are compatible.

Second, it is just false that it works against any theory. It works against some and not others. It shows, for example, that certain kinds of consequentialism, such as act-utilitarianism, are not compatible

with rights. Act-utilitarians, however, have the good sense not to imagine that they really believe in rights, so it is not really an objection to their theory. What I have urged with respect to egoism is that egoists must, if they are consistent, give up either rights or egoism. The objection is to their keeping both. Act-utilitarians aren't vulnerable to the parallel charge because they don't insist on keeping both—they admit their theory isn't compatible with rights, and so they jettison rights.<sup>10</sup>

The generalized Argument also works against other possible theories that share with egoism the feature that rights are conceived solely as means to some further good—that is, as valuable only for the sake of the consequences of respecting rights. But, of course, there are ethical theories that do not share this feature. One possibility is that respect for rights can be conceived as part of and inseparable from the good said to justify that respect. The structure of the Argument works against (at least) a certain sort of consequentialist theory, but there is no obvious reason that it works against a moral theory that holds that consequences are not all that matters. If consequences are not all that matters, failure to respect rights may make a difference as to which of a pair of options is better, even if they do not differ in the value of their consequences.

## **B. Where is the Conflict between Rights and Egoism Located?**

The Argument is constructed to raise a particular problem and also to avoid confusing it with two other issues. First, Objectivists often believe there are no conflicts between rational interests in a rational society, and are immediately suspicious of any suggestion that there are. Second, they are reluctant to admit that there could ever be any moral requirement that someone undergo a cost, in terms of his interests, however small, in order to benefit someone else, by however much. Efforts to question these beliefs are apt to be bogged down in interminable debate.

The Argument side-steps debate on both of these issues by specifying a case in which there is no conflict of interests between the

parties. Since no conflict of interests is supposed, the existence of a moral requirement that the agent respect rights in this kind of situation would not mean that the agent must undergo any cost in terms of his interests. He can do equally well for his interests by respecting rights.

In other words, the problem the Argument raises does not depend upon whether it is true or not either that there are no genuine conflicts of interest or that there are never any moral requirements to undergo costs to one's interests. Even if Objectivists were right on both points, the Argument would still show that rights and egoism are not compatible.

The fact that the Argument abstracts from these other issues, however, has engendered some measure of confusion of its own. People have expressed difficulty in seeing where the conflict between egoism and rights lies. On one hand, so far as the Argument goes, it is not being claimed that the egoist *cannot* respect rights: he can, because the rights-respecting option is just as good for his interests as the rights-violating option. Nor, on the other hand, is it being claimed that the rights-respecter *cannot* be acting in a self-interested way, and therefore cannot be an egoist: in choosing the rights-respecting option, he does not have to sacrifice his interests. So, where is the conflict—if egoists can respect rights and rights-respecters can be egoists?

The answer is that I do not suppose that the conflict is in behavior. The Argument does not aim to show that egoists are nasty people. Rather, the conflict is in the theory held by the egoist who believes in rights. His theory holds, at the same time, that one of the options is morally better than the other (given that there are rights) and that neither of the options is morally better (given the truth of egoism). But it is contradictory to affirm that the same option, the rights-respecting one, is both morally better and not morally better than the other. In person, the egoist himself may both serve (only) his own interests and respect rights, but the theory he relies upon is inconsistent.

One way to illustrate the import of this—since the incompatibility the Argument identifies is in the theory rather than, necessarily, in the

behavior of particular egoists—is to look for it in the judgments egoists would make. Consider a *nice* egoist who believes in egoism and rights and acts accordingly in the kind of situation the Argument picks out. Suppose he encounters a *nasty* egoist, one who does not always respect rights, even when he has, and knows that he has, other rights-respecting options that are equally good. What is the nice egoist to say? Since he believes in rights, he has to say the nasty egoist is wrong to violate them. But since he believes there are no obligations (or any other moral considerations) that do not flow from the requirements of self-interest, he cannot say the nasty egoist is doing anything wrong. The most the nice egoist can say is that *he* would not act that way; he cannot consistently offer the least reason either that the nasty egoist should not. Indeed, except in the sense that liking chocolate better than vanilla rationalizes choosing the former rather than the latter, he does not even have a rationale for his own niceness. And like other tastes, a taste for niceness, if that is all it is, neither warrants criticizing others with different tastes nor does it even secure its own stability: there is no reason in terms of a taste for niceness not to turn nasty tomorrow, if that's how one feels tomorrow.

### C. Can Examples be Given?

Some have doubted that examples could be given in which respect for and violation of rights would be equally self-interested.<sup>11</sup> I have a two-level response. In the end, the second is more important but the first has some interest, too.

We need first to be clear what the question is. If it is whether I can describe a concrete case in sufficient detail that it will be clear to any reasonable person that respecting and violating another's rights equally serve the agent's interests, then the answer is that I probably cannot. This is not because such a case can't occur. (It may be because I'm insufficiently imaginative.) Rather, it is because real cases are inevitably complex and require some kind of assessment of multiple factors bearing on a decision, and the assessment will depend upon the relevance, causal, probabilistic and normative, of numerous further claims. Too many factors and too many controversial

assignments of importance to each are involved to expect agreement from all reasonable persons.

The real question should not be whether two cases can be precisely equal, but whether an agent, the one who must make the decision, could reasonably believe that the alternatives confronting him are equal. It seems clear there can be such cases.<sup>12</sup>

Consider *a close case*. In a close case, we can suppose that the rights-respecting alternative is superior in terms of self-interest, but that fact is not completely obvious from minimal consideration, the kind one would have to engage in to pick an alternative at all. Discovering that the rights-respecting alternative is better requires some process of thought. If close cases are admitted, it's easy to say how a person faced with a close case could reasonably believe the cases are equal: Just reduce the time or quality of thought that the person is able to devote to making the decision. If he has little enough time to make the decision or must make it when his thinking is not at its best, he will not be able to discern the factors and trace the arguments that show that the rights-respecting course is better for his interests. As far as he can tell—remember, it's a *reasonable* belief on his part—the cases are equal in their impact on his interests. Since he doesn't have anything else to go on, he has to treat the two cases as equal. But that leads back to the initial problem. A person who doesn't think the rights of others provide a reason for rights-respecting behavior even when there is no anticipated cost to his interests does not believe in rights at all. A person who does believe that rights can provide reasons independently of interests is not an egoist.

Now for the second level of response. The sort of case I described should be viewed as a thought-experiment. The point of using a thought-experiment is not to replicate the messy details of actual cases but to abstract from them. Thought-experiments in moral philosophy have much the same role as in other areas. Physicists, for example, do not reason about frictionless planes, objects whose motion is not affected by any external forces, and what would happen at absolute zero because they believe any of these cases ever actually occur. In fact, they would agree that these not only do not occur but are physically impossible, given the way the world is.

It is *still* useful to conceive of them because of the guidance they provide in understanding how the relevant concepts work and in understanding the behavior of physical systems insofar as they approximate to the pure cases. The same applies, *mutatis mutandis*, in moral theory. Even if there is never a case in which respecting and violating rights equally serve the agent's interests, we find out something about the conceptual commitments involved in our theories by considering such cases. What we find out is that egoism and rights are not compatible. If we want a coherent moral theory, we have to give up one or the other.

#### **D. Should Rights be Redefined?**

Another attempt to avoid admitting a conflict between egoism and rights involves redefining rights.<sup>13</sup> It accepts the claim that rights imply obligations on the part of others. If John has a right to his property against Sara, then Sara has an obligation not to steal it from John. Or, abbreviating and generalizing, if A has a right, then B has an obligation. But then the objection calls on egoism for the premise that if B has an obligation, it must be because it is better for her interests to observe it. Applying that to the kind of case picked out by the Argument, the conclusion is drawn that the agent faced with the choice to respect or violate a right when the two options are equally good for her interests is not required by her interests to pick the rights-respecting option and therefore has no obligation to do so. But if she has no obligation to do so, then since rights imply obligations, the other party has no right that her action could be violating. Thus, it's a mistake to characterize the situation as one in which the agent is faced with a choice to violate or respect a right, since, in the absence of a reason based in self-interest to pick one of the options, there's no obligation and therefore no right.<sup>14</sup>

I think this is by far the best objection I have seen to the Argument, and on one level, it is entirely correct. On another and more important level, however, it amounts to giving up the case. It is correct that *if* one holds onto egoism, then one will not be able to recognize that there is any moral difference in one case as contrasted

with another, when the two options equally serve one's interests.

But, to continue, how is that supposed to show that egoism is compatible with rights? It certainly does not show that egoism is compatible with the second party having a right *in the case at hand*; in fact, it shows the opposite: it shows that if egoism is true, the second party does not have a right.

At this point, there are several issues to sort out. The first matter to secure is that this conclusion is indeed incompatible with the ordinary understanding of rights. That can readily be defended by attention to ordinary usage. Anyone in doubt can conduct inquiries. Ask people if they think their rights disappear when someone could, say, either steal from them or else work for the money, with an equal impact on that other person's interests. I submit you will not get the response, "oh, in that case, I don't have a right to the money." Rights that disappear just because it serves another's interests as well to violate as to respect them are not what they have in mind in claiming rights.<sup>15</sup> Or, to take another example, when I demand that you not kill me as a matter of right, I do not mean, "Don't kill me unless it would serve your interests better to do so." Still less do I mean, "It's okay to kill me if you don't have any better options."

Before proceeding, I want to emphasize how modest the claim upon which the Argument depends really is—and therefore how extreme is the egoist's rejection of that modest claim. I have not rested the Argument on any claims about whether someone believes in rights when respecting them actually imposes costs in terms of her interests. We're talking about a case where the agent could do *just as well* in terms of her interests by respecting rights. If she doesn't think rights make a difference *here*, when there is no anticipated cost to her interests, what she calls her "belief" in rights doesn't amount to much. The fact is, if that is really her position, she just doesn't believe in what people ordinarily mean by rights.<sup>16</sup>

Egoism, then, is not compatible with belief in rights in the ordinary sense of the term. If the egoist wants to claim that he nevertheless believes in rights, what he must be doing is proposing a conceptual revision: he must be saying that, though people ordinarily take their rights to extend to cases in which someone else could do



just as well by violating as by respecting them, they are mistaken to do so and should not understand their rights in that way. They should instead revise their conception of rights so as not to conflict with egoism. Though they do not believe in ‘disappearing rights,’ they should.

It is not easy, though, to see why they should. The usual case for conceptual revision goes something like this: People think that Concept X implies or presupposes Condition Y. But we have good reasons for thinking that Condition Y is not always satisfied when we would confidently apply Concept X. Therefore, we should re-think whether satisfaction of Condition Y is really essential to what we could reasonably want or demand in the application of Concept X.

Why does the egoist ask us to revise our understanding of rights? In the kind of case under consideration in the Argument, there is neither any emergency nor any conflict of interest. The agent can serve his interests equally well by selecting the right-respecting option, and, presuming that it is better to have one’s rights respected rather than not, the second party will do better if his rights are respected. The egoist can point to no advantage that will accrue, either to himself or to anyone else, from rejecting a conception of rights that requires rights-respecting behavior in the face of such options. He cannot expect to do better, and neither will anyone else. The only reason suggested for revision is that rights, as ordinarily understood, are not consistent with egoism.<sup>17</sup> The egoist’s insistence on revision is driven entirely by his theory, not by any independent arguments he can offer for the merits of a revised conception.

But that theory, egoism, is a doctrine for which no good arguments have ever been offered. It is about as close to certainly false as anything ever is in moral philosophy.<sup>18</sup> And there’s no reason to revise the conception of rights in order to make it consistent with something that’s not true.

No doubt, the egoist will not be satisfied with that response, for he thinks that egoism is true. Now, I think the case against egoism has been abundantly made out, but for present purposes we need not settle that. Even if, for the sake of argument, we assume that it is an unsettled question whether egoism is true or false, something further

is still needed: to show that there is available some revision of the conception of rights that is compatible with egoism. To pursue this, it is not enough for the egoist to say that he is revising the conception of rights so as to avoid the unwanted implication. More than that is required—even if the revision does avoid the unwanted implication.

Why do I say the egoist cannot *just* revise the conception of rights to avoid the unwanted implication? Because what he offers must, to be acceptable, be recognizable as a revision of *that* conception, rather than just replacing it with something else. Consider a silly example. Nobody would take seriously a claim to believe in rights when its author goes on to explain that he thinks rights are house-plants. No matter how convincing his case that there are house-plants or how sincerely he assured us of his belief, we would think he was, at best, badly confused, and, at worst, did not believe in rights at all. Now, the house-plant believer has plainly gone wrong somewhere . . . but where?

The answer is reasonably clear: what he is calling “rights” aren’t *enough like* what people already take rights to be to count as a revision of that concept. It is, of course, hard to say exactly how much likeness is “enough” or how to measure degrees of likeness, but any reasonable way of drawing the line will put the house-plant believer on the other side of it.

Even if we cannot precisely draw the line that marks being enough like the ordinary meaning of a concept to count as its revision, this establishes the point that some suggestions would not be close enough. Is the egoist going to be able to suggest a revision of the conception of rights that is close enough? I think he will not—he has already crossed to the far side of the line by denying that people have rights in equal-interest cases.

But, for the sake of the argument, let us suppose that the matter is not closed. The egoist thinks he can provide an acceptable revision and I am willing to hear him out. Providing an acceptable revision, though, requires that the egoist put something on the table for examination. *Saying* that he wants to revise the conception of rights is not the same as proposing a revision, and it is only particular proposed revisions that can be examined to see if they are close

enough to the ordinary conception of rights to count. Without offering some particular revision, the egoist is not entitled to say he has a conception of rights that is consistent with egoism. Until then, all he is really saying is that he believes in something or other that, he claims, is consistent with egoism.

I have not seen any proposed revision from an egoist that even looks plausible as an account of rights. Since I haven't seen any, I cannot very well comment upon them. What I will do is suggest a couple of conditions that should be satisfied by any acceptable revision and conclude with a challenge.

What does an egoist want in a rights theory? Two things, at least. First, it will have to get the *content* right. For an Objectivist who believes in libertarian rights, that will mean getting a good (maybe not perfect) mapping from his theory to what are ordinarily taken to be libertarian rights.<sup>19</sup> The theory will have to say that the correct content is captured, at least approximately, by the standard libertarian schedule of rights. Second, the theory will have to claim that there are self-interested reasons to respect rights. It will have to be true, in every case in which there is a right, that the relevant respondent has an interest in respecting it. To avoid the equal-interests objection, this means more than that respecting the right is in accord with the respondent's interests: it must actually be better in terms of the respondent's interests than any of his alternatives.

The challenge is to come up with an account that meets these conditions (and does not have decisive defects otherwise). Until the egoist proposes something, his belief that rights are compatible with egoism is, at best, undefended. If he cannot propose something, he should give it up—that is, he should reject either rights or egoism.

## Notes

1. Rand would not, at least in her later years, call her position “libertarian,” but that has little to do with the correct classification of her views. The rights she favored are the same as those favored by other libertarians.

2. Out of many examples, the following is representative, and juxtaposes claims proceeding in both directions: “All rights rest on the ethics of egoism. Rights are an individual's *selfish* possessions—his title to *his* life, his liberty, his property, the pursuit of his own happiness. Only a being who is an end in himself can claim a

moral sanction to independent action. If man existed to serve an entity beyond himself, whether God or society, then he would not have rights, only the duties of a servant” (Peikoff 1991, 354–55).

3. For the situation of a solitary agent, we might instead say that the rights-theory issues subjunctive or counterfactual prescriptions—e.g., if *C* were the case, then *A* would have a right to do *B*—that the antecedent of such prescriptions is sometimes satisfied, and that when it is, there is an actual right. But the subjunctive prescriptions can still be true (and thus the rights theory can still be true) when the antecedent is not satisfied.

4. See, for example, “The Rights (and Wrongs) of Ayn Rand.” available at <<http://www.geocities.com/amosapient/rand.html>>.

5. For a sampling of Rand’s views on such thinkers, see Rand 1961, 32–37.

6. In fact, none of the real alternatives to egoism—the views held and defended by serious thinkers—holds that there is nothing morally valuable in self-interest.

7. I do not, of course, mean to be denying that self-interest, altruistic projects, or yet other types of pursuits have moral value, just that whatever case can be built for their value must be on grounds other than that they are protected by the system of rights.

8. The egoist may admit *reducibly* moralized interests, i.e., interests held to be such because they are morally good (etc.), provided that there is in turn a case for their being in the agent’s interests that depends ultimately only upon non-moralized interests.

It is important to distinguish between moralized and non-moralized interests because some theories have appealed to moral considerations in order to determine what an agent’s interests are. For example, see Aristotle’s discussion of good and bad self-love. The good man is said to be a lover of self and to want the best things for himself, but Aristotle is quite explicit that what is best counts as such because it is or involves noble activity—that is, because of a moral quality: “In all the actions, therefore, that men are praised for, the good man is seen to assign to himself the greater share in what is noble. In this sense, then, as has been said, a man should be a lover of self; but in the sense in which most men are so, he ought not” (Aristotle 1984, 1169a33–1169b2). Further, he is clear that noble activity is compatible with and may require any manner of what would ordinarily be called sacrifice for the sake of others (1169a18–32).

In subsequent discussion, I shall abbreviate by just speaking of what is in an agent’s interests, rather than of what is in his non-moralized interests.

9. I have presented the Argument on the unmoderated Objectivist list, [atlantis@wetheliving.com](mailto:atlantis@wetheliving.com). I’d like to thank the list-members and especially Jeff Olson, Gayle Dean and Bill Dwyer for their contribution to discussing it. These three are also the principal sources of the objections I consider below.

10. I am inclined to think that other kinds of consequentialism cannot, in the end, escape the same problem, but that’s an argument for another time.

11. It’s not altogether easy to see what the objection here is supposed to amount to. Suppose you had two theories in physics that were shown not to be consistent with one another. Under certain extreme conditions, the two theories yield incompatible predictions. Suppose further that, so far as we know, the extreme conditions have never occurred nor is it expected that they ever will occur. Would

the fact that we do not think the extreme conditions have ever occurred show the theories were compatible after all? Of course not. They still could not both be true, even if the extreme conditions were never realized.

12. There are other ways of reaching this conclusion, but I shall outline only one.

13. It was proposed by Bill Dwyer.

14. To present the objection rigorously, we would have to speak of, say, a choice between killing and not killing someone when the two would equally serve the agent's interests, rather than a choice between respecting and violating rights. I assume the more rigorous statement is not necessary for the point to be clear.

15. In fact, the ordinary conception of rights goes well beyond this: people will also not agree that I may morally steal from them if it will be slightly better for me than working. (What they would say about extreme cases, where the choice is between stealing and personal disaster, is a different matter.) But the fact that the ordinary conception demands more than what I have relied upon in the Argument does not change the fact that it demands at least that much.

16. This isn't a question of the *content* of rights, of what there is a right to, but of what, given some agreed content, is properly demanded of someone who claims to respect that right.

17. In a way, this is my whole point: what people ordinarily understand rights to be are not compatible with egoism.

18. I have argued this at length elsewhere, for example, in "What's Wrong with Egoism" at <<http://www.geocities.com/amosapiet/egoism.html>>, and in "Killing for Trivial Gains" at <<http://www.geocities.com/amosapiet/killing.html>>. An abbreviated version of the latter argument goes like this: An egoist must accept the premise that it is never wrong to select, from a pair of options, the one that is better for his interests. From that premise it follows that if someone were confronted with a pair of options such that he could achieve a trivial net gain—say, a dollar after all costs and consequences are taken into account—by deliberately killing an innocent, non-threatening person, and had no other way to achieve so large a gain (then and there), then it would not be wrong for him to kill that person. But, of course, it would be wrong. Therefore, egoism, the theory that implies that it would not be wrong, must itself be mistaken.

19. If there are egoists who accept some different schedule of rights, then the mapping needed would, of course, be to the content of *that* schedule.

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