

Centenary Symposium, Part II
Ayn Rand Among the Austrians

Discussion

Rejoinder to Leland B. Yeager, "An Economist Responds" (Spring 2005)

Clarity and the Standard of Ethics

William Thomas

I am glad to know that at the very least the worries I had about Leland B. Yeager's argument did not pertain to positions he saw himself as endorsing.

He is concerned that in criticizing aspects of *Ethics as Social Science* (Yeager 2001) for unclarity I was expressing distress with his writing style as such. Not at all. *Ethics as Social Science* is written in a clear, plain style, one I could wish many more intellectuals would use.

The clarity with which I was concerned was the logical clarity of key elements of his argument. I remain concerned that as it is formulated in *Ethics as Social Science*, Yeager's individualist utilitarianism does not hold together as well as the author would like. He compares his formulations to those of Tara Smith in *Moral Rights and Political Freedom* (1995). It is in many ways an apt comparison. For my part, I found Smith's formulation of Ayn Rand's argument for rights weak on foundational issues and poorly grounded in fact (see Thomas 1997). So the similarity Yeager points to does not alleviate my fundamental concerns, however much he, Smith, and I are all partisans of the same general approach.

Turning to one example which Yeager discusses in his reply, I worry that any moral theory that holds that there are prima-facie positive rights that are not based in a deeper context of individualism and negative rights, will necessarily open itself up to collectivism. For example, most of us (including Yeager 2001, 216) think that children have positive moral claims on their parents. But why is this so? Is it

a brute fact we observe or intuit? This would be the natural way to read Yeager's statement in *Ethics as Social Science* that it is a "clear duty" (216). As a thoroughgoing individualist, I would argue instead that it derives from antecedent considerations such as the moral responsibility that arises out of free choice and the negative rights of adults to choose whether to have children. If parents freely choose to have children, then they are morally responsible for that choice.

Another possible positive right, which also has some face plausibility to it, is the right-to-be rescued: do onlookers have, for example, a positive obligation to rescue a drowning child? In his reply's discussion of the arguments on the right-to-be-rescued, Yeager emphasizes that moral principles are contextual.

Rights arise within ethics, and degrees of moral obligation do vary according to circumstances. The obligation to refrain from murder is stronger than the obligation to avoid gratuitously insulting one's friends. (Yeager 2005, 468)

Thus the putative right of a drowning child to be saved is an example of a contextual principle, and Yeager denies that in the broader context of life many such positive rights exist. But the issue at hand is the standard by which the situation takes on moral force in the first place. This is a rather grisly example, and as Yeager (2001, 216) notes, an "exceptional" one. After all, how many of us, outside of the military and rescue professions, ever find ourselves in a situation to risk life and limb to save the life of a stranger? But if we do, what is the standard that should guide our actions? Psychologically, we may well act on the basis of what feels right to us. But are there moral principles that should trump our feelings? It is not enough to say that the obligation to rescue arises contextually. What is the context? Are positive rights a brute fact in that context, and if so, why? What then prevents a collectivist from discerning positive rights in a much wider range of contexts, such as a sick person's desperate need for health care or a single parent's crying need for a higher income and more convenient child-care services?

This is why Yeager's application of his theory to cases like the

drowning child would benefit from the unabashed recognition that, as Rand (1967) argued, the defense of freedom requires a principled and forceful rejection of the moral standard of altruism, or self-sacrifice for the sake of others. Anyone who lacks the moral right to be left alone by society will be hard-pressed to avoid conceding that he should devote significant and unbounded amounts of his time, energy, money, and life to other-directed projects. To be sure, Yeager (2001, 37) apparently agrees with this point in the abstract. But, as I have indicated, he does not apply it to cases with much consistency.

To put this abstract point into practice, must we recur to slippery-slope arguments? Yes. But we live in a society that has already slid so far down the slope that all major parties on left and right scramble to increase the reach of government and the amount of service, tax, and tithes demanded of us. We live in a society where service to others is the highest and most frequent moral ideal appealed to in our public life. It is a slope to worry about.

And is principled anti-altruism a corner solution? No. It's a foundational principle of ethics, part of the basic definition of what costs and benefits we ought to balance in seeking marginal improvements. In the end, there are many good reasons why one might try to save a drowning child. But an individualist ethic that takes happiness as the moral end of life cannot admit of an unanalyzed "clear duty" in such a case, even taking context into account, because to do so would cast its own method into doubt.

These kinds of problems with the rigor and clarity of Yeager's argument stand in contrast to his own desire to see ethics be more like a science. On this latter issue, as on the relevance of context to ethics, and as on many other issues, Yeager and I are in general agreement. In light of this, I do not wish to further belabor the points I made in the review: anyone interested may read them there. It is plain we bring somewhat distinct methods to analyzing philosophical fundamentals, yet we share in broad strokes the same vision of a robust and fact-based moral individualism.

References

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