

# Ayn Rand and the Is-Ought Problem

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## The Essential Subjectivity of Objectivism

Although ethical systems may be divided into those which claim to be objective and those which freely acknowledge their own subjectivity, a special place must be reserved for an ethical system such as that of Ayn Rand<sup>1</sup> which takes its name from this central claim to objectivity—Objectivism.

In this essay, the claims of Objectivism to present an objective epistemology<sup>2</sup> will not be considered, but only the claim of Rand's ethical system to represent an objective value system. Rand says specifically:

No philosopher has given a rational, objectively demonstrable, scientific answer to the question of *why* man needs a code of values. So long as that question remained unanswered, no rational, scientific, *objective* code of ethics could be discovered or defined.<sup>3</sup>

There can be no doubt that she intends to construct an ethical system in which the standards of morality operate independently of their subjective acceptance by individual human wills:

Today, as in the past, most philosophers agree that the ultimate standard of ethics is *whim* (they call it "arbitrary postulate" or "subjective choice" or "emotional commitment")—and the battle is only over the question of *whose* whim: one's own or society's or the dictator's or God's. Whatever else they may disagree about, today's moralists agree that ethics is a *subjective* issue and that the three things barred from its field are: reason—mind—reality.<sup>4</sup>

Two main obstacles block the successful creation of an objective ethical system: epistemological moral relativism and the is-ought gap (often called Hume's Law<sup>5</sup>). The first obstacle, although the more familiar, is by far the weaker and more easily dispatched. Moral relativism, based upon epistemological arguments and objections, appears to block the path to the discovery of an objective system of morality by two major arguments: (1) that the variety of the innumerable ethical systems of the people of the earth, and the fact that many of these systems command actions that others of them forbid, demonstrates that there is no correct ethical system, but only subjective preferences in the ethical realm; and (2) that the inability to prove the correctness of an ethical system in an experimental manner or even in an *a priori*, geometrical demonstration proves its mere subjectivity.

In regard to the first challenge from the relativistic perspective, Rand retorts by placing her ethical system in a category radically different category from virtually all other such systems. In reference to her own system, she states:

What is morality, or ethics? It is a code of values to guide man's choices and actions—the choices and actions that determine the purpose and course of his life. Ethics, as a science, deals with discovering and defining such a code.<sup>6</sup>

All others she characterizes in the following manner:

In the sorry record of the history of mankind's ethics—with a few rare, and unsuccessful, exceptions—moralists have regarded ethics as the province of whims, that is: of the irrational. Some of them did so explicitly, by intention—others implicitly, by default. A "whim" is a desire experienced by a person who does not know and does not care to discover its cause.<sup>7</sup>

With the second contention of the relativists, that moral systems do not admit of scientific proof, Rand would unequivocally disagree. That section of Ayn Rand's address on Objectivist ethics<sup>8</sup> wherein she speaks of the discovery or definition of a "rational, scientific, *objective* code of ethics" has already been quoted here. In the same address<sup>9</sup> she upbraids Aristotle for denying that ethics is an exact science<sup>10</sup> and for his doctrine of the wise and noble man (*spoudaios*<sup>11</sup>) whom one is to observe and to imitate in order to be moral. Rand rejects this intuitionism in a clear belief that a proper moral system is capable of rational demonstration.

It should be noted that Rand does not have to claim this scientific demonstrability for her ethical system in order to overcome the second attack of the relativists. The fact that a particular system has not been demonstrated *a priori* or even *a posteriori* does not prove the relativists' assertions, for the absence of such a proof is not, and cannot be, the same as a refutation. In point of fact, most ethical argumentation is developed in the mode of *a fortiori* reasoning. Rand, however, has other reasons for desiring the complete demonstrability of her system—the awesome difficulty of facing Hume's is-ought dichotomy.

The skepticism of Hume annoys and revolts the rationalistic Rand, for his denials of the provability of causality, consciousness, and the continuity of nature are all "accompanied by vehement opposition to the mysticism of the Witch Doctor and by protestations of loyalty to reason and science."<sup>12</sup> Hume uses reason to make an assault upon reason's own reliability and especially upon its epistemological subset—the tenets of the scientific method and probability. Since Hume does not use faith against reason, but reason against itself, she senses in his formulations the deadliest of opponents.

Rand's characterization of Hume's skepticism as "the manifesto of a philosophical movement that can be designated only as *Attila-ism*,"<sup>13</sup> despite its vituperative quality, is probably not unfair, for the ethical system that derives from the Humean skepticism cannot but be recognized as one where power is the overall determinant. The Humean ethical system could well be called a refined and sophisticated Hobbesianism—but whereas Hobbes dwells principally upon the purely

materialistic aspects of power, Hume acknowledges the role that human ideas and subjectively held values play in motivating human action (i.e., in creating and resisting political and social power).

Rand is, however, unfair in her analysis of Hume when she asserts: "Hume's conclusions would be the conclusions of a consciousness limited to the perceptual level of awareness, passively reacting to the experience of immediate concretes, with no capacity to form abstractions, to *integrate* perceptions into concepts, waiting in vain for the appearance of an object labeled 'causality.'" <sup>14</sup> It is not the case, of course, that Hume's consciousness does not draw the same conception of causality from witnessed events that virtually all humans do, but rather, that upon analysis, he cannot justify these conceptual products of his consciousness deductively. Intellectually, Hume would maintain that the concept of causality must rest upon faith, for all empirical evidence of its existence becomes evidence only by a prior assumption of the notion of causality.

The question of Humean skepticism in general need not be of concern to us here, but the Randian response to Hume's is-ought problem may very likely be colored by her analysis and reaction to his skepticism.

Rand begins by recognizing the clear relation of value to the individual will, for she says, "the concept 'value' is not a primary; it presupposes an answer to the question: of value to *whom* and for *what*?" <sup>15</sup> In this distinction, she is clearly repudiating any approach like that of G. E. Moore, who, in *Principia Ethica*, attempted to circumvent the naturalistic fallacy <sup>16</sup> by making the good a property adhering in certain actions. Rand then quotes approvingly from a speech by her John Galt, the hero of *Atlas Shrugged*, in which he draws a direct link between "life" and "value," noting that only living entities can have values and that the great fundamental alternatives in the cosmos are existence and nonexistence.

Rand develops this idea at length, <sup>17</sup> holding up the "organism's life [as] its *standard of value*," and calling life "the only phenomenon that is an end in itself: a value gained and kept by a constant process of action." By emphasizing the interaction of the valuation of life and the role of values in preserving life (and imparting meaning to it), Rand appears to have successfully avoided falling into the naturalistic fallacy, for she does not make "life-sustaining" a total synonym for "good." If she were to make them synonymous, Moore's objection that the term "good" could be dropped and the purely descriptive term ("life-sustaining," in this case) could be retained, would apply. Galt seems to speak this way—"it is only to a living entity that things can be good or evil"—but Rand draws the appropriate distinction:

And an animal has no choice in the standard of value directing its actions: its senses provide it with an *automatic* code of values, an automatic knowledge of what is good for it or evil, what benefits or endangers its life. An animal has no power to extend its knowledge or to evade it. <sup>18</sup>

Rand has called the things that harm or help the lower organisms "good" or "evil" by a kind of metaphorical extension, but for the human organism, who

makes rational choices on the basis of life-oriented values, she means these terms literally. In this way, she has avoided both the naturalistic fallacy and subjectivism. For the human being, a thing can be chosen because it belongs to this class of life-sustaining things or activities (and hence is good on that lower, metaphorical level), but in the act of choosing (valuing) the thing or activity in a conscious choice, because it is life-sustaining, the thing or activity becomes "good" in the higher sense, which cannot be reduced to the purely descriptive phrase of "life-sustaining." The morally good, as opposed to the naturally good, in Rand equals not "life-sustaining," but "life-sustaining freely chosen on account of that standard."

Subjectivism is thus avoided because, although it is the individual will which chooses, it can choose incorrectly, for the standard of the life-sustaining is embodied in concrete reality: "Thus the validation of value judgments is to be achieved by reference to the facts of reality."<sup>19</sup>

It is at this stage in her argumentation, at the very point of seeming triumph over subjectivity, that Rand loses the battle. She takes aim at the Humean disjuncture of the prescriptive from the descriptive and fatally wounds the pretensions to objectivity of her own systematic ethics: "The fact that a living entity *is*, determines what it *ought* to do. So much for the issue of the relation between 'is' and 'ought.'"<sup>20</sup> In these two sentences, Rand reveals a serious misconception of the nature of the Humean is-ought gap and introduces a dangerous potential for self-contradiction into her own ethical system.

In his work *A Treatise of Human Nature*, the Scottish philosopher David Hume challenged the basis of all objective systems of morality:

I can not forbear adding to these reasonings an observation, which may, perhaps, be found of some importance. In every system of morality, which I have hitherto met with, I have always remarked, that the author proceeds for sometime in the ordinary way of reasoning, and establishes the being of a God, or makes observations concerning human affairs; when of a sudden I am surpris'd to find, that instead of the usual copulations of propositions, *is*, and *is not*, I meet with no proposition that is not connected with an *ought* or an *ought not*. This change is imperceptible; but is, however, of the last consequence. For as this ought, or ought not, expresses some new revelation or affirmation, 'tis necessary that it should be observed and explained; and at the same time that a reason should be given, for what seems altogether inconceivable, how this new relation can be a deduction from others, which are entirely different from it.<sup>21</sup>

Clearly, Rand thinks that Hume denied a connection between facts and systems of morality. This error is not uncommon, and forms the basis for A. C. MacIntyre's revisionist reinterpretation of Hume's famous paragraph.<sup>22</sup> Claiming that Hume could not have meant to establish a total divorcement of facts from values because Hume uses facts in his own ethical system, MacIntyre interprets Hume to be assaulting only theologically-based morality. In fact, there is nothing in the Humean formulation of the problem which hinders the simple integration of facts and values. The sole difficulty arises over the derivability of values from facts.

The following syllogism does not violate Hume's Law:

One ought not to murder human beings.  
Socrates is a human being.  
Therefore, one ought not to murder Socrates.

On the other hand, the syllogism below does violate Hume's Law:

Human beings have a right to life.  
Socrates is a human being.  
Therefore, one ought not to murder Socrates.

The second syllogism is defective, for it requires for its conclusion the premise that one ought to respect the rights of others. Add that assumption, and one has a valid syllogism which integrates facts and values.

It should be noted that, although many philosophers speak as if the is-ought problem were a problem in logic, the question does not belong to the domain of the science of logic at all. The problem can, of course, be expressed in logical terms, for the impossibility of deriving an "ought" from an "is" can be rendered as the inability to reach prescriptive premises from descriptive conclusions. Despite the use of the terminology of logic in setting up the problem, however, there exists no necessity from the point of view of the science of logic alone why one should expect to be able to derive an "ought" from an "is." No paradox or antinomy results from this inability, and prescriptive conclusions can be produced by the expedient of utilizing a prescriptive premise.

The difficulty produced by the is-ought gap involves the discipline of ethics, rather than that of logic, for, if one must always have a prescriptive premise in one's assumptions, a nasty perplexion arises: One must either assume an infinite regression of prescriptions, or one must assume a most basic prescription (or set of prescriptions). The first assumption—an infinite regress of prescriptions—is incomprehensible. Aristotle called an infinite regress in explanation illogical, and, as a standard form of philosophical argumentation, the demonstration that a particular position necessitates an infinite regression constitutes a refutation of that position. From the second assumption, if one (or more) moral maxim(s) is taken to be the most basic possible, then another difficulty arises: Either this maxim can be disobeyed or it cannot. If it cannot be disobeyed, then the term "ought" seems inappropriate, for we use that word in connection with free choices only. As John Galt said, and as Rand reiterates: "Man has to be man—by choice; he has to hold his life as a value—by choice; he has to learn to sustain it—by choice; he has to discover the values it requires and practice his virtues—by choice. A code of values accepted by choice is a code of morality."<sup>23</sup>

If, on the other hand, there is a choice either to obey or to disobey this most basic moral maxim, then there is a demand automatically set up for either a more basic moral maxim still, or for a reason why one would benefit from obedience to the maxim. Obviously, the demand for a more basic moral maxim is simply

the setting up of an infinite regression, which Rand as well as Aristotle recognizes as impossible:

Without an ultimate goal or end, there can be no lesser goals or means: a series of means going off into an infinite progression towards a nonexistent end is a metaphysical and epistemological impossibility. It is only an ultimate, an *end in itself*, that makes the existence of values possible.<sup>24</sup>

The other alternative, the supplying of a benefit—either directly positive or the absence of a negative sanction—indicates a teleologization of the moral maxim, and for this reason is unacceptable, for it makes the maxim depend upon the individual, subjective human will. If, for example, we say that “one ought to do x, in order that y,” we have made the obligation to do x dependent on some personal desire to have y occur. “One ought to do x, in order that y” can be translated into “if one wants y, one ought to do x,” which is conditional, depending upon the subjective desire for y. The “ought” in the teleological conditional, “if one wants y, one ought to do x,” does not present a problem in regard to the is-ought gap, for it is not a genuine deontological “ought,” and may be rendered in a non-prescriptive form. Thus, the following syllogisms are valid and equivalent, despite the is-ought dichotomy (which applies to the deontological “ought” only):

If you want y, you ought to do x.

You want y.

Therefore, you ought to do x.

If you want y, the most efficient way to achieve it is to do x.

You want y.

Therefore, the most efficient way to get what you want is to do x.

Given either of these equivalent syllogisms, if you act contrary to the conclusion, we do not express moral outrage, but merely surprise. One either assumes that you did not, in fact, want y, or that you did not know or believe the factual content of the first premise. If one becomes convinced that neither of these applies, and you still refuse to act in line with the reasoning of the syllogism, one assumes that you are illogical, crazy, or so forth. Max Black’s claim that there is no distinction between the deontological and the (teleological) hypothetical moral imperatives in regard to the is-ought problem, therefore, proves totally incorrect.<sup>25</sup>

Returning to the Randian system of ethics, we see that the claimed bridging of the is-ought gap has not succeeded. Rand says: “Knowledge, for any conscious organism, is the means of survival; to a living consciousness, every ‘is’ implies an ‘ought.’” Yet she goes on to elaborate the obvious fact that a man may choose contrary to the standards she has endorsed: “Man is free to choose not to be conscious, but not free to escape the penalty of unconsciousness: destruction.”<sup>26</sup>

This ability of man to choose his own destruction is of some importance, and Rand mentions it more than once. She uses this negative choice-potential to differentiate the human from the lower vegetative life-forms: “there is no alternative in a plant’s function: it acts automatically to further its life, it cannot act for its

own destruction."<sup>27</sup> The negative volitional option is utilized to separate human from animal as well.<sup>28</sup> Freely chosen evil is recognized as essential for this differentiation,<sup>29</sup> and indeed, it is seen as that which constitutes the uniqueness of man: "Man is the only living species that has the power to act as his own destroyer—and that is the way he has acted through most of his history."<sup>30</sup> Galt is summoned to cap it off: "the alternative his nature offers him is: rational being or suicidal animal."<sup>31</sup>

These reiterations seemingly contradict another basic thesis of Randian ethics, however, for she has insisted: "Ethics is an *objective, metaphysical necessity of man's survival*."<sup>32</sup> Now, this standard—the rational criterion required for man to survive *qua* man<sup>33</sup>—is perfectly objective, and unalterable by human whim: "No choice is open to an organism in this issue: that which is required for its survival is determined by its *nature*, by the kind of entity it *is*."<sup>34</sup> Since Rand has admitted (often) that the entity can choose death over life, however, it is at this critical juncture that the subjectivity enters and dominates Rand's entire ethical edifice. The whole Randian moral system rests upon the most basic moral command that one ought to do that which preserves one's life (*qua* man). It makes no difference, then, that the standard is not variable in response to the individual, subjective will, for the commitment to the command ("one ought to behave so as to survive *qua* man") demands a more basic deontological moral imperative—setting up the prospect of an infinite regression of moral commands—for a rational creature has the option to choose nonsurvival as well as survival: "Metaphysically, the choice 'to be conscious or not' is the choice of life or death."<sup>35</sup>

Apparently, there is no reason not to select death over life. The fact that activity *y* is required for my continued existence does not make a deontological "ought" derivable from that fact. If, on the other hand, "one ought to do *y* in order to survive" can be translated into "if one wishes to survive, one ought to do *y*," then the entire structure of Objectivist ethics becomes subjective, for the conditional "if one wishes to survive" colors all that depends upon it.

It does not seem at all clear that Ayn Rand has an answer to this objection, but hints of a defense seem to suggest themselves in certain key texts. Rand seems to be making an explicit argument that the choice of death over life is irrational and illogical. Having noted that only a living organism has the capacity for self-generated, goal-directed activity,<sup>36</sup> she states:

Epistemologically, the concept of "value" is genetically dependent upon and derived from the antecedent concept of "life." To speak of "value" as apart from "life" is worse than a contradiction in terms. "It is only the concept of 'Life' that makes the concept of 'Value' possible."<sup>37</sup>

Despite Rand's frequently expressed loathing for the German philosopher Kant—"the man who . . . closed the door of philosophy to reason, was Immanuel Kant"<sup>38</sup>—she seems to have borrowed an ethical notion from Kant's moral theory. She attempts to utilize one of the underlying principles of Kantian ethics, that immoral actions are self-contradictory. One finds Rand employing another Galtian

speech to hint at this idea: "Happiness is a state of non-contradictory joy—a joy without penalty or guilt, a joy that does not clash with any of your values and does not work for your own destruction."<sup>39</sup>

The roots of this Randian approach seem to lie in her espousal of a substantive, rather than an instrumental, definition of rationality. She calls her opponents irrationalists, and she has Galt in the aforementioned speech, in a single sentence, speak of "rational man," "rational goals," "rational values," and "rational actions."<sup>40</sup>

Rand speaks worshipfully of the "laws of logic,"<sup>41</sup> and in her thumbnail history of philosophy, she calls Aristotle's philosophy "the intellect's Declaration of Independence" from the reign of mysticism and unreason:

Aristotle's . . . incomparable achievement lay in the fact that he defined the basic principles of a rational view of existence and of man's consciousness: that there is only *one* reality, the one which man perceives—that it exists as an *objective* absolute (which means: independently of the consciousness, the wishes or the feelings of any perceiver)—that the task of man's consciousness is to *perceive*, not to create, reality—that abstractions are man's method of integrating his sensory material—that man's mind is his only tool of knowledge—that A is A.<sup>42</sup>

She even goes so far as indirectly to praise St. Thomas Aquinas as the vehicle for the reintroduction of Aristotle's thought to pre-Renaissance Europe.<sup>43</sup>

One need not reproduce the endless arguments between the proponents of theories of substantive rationality and those of instrumental rationality in order to see that the Randian use of the doctrine does not solve her difficulties with the "is" and the "ought." Hume, it is true, believed that reason was purely instrumental—desires could neither be rational nor be irrational, but were essentially non-rational. Actions could be called rational or irrational only in regard to their appropriateness to the achievement of desires. In a famous dictum, Hume assured his readership: "Where a passion is neither founded on false suppositions, nor chooses means insufficient for the end, the understanding can neither justify nor condemn it. 'Tis not contrary to reason to prefer the destruction of the whole world to the scratching of my finger."<sup>44</sup> There is no need to prove the correctness of the Humean teaching of the instrumentality of reason in order to show that the Randian notion of substantive rationality does not provide a bridge between "is" and "ought," however.

Rand says (through Galt) that "rationality is a matter of choice."<sup>45</sup> This presents an immense problem for the Randian philosophy, for one is forced to ask: If rationality is a matter of choice, is the choice to maintain rationality or to abandon it a rational choice or a non-rational choice? This involves a great deal more than semantics, for if it is the case that either choice is non-rational (or even pre-rational), then the Randian system of morality depends, at root, on a happenstantial, un-free choice. The Randian might attempt to claim that there was a bifurcation, with the choice of rationality amounting to the rational choice, and with the choice of irrationality amounting to an irrational choice. This raises a double difficulty.

First, it is unclear how the selection of one of two alternatives can possibly

alter the nature of the prior choice that produced the selection, but this point may be debatable. Secondly, the elimination of the possibility of a rationally chosen commitment to irrationality means that there can be no such thing as freely chosen evil. Rand seems to reject this possibility, however, for she does appear to require the existence of freely chosen evil:

Man's basic vice, the source of all his evils, is the act of unfocusing his mind, the suspension of his consciousness, which is not blindness, but the refusal to see, not ignorance, but the refusal to know.<sup>46</sup>

For the choice to unfocus the consciousness to be evil—to be a refusal to see rather than blindness and a refusal to know rather than ignorance—it is necessary that it be a freely adopted choice by the reason, for if the individual did not freely and consciously choose it, it cannot be said that the individual acted as he ought not to have acted. Rand, it is true, speaks at times of a fact that “man must act for his own *rational* self-interest,”<sup>47</sup> but that “must” seems clearly to be in the context of action within the framework of the acceptance of Objectivist ethics. Clearly, if there is a choice as to whether to act rationally or not, there can be no reason why a man “must” (in any absolute sense of necessitation) act in his own rational self-interest, at least as “rational” is defined by those who adhere to belief in substantive reason.

Rand's subtle attempt to use the Kantian gambit of the contradictions of evil actions is apparent in the following sentence: “The irrational is the impossible; it is that which contradicts the facts of reality; facts cannot be altered by a wish, but they *can* destroy the wisher.”<sup>48</sup> The problem with both the Kantian and the Randian positions on this issue is that it is not the case that immoral actions constitute an impossibility or a logical contradiction in the way that a square circle does: A square circle can be neither constructed, nor described, nor conceived, for it consists of no more than the juxtaposition of two contradictory words which can be put together only in time, but cannot be otherwise conjoined. Evil choices and evil actions cannot be seen as contradictory or impossible for the simple reason that they can be done. Since one can choose to will values which will lead to his demise, Rand is left with the problem of why one ought not so to will if one feels inclined in that direction.

The following syllogism is defective, but it represents the most basic moral reasoning of the Randian system:

The adoption of value system x is necessary for the survival of any human being.

You are a human being.

Therefore, you should adopt value system x.

The missing premise—a prescriptive premise—is that one ought to do what is necessary in order to survive. But any inclusion of that prescriptive premise just triggers the infinite regression of the is-ought dichotomy. Treatment of the problem as a hypothetical imperative would prove equally unsatisfactory:

If you wish to survive, you ought to adopt value system x.

You wish to survive.

Therefore, you ought to adopt value system x.

This syllogism is perfectly valid, but it will not serve for Rand's purposes, for its introductory conditional makes the entire ethical system subjectively dependent on the individual human will: If you do not choose to survive, there appear to be no grounds upon which the Randians can condemn your judgment morally. Objectivist ethics are, therefore, thoroughly subjective.

### The Natural Law Defenders of Rand

Having discussed Ayn Rand's ethical system as presented in her own words, it may prove advisable to look at some of the attempts which have been made to provide a natural law interpretation and defense of the Randian moral system.

This reply will focus on two separate aspects of the natural law argument for Randian ethics: (A) an analysis of some difficulties in the life-as-ultimate-value position, and (B) a consideration of whether the Randian (or any other) natural law approach solves the Humean is-ought problem.

A. In presenting their elaboration of the Randian position of life as the ultimate value, Douglas Den Uyl and Douglas Rasmussen,<sup>49</sup> by their replication and intensification of the original Randian arguments, make clear (unintentionally) a major flaw in the Randian conceptualization of ethics.

When considering why life is a value implicit in all other values, Den Uyl and Rasmussen present the following argument for their (and Rand's) position:

Man's life must be the standard for judging moral value because this is the end toward which all goal-directed action (in this case purposive action) is directed, and we have already shown why goal-directed behavior depends on life. Indeed, one cannot make a choice without implicitly choosing life as the end. Let us consider the following argument:

- 1.) X is an object of choice.
- 2.) Y is a necessary condition for the existence of X as a value. . . . Y makes X as a value possible.
- 3.) If P chooses (values) X, P must choose (value) the necessary condition for P's valuation of X.
- 4.) P chooses (values) X.
- Thus 5.) P chooses (values) Y.
- 6.) Y is man's life.
- Thus 7.) P chooses (values) man's life in choosing (valuing) X.<sup>50</sup>

We can see clearly that 'Y' is presented as an undifferentiated whole, with no consideration as to time, but time differentiation is one of the most essential elements in the valuation of life. To begin with, it is obvious that the desire for life in the abstract is an absurdity—all "life" as we know it is time-differentiated, both as to beginning and as to end. Even if it is not an absurdity to wish for endless life, two problems immediately present themselves: (1) life is still time-differentiated, as it proceeds from a fixed beginning, and (2) if unending life is the goal, we are

certain to fall so infinitely short of the mark as to render the distinction between instant death and death after the interval of centuries meaningless.

If, however, the natural law defenders of Rand admit that the ultimate value—life—is time-differentiated, great problems arise for their analysis. If we take time  $t$  as the first moment when an individual makes a conscious, knowledgeable, and willed choice between or among alternatives, and if we further assume life to be a time-differentiated entity, some interesting results will follow: at time  $t$  there is no meaningful sense in which life-at-time- $t$  can be the object of a meaningful act of choice (valuing)—for it is a given, and one which it is equally meaningless to will to be or to will not to be, since both options alike lie outside our power.

To begin with, our life is not and cannot be of our willing initially. From the point of view of our own human wills, we come to consciousness already in life, as A. E. Housman put it, "Born a stranger and afraid/In a world I never made." If we look at all the time that has preceded the initial moment of decision (time  $t$ ), we may, for the sake of demonstration, take our first moment of life (whether at birth, at conception, or at some point in between) to have been at time  $t - 10,000$ . At time  $t$ , it is as meaningless to make a valuation (i.e., a valutive volition) concerning life-at-time- $t$  as it would be to wish that one had not existed from time  $t - 10,000$  to time  $t$  or, alternatively, that one had existed at any point prior to time  $t - 10,000$ .

Such volitions as these are contrafactual, and may be said to be truly illogical. They simply cannot be achieved because they were not in the time which has passed, and thus, now, can never be. Interestingly, because they are fully and truly illogical (that is, because they can never be), we do not attach any moral significance to such volitions, except (perhaps) to suggest that anyone who gives them too much consideration is wasting his time.

A decision, a volition, at time  $t$  can only be meaningful in relation to life-at-time- $t + 1$  or life-at-time- $t + 1, t + 2$  or life-at-time- $t + 1, t + 2, \dots, t + n$ . We can only will concerning life in the future (however proximate that future), for the presence of life at the moment of willing is a given condition for the act of willing, and must therefore be accepted (no act of volition being necessary or possible in regard to it)—it *cannot* in any case be altered, for it is simultaneous with the act of willing—i.e., it is as much outside the effective operation of our wills as is our being or non-being at any point in time prior to that act of willing.

When we look at volitions concerning life at a future point, however, no such problems arise. If at time  $t$ , one decides to end one's life, or to carry on some form of activity that is likely to result in an early expiration, such as playing Russian roulette, one is making a decision about life-at-time- $t + 1$  or about life-at-time- $t + x$ —in any case, about some future point in time—at which point the holding of life (and the valuing of it) are not necessary for those valuations which have been made at time  $t$ .

There is no contradiction whatsoever in a wish to live an hour, a day, a week, a year, or any set number of years, but no longer than that specified time. The illogical wishes for life (and those wishes, therefore, incapable of fulfillment) are those involving a desire to have lived in a time prior to one's birth. If, of course,

one wishes for both life and that which is normally antithetical to life, one runs a high risk of having one of one's wishes contradicted by events. If, to take an example, one gets a craving for a luncheon of Angel of Death mushrooms, but, at the same time, one has an equally strong hankering for continued life, then one would do well to give up either the culinary vellications or the desire for longevity. Should one clearly desire a meal of the deadly mushrooms more than the prolongation of life, however, there would be nothing illogical in eating the fatal fungus.

Given the application of time differentiation to life, there remains no substance to the Rasmussen-Den Uyl claim for the paradoxicality involved in valuing death: "Given that life is a necessary condition for valuation, there is no other way we can value something without also (implicitly at least) valuing that which makes valuation possible. Paradoxically perhaps, we could value not living any longer, but in making such a value we must nevertheless value life."<sup>51</sup> More significantly, however, the ground seems to move away from their subsequent argument that death cannot be an ultimate value:

Death, a living thing not-being, does not require any actions for its maintenance. Death is not a positive way of being. Rather, it is a negation—the absence of being a living thing. It has no required actions; it has no needs. Death cannot be the reason or cause of goal-directed behavior. . . . Therefore, we cannot "suppose" death or anything else (other than life) as the ultimate value, for the very activity of "holding something as a value," let alone as an ultimate one, depends on life being the ultimate value in the sense of "ultimate" discussed earlier.<sup>52</sup>

It is undeniably true that, given time-undifferentiated life and death, life requires actions to sustain it, and death requires none. Nevertheless, if we refer to time-differentiated life and death, they begin to take on a far greater similarity in regard to the necessity of action to achieve or sustain them: Death, it is true, never requires any purposive action and willful choice to sustain it, but to achieve it at a given time may require such actions. Under some conditions, it may require the greatest degrees of ingenuity and courage to achieve it. Life, on the other hand, requires actions to sustain it (sometimes), but can never be "achieved"—i.e., one must always have life, one can never acquire it as an object of actions, but only the extension of it.

Since Rand would reject any notion of an immortal soul in man as the propaganda of the Witch Doctor, and since (anyway) such an assumption attached by a revisor of Rand would seriously distort the role of physical survival in Rand's ultimate valuation of life, another problem arises *vis-à-vis* life as the ultimate value—it cannot, in any case, be sustained beyond the paltry few years of our life spans.

Death has the quality, at least, of being everlasting. Rand and her defenders have done little to treat the problem of the effect which the inevitability of the loss of life has upon the role of life-as-the-ultimate-value. Since one must (will, if you prefer) die at time  $t+x$ , Rand and her defenders must elaborate why that loss of life at time  $t+x$  is to be preferred (automatically) to the loss of life at time  $t+(x-1)$

or at time  $t+(x-1,000)$  or at any other time. This problem flows out of the lack of time differentiation in the Randian valuation of life, and it will not be pursued further here.

B. Far more important than these specific criticisms of the Randian use of life as the ultimate value is the question of Rand's purported solution to Hume's is-ought dichotomy. As already demonstrated in this essay, Rand's proposed solution to this difficulty is entirely inadequate, but we must now take up the issue of whether the interpretation of Rand as an ethical philosopher of the natural law tradition will alleviate her snag on Hume's Law.

Alas, it appears that such is not the case, for as yet, no solution to the Humean quandary has come out of the natural law tradition either.<sup>53</sup> Why, it may well be asked, should Ayn Rand be held to account for a failure to overcome that meta-ethical problem—Hume's is-ought gap—which no other philosopher has as yet subdued? Simply, in answer, it must be pointed out that unlike most of the great ethicists, and especially the giants of the natural law tradition, such as Aristotle, Aquinas, John Duns Scotus, Cicero, Suarez, etc., Rand has lived after the publication of Hume's *Treatise of Human Nature*, and she herself proclaims both her intent to solve and her success in solving that particularly knotty problem.

Natural law philosophy will not, in its present state, answer the difficulty of the is-ought problem. If we were to construct a paradigm syllogism of a generalized natural law ethical argument, it would resemble the following, which was Osterfeld's version of that paradigm:

1. The behavior or movement of any living entity having a nature ought to be in accord with its nature.
2. Man has a nature.
3. Hence, man ought to act in accordance with it.<sup>54</sup>

Osterfeld went on to undermine this paradigmatic syllogism's significance for ethics by an astute observation:

One may . . . feel that anyone who could reject the conclusion that one "ought to act in accordance with his nature" is "a bit weird," but the fact remains the moral norm can be binding only on those who accept the higher axiological rule, but it is quite without moral significance for anyone who doesn't.<sup>55</sup>

Rasmussen, in attempting to deal with the Osterfeld objections, follows the weaker (but more highly emphasized) line in Osterfeld's reasoning. Rasmussen summarizes Osterfeld's central argument thus:

The reason why the first premise could not be substantiated was because it claimed to be an ultimate value, a *summum bonum*, and while such an ultimate value could not be disproven, neither could it be proven. . . . One could not prove the obligatory nature of an ultimate value, for that would require that the value be substantiated by reference to some other value, and hence what was claimed to be an ultimate value would not be so, and if such a justificatory

process were followed, why should one accept the value used to provide the final justification? Wherever the justification process ends, what does one say to the person who does not choose to accept the ultimate value?<sup>26</sup>

Rasmussen responds to the epistemological argument in Osterfeld, but the core of the is-ought problem is not epistemological. Ignoring the difficulties involved, let us assume that the ultimate value of a particular ethical system could be proven, what could be made of conscious, deliberate defiance of it?

We come upon a man committing some act grossly violative of his nature: let us say that he was engaged in a theft. We apprehend him, and while we have him in custody we question him about the nature of the act we caught him performing. We find he is an extremely knowledgeable fellow, familiar with all the arguments of the natural law school. In fact, he has read Rasmussen's article and was convinced that the proposition that a man ought to act in accord with his nature is correct, logically. "Well," we ask him, "if you know that to steal is to act against your nature, and you know that you ought to act according to your nature, how could you bring yourself to commit your felonious act?" "I chose not to act in accord with correct ethical principles," our philosophical burglar might answer.

My story, I trust, illustrates the problem. To deny an ultimate value and to defy an ultimate value are not at all the same activity, and it is the latter which provides the stronger support of the is-ought dichotomy. One can deny a fact, but one cannot defy one. You can deny the law of gravity is operative in the world, but your denial will have no effect on what will happen when you step off a precipice. The law of gravity operates no matter which course of action you pursue—if you accept the existence of the operation of the law and hold yourself back from the edge of the cliff, or if you reject the truth of the law of gravity and step over the ledge, or if you accept the truth of the law, but wish to fall (let us say as a means of suicide), in all three cases the operation of the law of gravity is unaffected.

Moral law does not work in this way, however. One can admit the intellectual correctness of a proposition of moral law (even of its ultimate value), and yet deliberately defy it. This being the case, we must question what moral law means: If one could not, by any means whatsoever, defy moral law, great difficulty would arise over the appropriateness of the use of "ought"—for we do not normally use that word to command actions which in any event cannot be avoided. If, on the other hand, one can and does defy the imperative of a moral law, how is one still seen as bound by it? Punishment or other ill consequences do not suffice to make moral law objective, for if the person committing the violation of the maxim(s) prefers the object of his illicit action, even when coupled with punitive or other unfortunate consequences, that seems to mean that there is no apparent reason why he should not act contrary to that moral law.

Any reason offered for why one should not act contrary to moral law must either be a fact or a value. If a fact, it will need to be made relevant by the acceptance (envaluation; not epistemological acceptance) of that fact by the individual's

will, which condition, in turn, renders it subjective. If a value, it, in its turn, will require an answer why it may not be defied, and so *ad infinitum*.

With regard to the specific arguments employed in defense of the Rothbardian argument for a natural law ethics,<sup>57</sup> Rasmussen presents essentially Randian rationales for the place of life as the ultimate value and standard of value for human beings:

Living beings necessitate and make possible the existence of end-oriented behavior, and they are the only type of beings which do so. . . . The most fundamental difference possible is the difference between existence and non-existence. If such a difference did not exist, . . . if an action could not result in the existence or non-existence of the entity that acted to achieve a goal, then there would be no difference in the results of achieving or failing to achieve a goal. If there were no difference in result with respect to an entity existing or not existing, then what other differences could there be?<sup>58</sup>

Immediately following this essentially Randian exposition, Rasmussen presents an extremely revealing position: "Thus, it is the difference between a living being existing and not existing that creates all the other alternatives a living being faces, and it is because life is something that must be maintained that there are goals in the first place."<sup>59</sup> The claim that life *must* be maintained contradicts directly not only our own experience of human behavior, but Rand's and Rasmussen's own stated principles as well. In listing those conditions "necessary for the possibility of ends (values)," Rasmussen lists as the second requirement: "End-oriented behavior requires by its very nature the existence of an entity faced with an alternative, i.e., an entity whose actions could achieve or fail to achieve a goal."<sup>60</sup>

Rasmussen's "must" contradicts not only our knowledge of human behavior, but also his own stated requirement for the possibility of values. If it were truly the case that life *must* be maintained, then there would be no grounds for values on Rasmussen's own testimony, for no alternative would confront men on this most basic question of values.

Besides the man who freely chooses death, Rasmussen is conscious of the problem of the man who escapes the dire consequences of the moral maxim(s) of the Randian natural law:

A human can, of course, act in a manner inconsistent with the standards set by his nature and not be literally dead, but such "non-death" cannot be considered life or, at least, successful human life. To ignore the principles that human nature requires and to attempt to live without regard to them in any manner one might choose is to opt for an existence as a metaphysical misfit, living by sheer luck and/or the moral behavior of someone else.<sup>61</sup>

Rasmussen threatens the moral malefactor with the possibility of becoming "a metaphysical misfit"—reminding one of the W. C. Field's admonition "Don't be a moon-calf! Don't be a jabbernow! You don't want to be those things, do you?" At the risk of belaboring a point: Why oughtn't one to be "a metaphysical misfit, living by sheer luck and/or the moral behavior of someone else"?

Rasmussen clearly has not grasped the severity of the is-ought dichotomy when he says: "It is wrong to believe that a moral principle is obligatory only if immediate and devastating consequences rain down upon you when you violate them."<sup>62</sup> Even if every evil act had immediate and terrible consequences, that would not make moral principles obligatory in the objective, deontological manner for which Rasmussen hopes. The terrible consequences would still be merely facts, requiring the teleologism (Kantian hypothetical imperative) "If you don't want x (the terrible consequence), don't do y (the immoral action)"—which makes the proposition subjectively dependent on your individual will, for if you are willing to put up with x, there then appears no reason why you should not do y.

In the end, Rasmussen carries his argument further than serves his purposes. He states: "Insofar as one chooses, regardless of the choice (even if it is the choice not to choose), one must choose (value) man's life qua man. It makes no sense to value some Y without also valuing that which makes the valuing of Y possible."<sup>63</sup> We may note in passing the hedged phraseology "makes no sense." Why not the stronger "is illogical"? But were "is illogical" the words used, we would be left with the perplexing question: If such a valuation were truly illogical, how indeed could it be made?

In order to lay the problem of is-ought finally to rest, Rasmussen resorts to the stratagem of making the ultimate value ineluctable:

Thus, it is a category mistake—a type of contradiction—to hold something as a value, i.e., to make some choice, and at the same time ask why one should live in accord with his nature. "Man's life qua man" is the end at which all human action implicitly aims; and insofar as one chooses, one values this ultimate end. The very asking of the question "Why should I live in accord with my nature?" is a choice, a valuation, that demands that one already accept this ultimate value. Thus, Osterfeld would be obliged to act in accord with his nature by virtue of his own act of choice, his valuing Y, which in his case was the wanting of an answer to his question. Thus, not only does the mere acceptance of end-oriented behavior require the acceptance of an ultimate end; the mere acting for some end requires the acceptance of an ultimate end, which in the case of chosen ends is man's life qua man—man's natural end.<sup>64</sup>

The stratagem fails precisely because if it were to succeed, it would render the ultimate moral value morally valueless. If every human choice—including the choice not to choose and the choice of death—is dependent upon, and implicitly aims at "man's life qua man," then this value cannot be the criterion for the judgment of value and moral worth between potential acts. If all acts implicitly aim at life, then that by itself cannot be the means of differentiating one alternative act from another, since both implicitly aim at the ultimate value. Should it be argued that some acts are life-related or life-sustaining to a greater degree than others, it would be necessary to counter with the point that there is no necessity, simply because life is the *sine qua non* of every choice and also the implicit aim of every choice, for the acceptance of some standard whereby those choices which are the *most* life-related or the *most* life-sustaining are to be preferred over those choices which

are less so. If we cannot but act in accord with our nature, then our nature cannot be the standard of our moral choices. "One ought to act in accordance with one's nature" is a meaningless injunction unless one can act otherwise.

C. Since this critique has attempted to leave the premises and factual assumptions of Rand and her defenders unchallenged, it is necessary to point out that some of these premises are highly dubious. We shall deal with only one, but a moderately central one.

Rand, in numerous places, and Rasmussen in the passage last cited, imply that, without the possibility of non-being, there would be no alternatives worthy of the name "moral choices." Rasmussen said in the above quotation: "If there were no difference in result with respect to an entity existing or not existing, then what differences could there be?"

Now, unless this argument already presupposes the Randian assumption of life as the ultimate value, it is incomprehensible. Let us, for argument's sake, assume men to be immortal, but not impervious to pain. Can Rasmussen's statement (that there would be no difference of any import without the life-death alternative) be understood as meaningful if we picture, on the one hand, a man surrounded with all the sources of hedonistic and intellectual pleasures, and, on the other hand, this same immortal man writhing on the torture rack of some insatiably vengeful dictator, finding his physical immortality a source of excruciating torment in that it carries within it the threat that the punishments might be unending?

If one already accepts the Randian ethic, one might be able to dismiss these two scenes as inconsequential alternatives *by definition*, but that cannot be used as an argument in support of Randianism.

Finally, if the counterfactuality of the example should disturb the reader, pray let him consider that Ayn Rand herself contrasted the goal-orientation and value-deriving nature of living, conscious beings with an immortal robot. From the above counter-example, however, we may see that it was the robohood of Rand's hypothetical creature, rather than its immortality, which made values impossible and alien to it. Without the faculty of will, which *may* (contingently) be assumed to reside only in mortal, living things, value is impossible, but an immortal being possessing a will would be, it seems, perfectly capable of valuation.

In conclusion, then, Ayn Rand's system of Objectivist ethics does not provide the basis for a solution to the Humean dilemma of the is-ought gap; nor have attempts by a new generation of natural law ethicists to rework her system succeeded in subduing that central ethical difficulty. Since no ethical system has been demonstrated to have solved the is-ought problem, it may be thought a minor flaw in Rand. It is her specific claim to have overcome this difficulty that magnifies its importance in regard to her system.

## NOTES

1. Rand's philosophy is more than simply a philosophy of ethics, for it takes up questions of metaphysics, theology, and epistemology, as well. Nevertheless, it does not seem a distortion of her thought to characterize it as primarily ethical.

2. See Ayn Rand, *Introduction to Objectivist Epistemology* (New York: New American Library, 1979).
3. Ayn Rand, *The Virtue of Selfishness* (New York: New American Library, 1964), p. 3. (Emphasis in all quotations conforms to original sources).
4. *Ibid.*, p. 4.
5. R. M. Hare, *Proceedings of the Aristotelian Society* 55 (1954–1955), p. 303.
6. Rand, *The Virtue of Selfishness*, p. 2.
7. *Ibid.*, pp. 2–3.
8. A paper originally delivered by Rand at the University of Wisconsin Symposium on “Ethics in Our Time” in Madison, Wisc., February 9, 1961; reprinted in *The Virtue of Selfishness*, pp. 1–34.
9. *Ibid.*, p. 3.
10. Aristotle *Nicomachean Ethics* 1.3.1094b13–26.
11. *Ibid.*, 3.4 *passim*, 4.8.1128a33, 9.4.1166a2–4, 9.9.1170a14–16, 10.5.1176a16–23.
12. Ayn Rand, *For the New Intellectual—The Philosophy of Ayn Rand* (New York: Random House, 1961), p. 29.
13. *Ibid.*, p. 30.
14. *Ibid.*
15. Rand, *The Virtue of Selfishness*, p. 5.
16. See G. E. Moore, *Principia Ethica* (Cambridge: Cambridge University Press, 1959).
17. Rand, *The Virtue of Selfishness*, pp. 5–8.
18. *Ibid.*, pp. 10–11.
19. *Ibid.*, pp. 7–8.
20. *Ibid.*, p. 8.
21. David Hume, *A Treatise of Human Nature*, bk. 3, chap. 1, sec. 1.
22. A. C. MacIntyre, “Hume on ‘Is’ and ‘Ought,’” *Philosophical Review* 48 (1959); reprinted in W. D. Hudson, *The Is-Ought Question* (New York: St. Martins, 1969), pp. 35–50.
23. Rand, *The Virtue of Selfishness*, p. 16.
24. *Ibid.*, p. 7.
25. Max Black, “The Gap between ‘Is’ and ‘Should,’” *Philosophical Review* 73 (1964), reprinted in Hudson, *The Is-Ought Question*, p. 107.
26. Rand, *The Virtue of Selfishness*, p. 15.
27. *Ibid.*, p. 9.
28. *Ibid.*, p. 10.
29. *Ibid.*, p. 11.
30. *Ibid.*, p. 15.
31. *Ibid.*, p. 16.
32. *Ibid.*
33. *Ibid.*, p. 18.
34. *Ibid.*, p. 6.
35. *Ibid.*, p. 13.
36. *Ibid.*, p. 6.
37. *Ibid.*, p. 7.
38. Rand, *For the New Intellectual*, p. 31.
39. Rand, *The Virtue of Selfishness*, p. 25.
40. *Ibid.*
41. *Ibid.*, p. 14.
42. Rand, *For the New Intellectual*, p. 20.
43. *Ibid.*, p. 21.
44. Hume, *A Treatise of Human Nature*, bk. 2, chap. 2, sec. 3.
45. Rand, *The Virtue of Selfishness*, p. 16.
46. *Ibid.*, p. 20.
47. *Ibid.*, p. xiii.
48. *Ibid.*, p. 24.
49. Most of the positions for the natural law defense of Rand’s ethical philosophy are taken from two articles: Douglas Den Uyl and Douglas Rasmussen, “Nozick on the Randian Argument,” *The Personalist* (April 1978): 184–205; and Douglas Rasmussen, “A Groundwork for Rights: Man’s

- Natural End," *Journal of Libertarian Studies* 4, no. 1 (Winter 1980): 65-76. These two articles appear to give correct interpretations of Rand's philosophical writings, or—in a few cases—to put her thoughts in a more defensible form than found in the original.
50. Den Uyl and Rasmussen, "Nozick on the Randian Argument," p. 191.
  51. *Ibid.*
  52. *Ibid.*
  53. I am, by conviction, an adherent of the Thomistic natural law school of thought in ethics, but I believe that some special modifications must be performed to overcome the is-ought gap, even in that tradition. One of the central difficulties seems to have been that scholars in that tradition have failed, in general, to recognize in what way and to what degree the problem of the is-ought gap applies to them.
  54. David Osterfeld, "Reflections on the Substantive and Epistemological Aspects of the Rothbardian Natural Rights Ethic" (Paper presented at the Fifth Annual Libertarian Scholars Conference, Princeton University, October 1977), p. 11.
  55. *Ibid.*, p. 12.
  56. Rasmussen, "A Groundwork of Rights," pp. 65-66.
  57. See Murray N. Rothbard, *The Ethics of Liberty* (Atlantic Highlands, N. J.: Humanities Press, 1982).
  58. Rasmussen, "Groundwork for Rights," p. 71.
  59. *Ibid.*, pp. 71-72.
  60. *Ibid.*, p. 70.
  61. *Ibid.*, p. 73.
  62. *Ibid.*, pp. 73-74.
  63. *Ibid.*, p. 74.
  64. *Ibid.*