

Praxeology and Ethics

Three Philosophers Considered

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References and Acknowledgements

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Introduction

Libertarian ethical theory is in a time of transition.

In the time that has passed since the philosophical systems of Ayn Rand and Murray Rothbard were first proposed, some may have forgotten the original vision shared by both authors. The express purpose of Rand's Objectivism and Rothbard's natural law was to overcome a perceived ethical relativism by establishing a scale of objective and absolute values. Both authors conceived of a general philosophy instructing on *all* values open to man's choice, one such value being the political system proper to man's life as man. The original aim was to construct a general natural-law philosophy capable of arriving at *all* the proper ends of man's actions, and thereby demonstrate the basis for libertarianism as one of those ends. This general program has not succeeded.

What can be said with certainty about the founders of modern libertarianism is that both were convinced that some form of libertarian society was the ideal political form for man. This conviction is what binds all libertarians. But this conviction in and of itself is a separate matter from the question of how man's nature gives rise to such a conviction. Why exactly does man's nature require a

libertarian society? The objective-value approach to libertarian ethics has not succeeded in answering this question.

While forty years of scholarship has not been able to overcome the inherent difficulties in establishing a natural-law account of absolute values, scholars continue to propose revised versions of natural-law style philosophies, usually without explicit mention of what is wrong with the existing natural-law philosophies. Why propose a revised ethical theory if the present theory is adequate? If the present theory isn't adequate, why not clearly state where the present theory fails? Generally absent from the theories of Rand and Rothbard's revisers is a clear formulation of where the Randian and Rothbardian systems fall short. Meanwhile, throughout the revisions and proposed revisions, one core belief persists which determines the nature of the ethical theories that are repeatedly proposed: The belief that the approach of modern subjectivism and methodological individualism are inappropriate conceptual tools for comprehending ethical phenomena. This brings us back to the idea of ethical relativism as the apparent reason the analytical method is deemed unacceptable for ethics.

Being an *ethical relativist* seems to be something we should all seek to avoid. That being established, a few simple questions may be asked. Why is it we never hear someone labeled as an "economic relativist"? Why is it that in economics we begin with the assumption that people may freely choose among competing products, and that economic science is concerned with the laws resulting from such choices? Why don't we embark on a grand philosophy that tries to establish all the correct economic values people should choose but don't actually choose? When we contemplate this notion, we realize that actually there are such grand philosophies, and that our culture, based on free choice and individual autonomy, is engaged in an

ideological conflict with just such a philosophy. We are somewhat shocked to learn that some still practice, with serious devotion, ancient philosophies that include the idea of “economic absolutism.” In these cultures, what book one reads, what movies one watches, what clothes one wears, and all other economic values as well, are determined according to a scale of absolute values. In these cultures, economic values are not matters of individual choice and preference, but matters to be ruled upon by those who have achieved high status in the culture in question. Economic absolutism does exist. It’s just that we have rejected it as an oppressive philosophy, contrary to man’s nature and to our own happiness.

But surely there must be some fundamental difference between economic values and ethical values, such that one could be an ethical absolutist while still remaining an economic relativist. So the question becomes, what exactly is the fundamental difference between economic values and ethical values such that (some) might seek a system of absolute *ethical* values while seeking to avoid a system of absolute *economic* values? The answer may lie in considering the way some ethical values have changed over the last fifty years. In the mid-twentieth century traditional marriage was considered much more of an absolute ethical value than it is today. So were heterosexual relationships considered more of an absolute ethical value. Also, libertarianism has been conceived as a monopolistic and absolute ethical ideal in the past decades, whereas today libertarianism is increasingly conceived in terms of various societies coexisting on a nonterritorial basis.

What is happening is that the idea of individual choice is slowly being applied to ethical values in the same way it has been successfully applied to economic values. People choose the things they prefer, and the science, whether economic or ethical, explains the cause-and-effect

consequences of the choices people make. The science helps people to make choices by showing them some of the unintended or hidden consequences to choices or acts they were considering. Of course, an ethical absolutist will cite the examples of the violent criminal, murderer, or torturer, as reasons why ethical values cannot be left to individual choice. However, natural-law theory is no greater a deterrent to criminal behavior than is analytical social science. There will apparently always be some limited number of people whose time horizon is short, or who believe their options are few, and who will act destructively even if their own death is the result. No man-made law and no theory of libertarian ethics can prevent an ultimate decision to destroy. Natural-law philosophy does not prevent crime or murder.

An important question is whether it is theoretically possible to arrive at a consistent theory of absolute ethical values. Another question is whether a natural-law theorist would even *want* to arrive at such a theory. Two of the most important ethical values available to man are those of coercion and dishonesty. From a libertarian point of view, both of these ethical values are especially important, because it is largely through the use of coercion and dishonesty that libertarian society is prevented from emerging. Libertarian society is prevented on a practical basis through the threat of force. Intellectually, libertarianism can't get a fair hearing because the proponents of other social systems won't admit the necessary consequences of adopting those systems. No socialist ever admits socialism is wrong; he only admits it is wrongly administered.

But though coercion and dishonesty are the two most important ethical values preventing libertarianism (and in this sense two ethical values opposed to libertarianism), neither Rand nor Rothbard nor any of their followers will

maintain that coercion and dishonesty should be avoided *absolutely*. Rather, they will maintain that a libertarian is justified in adopting these ethical values as means towards various ends—primarily (but not exclusively) towards the end of establishing and maintaining a libertarian society. Thus, the ethical acts or ethical values of coercion and dishonesty are to be adopted on a utilitarian or instrumental basis, towards the ultimate goals of a libertarian society, or protecting one's property, or protecting one's family, etc. Neither Rand nor Rothbard will assert that these ethical values are to be avoided at all times and places.

Thus, ethical values are slowly being conceived less in absolutist terms, and more in terms of individual choice. And ethical values are slowly being conceived less as *ultimate ends* and more as *means towards ends*. What this means is that the analytical framework advocated by Mises is becoming more relevant with each passing decade. For as Mises constantly reminds us, the ultimate ends of action are beyond rational treatment, and it is the means chosen which social science analyzes and instructs upon.

Still, forty years of objective ethics and forty years of associating the analytical approach with ethical relativism in the pejorative sense have taken their toll. And so if the analytical approach to understanding ethics is to be reconsidered, this will entail a refamiliarization with the concepts of logical analysis, whose concepts are different from the concepts of objective ethics. To this end, two ideas discussed in the following essays are of particular importance. First there is the idea of the relationship between social science and social progress. Understanding this relationship is important because then one can understand how the discovery of laws of action (such as economic laws) influence the shape of society. When such laws are discovered, conceived, and promulgated, they have a significant effect on the choices people make. Since

no exact laws have been acknowledged in the ethical realm of human action, then people's choices are not informed by such laws. That is why in the *ethical* realm of human behavior, society continues to resort to government action to solve all problems, while in the *economic* realm of human behavior the idea of economic freedom is gaining ground. In the economic realm of human action, it is acknowledged that economic laws constrain human behavior to some degree, and to this degree government action is less necessary. In the ethical realm of human action, no laws of human ethical action are known to constrain human behavior, and thus it is deemed necessary to resort to government action in most ethical matters. This is the essential reason libertarian society is outlawed in contemporary society.

The second idea of importance is the relationship of means to ends and the precise conception of these two categories of action. Objective ethicists tend to conceive of means and ends as categorically similar, believing that means and ends surround us in action roughly in equal measure. In this conception, man has any number of means and ends at his disposal or open to his choice. By contrast, in the analytical conception, means and ends are categorically non-identical, and the result of this conception of things is that only means are open to choice. In this conception when consistently conceived, man can only choose from among various means, and the end is a different category of action—that which is aimed at but is not attained. The fact that this conception of things is either not understood or is rejected by objectivists, constitutes one of the most significant obstacles to an understanding between libertarian theorists working in the area of libertarian ethics. This obstacle is insurmountable when the difference in the two conceptions of means and ends isn't even recognized.

Since the beginning of the modern libertarian movement, libertarian ethical theory has been conducted largely under the assumption that the analytical approach is not appropriate in the field of ethics. Ethics has not been considered social science. However, recent advancements in the application of logical analysis to ethical action, combined with a social reality in which ethical values are chosen as means to an individual's ends, are combining to erode the monopoly objective ethics has held on libertarian ethical theory.

Murray Rothbard and Natural Law

As those familiar with the ethical philosophy of Murray Rothbard know, professor Rothbard rejected praxeology as a means to comprehend the phenomena of human ethics. Professor Rothbard believed that natural-law philosophy, and not praxeology, would establish the laws of man's nature and ultimately justify the values of a libertarian legal code.

The approach to ethics Rothbard adopts is one wherein ethical values are judged by the standards of *moral* and *immoral*, and not according to their suitability to attain the ends sought. This latter approach professor Rothbard believed was associated with ethical relativism, by which he meant reticence or unwillingness to engage in moral condemnation.

The question is whether science or a theory of ethical behavior can arrive at a consistent system that classifies human acts as morally good or bad, or whether a means-based approach such as praxeology must be adopted.

The issue at stake can be seen in considering professor Rothbard's example of Crusoe eating poisonous mushrooms.¹ Rothbard wants to construct a system of ethics such that were Crusoe to eat the poisonous mushrooms for kicks, his

¹ *The Ethics of Liberty*, Rothbard, New York University Press. 1998
p.32

behavior would be classified as objectively immoral. However, his reference to *kicks* is already a reference to an end sought (to get kicks), and therefore the concepts of means and ends have been introduced, whereas professor Rothbard's intention was specifically to avoid a means-ends analysis.

The great difficulty in trying to avoid a means-ends analysis is shown if we consider how we would view Crusoe's act under the following circumstances. What if Crusoe purposely commits suicide to avoid being tortured into divulging the location of his village to a ruthless enemy? Or what if he commits suicide in order to avoid being tortured into revealing the secret codes and movements of his army division? Here, the objective act of eating the poisonous mushrooms (the physical act taking place) is apparently the same act. The difference is that we consider the reasons *for* his act in judging Crusoe's behavior. This seems to be a means-ends appraisal. Is Crusoe's act here objectively immoral, an act for which he is to be condemned?

Simple counterexamples such as these reveal the difficulty in arriving at an objective scale of values in the strict sense in which philosophers such as Rand and Rothbard originally intended. The original goal is to arrive at a scale of *concrete* values that will guide man in choosing *concrete* things such as which candidate to support, or which career to choose. But the objective scale of values never materializes as originally intended, except as a concrete political program of the author in question. The philosophy of objective values was supposed to extend the same system that instructs that people shouldn't eat poisonous mushrooms to all other values of man as well. But why stop after providing only one (extreme) example? Why not continue the program and apply it to values people must choose on a daily basis?

One of the most radical theories of objective values proposed was Ayn Rand's theory of Objectivism. It is

beyond dispute that Rand intended to arrive at a scale of concrete objective values in order to combat what she perceived as the ethical relativism responsible for advancing statism. The original intention was not to arrive at a few general principles—vague in their exact meaning—to guide one’s life. And yet after all the scholarship and brainpower that have been devoted to the philosophy of Objectivism, here is how a sympathetic scholar describes the objective values that Objectivism has uncovered:

A true objective value must exist in a life-affirming relationship to a man and it must obtain in a proper relationship to his consciousness.

A mature person properly starts with the specific needs of human life, examines his own capacities, and then determines what values are proper for him. Next, in order to achieve values, a person needs to gain and use conceptual knowledge. Action is required to reach one’s values. However, before one acts to gain a value, one should use one’s reason to identify pertinent causal factors and means-ends relationships. A human being freely chooses to initiate his own actions. He is the fundamental cause of his own behavior.²

It is clear that there are no objective values mentioned here. In fact, this description carefully avoids mentioning any concrete values whatsoever, and instead lists various truisms and a few general principles which may be interpreted in a number of ways. This summary of Rand’s philosophy is written by someone *sympathetic* to Objectivism. One can only conclude from this that Rand’s

² “Menger, Mises, Rand and Beyond.” Edward W. Younkins, *The Journal of Ayn Rand Studies*, Spring 2005.

original goal to arrive at the objective values proper for man has not succeeded. Otherwise the important results of this program should be listed by the author. Instead, only generalities are listed.

But what if such objective values were listed? What happens if a theory of objective values is attempted, and the values that people do choose are classified according to their goodness or badness, their morality or immorality, their legality or criminality?

An example of this theory applied to economics is professor Rothbard's ethical approach to the concept of fractional-reserve banking. We assume the existence of a bank where less than 100% reserves are held. Each of the bank's customers is aware that when they present their claim to the bank for 10X which they deposited last week, the bank may redeem that claim for 9X or less, thus satisfying the bank's obligations. This is an *explicit arrangement* between the bank and its customers. The bank will attempt to make money by its operations, but by agreement of all concerned, if the bank fails in this endeavor, it may discharge its obligations for less than the original deposits. Essentially, the customer's deposits or claims on those deposits will have depreciated in value if the bank is unsuccessful. The same arrangement applies were the customer to deposit 10X and receive a certificate in the amount of 11X redeemable in 90 days. In 90 days the bank either redeems the certificate for 11X or for some amount less than 11X. But regardless, this possibility is foreseen by both parties and the customer is aware of the risk involved. His assets or his claim on assets may increase or decrease in value.

However, according to an absolutist ethic of the type professor Rothbard envisions, an arrangement such as this is objectively immoral:

I am familiar with the many arguments for fractional-reserve banking. There is the view that this is simply economical: The banks began with 100 percent reserves, but then they shrewdly and keenly saw that only a certain proportion of these demand liabilities were likely to be redeemed, so that it seemed safe either to lend out the gold for profit or to issue pseudo-warehouse receipts (either as bank notes or as bank deposits) for the gold, and to lend out those. The banks here take on the character of shrewd entrepreneurs. But so is an embezzler shrewd when he takes money out of the company till to invest in some ventures of his own. Like the banker, he sees an opportunity to earn a profit on *someone else's* assets. The embezzler knows, let us say, that the auditor will come on June 1 to inspect the accounts; and he fully intends to repay the “loan” before then. Let us assume that he does; is it really true that no one has been the loser and everyone has gained? I dispute this; a theft has occurred, and that theft should be prosecuted and not condoned. Let us note that the banking advocate assumes that something has gone wrong only if everyone should decide to redeem his property, only to find that it isn't there. But I maintain that the wrong—the theft—occurs at the time the embezzler takes the money, not at the later time when his “borrowing” happens to be discovered.³

As can be seen, Rothbard's approach would seem to require one to vilify such hypothetical businessmen. These are people who chose values other than the values recommended by Rothbard. These men act immorally and

³ Murray N. Rothbard, *The Case for a 100 Percent Gold Dollar*.

should be condemned according to Rothbard's theory of objective values. In Rothbard's view, only one kind of bank and only one approach to banking should be "allowed." All other approaches to banking are to be considered immoral.

But if all the customers of a bank are aware of the risks they face in depositing their money with this bank, then from a libertarian perspective, what precisely is immoral about this? The following is Mises's view:

Since nobody is in a position to substitute his own value judgments for those of the acting individual, it is vain to pass judgment on other people's aims and volitions. No man is qualified to declare what would make another man happier or less contented. The critic either tells us what he believes he would aim at if he were in the place of his fellow; or, in dictatorial arrogance blithely disposing of his fellow's will and aspirations, declares what condition of this other man would better suit himself, the critic.(HA-19)

Rothbard's theory of objective values is not capable of accurately conceiving perfectly normal and understandable acts which individuals may undertake according to their goals and the situation they are presented with. An accurate account of the phenomena in question is one of the first standards of any theoretical construction. But professor Rothbard's theoretical system seems to be constructed not to describe and explain social phenomena, but rather to condemn behavior not to his liking.

This is the result when one attempts to apply a theory of objective values in earnest beyond mere generalities.

Murray Rothbard and the Ends of Action

A large part of the disagreement between the objectivists and the subjectivists is due to the precise conception of two categories of human action: means and ends. Especially regarding the concept of *ends*, how this category of action is conceived determines in large measure the shape one's social thinking will take. In the libertarian debate over subjectivism versus objectivism this is important, because if no agreement can be reached on the nature of means and ends, then no agreement exists on one of the key terms being used in the discussion about human ethical action.

A simple example may aid in understanding how the concepts "means" and "ends" designate logical categories of human action:

A person points to a nearby mountaintop and proclaims "that is my end." Then he points to a pair of hiking boots and proclaims "and these are my means."

While this may seem at first glance like a reasonable account of means and ends, it is actually an inaccurate account of those concepts, because from a logical point of view, an end is something that hasn't been attained, and the concept of end cannot be separated from the idea of a thing's not being attained.

Considering our example, we can see that the precise conception of the end, the meaning of that person's proclamation "that is my end," refers to a specific event, the event: that person being on the mountaintop. This is an event that has *not occurred*. The concept of "end" designates that which an actor is striving for, but which is not attained. The means are what are attained, but the end is not attained. The hiking boots of the hiker in our example

are means to an end, an end (the hiker on top of the mountain) which has not occurred or hasn't happened. Means and ends are separate categories of action. They are logically nonidentical.

As these are logical categories of action, then there cannot be an instance of an end which is attained, because the concept of end refers to that aspect of action (that category of action) which is "non-attainment." This may be similar to the idea of what is represented by the mathematical concepts of "1" and "0." Perhaps we could say that there cannot be an instance of a unit of something which is "0," since "0" represents the absence of a unit. When something is attained, as when a person is on a mountaintop, this attained event is now a *means* for the actor (a means of enjoyment, a means of providing material for one's next book, etc.). In being attained, it has ceased to be an end, and has now become a means.

The ultimate end is beyond any rational examination. *All other ends are but provisional. They turn into means as soon as they are weighed against other ends or means.*(TH-14)(italics added)

Once the logical, nonmaterial nature of means/ends is comprehended, one can then comprehend the essential reason ends are beyond rational examination. It is not because ends are "subjective" or because ends are a matter of "personal choice" that they are beyond rational examination or moral criticism. It is because in the most strict scientific meaning of the term, ends are not "available" for examination or criticism, since the concept of "end" designates that which is striven for, but which has not been attained.

The end is perpetually not attained, while means are perpetually attained. And thus, all we can "examine" (all that we can discuss, debate, and consider) are *means*.

Because means—those things appearing in action as means—are the only thing appearing in action.

Once we begin to debate an end, we treat it as a means to another end, and we are left debating the relative merits of a *means*. This is a point Mises stressed, but which likely is not understood or accepted by objectivists.

Obviously, if agreement cannot be reached on the precise concept of *end*, then this will have immediate consequences in the debate over which theoretical approach is best suited for comprehending the phenomena of ethics. Because, if one disagrees about the logical nature of ends, and believes that the ends of action are something available for examination, then one can initiate a discussion on the relative merits of various “ends.” But now, owing to the different meaning attached to this term by the various participants in the discussion, disagreements are inevitable and will be insurmountable until agreement is reached on these central concepts. This is analogous to two people not agreeing on fundamental mathematical axioms and concepts, and then proceeding to argue about whether the result of a particular line of mathematical reasoning is correct or not.

That professor Rothbard didn’t fully comprehend or agree with the logical nature of the concepts means and ends can be inferred from the following example Rothbard provides in his attempt to establish the legitimacy of the dual concepts rationality/irrationality. First he writes:

Moreover, not only can we say with absolute assurance that certain methods and means are irrational, but can also go on to say that certain ends are irrational.⁴

⁴ “On Mises’s Ethical Relativism,” Murray N. Rothbard, Article, 1960.

Then as an example he provides the following:

Suppose that A's end is to torture B, because A enjoys it.⁵

Here, Rothbard posits two entities of A's action: [A's torturing B] and [A's enjoyment]. But there is an immediate problem which can be seen if we simply rephrase Rothbard's example as:

Suppose A tortures B for enjoyment.

In doing this, we can easily understand a means-ends relationship whereby A tortures B in order to get or obtain enjoyment. Here we understand A's torturing B as a *means* to enjoyment. And this is what Rothbard says, in essence, in his example. He states that the motivation for A's torturing B (what A will get from torturing B) is enjoyment. But at the same time, Rothbard explicitly states in his example that torture is to be considered an *end* and not a means.

Thus, Rothbard's example is confusing, because its form implies that torture is a means, while its explicit claim is that torture is an end. It is as if in the context of discussing shirts and pants, Rothbard were to say: The pants didn't fit A, because his neck and chest were too large.

If there had been more clarity on the related concepts of means and ends, then a standard form of expression would generally be to conceive that A tortures B because A expects to attain enjoyment. The familiar form would be to treat A's torturing B as a *means*, whereas Rothbard explicitly states that A's torturing B is to be considered as

⁵Ibid.

an *end*. And this is why he can't reach an agreement with Mises; he either doesn't understand or doesn't agree with the conception of means and ends as logical relations of human action.

Rothbard is not agreeing with Mises's conception of means and ends, and thus it will be impossible to reach an agreement or understanding concerning other concepts such as rationality and irrationality.

Let's say we phrase Rothbard's example in a manner conforming to a means-ends relationship as suggested:

Suppose A tortures B in order to get enjoyment.

This is a standard conception of human action where A utilizes means (torturing B) to attain an end (enjoyment). Then, Rothbard's statement:

I think it can be demonstrated that such torture and love of torture is contrary to the nature of man and to what is required by the nature of man for man's true happiness...

Could easily be interpreted as meaning:

Person A believes that by torturing B he will get enjoyment or true happiness, but I believe it can be demonstrated that by torturing B, person A will not get enjoyment or true happiness.

Were Rothbard to have expressed his original example in the logical means-ends form, then his claim that person A will not achieve true happiness through torturing another is easily seen as a claim that A's means are not fitted to attain the ends he strives for, which was always Mises's point.

Then, it would be incumbent on Rothbard or other natural-law scholars to demonstrate that person A cannot achieve happiness through an act such as torture. But since such a demonstration has not been provided by natural law, then:

...the appeal to natural law does not settle the dispute. It merely substitutes dissent concerning the interpretation of natural law for dissenting judgments of value.(TH-49)

In continually referring to natural law, professor Rothbard is claiming that the best means to show that specific ethical actions cannot lead to the individual's true happiness is by pursuing the program of natural law. And he conceives natural law as a theory arriving at the ultimate ends and ultimate values of man's action, and as expressly non-praxeological and non-means-based in its analysis. However, in rejecting formal-logical analysis, and in failing to realize the logical relationship of means to ends, Rothbard and the objective natural-law theorists reject the approach capable of demonstrating the necessity in all human conduct, whether economic or ethical in nature.

Mises, Rothbard, and the Concepts of Rationality and Irrationality

As Mises writes:

When applied to the means chosen for the attainment of ends, the terms rational and irrational imply a judgment about the expediency and adequacy of the procedure employed.(HA-20)

The problem with using the term rational or irrational in the context of establishing what specific human acts *must necessarily* or *cannot possibly* bring about, involves the following. In praxeology (which conceives the universal in human action as opposed to the individual and accidental), that the means can't achieve the ends stipulated is a matter of logical entailment and logical necessity, not a matter of induction or empirical ascertainment after the fact. What are valid praxeological laws are those laws where the stipulated end cannot be achieved, because the means posited are logically opposed to or logically contradict such ends. Said another way, what are valid praxeological laws are those laws where some result must obtain, because the means chosen logically necessitate such a result.

If there exists a possibility that the means chosen may or may not attain the ends sought, then by definition, theoretical treatment of this situation as regards its individuality is not a praxeological matter, but a matter of individual judgment or of another discipline.

If we consider an example of ten flat surfaces, the first one a perfectly smooth surface, and each successive surface increasing in its roughness, then whether a match will light upon being struck against any particular surface (whether in each of the ten instances the means chosen are suited to attain the end aimed at) is not the concern of praxeology possibly for two reasons:

First, to the extent this is a matter of physical science, then it is not a concern of praxeology.

Second, to the extent it treats a nonuniversal (an individual) aspect of human action, it is not a concern of praxeology.

Praxeology is a theoretical and systematic, not a historical, science. Its scope is human action as such, irrespective of all environmental, accidental, and

individual circumstances of the concrete acts. Its cognition is purely formal and general without reference to the material content and the particular features of the actual case. It aims at knowledge valid for all instances in which the conditions exactly correspond to those implied in its assumptions and inferences.(HA-32)

Thus, regarding a conceivable case where a person tries to light a match by striking the perfectly smooth surface, at the same time another person who watches believes this person won't be successful in his attempt:

When applied to the means chosen for the attainment of ends, the terms rational and irrational imply a judgment about the expediency and adequacy of the procedure employed. The critic approves or disapproves of the method from the point of view of whether or not it is best suited to attain the end in question. It is a fact that human reason is not infallible and that man very often errs in selecting and applying means. An action unsuited to the end sought falls short of expectation. It is contrary to purpose, but it is rational, i.e., the outcome of a reasonable—although faulty—deliberation and an attempt—though an ineffectual attempt—to attain a definite goal.(HA-20)

We can see that whether a match will light when struck against any of the surfaces is determined by striking the match against each surface and observing whether in fact the match does light. It is not a matter of logical necessity whether the end can be attained in each case, but a matter of empirical ascertainment.

At the same time, to designate as “irrational” the attempt to light the match on the smoothest surface is to

express “a judgment about the expediency and adequacy of the procedure employed.”(HA-20) The match may or may not light. The characterization of the attempt as *irrational* expresses disapproval of this particular attempt to light the match, but does not express a necessary relation between the means chosen and the end sought. In this sense, the term “irrational” refers specifically to the opinion, estimation, or appraisal of an observer regarding the means chosen, but does not refer to what is strictly necessary with respect to those means.

For reasons already discussed above, the terms “rational” and “irrational” cannot be consistently applied to ends. When ends are examined they become means.

Rationality and Irrationality (conclusion)

In reading Mises’s works, one is struck by the unwavering consistency with which he approaches the subject of means and ends and how those are treated by praxeology:

The ultimate judgments of value and the ultimate ends of human action are given for any kind of scientific inquiry; they are not open to any further analysis. Praxeology deals with the ways and means chosen for the attainment of such ultimate ends. Its object is means, not ends.

In this sense we speak of the subjectivism of the general science of human action. It takes the ultimate ends chosen by acting man as data, it is entirely neutral with regard to them, and it refrains from passing any value judgments. The only standard which it applies is whether or not the means chosen are fit for the attainment of the ends aimed at.(HA-21)

To understand how Mises arrives at this vision of social science, one must eventually come to understand the logical nature of the concepts *means* and *ends*. Without such an understanding as the basis for discussing the important issues surrounding ethics, praxeology, and natural law, it is unlikely the gap in understanding between the value-objectivists and the formal-subjectivists can be bridged. We finish this section with five important passages from Mises on the subject of ends:

As soon as people venture to question and to examine an end, they no longer look upon it as an end but deal with it as a means to attain a still higher end. The ultimate end is beyond any rational examination. All other ends are but provisional. They turn into means as soon as they are weighed against other ends or means.(TH-14)

As soon as we start to refute by arguments an ultimate judgment of value, we look upon it as a means to attain definite ends. But then we merely shift the discussion to another plane. We no longer view the principle concerned as an ultimate value but as a means to attain an ultimate value, and we are again faced with the same problem.(TH-23)

In fact, he who passes judgement of an alleged end, reduces it from the rank of an end to that of a means. He values it from the viewpoint of an (higher) end and asks whether it is a suitable means to attain this (higher) end.(MM-22-23)

Strictly speaking, only the increase of satisfaction (decrease of uneasiness) should be called the *end*, and accordingly all states which bring about such an increase *means*. In daily speech people use a loose terminology. They call ends

things which should be rather called means. They say: This man knows only one end, namely, to accumulate more wealth, instead of saying: He considers the accumulation of more wealth as the only means to get satisfaction. If they were to apply this more adequate mode of expression, they would avoid some current mistakes.(MM-22)

Happiness—in the purely formal sense in which ethical theory applies the term—is the only ultimate end, and all other things and states of affairs sought are merely means to the realization of the supreme ultimate end. It is customary, however, to employ a less precise mode of expression, frequently assigning the name of ultimate ends to all those means that are fit to produce satisfaction directly and immediately.(TH-13)

The Relationship between Social Science and Social Progress

As libertarians, we tend to believe that non-libertarians refuse to acknowledge the established laws of economics and refuse to abide by the ethical precepts arising out of man's nature. Each day policies are enacted that contradict economic teachings and that further restrict individual liberty, and the total result is that we are less free and less prosperous than we would otherwise be.

While this view is correct as a general description of things, it nonetheless is inaccurate in one important sense. The known fundamental economic laws are in fact being acknowledged—perhaps not explicitly, but implicitly and begrudgingly—and are having a powerful effect on the direction society is taking. It is in the areas of human conduct where no fundamental laws are known to exist that society attempts unabated to achieve all ends through

government action. In the realm of action in which the known fundamental laws of economics instruct, these teachings are having an unquestioned limiting effect on the conduct of those who would in the absence of these teachings be acting otherwise. It is the absence of any known laws of human *ethical conduct* that allows the continuing avalanche of laws and regulations to continue. Everyone believes that no strict laws of human conduct apply to human *ethical* acts as they do to the *economic* acts of man.

No example illustrates this state of things better than the example of inflation. In considering inflation, we can see the way a simple economic law is preventing conduct that would otherwise have devastating effects on all in society. To understand how this is happening, one must be able to comprehend the possibility of an intellectual climate in which no knowledge of the relationship between an economic act and its praxeologically necessary consequence is known. Today, we take certain cause-and-effect knowledge for granted, and assume that all people or all societies have always had this same cause-and-effect knowledge. This knowledge is of such an obvious nature (as it seems to us now) that the absence of this knowledge is almost unimaginable.

However, this is an inaccurate appraisal of things as can be easily shown. All we have to do is consider Mises's account of the great German inflation. What Mises describes is a situation in which most people in German society honestly did not believe that the depreciation of the value of their currency was due to the increase in its issue. Mises writes:

...the absolute ignorance of even the most elementary principles of monetary science on the part of literally all German statesmen, politicians,

bankers, journalists, and would-be economists. It is impossible for any foreigner even to realize how boundless this ignorance was...(MM-98)

Thus, Herr Havenstein, the governor of the Reichsbank, *honestly believed* that the continuous issue of new notes had nothing to do with the rise of commodity prices, wages, and foreign exchanges. This rise he attributed to the machinations of speculators and profiteers and the intrigues on the part of external and internal foes. Such indeed was the general belief...(MM-98)(emphasis added)

For the restoration of sound currency nothing else seemed to be necessary than a powerful suppression of the egotistic aims of unpatriotic people...(MM-98)

As long as the inflation was working, socialist labor leaders and the socialists of the chair were all in its favor and taught that not the increase in the quantity of money but the unpatriotic behavior of the profiteers was the cause of the depreciation of the Mark...(MM-101)

...they [the followers of Schmoller and Knapp] still believe in the theory which attributes changes in the value of a national currency to variations in the national balance of payments. The failure of the policy of inflation they attribute to lack of energy on the part of government and to lack of patriotism on the part of the people...(MM-101)

The government and the Reichsbank...therefore attempt to fight the menace of depreciation of the Reichsmark by controlling dealings in foreign currency and by confiscating German holdings of foreign assets. They do not understand that the only safeguard against the fall of a currency's value is a

policy of rigid restriction.(MM-101)(emphasis added)

As Mises makes clear in these passages and in this article, it was an absence of economic knowledge which led German leaders to try various means to avoid an unwanted depreciation of their currency. But not knowing the cause of the depreciation, they were unable to stop the inflation. They simply did not know which of their actions, or which actions of other people, were causing the inflation. The great German inflation wasn't a case in which inflationary policies were embarked upon despite the admonitions of German economists. Rather it was a situation where knowledge of the economic law relating currency creation to inflation was *absent*. The Germany economists, politicians, and bankers were unable to utilize the means of a rigid restriction of currency issue in order to prevent the unwanted depreciation of their currency, because they simply did not know that it was the prolific issue of the currency that was the cause of the depreciation.

They simply did not have, as a culture, the scientific-causal knowledge necessary to prevent the unwanted depreciation from occurring. *The restriction of currency issue as a means to prevent currency depreciation assumes knowledge of a causal relation that, for historical reasons, the German intelligentsia of the era did not have.*

Inflation

It is the theoretical causal knowledge (praxeological knowledge) which then allows those taking various actions to know what the effects of their actions will be. Once this knowledge is obtained, then, as with scientific knowledge in the physical realm, one is empowered to use this knowledge in guiding one's actions. A person may either

abstain from acts he may otherwise have undertaken, or take actions he otherwise may not have, depending on his goals. But owing to this new information of the necessary relationship between a cause and an effect, the individual now knows what the consequences will be.

Regarding inflation then, the certain consequence of an increase in currency issue is a decrease in currency value. Thus, those who control the issuance of currency as to its quantity are empowered to control also its value, as means to their ends.

The goal in printing more money is to have more money available to spend on the wants of those who print it:

The first result of this issue was apparently all that the most sanguine could desire: the treasury was at once greatly relieved; a portion of the public debt was paid; creditors were encouraged; credit revived; ordinary expenses were met, and, a considerable part of this paper money having thus been passed from the government into the hands of the people, trade increased and all difficulties seemed to vanish.(FM-10)

And the necessary consequence of printing more money is the diminished value of the currency.

However, this doesn't mean that therefore no new money should be printed. It is possible that this diminished value of the currency may "be condoned when directed against unpopular interests and when limited to amounts that do not revolt the conscience."⁶ That is, even if one is convinced of the certain consequences of further currency issuance, such issuances may still be advantageous and

⁶ Wording for this passage taken from the forward of *Fiat Money Inflation in France*, written by John Mackay.

desirable if the issuances are kept within tolerable limits, and if the negative effects of the diminished value of the currency are understood to affect mainly unpopular interests. To this end, a proponent of the policy of inflation may declare something to this effect:

...the only interests affected will be those of bankers and capitalists, but...manufacturers will see prosperity restored to them.(FM-18)

However, in embarking on a policy of sustained inflation, it is eventually found:

...how heavily it falls on all those living on fixed incomes, salaries or wages; how securely it creates on the ruins of the prosperity of all men of meager means a class of debauched speculators...(FM-5)

...the loss as always, falling mostly upon the poor and the ignorant.(FM-Forward)

And:

...that the only persons to be helped by it are the rich who have large debts to pay.(FM-15)

Thus, already convinced that the inflationary policy will devalue the currency, now in addition, those who pursue this policy are forced to take into account not only how these consequences may affect unpopular interests (generally speaking, their adversaries), but also how the consequences may harm those they consider their supporters, or those whose interests they are trying to further.

Thus, we may understand that those who would increase the amount of currency in circulation are limited in their acts by two related intellectual constraints:

First, their (praxeological) knowledge that increasing the currency must depreciate the currency.

Second, their (empirical) knowledge of the effects of the depreciation of the currency on those people important to *them*.

If they do not have the praxeological knowledge, as in the German inflation, they cannot intentionally prevent currency devaluation by means of restricting the issuance of new currency. If on the other hand, they have the praxeological knowledge, but believe that the effects of depreciation affect primarily the interests of their adversaries, they will be predisposed to utilize currency depreciation as a means to diminish the influence of those adversaries.

But knowledge of the praxeologically certain effects of currency issuance, combined with empirical evidence of how the inevitable depreciation harms their own interests (harms those they are trying to help), effectively constrains those who would otherwise acknowledge no bounds or limits on their printing unlimited quantities of paper currency.

Inflation (continued)

This is how scientific knowledge influences the direction society takes with respect to important social behavior. And by means of the above example, one can more clearly understand what Mises means in teaching that praxeology demonstrates how proposed acts or policies may be contrary to purpose from the point of view of those considering or advocating them.

That inflation is kept within tolerable limits and that the advanced countries do not embark on inflationary policies on the scale of the great inflations of the past, is due to the fact that those in power know the effects of such policies, and believe the effects will be detrimental to their own interests (detrimental to things or people *they* care about).

Praxeology improves society by showing people in what sense the actions they could conceivably undertake are harmful to their own interests. Owing to praxeology, the actor's own intellectual constraints prevent him from initiating harmful acts he otherwise would.

Praxeology and Ethics

The problem is that this type of praxeologically certain knowledge is only known to exist within the *economic realm* of human behavior. There are established laws of economics that instruct on what the necessary effect of specific economic policies or acts must be. There are no such laws known or acknowledged to exist in the ethical realm of human action. With regard to *ethical* means, there are no established or accepted "exact laws." There are no known laws instructing on what the necessary consequences of ethical means (such as dishonesty or coercion) must be. And thus there are no intellectual constraints placed on the use of such means, as there are no known praxeologically certain effects of utilizing such means.

In a discussion of ethics, praxeology, and the various claims professor Rothbard made in his disagreement with professor Mises, it is important to have an understanding of how social-scientific knowledge guides the progress of society. Once this is understood, many of the concerns Rothbard expresses may be seen in a different light.

The primary criticism Rothbard levels against Mises is that what ultimately motivates each individual in society is unknown. Rothbard makes the point that even if one knows and accepts all the laws of economics (the laws having to do with prices, exchange ratios, market value, etc.), one may still want to create shortages, or embark on economic policies having short-term benefits but which may ruin the economy in the long term.

Of course, to the extent a person understands all the relevant consequences of his actions and still views that which he wants to attain as worth the price he has to pay, then neither praxeology nor natural-law philosophy nor the written laws of his country will be of avail in preventing him from acting destructively, providing he is physically capable of doing so. There are no means other than intellectual means to prevent suicide bombers and similar people intent on destruction.

In contemporary society, and in Mises's conception of a liberal society, and in Rothbard's conception of a libertarian society, there exists the governmental apparatus of compulsion and coercion to deal with criminals and those who seek to destroy others through violent means.

The debate about preventing harmful social acts is a debate about preventing those who are generally considered honest, moral, and law-abiding citizens from promoting and enacting policies deemed harmful by libertarians such as Rothbard and Mises. It is a debate over the most suitable *means* for preventing free people from teaching, supporting, and initiating harmful social policies and acts. For the violent criminal intent on destruction, there exists a protection agency as envisioned by both Rothbard and Mises. But the debate doesn't center around violent crime. The debate concerns constraining the conduct and behavior of moral and honest citizens who perhaps understand some of the laws of economics, but do not see or understand any

similar constraints on their *ethical* behavior other than the laws of their country on the one hand, and the generally accepted rules of person-to-person relationships on the other hand.

The debate reduces to the question of what intellectual constraints, if any, are placed on the *ethical* as opposed to the *economic* acts of man. And on this issue the position of both Mises and Rothbard is clear. Mises believes that praxeology establishes the intellectual constraints for all human acts. Since ethical acts are acts (since ethical acts utilize means and aim at ends), then praxeology demonstrates the law-like constraints on ethical acts in the same way it does for economic acts. For Rothbard, ethics can only be approached by natural-law philosophy and praxeology is an unsuitable means for conceiving the ethical laws of man's action. As he famously writes in *The Ethics of Liberty*: "This procedure [generally the formal method] is perfectly proper for the formal science of praxeology, or economic theory, but not necessarily elsewhere."(EOL-12)

Rothbard believes that natural law and not praxeology is the best means to establish the ethical laws of man's nature, and this constitutes the primary disagreement between professor Rothbard and professor Mises.

Rothbard and Natural Law

But there exists a problem for Rothbard. To date, natural law has not succeeded in arriving at a single law—in the true sense of the term—of man's ethical nature. All attempts to find or establish actual laws of man's ethical nature by means of a natural-law conception of things—whether Randian, Rothbardian, or other—have failed.

This ultimately means that natural law has demonstrated no intellectual constraints as being operant

with regard to man's ethical actions as there are with regard to his economic actions, notwithstanding the contrary assertions of natural-law scholars. The inevitable result of this is that since no intellectual constraints have been found by natural law in the ethical realm of conduct, and since natural law is a philosophy wanting to constrain ethically harmful conduct, therefore natural-law theory as a rule proposes constraining all conduct it does not condone by a compulsive agency, i.e., by coercive means.

Natural-law theory has been unable to demonstrate the apodictically certain consequences of human ethical action which would establish intellectual constraints on ethical action in the same way economic theory does with respect to economic behavior. Lacking any concept of praxeological constraints placed on ethical action by the acting nature of man, Rothbard must resort to moral condemnation and a theory of criminalization as the only available means to combat conduct he considers harmful.

Rothbard's natural-law theory must ultimately brand as illegal (as essentially criminal) any conduct with which it disagrees, because it sees no intellectual constraints (or is unable to articulate any) on human ethical action. And thus, according to Rothbard's natural-law vision, any person who does not accept a gold standard or any person who is involved in fractional-reserve banking is acting criminally.

This brand of libertarianism, conceiving that everyone must adhere to the laws established by one libertarian school or author, results from the failure to conceive of any laws of man's ethical nature that could conceivably constrain his ethical acts in the absence of a governmental or coercive agency. The failure to conceive the laws of man's ethical nature results from the decision to pursue natural-law philosophy as a means for finding them, and the decision to disavow the teachings of praxeology as professor Rothbard did.

Rothbard as Student of Mises

The astute student of Rothbard will realize that during the course of his intellectual career, professor Rothbard changed his conception of what praxeology is. Writing in *Man, Economy, and State*, Rothbard conceived of praxeology as “the complete formal analysis of human action in all its aspects,” and he characterized economics as “that subdivision of praxeology that covers traditional economics—that of catallactics, the science of monetary exchanges...”(MES-258) But towards the end of his career, Rothbard came to see praxeology as merely the “method of economics” and no longer considered praxeology to be the general science of human action.

It was this change in conceptions that then allowed Rothbard to criticize professor Mises, in essence, for not having an ethical theory. Rothbard, as a Lockean property-rights advocate, could claim that he had a basis for his ethics, whereas Mises could only repeat his view, correct as it was, that ultimate judgments of value are beyond rational treatment. Mises was at a distinct disadvantage in that there is an undeniable desire, shared by all libertarians, to know the source of our ethical beliefs about right and wrong, justice, and other important ethical ideals. There is something fundamentally wrong with the ethics of non-libertarianism, but what? Mises as economist had no idea how a praxeological science of ethical phenomena might be constructed. He could only “stay within himself” (as they say in sports), repeating what he knew to be established social-scientific truths, and he would not speculate on matters which he hadn’t adequately pondered. He followed Wittgenstein’s advice that: “Whereof one cannot speak, thereof one must be silent.”(UF56)

It is to their credit that thinkers such as Rand and Rothbard addressed the need to construct a foundation for

libertarian ethics, analogous to how Mises founded praxeology and economics on the concept of human action. But an important unanswered question is why professor Rothbard didn't attempt to construct a praxeological foundation of ethics, but turned to natural law instead?

When professor Rothbard criticized professor Mises, this criticism seems to have come from the point of view of an already established Lockean natural-law position. But ostensibly professor Rothbard at one point believed, or at least considered, that praxeology was a general science analyzing human action "in all its aspects." The question is, why did Rothbard decide that praxeology doesn't analyze human action in all its aspects, and that therefore natural law is called upon to analyze the ethical aspects of man? This is a question that eventually occurs to those familiar with the writings and theories of both men.

There are obviously "ethical means." Coercion and dishonesty are two of the most important ethical means by which libertarian society is prevented from emerging. Considering that such ethical means must be utilized to prevent libertarian society, and considering that praxeology is the social science that "bring(s) to the world of knowledge of these indirect, these hidden, consequences of the different forms of human action,"⁷ it could possibly have occurred to a student of Mises to seek for the hidden consequences of the ethical means in human action. Why didn't professor Rothbard try to bring the ethical acts of man under praxeological analysis? This would seem to be an important question for those interested in his ethical thought.

⁷ Rothbard. *Man, Economy, and State*, p.880

Murray Rothbard and Life as the Objective Ultimate Value

The most penetrating critique of natural law in libertarian literature is Patrick O'Neil's "Ayn Rand and the Is-Ought Problem," published in *The Journal of Libertarian Studies* in the Spring of 1983. For any libertarian scholar interested in natural-law ethical theory, whether as an opponent or proponent, O'Neil's article is required reading. In that article, O'Neil addresses an argument similar to one advanced by professor Rothbard below. In the following passage, Rothbard seeks to defend what he considers an objective ultimate value:

It may well be asked why life *should* be an objective ultimate value, why man should opt for life (in duration and quality). In reply, we may note that a proposition rises to the status of an *axiom* when he who denies it may be shown to be using it in the very course of the supposed refutation. Now, *any* person participating in any sort of discussion, including one on values, is, by virtue of so participating, alive and affirming life. For if he were *really* opposed to life, he would have no business in such a discussion, indeed he would have no business continuing to be alive. Hence, the *supposed* opponent of life is really affirming it in the very process of his discussion, and hence the preservation and furtherance of one's life takes on the stature of an incontestable axiom.(EOL-32-33)

With regard to this argument, O'Neil brings to light a point similar to the following.

At any moment when an individual makes a choice, he is alive, and his life at that moment is not the subject of a choice. Rather, his being alive currently is due to a previous

choice made before this moment. Once an individual decides to end his life, some amount of time must pass between this decision and the termination of his life.

That an individual affirms life is not proved by the fact that when he chooses to oppose life he is alive. Because he can only end his life at a time *after* his choice to oppose life is made.

People do end their lives and the lives of others. And unless an accident or unforeseen event occurs, they end their lives and the lives of others at some time *after* they choose to do so.

To demand as proof that a person opposes life, that he die simultaneously (in the strict sense) with his choice to oppose life, is to demand the impossible, and thus to demand something outside the realm of ethical choice.

Hans-Hermann Hoppe and the Justification for Lockean Property Rights

A student of Murray Rothbard, Hans-Hermann Hoppe continues Rothbard's program which seeks for the source of ethical precepts in Lockean property rights.⁸ In 2004, professor Hoppe presents his theory of ethics as providing a solution to the problem of social order.

Conflict, Scarcity, and Ethics as Movements of Bodies

According to professor Hoppe, "A conflict is only possible if goods are scarce." This foundational proposition is patently false as conflicts can easily arise over insults, lies, and simple assault, none of which are accurately conceived by the concept of scarcity.⁹

⁸ Hans-Hermann Hoppe, "The Ethics and Economics of Private Property," from the Elgar *Companion to the Economics of Private Property*, 2004.

⁹ Hoppe will always be able to connect any phenomenon of human action to the concept of scarcity, eventually, in the sense that scarcity is implied by the very nature of action. In "attempting to attain," and actor wants that which he doesn't have, and therefore wants that

Equally untenable is Hoppe's conception that ethics involves the mutually exclusive locations and movements of various human bodies. Dishonesty is one of the most important and recognizable of all ethical phenomena, having little or nothing to do with the movement of bodies. For Hoppe's theory to treat this phenomenon then, an ad hoc solution or addition to the theory will be required that is not based on the mutual exclusivity of locations.

Neither of these intractable problems arises when the ethical acts of individuals are conceived in terms of action, i.e., in terms of means and ends. Lies, insults, and assaults are all means to an individual's ends. The attempt to obtain some good on an island is also easily conceivable in terms of action, whether another person is trying to obtain the same good or not. None of these phenomena is difficult to conceive as acts of the individual, acts entailing means and aiming at ends. However, problems of accurate description immediately arise when Hoppe tries to describe the phenomena in question utilizing the concepts of scarcity and mutual exclusivity of locations.

The A Priori of Argumentation and Performative Contradictions

The "a priori of argumentation," as some call it, is an interesting concept which derives its force from the fact that argumentation is a recognizable form of action in which one acting being "acts" or "strives" in relation to another acting being. Argumentation is action (goal-directed activity), but a special kind of action, in that it is directed toward another acting being. In the theory of

which is "scarce" for himself. However, Hoppe is not claiming that scarcity is a category of action, but that goods are objectively scarce or abundant.

action, we may define action directed toward another acting being as *ethical action*.¹⁰ We may further contrast such ethical action with at least three other classes of action: plain action (the simple attempt to obtain an object), economic action (that action conceivable in terms of prices or exchange ratios), and psychological action (action such as “trying to overcome one’s fears”).

Argumentation, as a form of ethical action, does indeed entail logically necessary (though hidden and difficult to discern) consequences.¹¹ However, these consequences are not accurately conceived by the idea of *performative contradiction*. There are no contradictions in nature. The idea of a contradiction refers to the consistency or inconsistency of a system of concepts or ideas.

If I say aloud “I am not talking,” then what is contradictory in my doing so is to be found by making explicit the implicit conceptual meaning of my statement: “I who am talking, am not talking.” This is a simple logical contradiction.

The difficulty inherent in the idea of a performative contradiction may arise from the attempt to establish *intersubjectively valid* norms, as opposed to the attempt to understand ethical phenomena by adherence to a procedure of strict methodological individualism.¹² When the procedure of methodological individualism is adhered to, then the relationship between what a person is saying or doing and what his intentions are is not problematic in the sense in which the concept *performative contradiction* implies.

¹⁰ See *Striving and Attainment*, Adam Knott, 2008

¹¹ *Ibid.*

¹² Writing in *A Theory of Socialism and Capitalism*, Hoppe writes: “...it follows that intersubjectively meaningful norms must exist...”(p.130)

When person A says aloud “I am not talking,” person A could be lying (though perhaps badly), or joking, or intending to mean that he was not the one who *has been* talking, or practicing for a play, or listening to the sound of his own voice, etc. As Searle notes, and as Hoppe is familiar with:

“...one and the same set of types of bodily movements can constitute completely different kinds of actions...”¹³

When considered as an action, and conceived by methodological individualism, then what a person’s intention is, is fully consistent with any number of physical movements or statements he may be making, as is demonstrated by Searle’s example.

Thus, there are two possibilities. A person who denies he is arguing during the course of an argument may *contradict* himself: “I, the one who is arguing, am not arguing.” In this case, contradiction is a matter of the logical consistency of ideas. This is when we consider what person A says with respect to its logical consistency.

However, we may also consider what person A says with respect to his *intentions*. This is when we compare the observed movements of person A (those things about him which may be observed, including his words) to the intentions he has (the ends he aims at) as an acting being.

In this context Hoppe has written:

“...there are only bodily movements to be observed but no such things as actions...”¹⁴

¹³ John Searle, *Minds Brains and Science*, 1984, p.57.

¹⁴ Hoppe, *Economic Science and the Austrian Method*, p.22.

The *intentions* which define A's *actions* are never observed, and such intentions or actions are consistent with any number of physical movements or sounds A may be making.

But here there are subtle implications of this state of things which Hoppe may have overlooked. An observer of A can only get an idea of what he believes A's intentions are by referring to observations (what A says, what A does, what A has written, etc.). And thus an observer of A can only determine A's *past and present* intentions by comparing one set of physical phenomena (what A has said, done, or written in the past) with another set of physical phenomena (what A is saying, doing, or writing now). But then there is no contradiction. The idea of contradiction does not apply to two sets of physical phenomena, since nature does not contradict itself.

Finally, there is the case of argumentation as a form of action, where A speaks words as means towards an end (in argumentation the end is generally to convince someone of something). Here we consider A from the point of view of A, and not from that of an observer. If A wants to own the body of person B, admittedly, arguing that he isn't arguing, or that he doesn't own his own body, is not the best means to achieve it. A much better means, apparently, would be to argue for and convince his contemporaries to accept the values and political institutions of social democracy. Then it seems he may gain partial ownership of the bodies of B and others.

The question then becomes whether doing this—whether the ethical acts needed to argue for and sustain a social democracy, for example—entails consequences which analysis can show to be logically necessary, though perhaps unrecognized and hidden.

Such consequences may exist, but they are not accurately characterized by the concept of performative contradiction.

The Consequences of Ethical Action

As far as is known, all ethical theory is an attempt to establish a connection between a particular ethical act and an incontestable result or consequence to that act. This is why modern ethical theory begins with Hume, whether one is trying to establish a connection between the *is* and the *ought*, or simply between two successive events. Professor Hoppe's argumentation ethics also tries to establish a link between ethical action (argumentation) and a consequence to that action, and it is to these consequences that we now turn.

Professor Hoppe provides generally two separate sets of consequences to ethical proposals at odds with the private-property ethic. First, there are the extremely severe consequences which would occur should nonprivate-property ethical proposals be consistently carried through. And second, there are the consequences which occur during the very act of proposing a nonprivate-property ethic.

The severe consequences listed during the course of Hoppe's argument are given as:

A would be reduced to the rank of B's slave...

Mankind would instantly perish...

Then we would all immediately perish...

No one would ever be permitted to begin using any good...

Neither we, our forefathers, nor our progeny would have been or would be able to survive...

It would be impossible for anyone to ever say anything at a definite point in time and space and for someone else to be able to reply...

Regarding these severe consequences that Hoppe claims will result from accepting the nonprivate-property ethic, we can easily see that a reasonably long time will be

needed between the time the nonprivate-property ethic is proposed and the time it is fully implemented. Notwithstanding Hoppe's claims to the contrary, from the time of the initial proposal brought forth in argument, until the time a concrete ethical proposal is implemented across the land, a considerable amount of time will elapse. But then Rothbard's criticism of Mises (which one assumes Hoppe still believes is valid) applies. To wit; what if the one proposing a nonprivate-property ethic has a very high time preference? Then apparently the argument that severe consequences may happen later will be of no avail in stopping this person from proposing a nonprivate-property ethic now. Rothbard's criticism of Mises, if assumed valid, must apply to all ethical acts where the consequences are conceived to occur considerably later than the original proposal or act. Hoppe's severe consequences fail Rothbard's test in that they cannot prevent a person having a high time preference from pursuing the implementation of a nonprivate-property ethic.

In addition to this, there is also the likelihood that those who propose a nonprivate-property ethic may do so believing that when the drastic consequences appear, they and their friends will be able to escape the brunt of them. This is the same as proposing universal public education while one's own children are in private school, scheduled to graduate by the time universal public education becomes mandatory.

Performative Contradiction as Consequence

The other consequence Hoppe conceives as resulting from proposing a nonprivate-property ethic is the consequence of performative contradiction. This proposed consequence is more interesting than Hoppe's proposed drastic consequences, in that it suggests that some act a

person may perform is harmful to himself. In this sense, the concept of performative contradiction is a legitimate hypothesis trying to capture the essence of a relationship between an ethical act and an incontestable consequence to that act.

If we grant that something akin to a performative contradiction occurs during argumentation, this still leaves an essential question unanswered: precisely in what way is a performative contradiction harmful to the individual actor, such that he may want to avoid performative contradictions as means in his action? That is, when a party to an argument finds it necessary to commit a performative contradiction in order to propose the ethical system he desires, what harm, if any, will accrue to him, aside from the charge of “performative contradiction” leveled by the private-property ethicist?

This is obviously an important question, because if there is no harm in performatively contradicting oneself, it is difficult to see why one should try to avoid them as means for proposing the ethic one desires. Why exactly should one avoid performative contradictions? Hoppe’s theory doesn’t really say, but instead *assumes* that those are things people will want to avoid.

What is missing in Hoppe’s theory is a theory of human happiness or well-being that conceives what kinds of things lead to man’s happiness and what kinds of things lead to man’s unhappiness. From such a theory, Hoppe could then attempt to demonstrate how performative contradictions must necessarily lead to the unhappiness of the person using them during argumentation. If Hoppe could demonstrate this, and if his theory were proven valid, then individual actors would then be in possession of new ethical knowledge. They would then be able to avoid, with certainty, the type of unhappiness described in Hoppe’s theory, by avoiding performative contradictions. If people

began trying to avoid performative contradictions because of the harm to themselves Hoppe demonstrated would occur, this would lessen the number of proposals for nonprivate-property ethical systems (according to Hoppe's theory), and likely lessen the occurrence of such ethical systems.

However, Hoppe does not propose a theory of human happiness. This would be the "...science of happiness,...the paths which will lead to [man's] real happiness."(EOL-12) envisioned in Rothbard's *The Ethics of Liberty*, but never actually constructed by Rothbard. What Rothbard offers in the first twenty-five pages of *The Ethics of Liberty* is a historical survey on the nature of natural law as it has been conceived by various natural-law philosophers. Once this introductory section of his book was completed, Rothbard turned his attention to outlining a legal system for a hypothetical libertarian world. *The Ethics of Liberty* is essentially a handbook that could be used by the judges and legislators of a libertarian society as Rothbard conceived it. But nowhere does Rothbard and nowhere does Hoppe propose or seriously pursue a science of happiness. Instead they propose concrete legal systems and rationales for those systems, largely independent of any theoretical treatment of those systems' relationship to individual happiness. To do so would require a theory of human happiness, something neither Hoppe nor Rothbard has.

Because Hoppe's argumentation ethics is not based on a recognizable theory of happiness, this means that even if one grants the occurrence of a performative contradiction during the course of argument, no necessary impact on the well-being of the one contradicting himself has been demonstrated. On the other hand, if we grant the drastic consequences Hoppe lists in his theory, it will be impossible to demonstrate that any of those will happen to

the person who proposed the nonprivate-property ethic. When the performative contradiction is granted for the sake of argument, no necessary harm to the performative contradictor is demonstrated. When the occurrence of harm is granted, no connection to the ethical system's proposer can be demonstrated.

Thus, one proposing a nonprivate-property ethic may do so, and suffer no necessary consequences according to the argumentation ethics.

John Searle and Biological Naturalism

John Searle does social science a service because his writing and meaning are clear and direct. This is an advantage for the student of social science seeking to familiarize himself with important ideas surrounding the nature of consciousness and human action. But Searle's clear expression is somewhat disadvantageous for himself in the sense that the contradictions in his theory are easier to spot than they might be were Searle to employ a larger number of terms from academic philosophy.

Searle's goal is a naturalistic theory of consciousness in which consciousness is reduced to physical processes:

...consciousness is part of the natural world along with other biological phenomena such as photosynthesis, digestion or mitosis, and the explanatory apparatus we need to explain it we need anyway to explain other parts of nature.(BN-7)

Consciousness is entirely caused by neuronal behavior,...(BN-11)

...consciousness exists, it is caused by neuronal processes, it exists in the brain, and it has causal functions in the life of the organism...(BN-14)

From the point of view of natural science, and even from the point of view of contemporary culture, these assertions may seem quite unexceptional, since it is natural to assume that the consciousness of another person is “located” inside his head. However, there exist important theoretical structural issues that result when the theoretician is a conscious being, and he tries to re-construct by means of the objects of his conscious experiences something identical to his direct conscious experiences. Said differently, when a conscious being attempts to conceive another consciousness by means of the objects of his own consciousness, this results in theoretical structural problems that may be insurmountable.

This is demonstrated by a glaring contradiction in Searle’s theory which it is unclear he has even noticed. According to his naturalistic conception of consciousness as provided above, Searle indicates the kind of result which his theory would attain if only we had more information regarding the physical processes that cause consciousness:

We could, and if we knew enough, for certain purposes, say medical purposes, we might. We could then say, “This guy is in pain, even though he *does not feel it yet*. The thalamocortical system definitely shows the presence of pain, though it *is unfelt*.”(BN-11)(italics added)

But previously, Searle had provided the following definition of pain as part of his theory:

Some things, such as *pains* and tickles and itches, *only exist when experienced* by a human or animal subject, and they have a *subjective* or first person ontology.(BN-3)(underlined italics added)

Thus, Searle believes that when enough information about the neuronal processes of the brain is available, an observer will be able to conclude that a subject is in pain even though the subject does not feel pain. Yet, by Searle's earlier definitions, pain only exists when experienced by a human or animal subject. By this definition, someone observing the thalamocortical system of a subject has no basis for calling what he observes "pain" if it is not experienced by the subject, because pain only exists when experienced by a subject, at least according to Searle's initial definitions.

Searle also specifies the type of causality that applies in his theory, a type of causality that is not the standard one of discrete events in temporal succession. Searle writes:

And lots of causal relations are bottom up and simultaneous with the effect.(BN-13)

And therefore, Searle writes that this type of *simultaneous causality* is what applies to his theory:

...conscious states are realized simultaneously with neuron firings.(BN-13)

According to Searle's theory, if we observe certain neuronal processes going on in a subject, we know that he is experiencing the conscious state in question **now**, because "conscious states are realized simultaneously with neuron firings." But yet Searle also writes that when we observe the subject's physical processes, we will be able to say: "This guy is in pain, even though he does not feel it yet. The thalamocortical system definitely shows the presence of pain, though it is unfelt."(BN-11)

This glaring contradiction results from insurmountable epistemological-structural issues that result when one tries

to locate one's experience **of** spatiotemporal nature **in** spatiotemporal nature. One experiences one's consciousness *in terms of objects*, and then tries to locate something identical to this experience out there *amongst those objects*. This problem is a logical-epistemological problem, and cannot be overcome by gathering more information on physical brain processes.

John Searle and Simultaneous Causality

As just discussed, Searle proposes the concept of simultaneous causality, perhaps to avoid certain problems that would result if his theory were based on a standard conception of causality. The concept of causality proposed by Searle is worth considering, because it brings to light something important in the relationship between the social sciences and the natural sciences.

Envisioning a different kind of causality, Searle writes:

We have been taught by Hume that causation is always a relation between discrete events ordered in time and that every singular causal relation is always an instantiation of a universal causal regularity. Lots of causal relations are like that, but not all. Many causal forces are continuous through time. Gravity, for example. The causal explanation of why this table exerts pressure on the floor is the force of gravity, but gravity does not consist of a sequence of discrete events. And lots of causal relations are bottom up and simultaneous with the effect. For example, the causal explanation of why this table supports objects is in terms of the behavior of the microparticles, but the causal explanation of why the table supports objects is not given by first specifying one event, the molecular

movements, and then a later event, the support of the object. Rather the two are simultaneous.(BN-13)

Regarding this account of simultaneous causality, one might ask: Why can't the causal explanation of why this table exerts pressure on the floor be given in terms of microparticles? And why can't the causal explanation of why this table supports objects be given in terms of gravity? Or further, why can't the causal explanation of why this table exerts pressure on the floor be given in terms of the table's location, the fact that it is located on the floor and not suspended from the ceiling? And why can't the causal explanation of why this table supports objects be given in terms of the levelness of the table, since it wouldn't support the objects if it were tilted at an angle of eighty degrees? In Searle's conception of simultaneous causation, what is the basis for singling out only *one* causal explanation out of the many possible causal explanations for any given phenomenon?

'The real cause of the phenomenon,' as Mill recognized, 'is the assemblage of all its conditions.' A man's contracting malaria has many conditions that no one would think worth mentioning, but are essential to what happened as anything that an expert would point out. If the patient had no air to breathe, if gravitation did not hold him to the earth, if the sun did not provide him with a certain amount of warmth, if any one of dozens of co-operating organs in his body were not functioning in its normal way, if his prevailing cast of mind were more sanguine or melancholic, the course of his disease would not be precisely what it is. Each one of these is what is called a necessary condition of the disease's occurring as it did. When all of them

are put together, they form the sufficient condition. And it is the sufficient condition that is here meant by the cause.¹⁵

Searle seems to be isolating only *one* causal description out of many possible causal descriptions available to him. So the question then becomes, why or on what basis is this particular causal explanation to be singled out from among all possible causal explanations?

Searle writes that the causality applying to the conscious states caused by physical brain processes is not the standard Humean causality we are accustomed to conceiving. So it may be instructive to begin with the definition of *cause* provided by Hume himself:

We may define a CAUSE to be ‘An object precedent and contiguous to another, and where all the objects resembling the former are placed in like relations of precedency and contiguity to those objects, that resemble the latter.’¹⁶

And:

‘A CAUSE is an object precedent and contiguous to another, and so united with it, that the idea of the one determines the mind to form the idea of the other, and the impression of the one to form a more lively idea of the other.’¹⁷

¹⁵ Brand Blanchard, *Reason and Analysis*, “Necessity in Causation,” p.453

¹⁶ David Hume, *A Treatise of Human Nature*, Book I: Of the Understanding, Sect. XIV Of the idea of necessary connexion.

¹⁷ Ibid.

Let's consider the idea of cause by using a relatively simple example. Every time we throw a ball against the wall we hear a noise. So we would normally say that the ball hitting the wall "caused" the noise. Next, we notice how every time we throw a ball against the wall, the wall vibrates. So now we will say that the ball hitting the wall "caused" the vibration. The question here is, since the event we are describing is ostensibly the same event each time, why did our description of this event change? Why do we say in one case that the ball hitting the wall caused the *noise*, whereas in the other case we say that the ball hitting the wall caused the *vibration*?

Our contention is that we do this because we are incapable of grasping all the implications of the ball hitting the wall simultaneously—all the implications of the ball hitting the wall that could be conceived as "caused" by the ball hitting the wall. We single out a single causal instance from among all possible causal instances because we cannot simultaneously comprehend all possible causal instances.

The singling out of one causal instance is due to the nature of our consciousness—the fact that we can only consider the various causal instances sequentially and not simultaneously—and thus in this sense, the parameters of our consciousness are an inextricable and ineluctable element in any instance of causation.

By contrast, one is given the impression Searle believes the causal explanation of a given phenomenon is presented by the universe as *the* causal explanation, separate from the consciousness of the person considering the causal explanation. His theory seems not to anticipate that a particular causal explanation may simply be the causal explanation currently under consideration by a given consciousness.

Naturalism as Dogmatic Realism

Searle's thesis that "Consciousness is entirely caused by neuronal behavior..."(BN-11) is a conception of things from the point of view of materialism or objective realism. Implicit in Searle's theory of biological naturalism is the belief that the continuing march of natural science is one and the same with the progress in the human sciences. There is a conviction that further empirical data collected within the paradigm of physical science will solve all outstanding problems in the sciences of man. Those holding this opinion seem to overlook the fact that the architect of quantum theory, the reigning physical theory largely responsible for the continuing march of physical science, held views of natural science nowhere near those of the naturalists and objective realists. Here are some of Heisenberg's views:

...the different forms of realism may be described as follows: We "objectivate" a statement if we claim that its content does not depend on the conditions under which it can be verified. Practical realism assumes that there are statements that can be objectivated and that in fact the largest part of our experience in daily life consists of such statements. Dogmatic realism claims that there are no statements concerning the material world that cannot be objectivated. Practical realism has always been and will always be an essential part of natural science. Dogmatic realism, however, is, as we see it now, not a necessary condition of natural science. But it has in the past played a very important role in the development of science; actually the position of classical physics is that of dogmatic realism. It is only through quantum theory that we have learned that exact science is possible without the basis of

dogmatic realism. When Einstein criticized quantum theory he has done so from the basis of dogmatic realism. This is a very natural attitude. Every scientist who does research work feels that he is looking at something that is objectively true. His statements are not meant to depend upon the conditions under which they may be verified. Especially in physics the fact that we can explain nature by simple mathematical laws tells us that here we have met some genuine feature of reality, not something that we have—in any meaning of the word—invented ourselves. This is the situation which Einstein had in mind when he took dogmatic realism as the basis for natural science. But quantum theory is in itself an example for the possibility of explaining nature by means of simple mathematical laws without this basis. These laws may perhaps not seem quite simple when one compares them with Newtonian mechanics. But, judging from the enormous complexity of the phenomena which are to be explained (for instance, the line spectra of complicated atoms), the mathematical scheme of quantum theory is comparatively simple. Natural science is actually possible without the basis of dogmatic realism.(PP-82)

Heisenberg also imparts the following insights, insights that are generally foreign to the worldview of objective realists:

To begin with, it is important to remember that in natural science we are not interested in the universe as a whole, including ourselves, but we direct our attention to some part of the universe and make that the object of our studies.(PP-52)

It has been said that we always start with a division of the world into an object, which we are going to study, and the rest of the world,...(PP-57)

...quantum theory...starts from the division of the world into the “object” and the rest of the world...(PP-55)

In the context of the current discussion, we might conceive that we are not interested in all the causal connections or explanations in the universe, but we direct our attention to a particular causal connection or explanation and make that the object of our studies. Continuing, Heisenberg writes:

The observation itself changes the probability function discontinuously; it selects of all possible events the actual one that has taken place.(PP-54)

Therefore, the transition from the “possible” to the “actual” takes place during the act of observation.(PP-54)

The *observation* is, to repeat a phrase, an inextricable and ineluctable element of the process of natural science, because it is only through the observation that one can speak of an event as having taken place. But, because of this:

...we cannot completely objectify the result of an observation,...(PP-50)

And:

Quantum theory does not allow a completely objective description of nature.(PP-106)

Because the observed event is inextricably bound with the “act” of observation. Perhaps more precisely, the *observed event* is inextricably bound with the event which is *observing*.

Heisenberg goes on to explain the situation further:

It may be said that classical physics is just that idealization in which we can speak about parts of the world without any reference to ourselves. Its success has led to the general idea of an objective description of the world. Objectivity has become the first criterion for the value of any scientific result. Does the Copenhagen interpretation of quantum theory still comply with this ideal? One may perhaps say that quantum theory corresponds to this ideal as far as possible. Certainly quantum theory does not contain genuine subjective features, it does not introduce the mind of the physicist as part of the atomic event. But it starts from the division of the world into the “object” and the rest of the world, and from the fact that for the rest of the world we use the classical concepts in our description. This division is arbitrary and historically a direct consequence of our scientific method; the use of the classical concepts is finally a consequence of the general human way of thinking. But this is already a reference to ourselves and in so far our description is not completely objective.(PP-55)

Natural science does not simply describe and explain nature; it is a part of the interplay between nature and ourselves; it describes nature as exposed to our method of questioning. This...makes the sharp distinction between the world and the I impossible.(PP-81)

As regards the critics of the Copenhagen interpretation of quantum theory, but equally applicable to most naturalists and theorists of objective realism:

It would, in their view, be desirable to return to the reality concept of classical physics or, to use a more general philosophic term, to the ontology of materialism. They would prefer to come back to the idea of an objective real world whose smallest parts exist objectively in the same sense as stones or trees exist, independently of whether or not we observe them.

This, however, is impossible or at least not entirely possible because of the nature of the atomic phenomena, as has been discussed in some of the earlier chapters. It cannot be our task to formulate wishes as to how the atomic phenomena should be; our task can only be to understand them.(PP-129)

Biological Naturalism (conclusion)

In comparing the structure of Heisenberg's quantum theory with the implicit assumptions of Searle's theory of biological naturalism, we can see that in treating the subject of causality, Searle seems not to account for the idea that all the *possible* causal explanations of some phenomenon become only *one actual* causal explanation in his theory. His theory implies that nature selects a causal explanation and provides it equally to all observers. But this seems to be inaccurate. It seems we can describe the reason a table supports objects in terms of microparticles, in terms of gravity, in terms of levelness, and in many other terms as well.

Quoting Heisenberg, Searle's theory starts "...from the belief—or should one say from the illusion?—that we

could describe the world or at least parts of the world without any reference to ourselves.”(PP-55) Thus, Searle believes that an objective theory of a subject’s consciousness can be attained which is totally independent of the conscious point of view from which it is conceived or perceived. Towards this end, his theory of causality presents as an *objective fact* a causal explanation that is arbitrarily selected by Searle’s own consciousness. Searle tries to “objectivate”—though perhaps without realizing it—a causal explanation arbitrarily selected by his own consciousness.

Searle sees no need to incorporate the point of view of the primary consciousness seeking to view a secondary consciousness as an explicit part of his theory (a theory on the nature of consciousness). He believes his causal explanation is sufficiently objectivated and independent of his own consciousness. And thus he believes his theory is far along the way towards providing an objective description of consciousness entirely in terms of physical processes.

Meanwhile, his theory fails the simple test of contradiction, in claiming that a conscious state only exists when experienced by a subject, and that a conscious state exists when not experienced by a subject.

Searle asked in 1984 why the social sciences have failed to provide greater insight into human nature. Since that time he has pursued a theory attempting to show “...that consciousness is nothing but neuronal behavior.”(BN-11) This is the reason a greater understanding of human nature remains elusive.

