

Thoughts on nature of rights
Henry C. Scuoteguazza

The basic issue that libertarians and objectivists gloss over is this: if someone is unable to support their own life due to severe handicaps, do do they die unless someone voluntarily intervenes? Or, do they deserve some kind of protection?

Our right to life depends on our ability to choose and to act on our choices. Having these abilities presumes we were born with the basic equipment necessary in order to live on our own. I recall a lecture course Peikoff gave years ago in which he made a point about humans having metaphysical independence. Metaphysical independence means that we are born with the equipment we need to live on our own. Just as no one can eat or breath for us, no one should think for us. Unfortunately, this concept has not seen much if any use in all of the discussions of rights because I think it leads to some interesting implications.

The Objectivist literature is silent on one key point related to metaphysical independence. We play no role in whether we were born with the proper equipment or not. Therefore, the objectivist and libertarian position amounts to saying, "Those who were born with the necessary equipment will be have their rights protected. Those who do not have this capability are on your own." Yet being on their own is precisely what they cannot do through no fault of their own!

We talk about the value of life and how it is the foundation of values. Yet, we say essentially, "If you are born without the ability to act you will not live unless someone chooses to help you." While we are responsible for how we employ our abilities we ultimately had nothing to do with the hand we were dealt when we were born. For those who are unfortunate, their existence should not be based on the whims of those around them who were more fortunate.

Thus I see two roles for government. One role is to protect the metaphysical independence of those who possess it. The second role is for government to ensure a minimum level of existence for those who do not have the minimum necessary conditions for metaphysical independence. It's the least we can do out of benevolence and out of recognition for what we have. The kind of support I envision does not threaten the metaphysical independence of those who have it.

I am not talking about supporting anybody who happens to have the

challenges (who doesn't have challenges?). Unfortunately, liberals have expanded the concept of handicap to apply to anyone with a hangnail. Using the concept of independence we end up dealing with a limited number of cases: severe birth defects, mental retardation, mental illness (such as those homeless who used to live in mental hospitals) and incapacitating injury. While one could argue that voluntary charities should take care of this limited number, the government would still play a role in policing this support for minimum physical levels and humane treatment.

Objectivists and libertarians are understandably leery of accepting even this minimal level of assistance for fear that it undercuts their moral opposition to welfare. I am concerned that we lose credibility if it is perceived that we prefer to sacrifice people at the expense of principles. I know that is not the intent but that is how it comes across (for even some list members). But, more importantly, is the objectivist position on this subject right? I think a case can be made for modifying the objectivist approach to rights.