

off by the Philistines of our age—is a task those of us committed to the cause of liberty cannot shirk. For the task, I submit, is urgent.

Human Rights

The first such well is the well of human rights.

The distinction between a “human right” and a “positive” or “contractual right,” should be clear. Unfortunately, however, it has not proved clear to some. In particular, I think of an influential British philosopher, Thomas Hill Green,¹ who last century argued that the mere absence of an obligation to surrender some good or desist from some activity was vacuous. What mattered was the actual ownership of the good or successful execution of the activity. My “right” to climb a mountain is useless, according to Green, if I lack the equipment and skills necessary to execute a successful climb. Green’s claim is echoed by those who mock the notion of human rights by asking what use to an impoverished person is the “right” to enter an expensive restaurant and dine?

In this way, the notion of a human right was transformed. My right to own a wrist-watch signifies for many today not simply the obligation of other people not to force me to surrender a wrist-watch I have legally acquired, but to *provide* me with the wrist-watch. Immediately any notion of “equal rights” vanishes, for

two sets of people have been specified: those entitled to receive certain goods and services, and those obligated to provide those goods and services. The assertion, for example, that the wealthy are obligated to provide goods and services specified by the alleged “rights” of the poor, cannot be referring to a “human right.” The alleged “right” rests *not* upon what all people have in common—their humanity—but upon *what they do not have in common*.

Privileges for Some—Obligations for Others

I submit that claimed “rights” generating positive privileges for some and positive obligations for others are but arbitrary claims given muscle and a measure of respectability by the State. Such “rights” have nothing whatsoever to do with what your forefathers meant by “unalienable rights.” Your forefathers were moved by the vision of a society without castes or classes or legally privileged elites of any kind. Those who today advocate and agitate for an exponentially increasing number of “positive rights” are necessarily *demanding* a society of caste and of class. The alleged “rights” of some to particular goods and services obligate others to provide those goods and services. The alleged right of a set of people described as the “poor” to, say, a minimum income obligates the wealthy to surrender what is

theirs, namely some of their allegedly “excess” wealth, and in principle could well be appealed to as obligating the wealthy to *create* that “excess wealth.”

The result is disaster. Society collapses into a hostile contest between special interest groups jockeying for government-conferred privileges. The politics of principle reverts to the politics of patronage. *De facto*, benefits typically go to well-organized and concentrated groups who know what they have been given, and the costs are carried by dispersed and disorganized people who do not know what they are paying. A government performing the vital task of protecting the equal rights of all degenerates into a “hit man” enforcing the special privileges of some.

Yet the vision remains—the vision of men and women endowed by their Creator with a common humanity and thus enjoying equal human rights. With that vision goes a task: the task of redigging a well our forefathers dug and named the well of human rights.

Property

The second well needing such redigging is explicitly named in the Virginia Bill of Rights. Among the “inherent rights” enjoyed by all are, “the representatives of the good people of Virginia” declared, “the enjoyment of life and liberty, *with the means of acquiring and possessing*

property, and pursuing and obtaining happiness and safety.”

It has today become fashionable to downplay the importance of private property rights. I refer not to Marxists and collectivist anarchists who attack the institution of private property as such, but to the mentality which displays itself in such slogans and bumper stickers as “Human Rights Before Property Rights” and “People Before Property.”

The first point I would make should not have to be made. Property rights *are* rights ascribed to people; they are not “rights” ascribed to inanimate objects. Doubtlessly, sooner or later groups of people will start agitating for the “rights” of porridge, plums, and protons—indeed I was enchanted to receive in my mail recently an appeal from some people mightily concerned about the “rights” of the Eucalyptus Gum Tree—but we can, I think, defer discussion of this particular manifestation of sheer lunacy. Property rights *are* human rights.

Property rights as such are incapable. In any conceivable society, decisions have to be made as to how material goods are to be utilized—in one way rather than in another; for this purpose rather than for that purpose. Rules specifying who, legitimately, may make such decisions are describing “property rights.” Maybe a solitary dictator is the legitimized decision maker. Or maybe