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Ayn Rand on Rights

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Ayn Rand's brilliance as a writer of political manifestos and her deficiencies as a philosophical analyst are both on display in her 1961 essays on rights. She sides with the angels in favoring negative liberty rights, and she deftly identifies the problem of positive welfare rights when she asks "Who is to pay?" However, her dicta on "rights" invoke an undefined "moral law" that is purportedly known by a "reason" that has no acquaintance with empirical facts. As a result, Rand routinely mistakes her political preferences for philosophical principles and lends her authority to common errors about rights.

keywords: Ayn Rand, rights, liberty, politics, political theory, morality, reason

1. Introduction

Ayn Rand was a woman of great talent and awesome energy. An emigrant from Russia, she loved the freedom she found in her new country but hated the Communist dictatorship of her native land. She died in 1982, but her many books are still in print, still available on Amazon, and still being read. *The Journal of Ayn Rand Studies* still exists and still publishes expositions of her ideas.[1]

The libertarian movement that she created and called Objectivism is still alive under the leadership of the estimable Leonard Peikoff, the executor of her estate. Several years ago, two new biographies of her were published, her politically didactic novels came back to the best seller lists, and one was made into a movie. She has always been popular with that perennial crowd of college students who rationalize their adolescent narcissism by embracing radical individualism. In the U.S. Congress there is a prominent Senator (Rand Paul, from Kentucky) who was named eponymously by his father, Ron Paul, who was for many years a member of Congress from Texas and once ran for president on ideas

he learned from Rand. Allen Greenspan, director of the Federal Reserve under President Bill Clinton, was one of Rand's star pupils.

Despite Rand's cachet with the public and her own belief that she was a serious political philosopher, though not a philosophically trained one, her writings have been ignored by the intellectuals who inhabit today's universities. Since Rand was an implacable enemy of an overweening state, the disdain these academic intellectuals have for her is motivated by distaste for her politics. However, a better test of her merit as a philosopher is whether her claims and arguments can withstand sustained critical analysis. I am of the opinion that Rand cannot pass this test, but I share her love of liberty and doubt that it is well served by unsound reasoning. Therefore, in what follows I explain why I find Rand's arguments faulty even when I favor her cause.

2. The Basis of My Critique

Before I begin, I should spell out the understanding of rights that I will presume and deploy. Rights are social institutions: standing practices of conferring benefits on some while imposing costs on others. Thus children have a right to the support of their parents *in the sense that* this right is protected by enforcing their parents' duty to support them. If the protection/enforcement is provided by government, the right is legal; if by custom, it belongs to morality or etiquette. If the alleged right has no observable protection, it does not in any clear sense exist. Thus, where property is not protected by punishing thieves and trespassers, there are no property rights. Where speech is not protected by condemning those who refuse to permit it, there are no speech rights. Where dissident subjects are imprisoned for criticizing their governments, there are no civil rights.

Such, in brief summary, is the understanding that seems to me to guide workaday talk of rights, if not the usual theorizing and politicking.[2] This understanding has three advantages. First, it is empirically defined. So, second, it is morally neutral. And, third, it enables others to know precisely what you mean when you declare that something is a right: You *mean* that there exist observable legal and social practices of the sort just described. You do *not* mean that these practices are good ones. In fact, you are prepared to acknowledge that they might be evil. So, there is no contradiction in your saying "Some people do in fact have right R, but in my opinion they ought not to have it."

3. A Different Usage

As the reader will have recognized, the word "rights" is not always used in this empirically descriptive and morally neutral way. In some doctrinaire precincts, the word is entirely honorific and prescriptive. Those who use it maintain that someone *has* a right if and only if she *ought to have it*; there are no rights that ought, morally speaking, not to exist. The same people also maintain that if one person has a right, everybody else has it too; "rights" that belong only to a favored few are not rights strictly so called but *privileges*. In this usage, a right needs no protection to exist.

Since this second way of talking lacks empirical meaning, it is more aspirational than descriptive, more proleptic than informative, more a matter of desire than of fact.

Philosopher Gerald Feinberg has aptly called this way of talking "manifesto speech" and dubbed the rights demanded by it "manifesto rights" (Feinberg 1980). This label, though apt, is syncategorematic. Manifesto rights are no more a *kind* of rights than prospective husbands are a kind of husbands; they are just desires for rights that are not yet possessed, so do not exist.

For a trite illustration of the point, consider a pubescent daughter who loudly proclaims her "right" to go wherever she wants, with whomever she wants, and whenever she wants, day or night. Although she uses the indicative mood, not the imperative, she is not stating a fact but uttering a wish. For if she already *had* the right she claims, she wouldn't need to *ask* for it. The same observation applies to those who, wanting medical care at taxpayer expense, argue that everybody *already has* a right to it. What they mean to say is that everybody *ought* to have a right to it.

In summary, there are two distinct ways of talking about rights, one descriptive and empirically defined, another aspirational, hortatory, imperative, and proleptic but not empirically defined even when expressed in the indicative mood.

4. The Case of Robinson Crusoe

This duplicity of word usage creates ambiguity, but it reflects a long-standing dispute between philosophers. Empirical use of the word "rights" is premised on belief that rights are man-made institutions and grow out of human practices. Call this idea sociological. Prescriptive use of the word is premised on belief that rights are divine gifts under God-made laws. Call this idea theological.

Both ideas are old. The sociological idea was given its definitive formulation by the sophists of ancient Greece and rejected by Plato. The theological idea was given its form by the Greek stoics and prevailed throughout the Christian Middle Ages, when all emphasis was on one's "natural" duty to obey God's law. During the Enlightenment, interest shifted away from revealed theology to empirical sociology, and talk of "natural" duties gave way to talk of their correlative rights.

The first exponent of this shift was Thomas Hobbes, who preferred empirical science to theology because sectarian disputes generated by the Protestant revolt had resulted in vicious and destructive civil wars. Hobbes therefore argued that talk of rights and duties in a "state of nature" – a hypothetical condition without effective laws —was meaningless. In such a state, every man had a "natural right" to whatever he could take and no duty to refrain from taking it. The result was every man at the throat or property of every other, which made life "nasty, brutish, and short" for all. The only way to escape this parlous and perilous condition was to quit fighting and agree to put in charge somebody with the power to make and enforce mutually beneficial laws (Hobbes 1997).

An illustrative example inspired by Hobbes' reflections is Daniel Defoe's fictional story of Robinson Crusoe. On his island alone the stranded Crusoe had nothing it would be appropriate or useful to describe as rights (Matson 2006). For against whom would he claim them? And in what circumstance would he have cause to do so? That Crusoe might have thought he had rights to all he surveyed is true, but the thought would have been a useless relic of his life in society before he was marooned. Crusoe acquired a

use for the word "rights" only after man Friday appeared out of the blue and it became expedient to work out between them what would belong to whom and what would be enjoyed in common.

The moral of the story is that empirically definable rights and duties cannot exist apart from societies regulated by generally accepted rules. Since these rules vary with the men and women who make them, it follows that real (as distinct from aspirational) rights and duties are not universal but local. Hence, we in America enjoy rights that people in other societies do not have. For example, you and I have the right to criticize our government, but the unfortunate subjects of the triply misnamed Peoples Democratic Republic of Korea do not have a similar right.

The usual reply is that God gave the same right to the Korean people too, but the atheistic rulers of the Hermit Kingdom refuse to respect and protect it. However, since there is no empirical test of this theological claim, there is no objective way to assess its truth value. Furthermore, for all practical purposes, an *unprotected* right is a *non-existing* right. What is the value of a "right" that cannot be used? Such a "right" might exist in somebody's mind; it does not exist in publicly observable reality. In the ugly jargon of philosophers, unprotected rights are metaphysical fantasies, not observable realities.

5. Individual Rights

To see how all of this applies to Rand, let us now go to her text. In the central essay, she proclaims, "*Individual rights are the means of subordinating society to moral law*" (Rand 1961, 92-100; emphasis added)

What did this slogan mean? Let us examine its terms—*individual rights*, *society*, and *moral law*—starting with the phrase "individual rights." According to Rand, this phrase is "a redundancy." Only individual persons have rights. "The expression 'collective rights' is a contradiction in terms," and "A group as such has no rights. A man can neither acquire new rights by joining a group nor lose the rights he does possess." Why not? Because "collective entities" are mythical creatures; the realities are the individual persons who compose these collectives, and any rights the collectives appear to possess actually belong to the individuals who constitute them. Thus, corporations and nations have no rights; only their owners and citizens do (Rand 1961, 101-106).[3]

Evidently, Rand thought this claim self-evident. She did not try to prove it; she merely postulated it, as if announcing a first principle. In other words, she played Humpty Dumpty. Resolutely ignoring standing ways of using common words, she deployed them to suit herself and paid them overtime if she worked them overtime. Did she disapprove of "collectives"? Her solution was to declare that they did not exist; so don't call them *bad*, call them *unreal*. Did she disapprove of political states? She would declare them mythical entities too, as if that would make them go away. This was not argument. It was not explanation. It was word magic. Rand's idea of rights had become detached from reality.

Despite Rand's claims, "collective entities" are not only real; they have rights. Thus, Germany has rights as a nation to vote in the United Nations and to protect its borders from invasion. U.S. Steel has the right as a corporation to sell shares on the New York stock exchange, or to make contributions to political candidates. My sailing club has

the right to decide who will be admitted to membership or enjoy its facilities. Similar remarks apply to your wife's informal reading group and your Friday night poker party. All of these exist and have rights in the empirically meaningful sense of the word, if not also in Rand's aspirational and proleptic usage.[4]

Admittedly, the rights possessed by collectives are exercised by their members, as grasping is necessarily done with the hand. But as it is the whole person who grasps, not simply her hand, so the rights of collective entities belong to the collections as such, not distributively to their several members. The governing principle is roughly as follows: A possibly changing collection of individuals constitutes an identifiable entity with executable rights so long as the individuals in the collection act in concert to achieve common ends and are subject to established legal or social norms that assign rights and responsibilities to the collective body as such. Pace Rand, myths of the society as an organism are needless.

It is not collectives and groups that are unreal but Rand's personal ideal, the self-sufficient individual. As Rand's philosophical hero Aristotle remarked, we human beings are *essentially* social animals, whose greatest good is interaction with others. The reason is that we are dependent on others throughout our lives, first for existence, then for sustenance, finally for companionship, friendship, and love—indeed, virtually all that matters to us, including our material well being. Despite the juvenile fantasy expressed by the narcissistic Rousseau in *The Origin of Inequality*, you cannot long survive, much less prosper and be happy, entirely alone (Hocutt 2003).

6. Privileges

Not only do some collectives have rights; all rights are possessed by individuals *as members of some collective or other*. Here are some examples: So long as I am in good standing as a member of my clan, I have a right to attend family reunions and partake of the annual banquet. As a dues paying member of the Republican Party, Jones has a right to participate in its caucuses or vote in its primaries. As parents, you have rights to attend PTA meetings and speak up about school policies. As president of his corporation, Smith has the right to represent his company in transacting business with other companies. As the prime minister of his nation, Green has the right to take part in making its laws and represent it in negotiating treaties. If you prefer, call these rights of *authority* or *privilege*, but take note that these too are kinds of rights—viz., the kinds that are accorded to privileged people and accepted authorities. It is a mistake to believe that *nobody* has a right unless *everybody* has it.

It is also a mistake to deny the appellation "rights" to an existing practice just because you disapprove of it. Nevertheless, libertarian economist James Montanye agrees with Rand that, since only some groups have them, government entitlements should not be called rights (Montanye, 2015, 2016). Perhaps taking a cue from the utilitarian Jeremy Bentham, he holds that nothing is a right unless the sum total of its benefits and costs is positive. This is an interesting idea, and if it could be made to work, governments might make better laws than they do.

However, governments attempting this will face two difficulties. First, as Thomas Hobbes explained, the words *good* and *bad* are indexical terms, which each of us uses "in relation to himself," to denote what he prefers or she abhors (Hobbes, op. cit.). This means that, while sense can be made of the claim that right R1 has more benefit to A than different right R2, no one can make sense of asking whether right R has more benefit for person A than it would have for person B, or whether it has more benefit for A than the burden of paying for it costs person C.

Second, if such simple comparisons cannot be managed, accurately summing the net benefits and costs for a large population will be impossible. Economists do claim to *estimate* GDP, but the word "estimate" is well advised here. As the Austrian economists Mises and Hayek showed, the numbers that result from these "estimates" make such sense as they do only given prices set in a market economy under conditions of comparatively free exchange. This method won't work if the economy is regulated either wholly or in great part and prices are arbitrarily set by government, as under socialism (Hayek, op. cit.).

The favored solution in democracies is to pass the problem on to elected representatives. However, faced with an insoluble puzzle, most legislators predictably reveal less interest in trying to solve it than in enacting measures that might garner them more votes in the next election cycle.

7. Society

We must let that be enough about economics and politics. It is time to come back to Rand. When we left her she had claimed that society, which is unreal, needs subordinating to moral law, which was in her mind very real. Let us look first at society and reserve moral law for last.

By "society" Rand appears to have meant politically organized society with government—in other words, what political scientists call *the state*. Although this is a collective entity, so unreal in Rand's accounting, it was in her entirely correct view too real for comfort. Therefore, she said that rights are possessed not only *independently* of it but *against* it. Why so? Because individual persons "have no power" to violate each other's rights; only government has such power. Therefore, "Private citizens are not a threat to one another's rights or freedom," and "It is not as protections against *private* actions but against governmental actions that the Bill of Rights was written." (Rand, op. cit.)

These claims have many problems, none of which Rand noticed. First, if the state is a collective entity, it is, according to Rand's explicit thesis, unreal. How can an unreal entity be a threat to us? Rand did not say. Second, according to Rand, collective entities are merely collections of individuals. Doesn't that make the threat from these entities to be a threat from the individuals who compose them? No answer. Third, in a democracy the government is elected by individuals, many of whom vote for politicians who promise goodies to be paid for by taxing the property of others. Doesn't that make some citizens a threat to other citizens? Not a word.

These questions are unavoidable given Rand's claim that individuals are *never* a threat to each other's rights. As we all know from personal experience, and she must have known too, threats are *always* posed by other individuals, though they are often acting in groups. Rand comes close to admitting this herself when she says, in the fashion of John Locke, "The only moral purpose of government is the protection of individual rights." From whom is the government to protect our rights? Rand says "criminals." But criminals are individuals, even in gangs. So, Rand has embraced the contradiction that the government which *does* threaten us despite its unreality should be our protector from threats by individual criminals who are very real but *cannot* threaten us.

In her desire to advocate rights rather than explain them, Rand evidently forgot Thomas Hobbes' reminder in *Leviathan* that it is precisely because we human beings have reason to fear *each other* that we need a government to protect us; and it is because the government is composed of individuals whose interests might be in conflict with our own that we also need protection from it (Hobbes, 1651). If truth be told, government is just a protection and extortion racket designed to serve itself and its clients at the expense of others not favored by it. So it is a danger to all. That is why, where it is suffered willingly, it is needed by some to protect their lives and property from the predations of others.

It is *always* other individuals, some acting in groups, some alone, who threaten us. Nature presents us with *dangers* but these are threats only in a metaphorical sense of the word. The kernel of truth in Rand's animadversions against "society" is the truism that other individuals can do us more harm in concert than singly. Nevertheless, it remains true that single individuals do have the power to harm us. That is why, as Hobbes said, we lock our doors at night.

8. Conflicts of Interest

We have just seen that other individuals are a threat to us because they have interests that are in conflict with ours. As good economists know, this is true because we are all in competition for a larger share of limited resources (Montanye, 2015). However, although this fact is obvious, it is another truth that Rand tried to spirit away with verbal magic. In her remarks on this topic, she says that what appear to be conflicts of interest are really mistakes. If men were truly rational, they would all recognize the same objective good and disagree only about the means to achieve it. Instead, some people perversely act "irrationally," in accordance with their "subjective desires," which they mistake for objective goods (Rand, 50-56).

It is Rand who has made the mistake. Desires and interests are not mutually exclusive. I want to give my boss a piece of my mind but know that it would get me fired. Acting on impulse would serve my immediate desire to vent my anger only at the cost of my longer term interest in remaining employed. This might seem to prove that desires are one thing, interests another. What it proves is that I desire to keep my job more than I desire to insult my boss. What Rand is calling an interest is only a long term desire. If an "objective" interest is supposed to be one that is unmotivated by a necessarily "subjective" desire, there is no such thing.

That the woman who wrote "The Virtue of Selfishness" refused to see this plain truth reveals something about her dichotomous and romantic way of thinking. She had evidently convinced herself that whatever she desired was an impersonal good, which ought to be recognized as such. When others failed to agree, it proved that *their* desires and preferences were "subjective" and "irrational," not that *she* had made a mistake. She apparently thought this imperious and arrogant attitude "objective" and a basis for liberty. It was in fact no more than a personal presumption and, had it been put in practice, would have been a recipe for unrestrained autocracy. Only wannabe dictators believe that they can determine what is good for everybody and lay it down as law.

The problem with such belief is that there is no such thing as a disinterested appraisal of value. For a thing to have value is just for it to be the object of actual or potential preference, and since B may prefer what A deplores, what has value for A might have none for B. It is such divergence in evaluations that makes it rational to engage in free market exchanges. You have more corn than you want; I have more beans than I need. So, we exchange our surpluses for our mutual benefit. I help you take in your crop; you help me build my barn. Since we get more work done together, our exchange of labor helps us both. Such exchanges illustrate the advantages of voluntary cooperation between people with different interests. They are the heart of a free society.

Of course, human beings often have similar interests. Conflict often arises not from a difference in preferences but from preference for the same goods. You want my land by the creek; I do not want to sell it to you. Potential conflict. Sam expects George's help but wants it for free, while George demands a price for his labor. Potential conflict. Sue desires medical care that will be paid for by taxing Sarah, who would prefer to keep her hard-earned money. Potential conflict. Phil wants to preserve the forests for his pleasure; Paul wants to exploit them for his profit. Potential conflict.

9. Moral Law

We have now discussed rights and society. There remains only moral law, to which Rand thinks "society" should be "subordinated." Here are some questions. What is moral law? Where did it come from? Who made it? What are its provisions? How are we supposed to know them? Answers to these questions are needed if talk of moral law is to have sufficiently definite meaning to enable clear thought and provide specific guidance. Rand responded to these questions only obliquely and opaquely, leaving us to guess at her answers and entitled to do so.

As a militant atheist, Rand could not claim that moral law was made by God. By talking of universal rather than local rights, she also implied that moral law was not made by individual societies. Unfortunately, she did not go on to tell us who she thought made "moral law." I conclude that she thought it was not made; and since she equated it with what the stoics called the natural law of reason, it seems likely that she thought of it as self-evident principles known like those of mathematics just by thinking about them. In short, it appears that Rand was one of that legion of modern thinkers who, to quote Jean Paul Sartre, still believed in a God-made morality but no longer believed in the God who made it.

If Rand ever noticed the contradiction, she did not acknowledge it. In accordance with her vaunted rationalism, which she fancied came from Aristotle but more likely came from Plato by way of the stoics and Thomas Aquinas, she believed she could derive the provisions of moral law without bringing God into it by focusing on (1) self-ownership and (2) natural needs. Therefore, in "Man's Rights," she argued that, because each of us owns himself and cannot be owned by another, we each have a right to the liberty we need to achieve our self-chosen ends.

Both arguments were fallacious, but let us start with self-ownership. Rand regarded it as axiomatic; an examination of the idea reveals it to be incoherent. If I have a title to myself, from where did I get it? According to Rand, it derives from the logical principle of identity, A=A. In other words, it is because I *am* myself that I *own* myself; it is also because I cannot *be* you that you cannot *own* me. Or so Rand claimed, as if she were declaring that 2+2=4. It would, however, be hard to think of a weaker argument. Although *everything* has the logical property of self-identity, it does not follow that *anything* has the legal or moral property of self-ownership. The chair I am presently using is identical with itself; but the chair does not own itself, I own it. Ownership cannot be deduced from identity.[5]

By contrast, rights *can* be deduced from ownership, because they constitute it. My ownership of the chair means that I have certain rights with respect to it. Among these is the liberty to dispose of the chair more or less as I think fit within the limits of applicable law. For example, I may sell the chair or give it away. In legal jargon, my right to it is *alienable*. It is also *exclusive*. That I own the chair means that I have the right to sell it but you do not.

Self-ownership, if there were such a condition, would appear to entail a similar alienability and exclusion. If I owned myself, I could sell myself; and if I could sell myself, someone else could own me. Yet, Rand argues that self-ownership is inalienable: no one *can* make a slave of me, and I cannot give or sell myself to another. Taken literally, this amounts to a declaration that slavery is *impossible*. But what *does* exist *can* exist, and slavery has existed since before the beginning of recorded time. Furthermore, it still exists in some places. Therefore, slavery must be *possible*.

No doubt Rand misspoke. She meant to say not that slavery is *impossible* but that it is *impermissible* or *undesirable*—not that you *cannot* but that you *may not*, or *should not*, be owned by, or own, another person. That interpretation would certainly be a more charitable reading of her words, and it fits better with her insistence that rights are "a moral concept," The trouble with this reading is that Rand never contented herself with saying that we *ought* or *ought not* to have a right. Instead, she said either that we *do* have a right or do not have it, thus committing what Stephen Pinker has called the *reverse naturalistic fallacy* of deducing facts from values, realities from preferences (Pinker, 2002, 162).

10. Needs as Rights?

Self-ownership was one of two arguments that Rand offered in support of her aspirational idea of rights. Later in "Man's Rights" she spells out a second argument: we have the right

to liberty because it is a "necessary condition" for happiness, which we all need. In plain language, we all *need* liberty; so we all have a right to it.

This argument presupposes the ancient doctrine of natural law. As noted earlier, this doctrine was created by the Stoics, who equated it with divinely made law. In the high Middle Ages St. Thomas Aquinas explained how this law dictated our duties; there was no talk of our rights. However, in the 17th century, John Locke switched the emphasis from duties to their correlative rights, yielding his familiar trilogy of life, liberty, and property. How did Locke arrive at this particular list? He reasoned with Aquinas that, when God gave us our needs, he also gave us the means of satisfying them. Life, liberty, and property being the things Locke thought most needed by us, it followed that we necessarily have rights to them (Locke, op. cit.).

Rand was precluded by her atheism from endorsing this bit of theology, but she continued without demurral to accept its false implication─ that the fact of our needs guarantees us certain rights. Unfortunately, this principle can be made to yield any conclusion wanted, which proves that it is false.[6] Thus, while Locke used it to derive the negative rights that Rand favored, others have used it to justify the welfare rights that she condemned. Political philosopher Alan Gewirth, of the University of Chicago, once published a book claiming as self-evident the proposition that we human beings have "generic rights" to whatever will satisfy our "generic needs." Do we all need food, water, shelter, clothing, love, friendship, security, prestige, etc.? Then, according to Gewirth, we all have rights to them (Gewirth, 1978).

At about the same time, philosopher of law Ronald Dworkin carried a similar line of thought even further. In his influential *Taking Rights Seriously*, he declared:

> Individual rights are political trumps held by individuals. Individuals have rights when, for some reason, a collective goal is not a sufficient justification for denying them what they wish, as individuals, to have or to do, or not a sufficient justification for imposing some loss or injury on them. (Dworkin, 1977)

Unlike Gewirth, Dworkin did not limit himself to claiming rights to what we *need*. He said that we have rights to whatever we *want.* Dworkin allowed that a wishful claim to a right can be defeated by an argument that it would violate the rights of others, but he put the burden of defeating the claim on those who oppose it and added that judges have a moral duty to treat an undefeated wish as binding law.

Rand regarded this "progressive" line of thought as a corruption of language in the service of perverse politics. In her view, the word "rights" should be limited to the negative rights Locke had in mind; positive welfare rights were not to count as rights.[7] I like that idea too, but if need for liberty guarantees a right to it, as Rand claimed, more importunate needs for food, shelter, water, and self-esteem guarantee rights to these too, which she denied. She has been tarred by her own brush.

To avoid this embarrassment, one must abandon the appealing but delusory idea that needs constitute rights. Fortunately, that popular idea is false. That I need your kidney to stay alive does not mean that I have a right to it. That Sam needs Joe's wife to make him happy does not mean that Sam has a right to her. That you need my money to pay

your bills does not mean that you have a right to it. In short, that we *need* something does not mean that we have a *right* to it. Unfortunate but true.

11. Conclusion

In accordance with the stoic idea of divinely made natural law, which Rand accepted despite her atheism, rights are possessed if needed and wanted. Accordingly, she declared that, because we need and want liberty, we necessarily have a right to it. But opponents make this same mistake in reverse. Believing with considerable justification that material welfare is a more basic human need than personal freedom, they give positive welfare rights priority over negative liberty rights. In reply Rand accused them of abusing the language of rights, and she had a point; but it was a case of the kettle calling the pot black. Rights prolepsis—corrupting the language of rights by claiming rights you don't have—is a game everybody can play and nobody should.

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Notes

1. I did not know Rand personally, but in 2006 *Rand Studies* published my review of an excellent book on postmodernism by a bright young Objectivist name of Stephen Hicks (Hocutt 2006).

2. For a more complete and precise analysis see Hocutt (2012).

3. Rand's use of the word "individuals" was almost always an ellipsis for "individual persons." This usage might have involved a misunderstanding of Aristotle, who held that only individual *entities* are real but did not demand that they be individual *persons*. Aristotle would have counted Athens as an individual *city*.

4. I multiply examples to make it clear that they are commonplace, not idiosyncratic.

5. The concept of self-ownership appears to have originated with Locke, who thought of a person as a soul that owned its body (Locke, op. cit.). I do not know whether this was also Rand's idea.

6. It is a basic principle of logic that if p implies q and not-q, then p must be false.

7. Locke's rights were negative in the sense that they imposed on others only obligations not to do certain things. Thus, your right to life merely imposed on others the duty not to

kill you. Unlike positive welfare rights, it did not impose a duty to help support you. That is the reason we should all prefer less burdensome but negative liberty rights to more burdensome but positive welfare rights.

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