The Moral Foundations of Libertarian Rights

Mark Field

Follow this and additional works at: https://scholarsarchive.byu.edu/sigma

Recommended Citation
Available at: https://scholarsarchive.byu.edu/sigma/vol4/iss1/6

This Article is brought to you for free and open access by the All Journals at BYU ScholarsArchive. It has been accepted for inclusion in Sigma: Journal of Political and International Studies by an authorized editor of BYU ScholarsArchive. For more information, please contact scholarsarchive@byu.edu, ellen_amatangelo@byu.edu.
Coercion occurs when one person's actions are made to serve another person's will, not for his own but for the other's purposes. Obviously, then, when coercion is present, individual freedom is necessarily absent. Thus, if one advocates a free society, he must realize that an essential element of any such society is the requirement that individual members be protected against illegitimate, coercive intrusion into their lives. An important implication of this protection is the existence of private individual spheres of authority wherein any unsolicited interference is strictly prohibited. These private spheres are defined in terms of individual rights which guide a person's actions as well as preserve and protect that person from the actions of others in a social context. If these private spheres are not themselves to become an instrument of coercion, the individual rights which define the range and content of such spheres must not be determined by the will of any person or group of persons. To do so would simply transfer the power of coercion to that will. If this consequence is to be avoided, the existence of individual rights that are independent of any particular will must be possible.

Libertarianism, the doctrine that every person is the owner of his or her life and that no

*Mark graduated from the University of California at Irvine with a degree in Philosophy. He continues his education at Brigham Young University, and will graduate in June with a master's degree in Political Science. He plans to attend law school this fall.
one is the owner of anyone else's life, claims that such rights do exist. The doctrine asserts that each person is in possession of a core of fundamental rights that are grounded in a foundation that is, ultimately, objective, i.e., beyond the power of personal will. Nevertheless, even though this assertion is made, it seems that a comprehensive, systematic demonstration of such a foundation has never been given. Indeed, one of the crucial drawbacks of perhaps the most well-known statement of libertarian doctrine is that no attempt is made to establish a foundation for the rights that are so fundamental to libertarian political theory. If libertarianism is to present a serious challenge to other political views, it must at least explore these foundations. In view of this shortcoming, this essay is to present an argument for a foundation to the libertarian rights to life, liberty, and property that is independent of the will of any person or group of persons. In order to accomplish this aim, the essay will be divided into two main sections. The first section will demonstrate that natural, or human rights, when conceived of within the libertarian tradition, have an objective foundation. The second section will then show that the rights to life, liberty, and property are natural rights. In doing this, an objective foundation for libertarian rights will be established.

I

In arguing for a foundation of natural rights, this first section is separated into four parts, each one serving as a basis for the next. In part one, a grounding for value in general is provided, and, in part two, the same is done for moral value. From the conclusions reached in these two sections, the argument continues by considering that concept which constitutes the ultimate moral value as well as the standard of
moral value. Finally, in part four, the argument is expanded in order to demonstrate that human life, in the sense of living well, is the foundation of natural rights.

**Value in General**

Perhaps the best way to initiate the argument is to give a general definition of value:

1. A value is an object, an end, or a goal of an action.
2. In order for value to exist, there must be goal-directed action.

Given this conclusion, and in order to make progress, it is necessary to present the conditions that must be met for goal-directed actions to even exist. To begin, it seems apparent that if no alternative outcomes of action exist, then there is no possibility of achieving a goal, and there can be no reason to act to gain it. In addition, it seems permissible to assume that if success or failure with respect to a goal is not conditional on some entity, then there can be no reason for that entity to act to achieve the goal. From this, the third premise should read as follows:

3. In order for goal-directed action to exist, the following conditions must obtain:
   a. There must be an alternative.
   b. There must be an entity whose actions determine success or failure with respect to some goal.

However, if the consequences of success in achieving some goal are no different to an entity than the consequence of failure to achieve that goal, then there can be nothing to differentiate between achieving some goal and not achieving it. This would imply, then, that the entity
faces no real alternative. We postulated above, however, that goal-directed action requires the existence of an alternative. Thus, our third condition is:

(c) There must be an alternative that makes a difference to (i.e., has a consequence for) the entity which faces it.

Only when conditions (a), (b), and (c) are satisfied is it possible for value to exist. With this in mind, in order to proceed with the argument, the class of entities for which these conditions obtain must be defined.

As a means of initiating this segment of the inquiry, two general claims need to be stated. First, any object is either living or nonliving; and second, it appears to be the case that there is only one fundamental alternative in the universe--existence or nonexistence. From these two propositions we can construct the following complex disjunction: for any object, either (1) it is living and faces the fundamental alternative or does not or (2) it is nonliving and faces the fundamental alternative or does not. An analysis of the implications of this disjunction will provide a conclusion that will enable us to proceed with the argument.

To begin, the existence of all nonliving objects is not dependent upon any specific course of action, i.e., they exist unconditionally. Thus, if an object, X, is nonliving, we can conclude that X exists unconditionally. However, if X exists unconditionally, then, although X may change or evolve toward increasing complexity or simplicity, it cannot cease to be. And inasmuch as X cannot cease to be, it is impossible for X to either achieve or fail to achieve its own existence. But this means that X cannot face the fundamental alternative. Thus, from disjunct
(2), we can conclude that if an object is non-living, then it cannot face the fundamental alternative.\(^{21}\)

The first disjunct indicates that each instance of life is a process of self-sustaining and self-generating action,\(^{22}\) and that if this kind of action ceases, then life necessarily ceases also. This means that the existence of any living entity, \(Y\), is conditional, i.e., it can cease to be. And if \(Y\) can cease to be, then it is possible for \(Y\) to face the fundamental alternative. Thus, all living entities are capable of facing the alternative of existence or nonexistence.

However, since existence or nonexistence constitutes the fundamental alternative, all other alternatives are, \underline{ultimately}, derived from it (i.e., it creates all other alternatives).\(^{23}\) Thus, if an object cannot face the fundamental alternative, then it cannot face any alternatives at all. Since we concluded above that nonliving objects cannot face the fundamental alternative, we can also conclude that these objects are incapable of facing any alternatives. But if an object cannot face any alternatives, then it is not possible for the conjunction of conditions (a)-(c) to obtain for that object. The result is that these conditions are inapplicable to nonliving objects. This is not the case with living entities.

First, as stated previously, living entities are capable of facing the fundamental alternative. This satisfies condition (a). Second, since each instance of life is a process of self-sustaining and self-generating action, if this action ceases to exist, life also ceases to exist. Thus, the actions of living entities are capable of success or failure with respect to their own existence. This satisfies condition (b). Finally, since it is possible for the actions of a living entity, in the pursuit of a particular goal, to result (ultimately) in either its existence or nonexistence,\(^{26}\) and
since there is an obvious difference between these two extremes, we can easily conclude that there is a difference in the results of a living entity's effort to achieve or not achieve the particular goal or end it pursues. This conclusion shows that the existence of the fundamental alternative allows for the differentiation between achieving and not achieving some goal or end. However, if an alternative allows for this kind of differentiation, then we can conclude that the fundamental alternative makes a difference to, or has consequence upon the entity which faces it. This satisfies condition (c).

As we can see, the conjunction of conditions (a)-(c) is applicable to the class of living entities. However, at the beginning of this section it was stated that for any object, it is either living or nonliving. Therefore, seeing that the conjunction of conditions (a)-(c) cannot apply to nonliving objects and yet does apply to living entities, the following proposition can be introduced:

(4) Life, i.e., the class of living things, is the only class of entities that is capable of fulfilling conditions (a)-(c).

With proposition four in place, we can now present the remainder of the argument for the foundation of value:

(5) Proposition (3) shows that if conditions (a)-(c) obtain, then goal-directed actions are possible.

(6) Since life fulfills conditions (a)-(c), life makes possible goal-directed actions.

(7) In addition, proposition (2) shows that if goal-directed actions exist, then it is possible for value to exist.

(8) Since life makes goal-directed actions possible, life also makes value possible.
(9) Inasmuch as life fulfills conditions (a)-(c), life makes possible the existence of value.

(10) Furthermore, if Y makes possible the existence of Z, then Y is said to be the foundation of Z.

(11) Since only life fulfills conditions (a)-(c), life is the foundation of all value.

This conclusion establishes the concept of life (the process of self-sustaining and self-generating action) as the only source of value. The analysis now turns to the foundation of moral value.

Moral Value

As before, perhaps the best way to initiate this part of the argument is to give a brief definition of a moral value:

(12) A moral value is an object, an end, or a goal that is chosen to be an object, an end, or a goal of an action.

(13) In order for moral value to exist, there must be goal-directed action that is aimed at an object which has been chosen to be the object (or goal) of that action.

Once again, in order to make progress we need to present what conditions must be met in order for this type of goal-directed action to exist. It is apparent from previous conclusions that, since moral value is a subset of value generally, conditions (a)-(c) are also required for moral value to exist. Thus, proposition (14) should begin as follows:

(14) In order for goal-directed actions to exist that are aimed at an object which has been chosen to be the object of
that action, the following conditions must obtain:
(a) There must be an alternative.
(b) There must be an entity whose actions are capable of succeeding or failing with respect to some goal.
(c) There must be an alternative that makes a difference to the entity which faces it.

However, given the definition of moral value, if the capacity for freedom of choice is not possessed by some entity, then it will not be possible for an object to be chosen as an object of goal-directed action. Thus, the fourth condition must be:

(d) There must be an entity which possesses the capacity for freedom of choice.

Only when these four conditions are satisfied is it possible for moral value to exist. With this in mind, in order to proceed with the argument, the class of entities for which these conditions obtain must be determined.

As with value generally, there is only one known class of entities that can fulfill the conjunction of all four conditions:

(15) Human life, i.e., the class of human beings, is the only class of entities that satisfies conditions (a)-(d).

The justification for this proposition is clear. As concluded in the previous section, life is the only class of entities that fulfills conditions (a)-(c). Since human life is a subset of the class of living things, we can also conclude that human life fulfills these three conditions. Furthermore, it is also the case (empirically) that only human life is
known to possess the capacity for freedom of choice. Thus, only human life can satisfy condition (d).

With the justification of proposition (15) complete, presentation of the remainder of the argument for the foundation of moral value can be made:

(16) Proposition (14) shows that if conditions (a)-(d) obtain, then it will be possible for goal-directed action to exist that is directed toward an object which has been chosen to be the object of that action.

(17) Since human life fulfills conditions (a)-(d), human life enables an object to be chosen as an object of goal-directed action.

(18) In addition, proposition (13) shows that if there exists goal-directed action that is directed at an object which has been chosen to be the object of that action, then moral value is possible.

(19) Since human life makes possible goal-directed action that is directed at an object which has been chosen as an object of that action, human life also makes moral value possible.

(20) Inasmuch as human life fulfills conditions (a)-(d), human life makes possible the existence of moral value.

(21) Furthermore, if Y makes possible the existence of Z, then Y is said to be the foundation of Z.

(22) Since human life fulfills conditions (a)-(d), human life is the foundation of moral value.

Thus, human life is the final source of morality. With the aid of this conclusion, and as a means of progressing toward the foundation of natural
rights, we must now argue that human life is the standard of all moral value.

**Ultimate Value/Standard of Value**

In order to show that human life constitutes the standard of moral value, we must first demonstrate that human life is the ultimate moral value. To begin, suppose that Z is an object of choice. If goal-directed actions exist that are aimed at objects which have been chosen to be objects of such action, then it is possible for Z to be chosen as an object of such action. Proposition (17) shows, though, that in order for an object to be chosen as an object of goal-directed action, human life must exist. Thus, human life makes it possible for Z to be chosen as an object of goal-directed action. In addition, from proposition (12) we know that if Z is an object that is chosen to be an object of goal-directed action, then Z is a moral value (i.e., Z is morally valuable). Thus, human life makes Z as a moral value possible. However, it also seems that if a person morally values Z, then that person must also morally value the conditions by which Z, as a morally valuable object, is made possible. This means that if a person morally values Z, then that person must also morally value human life. Since a moral value is an object that is chosen to be an object of goal-directed action, if a person chooses Z as the object towards which his action will be directed, then those actions must also be directed towards human life. Thus, we can conclude that:

(23) Since human life is the foundation of morality and, therefore, makes it possible for an object to be chosen as an object of goal-directed action, all goal-directed actions which are directed toward an object which has been chosen to be an object of that action are
(ultimately) directed toward human life.  

This allows us to continue the argument as follows:

(24) If all goal-directed actions which are directed toward objects which have been chosen to be objects of such actions are (ultimately) directed toward human life, then human life must be the final moral end or goal of all such action.

(25) If human life is the foundation of morality, then human life is the final moral end of all goal-directed actions that are aimed at an object which has been chosen to be an object of such action.

(26) However, the final moral end or goal to which all lesser (moral) goals are the means is considered to be the ultimate moral value.

(27) Inasmuch as human life is the foundation of morality, human life is also the ultimate moral value.

Given this statement, the conclusion that human life is the standard of moral value can easily be reached:

(28) In addition, inasmuch as the ultimate moral value is the final (moral) end or goal to which all lesser (moral) goals are the means, it necessarily sets the standard by which all lesser goals are morally evaluated.

(29) Human life is also the standard of moral value.

What we have shown to this point is what we have sought: that the concept of human life, as the foundation of morality, is also the ultimate moral value as well as the standard of moral
value. Nevertheless, to simply conclude that human life is the standard or morality is not sufficient. In order for this standard to be better understood, an elaboration is necessary.

Living Well

First, it is necessary to demonstrate how (at least some) libertarians perceive the concept of living well, and also, that human life, in this sense of living well, is the standard of moral value. To start, since a standard is a basis for judgment, and since moral value is concerned with conditions, situations, or circumstances that are good or bad, right or wrong, we can conclude that a standard of moral value is a basis for judging or determining what kinds of conditions or situations are morally good or bad, right or wrong. An important implication of this particular conclusion is that the concept or principle which determines whether or not a condition is morally right is equivalent to the standard of morality. Thus, if we can identify the concept which determines moral rightness, then we will have also identified the standard of morality. However, in order to determine whether or not a condition is morally right, we must first become clear on what it means to say that a condition is right for something. To do this, we must know, (1) what kind of thing the object is, and (2) what the unique goal, end, or purpose of the object is. If these two criteria are defined, then to say that a condition is morally right for an object is to say that the condition is conducive to the satisfaction of the object's unique goal, end, or purpose.

In order to satisfy the first condition, it is important to remember that we are dealing with moral value and that morality applies only to those entities whose natures are such that they are capable of possessing the capacity for freedom of choice. Since only human life has a nature
that can satisfy this condition, morality only applies to human life (i.e., it applies only to human life (qua human life)). Thus, moral rightness refers only to those conditions that are right for human life (qua human life). However, when criteria (2) is added to this conclusion, we obtain a more accurate characterization of moral rightness: that it refers to those conditions that are conducive to the satisfaction of the unique end or purpose of human life (qua human life).

Nevertheless, even this definition of moral rightness can be made clearer through an attempt to better understand the content of the second criteria. For instance, when we speak of human life (qua human life), we are considering human life not, for example, in the capacity of a lawyer or a teacher but in the capacity of a human being. This analysis concerns human life as the kind of life that it is, i.e., given its nature. From this we can conclude that human life (qua human life) is equivalent to the natural end of human life. This allows us to make the statement that a condition is morally right if the condition is conducive to the natural end of human life. This means, of course, that the natural end of human life is the basis for determining moral rightness. Therefore, since we have already concluded that what determines whether or not a condition is morally right is the same as the moral standard, we can now conclude that the natural end of human life must be the standard of moral value. This statement is obviously more specific than the previous conclusions, but it is still unsatisfactory. At this point, what constitutes the natural end of human life must be determined. If we can do this, then we will have a more definite standard of morality.

We can initiate this part of our inquiry by stating that the proper or natural end of any living thing is constituted by the successful use of that life (given the kind of life that it is).
The natural end of human life, then, would be constituted by the successful use of that individual life (as the kind of life that it is, i.e., given its nature as human life). In order to become more clear on this statement, we need to make use of the following general principles: first, if there is some need or requirement, Y, which explains or accounts for the existence of some object, X, then X functions well if and only if its use or enactment satisfies Y; and second, the result of X performing its function well (i.e., the satisfaction of Y) constitutes the successful use of that object toward which the satisfaction of Y is aimed. What we must do now is to discover what kinds of conclusions are brought about when these principles are applied to human life.

It seems undeniable that the very possibility of sustaining human life (as the kind of life that it is) depends upon the successful completion of numerous processes which involve the performance or utilization of various actions, capacities, activities, faculties, etc. (i.e., what we might call acting successfully). However, acting successfully in this way depends upon the process of choosing to pursue and maintain the proper goals (i.e., what we might call moral valuation). We can conclude from this that the existence of the process of moral valuation is necessary for successfully performing and utilizing those activities and faculties which sustain human life (as the kind of life that it is). Thus, acting successfully in this way explains or accounts for the process of moral valuation. From this conclusion, and in accordance with the first general principle stated in the previous paragraph, we know not only that the function of moral valuation is its use in regard to the satisfaction of acting successfully to sustain human life (as the kind of life that it is), but also that moral valuation performs its function well if and only if its use actually satisfies successful action
in this way. In addition to these statements, and in accordance with the second general principle, it is also clear that acting successfully in order to sustain human life (as the kind of life that it is) constitutes the successful use of that object toward which such action is aimed. And, since this type of action is necessarily aimed at human life, we can finally conclude that the successful use of any individual human life (as the kind of life that it is) is equivalent to successfully performing and utilizing those activities and faculties which sustain human life (as the kind of life that it is). It is this conclusion that represents the natural end of human life and, ultimately, the standard of moral value.

From this conclusion, not only have we achieved the desired degree of specificity, but we have also demonstrated the overall intent of this particular section. It is apparent that acting successfully, in the way we have described it, is the same as living successfully as a human being (given the nature of human life). This is equivalent to the notion of living well. Thus, not only is it clear how (some) libertarians perceive the concept of living well, but it is also clear that we can conclude first, that living well is the natural end of any individual human life and finally, that:

\[ \therefore (29') \text{ Human life, i.e., living well, is the standard of all moral value.} \]

Given the conclusion of proposition (29'), we can now continue with our argument for the foundation of natural rights. We will begin anew by reexamining the idea of a moral standard:

\[ (30) \text{ A standard of moral value is the basis for determining whether or not a particular condition, situation, or circumstance is morally right or wrong, good or bad.} \]
(31) Moral value deals only with those conditions that are good or bad, right or wrong for human life (qua human life).

(32) Human life, i.e., living well, is the basis for determining whether or not a condition is right for human life (qua human life).

However, the context within which a condition may be right for human life (qua human life) is variable; e.g., a condition may be right in either an individual or a social context. From this, the argument continues by indicating the context we choose:

(33) A particular condition may be right for human life (qua human life) in a social context.

(34) Human life, i.e., living well, is the basis for determining whether or not a particular condition is right for human life (qua human life) in a social context.

With this conclusion, a brief characterization of the libertarian notion of a natural right is necessary.

Natural or human rights are no different from any other rights we might possess, except that our entitlement to them is fundamentally justified by the fact that we are human beings. As one prominent libertarian thinker has stated, "If someone has a human right to X or to do Y, then (a) he or she is a human being, and (b) it is because of this fact alone that certain conditions or circumstances are both possible and right for him in a social context." These kinds of rights indicate the social conditions that are good or right for people, by virtue of their humanity, in a social context. From here, we can continue our argument by giving a definition of a natural right:
(35) A natural right is a condition that is right for human life (qua human life) in a social context.

(36) Human life, i.e., living well, is the basis for determining natural rights.

(37) This means that human life (in the sense of living well) makes natural rights possible.

(38) If Y makes Z possible, then Y is said to be the foundation of Z.

(39) Human life, i.e., living well, is the foundation of natural rights.

To this point we have shown that the concept of life is the foundation of value in general, and that the concept of human life is the foundation of morality. In addition, as a means of establishing a foundation for natural rights, we also demonstrated that human life is the ultimate moral value as well as the standard of moral value. Nevertheless, we stated at that point that to simply conclude that human life is the standard of moral value was not sufficient. In order for this standard to be more workable, we had to show that human life, in the sense of living well, is the standard of moral value. From this, we finally concluded that human life, i.e., living well, is the foundation of natural rights. This brings us to the end of section one. From here we will want to demonstrate that the most fundamental libertarian rights are natural rights.

II

In order to conclude that libertarian rights are natural rights, we must show that they represent conditions that are right for human life (qua human life); i.e., that they are conducive to living well, in the way we have defined it, in a social context. Perhaps the most convenient way to begin is to simply state that:
The most fundamental libertarian rights are the rights to life, liberty, and property.

Now, by considering the conclusions reached in section one, we can expand the argument by presenting the following sequence of premises:

(41) From proposition (35) we know that a natural right is a condition that is right for human life (qua human life) in a social context.

(42) The rights to life, liberty, and property are natural rights if and only if life, liberty, and property constitute conditions that are right for human life (qua human life) in a social context.

(43) Furthermore, a condition is right for human life (qua human life) in a social context if that condition is conducive to the satisfaction of the natural end of human life in a social context.

(44) The natural end of human life is living well.

(45) The rights to life, liberty, and property are natural rights if and only if life, liberty, and property constitute conditions that are conducive to the satisfaction of living well in a social context.

(46) And, living well (in a social context) is equivalent to successfully performing and utilizing those activities and faculties which sustain human life (qua human life, i.e., as the kind of life that it is) in a social context.

At this point in the argument we must pause and provide some sort of content for the phrase "the kind of life that human life is."

We can single out two conditions that must be satisfied for persons to even exist; these
conditions therefore constitute the nature of man. Although the question of whether or not man has a nature is somewhat controversial, many, including libertarians, argue that the very act of talking about man (in the ways we have been discussing him, i.e., with respect to morality) implies that his nature is, at least to some degree, knowable. The first condition for human existence (one we have already discussed) is that man is free, i.e., capable of choice. The second is that man is capable of conceptual awareness, i.e., he is rational. Each individual person possesses (at least) both of these conditions. From this brief discussion we can state that:

(47) Human life (i.e., human life (qua human life)) is life that is free and rational.

We can further conclude that:

. . (48) The rights to life, liberty, and property are natural rights if and only if life, liberty, and property constitute conditions that are conducive (in a social context) to the successful performance and utilization of those activities and faculties which sustain human life as the kind of life that it is, i.e., as life that is free and rational.

If the conditions of this conclusion can be met, then the goal of establishing a foundation for libertarian rights will be achieved.

In this final segment of the argument, we will briefly consider the conditions represented by life, liberty, and property in order to determine whether or not they are conducive to the natural end of human life within a social context. It is important to indicate, however, that the rights to these conditions, when conceived of within the libertarian framework, are freedom rights or
rights to action. Thus, these concepts represent conditions of action.

The first, and most important condition we will examine is that of life. As was mentioned earlier in this essay, life is a process of self-sustaining and self-generated action. However, within the context of our consideration of life, its definition is slightly more expansive: it is the self-generated process of behavior that leads to the continued existence of some entity in a given form so that it may persist in sustaining its own existence. In reference to the class of human beings, our definition of life may be equated with the freedom of a person to take all actions required by the nature of a rational being for the support, the perpetuation, and the fulfillment of that person's own existence. It is readily apparent that in the absence of this condition, living well is inconceivable. Thus, life is essential to the very possibility of acting successfully to sustain human life (qua human life) in a social context. From this, we are justified in claiming that:

(49) Life constitutes a condition that is conducive to the successful performance and utilization of those activities and faculties which sustain (one's own) life as a life that is free and rational (in a social context).

The second condition we will examine, (political) liberty, may be characterized as the freedom to choose the ends that one desires to pursue in his life, without the fear that those ends might be frustrated by the arbitrary will of others or coercion by the state. In the absence of any such freedom, it is reasonable to assume that if a person is to have any ends at all, those ends (in addition to the actions required to obtain them) must be forced or imposed upon him. But if this is the case, then it is not possible for an
individual to act for himself in successfully sustaining his life. And since realizing the natural end of human life is something that each person can only (fully) achieve for himself, without (political) liberty, the achievement of living well in a social context is inconceivable. From this we are justified in claiming that:

(50) Liberty (political) constitutes a condition that is conducive (in a social context) to the successful performance and utilization of those activities and faculties which sustain one's own life as a life that is free and rational.

The final condition for examination is the right of property. Strictly speaking, property is the product of a person's own effort. However, it was mentioned earlier that libertarian rights are freedom rights or rights to action. In this context, property is not to be identified as any particular object. Rather, it is the actions for, and consequences of, producing or earning an object. Thus, the condition represented by property may be characterized as the freedom to gain, keep, use, and dispose of material value. However, since (as we indicated above) the natural end of a person's life is something that only he can (fully) achieve for himself, i.e., by his own effort, then, without the condition that property implies, the achievement of living well in a social context is not possible. Thus, we can state that:

(51) Property is a condition that is conducive (in a social context) to the successful performance and utilization of those activities and faculties which sustain (one's own) life as a life that is free and rational.

Given these three propositions, we know that life, liberty, and property represent conditions
that are conducive to the natural end of human life within a social context. The argument continues by concluding that:

\[52\] The fundamental libertarian rights to life, liberty, and property are natural rights.

From here, we can finally make the following statement:

\[53\] Inasmuch as human life, i.e., living well, is the foundation of natural rights (see proposition (39)), human life, i.e., living well, is the foundation of the fundamental libertarian rights to life, liberty, and property.

This is the conclusion that the overall analysis has sought to verify.

At the beginning of the paper, our stated aim was to present an argument for an objective foundation for libertarian rights, i.e., rights that are independent of the will of any person or group of persons. Human life in the sense of living well satisfies this objectivity. In dealing with the concept of humanity, we do not determine what it means to be human, rather, we discover this. We can no more control the nature of human life, those essential characteristics of freedom and rationality which define us as human beings, than we can alter the past. These essential characteristics are facts of reality that exist regardless of any personal or group desires or actions to change them. Thus, we are not in a position to alter the fact that the nature of man is such that he is free and rational and that living well (in the way it has been defined in this paper) is the natural end of his life.

In conclusion, we should keep in mind that the argument presented here is simply a
description of what some, though certainly not all, libertarians feel is the foundation of the rights they advocate. The argument may, in fact, be unsound. In any case, it is hoped that what has been presented in this essay might provide a basis for informed comment upon the libertarian alternative.
ENDNOTES


2. Tibor R. Machan, *Human Rights and Human Liberties* (Chicago: Nelson-Hall Co., 1975), p. 116. There are occasions when coercive intrusion into the life of someone is legitimate, for example, the case of a person who violates the law. Punishment, then, is a legitimate method of constricting freedom.

3. Ayn Rand, "Man's Rights," *The Virtue of Selfishness* (New York: New American Library, Signet Edition, 1964), pp. 92-93. Rand states that "rights are a moral concept--the concept that provides a logical transition from the principles guiding an individual's actions to the principles guiding his relationship with others--the concept that preserves and protects individual morality in a social context--the link between the moral code of a man and the legal code of a society, between ethics and politics. Individual rights are the means of subordinating society to moral law."


The argument that will be given is a synthesis of the work already accomplished by various libertarian authors. As such, I am not specifically defending a libertarian position; rather, I am merely presenting (or describing) what some libertarians view as the foundation of the rights they advocate.

Rand, "The Objectivist Ethics," p. 15.


Ibid.

Ibid.

Ibid.

Ibid., pp. 189-90.

Ibid.

Rand, "The Objectivist Ethics," p. 15.

Ibid., pp. 15-16. To say that an object, X, exists unconditionally is to assert that the existence of X is not dependent upon the existence or occurrence of another condition or event. Thus, the existence of X is not limited by any conditions. Obviously, we can conclude from this statement that if X is conditional, then its existence is dependent upon other conditions.


Ibid.

Ibid.

Ibid.


Rand, "The Objectivist Ethics," p. 16.


Ibid.

Ibid.

Ibid. See also Rand, "The Objectivist Ethics," pp. 15-16.

Rand, "The Objectivist Ethics," pp. 16-17. What is being said here is that the concept of "Life" makes possible the concept of "Value." A foundation is that upon which something, Z, is founded; it constitutes the basis, groundwork, or fundamental principle of Z. Without such a foundation, the existence of Z becomes impossible.


36. Ibid.

37. Rand, "The Objectivist Ethics," p. 17. According to Rand, it is a metaphysical and epistemological impossibility for a series of means to go off into an infinite progression toward a nonexistent end. There must be a final end (or end in itself) in order for the existence of values to be possible at all.

38. Ibid., pp. 16-17.

39. Ibid.


42. The Random House Dictionary, s.v. "judge."

43. Machan, Human Rights and Human Liberties, p. 65.

44. Ibid., pp. 65-66.

45. Ibid.

46. Ibid., pp. 49-50, 64-65. The statement "human life (qua human life)" is equivalent to such statements as "human life as the kind of life that it is" or "human life given the nature of human life."

Ibid., pp. 292-94.

Ibid.

Ibid.

Ibid.

Ibid., p. 286. In the context of libertarian thought, the notion of living well is not to be characterized as a state of pleasure, fun, or excitement. Rather, it is a "self-acknowledgement of worth, a sense of being a successful living entity of the kind human beings are" (Machan, Human Rights and Human Liberties, p. 73). Ayn Rand implies that living well is happiness, which she characterizes as "a state of non-contradictory joy--a joy without penalty or guilt, a joy that does not clash with any of (one's) values and does not work for (one's) own destruction.... Happiness is possibly only to a rational man, the man who desires nothing but rational goals, seeks nothing but rational values and finds his joy in nothing but rational actions" (Ayn Rand, For the New Intellectual, (New York: New American Library, Signet Edition, 1963), p. 132).


Machan, Human Rights and Human Liberties, pp. 53, 106.

Ibid., p. 107.
Machan, "A Reconsideration of Natural Rights Theory," p. 62. The three fundamental libertarian rights are (1) the right to life: inasmuch as the nature of each person is such that he is able to choose to live, one's life is no other individual's domain or sphere of authority; (2) the right to (political) liberty: since choosing to live requires actions to carry out such a choice, it is impermissible for others to undermine one's liberty to make this choice and effect it; and (3) the right to property: since choosing to live requires creative and productive activities (in one's own sphere or in the company of others who have chosen to do the same) and making use of the results may not be interfered with by other human beings.

Machan, Human Rights and Human Liberties, pp. 73-74.


Ibid., p. 93. She states that "there is only one fundamental right (all others are its consequences or corollaries): a man's right to his own life."

Machan, Human Rights and Human Liberties, p. 118.


63 Ibid., p. 119.


66 Ibid., p. 121. See also Rand, "Man's Rights," p. 94.

67 Ibid., p. 51.
LIBERTARIAN RIGHTS

BIBLIOGRAPHY


