

NEGATIVE RIGHTS

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For the libertarian, there are only negative rights, the right *not* to be aggressed against, stolen from, murdered, enslaved, raped, etc. Thus, assault and battery, theft, murder, kidnapping, rape, are all crime in this philosophical system. Few people would disagree with this assessment. Yes, there are criminals who engage in such nefarious behavior, but there are no intellectuals who support it. Of course, this is with the exception of when the government is guilty of some of these offenses; for example, they refuse to characterize taxes as robbery, the military draft as enslavement.

In stark contrast to negative rights, there is the positive variety thereof. Here, there is a so-called right to food, to clothing, to shelter. Some generalize this and call for welfare “rights.” That is, they maintain it is justified to take money from rich Peter, at the point of a tax assessors gun, and give it (well, most of it; the bureaucrat is entitled to a share of the booty, is he not?) to poor Paul. There are even some supposed libertarians who favor a program called universal basic income, or UBI. In this scheme, every person aged 21 and above would receive a grant of some \$13,000 per year, in weekly installments. Some favor this as a good program per se; the more libertarian supporters of UBI only support it as a replacement for our present rag bag welfare programs, which heavily enrich administrators, not so much the poor. There are even some friends of ours on the left who approve of positive rights to friendship, sexual relations, respect and who knows what all else.

Sometimes, these positive rights are couched in negative terms. For example, freedom from fear, freedom from hunger, freedom from being discriminated against. The difficulty with so-called positive rights, however presented, is that they are really disguised claims for wealth, sometimes directly, sometimes not. Why not just come out and demand vast distributions of goods and services, instead of couching such desires in terms of rights and freedoms? The answer is obvious: it is too blatant to come out honestly and cleanly in favor of robbing those who are deemed to have too much affluence; people see through such shenanigans. But rights and freedoms, in contrast, have a good press. Who can oppose them with a straight face?

Well, the libertarian may do exactly that. No one should be compelled to give anything to anyone else, against his will. Another of the basic building blocks of this political philosophy, in addition to the non-aggression principle (NAP) is freedom of association. All interactions between people should be strictly voluntary. Consider the “right” not to be discriminated against. Should the baker, the florist, the photographer be legally required to provide their services at a gay wedding? The positive right not to be discriminated against by anyone for any reason would imply exactly that.

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But the libertarian perspective mandates that all relationships, commercial as well as personal, should be strictly voluntary. Some commentators support the right of homosexuals not to be discriminated against but carve out a special exception on the basis of religion. If the baker, florist, photographer have religious scruples about gay weddings, then they need not provide their services for this purpose. The libertarian takes a more radical position: no one, for any reason, should be compelled to associate with anyone against his will.

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