

A Critique of Ayn Rand's Theory of Rights

Matt Zwolinski
Department of Philosophy
University of San Diego
mzwolinski@san Diego.edu

Introduction

I've been asked to speak to you tonight in the role of a critic. It's a necessary role, I suppose. And one to which the training of an academic philosopher lends itself rather well. But it's also a deservedly disreputable role. The critic *qua* critic is not unlike a parasite, drawing his succor only to the extent that he can succeed in sapping it from someone else. Like a mosquito, or a state, the critic produces nothing of value itself. He lives, instead, off the productive activity of others.

Nevertheless, it is the station to which I have been assigned, and I will do my best to discharge the duties attached to it faithfully. Accordingly, the vast bulk of my comments this evening will be negative in nature. I will probe for logical weaknesses, ambiguities and equivocations, and do my best to poke a few holes in the very fine essay that Fred and Adam have created.

Before I do, though, I would like to begin by noting, for the record, the important role that Ayn Rand's thought has played in my own life. It's no exaggeration to say that without Ayn Rand, I would never have ever seriously studied philosophy, let alone making a career of it. I was a sophomore in college studying computer science when a friend recommended that I read *The Fountainhead*. And from the moment I picked it up it was not too long at all before I switched my major to philosophy, started my own "Students of Objectivism" club,

and enthusiastically devoured everything I could get my hands on related to Ayn Rand's thought. Her ideas were an inspiration for me, and remain so today. And while I no longer consider myself an Objectivist, I have tremendous respect for the philosophy Ayn Rand created.

I also have a great deal of respect for the work that both Adam and Fred have done in developing and extending those ideas, both in the paper under consideration this evening and in the many other thoughtful and thought-provoking papers they have written on this and related subjects. The paper we are discussing this evening on Rand's theory of rights, I think, is an especially important and helpful piece. Not only does it set with admirable clarity the way in which Rand herself conceives of rights and their fundamental philosophical justification. It also does a very fine job of showing how radically distinct Rand's theory of rights is from other superficially similar theories espoused by non-Objectivist libertarian philosophers. Whether one agrees with Rand's theory or not, this paper provides a tremendously useful service in making clear just where the points of contention are.

Fred and Adam have given us a lot to talk about. But in my comments tonight, I want to focus on just three issues: first, the relationship between rights as liberties and rights and claims; second, the Objectivist claim that the mind is the ultimate source of all values and its relation to the justification of property rights; and third, the nature and justification within Objectivism of the non-aggression principle. I have chosen these three issues because they seem to me to highlight some of the most fundamental differences between Rand's theory of rights, and the ways in which both academic philosophers and non-Objectivist libertarians think about

rights. I bring them up here not so much because I hope to convince Fred and Adam, or anybody else in this room, that Rand's view is mistaken. Instead, I have the more modest goal of simply helping both parties to the debate to become a little bit clearer about where exactly the differences between them lie.

Liberties and Claims

In her "synoptic statement" on rights, Rand makes the following series of claims:

If man is to live on earth, it is *right* for him to use his mind, it is *right* to act on his own free judgment, it is *right* to work for his values and to keep the product of his work. If life on earth is his purpose, he has a *right* to live as a rational being: nature forbids him the irrational.

Rightly or wrongly, this passage is going to trigger alarm bells in the mind of any philosopher who reads it. And so it is no surprise that two of the three objections that Fred and Adam consider are related to this passage, or at least to the basic idea that it expresses.

The alarm bells are going to be triggered by the fact that Rand is using the word "right" in two very different senses in this passage. The fact that she does this is not *necessarily* a problem, of course. As long as both Rand and her readers are clear about this fact, and about the distinct meanings attached to the different uses of the word, this sort of thing is perfectly fine. If I tell you that I was fishing on the river bank when I remembered I needed to go downtown to make a deposit at the bank, you all know perfectly well what I mean, and neither logic nor clarity of communication is offended in any way.

The problems start in when one or both parties are *not* clear about the difference in meaning. When this happens, there's a danger of sliding between one meaning and the other without really noticing. And when that happens, faulty logic can be easy to slip into. Banks have money. And rivers have banks. But you'd be making an error to conclude that you could go digging for dollars in the bank of the San Diego River.

In her synoptic statement, Rand uses the word "right" three times to refer to what we philosophers would call the deontic status of certain kinds of actions. To say that an action is "right," in this sense, is to say either that the action is *permissible* (i.e., that it is not wrong), or, more strongly, that it is *obligatory* (i.e., that it would be wrong *not* to do). So, for example, when Rand says that it is right for man to work for his values, she seems to mean *at least* that it is not wrong for him to do so, and perhaps more strongly that it *would* be wrong for him not to do so.

Rand's fourth usage of the word "right," however, is significantly different. When she says that man "has a *right*" to live as a rational being, she is not saying anything about the deontic status of the action "living as a rational being." She is not saying that it *is* right for man to live as a rational being. She is saying that man *has* a right to live as a rational being. And that means something very different.

To have a right is to have a certain kind of *claim* against others. That claim could be a purely *moral* one (in which case the right is a *moral* right), or it could be one enforceable by law (in which case it is a *legal* right). It could be a claim against others that they perform certain positive actions such as repaying a debt (in which case it is a *positive* right), or it might simply be a claim that others *refrain* from

performing certain kinds of actions like taking one's property without one's consent (in which case it is a *negative* right). The important point, for our purposes, is that rights are claims *on other people*. To say that *A* has a right against *B* doesn't say much at all about what it would be wrong or right for *A* to do. What it says, instead, is that it would be wrong for *B* to act (or fail to act) toward *A* in certain ways. If *A* has a right, then as a matter of moral logic, some other person *B* must have a corresponding obligation.

And this is where philosophers are going to see a gap in Rand's argument. Where do these obligations come from? Claims about what rights one has, and hence claims about what obligations other people have, do not *follow* as a matter of logic from claims about what it is morally right for one to do. The fact that your life is a value to *you* does not logically entail that *I* have an obligation to allow you to live it. There's a logical gap there. And it is a gap that, as Michael Huemer notes, seems especially large for a political philosophy built on egoist foundations. For if egoism is correct, then your life is a value to *you*, but not necessarily any value at all to *me*. All value is agent-relative, and so we cannot appeal to the *impersonal, agent-neutral* (or "intrinsic") value of human life to explain why people have an obligation to respect our right to life. To what, then, can we appeal?

There is an obvious strategy for the Objectivist to pursue in response to this question. But it is oddly one that, so far as I can tell, Fred and Adam never mention in the paper. The strategy is this. Rather than saying that person *A*'s rights follow from facts about *A* himself – what his values are, what it is right for him to do, etc. – we argue that they follow from facts about person *B* – the person who has an

obligation to respect those rights. So, instead of saying that *A* has a right to life because *A*'s life is valuable to *A*, we say that *B* has an obligation to respect *A*'s right to life because doing so is in some way valuable *for B himself*.

This, after all, seems the most natural way of justifying rights in an egoistic philosophy. You have an obligation to respect my rights not (primarily) because it is good for *me*, but because it is good for *you*. Such a strategy avoids the worries about equivocation and logical gaps that Rand's "synoptic statement" seems likely to prompt among academic philosophers. It does, however, raise other questions and difficulties of its own.

For instance, if the claim is that *B* should respect *A*'s rights because doing so is good for *B*, one thing we'll want to hear more about is precisely *how* it is supposed to be good for *B*. There seem to be two possible approaches to answering this question, both of which are represented in some of the things Rand herself had to say about rights.¹ On one approach, call it the *instrumental* approach, *B* ought to respect *A*'s rights because doing so is an effective means for *B* to achieve his own independently-defined set of values. One finds a rather crude version of this approach in Hobbes – the reason one has not to kill one's confederates in the state of nature is that doing so is likely to get *you* killed, too. But it is also an approach with some historical precedent in the tradition of Ancient Greek eudaimonism for which Rand professes such respect – specifically in Epicurean approach to interpersonal morality.

¹ See, for a brief discussion, Roderick Long's essay, "The Winnowing of Ayn Rand,"

Far more common among the Ancient Greeks, however, was a different approach to thinking about the way in which other human beings ought to figure in to our own rational deliberation. On this more common approach, which we can call the *constitutive* approach, respect for the rights of others is not merely an effective strategy for pursuing our own independently-defined and agent-relative good. Rather, respect for the rights of others is a *constitutive part* of our own good. The reason Howard Roark doesn't cheat his customers isn't just that he doesn't want to be caught and punished. It's because cheating his customers – even if he got away with it – would *not be good* for him. Whatever money he gained by such cheating would either not be a value for him at all, or at least would not be a value sufficiently great to outweigh the damage his cheating does to his own moral character.

When Michael Huemer charges that Rand's reconciliation of egoism and rights depends upon claims that are "extremely implausible empirically," I suspect it is because he assumes that Rand must be thinking about the connection between these two ideas in purely instrumentalist terms. And if that really *was* the only or primary way in which Rand thought about them, then Huemer would have a point! It *is* unlikely that respect for the rights of others will in *all* circumstances (even in all *social* circumstances) be the best *means* for achieving our own independently defined ends. And at any rate, it doesn't seem like the kind of *principled* commitment to respect for the rights of others could or should really depend upon contingent circumstances in the way the instrumental approach requires it to be. Respect for the rights of others might be a good rule of thumb for promoting one's self interest on the instrumental view. But a rule of thumb is not a moral principle.

Of course, constitutive approaches face their own challenges too. *Why* should the rights of others be thought to be a constitutive part of my own good? What if I don't care about those others? I think that there are some promising responses to these questions available to the defender of the constitutive approach. But for now, I don't want to explore those questions in any further detail. My point for now is that *something* like this approach seems the most promising way of reconciling Rand's egoism with her theory of rights. And so I was surprised to see no discussion of it in Fred and Adam's paper.

Mind, Value, and Property

As Fred and Adam note, Ayn Rand held that value is *objective*, not intrinsic or subjective. Value is not inherent in the world itself, apart from man's relation to it. Nor is it *purely* the product of man's mind. It is, rather, "an aspect of *reality* in *relation* to man."² And specifically in relation to man's *mind*.

For Rand, "man's mind is the fundamental source of values that sustain his life."³ Physical stuff by itself can be no aid in man's survival unless they are first understood by the mind and then put to work through deliberate, rational, productive action. Before man figured out what to do with it, crude oil was a pollutant, not a value. It was the human mind that transformed oil from an annoyance into a resource.

I think that there is a tremendously important insight in this analysis of value. But I also think it's possible to stretch Rand's basic insight too far. And,

² Emphasis added.

³ Miller and Mossoff, p. 6.

unfortunately, that both Rand herself and Fred and Adam in their paper are guilty of doing precisely this.

Consider Fred and Adam's analysis of Locke's famous discussion of agricultural value. According to Locke, the great bulk – indeed, 99.9%, in his final analysis - of the value produced by agriculture is accounted for by the *labor* that goes into it. By contrast, the contribution of unimproved land is *de minimis* - just 0.1%. Locke intended this example to serve as a kind of shocking demonstration of the relatively high value of labor compared to land. But for Fred and Adam, and for Rand, 0.1% is still too high. "It is untrue," they write, "that fallow land qua land is a value."⁴

The value in the farm is not 99.9% of productive labor; rather, 100% of the value is the result of human thought and action. The value exists entirely in the identification, creation, and use of the farm.⁵

Now, there's one sense in which what Fred and Adam are saying here seems clearly correct. Without the human mind and the human action to which it gives rise, 100% of the value that we find in agriculture today would not exist. Thus, 100% of that value is due to the human mind. However, if *this* is what they mean then we should note that exactly the same claim could be made with respect to land! Without the natural resource of land, 100% of the value that we find in agriculture today would not exist. Thus, in precisely the same sense and with precisely the same justification that we can say that 100% of the value of agriculture is due to the human mind, we can say that 100% of the value of agriculture is due to human land!

⁴ *Ibid.*, p. 20.

⁵ *Ibid.*, pp. 20-21.

This, I think it is sufficiently obvious, is not the most helpful way of thinking about these issues. Even if it's true that nothing of value would exist without the human mind, it's equally true that nothing (or at least *almost* nothing) of value would exist without physical resources for the mind to operate on. Both the human mind and physical resources are necessary for the production of value. Objective value is an aspect of reality in relation to man. So without the reality, or without the man, there is no value.

This is not merely an abstract philosophical point. As Adam and Fred (and Locke) recognize, it has important implications for a host of practical issues, including in particular the issue of property rights.⁶ If natural resources have no value in themselves, then individuals who claim exclusive property rights over those resources do not thereby deprive their fellow human beings of anything of value. And thus, it would seem, the justification of private property rights is rendered far less problematic. After all, if the sole source of the value of my land is *my* mind, why should *you* have any claim on it? The value of my land derives entirely from *me*, so I am not really depriving you of anything to which you would otherwise have had access when I put a fence around it.

As helpful as such an argument would be in justifying strong rights of property, however, it simply does not work. Even if we accept Rand's idea that natural resources have no *intrinsic* value in themselves, we must nevertheless recognize that they are a *necessary component* in the production of value. And so when we take those natural resources and put a fence around them, we *are*

⁶ *Ibid.*, p. 21.

depriving others of something important. We are depriving non-owners of the liberty they once possessed to use that resource in their *own* productive activities. We are imposing upon them an obligation to refrain from using that resource without our consent – an obligation that we will enforce with the use of physical violence, if necessary. And this calls for justification.

I am enthusiastic supporter of property rights. And thus I do believe that such justification can be provided. But – and here I return to my earlier point about rights and egoism – justifying *A*'s property right in *X* to *B* would seem to require doing more than simply showing how such rights are good for *A*. Since *A*'s property right imposes an obligation on *B*, we need to show how such an obligation is good for *B* as well. If *A*'s property right in *X* is good for *A* but bad for *B*, then for *B* to respect that right would be an act of self-sacrifice, and fundamentally incompatible with his rational pursuit of his own self-interest.

How could *A*'s appropriation of *X* *not* be bad for *B*? Well, as both Locke and Nozick noted, and as David Schmidtz has more recently argued, original appropriation helps to convert negative-sum games into positive-sum games.⁷ In a world in which nothing is privately owned, Tragedies of the Commons are common, and individuals face strong incentives to make quick and often inefficient use of natural resources before somebody else uses them first. Private property, in contrast, provides owners with an incentive to make productive improvements in what they own. People build structures, till fields, and plant crops because *they* are able to reap the benefits these actions generate. But as private property gives rise to

⁷ David Schmidtz, "The Institution of Property"

trade, specialization, and the division of labor, these private benefits spillover onto non-owners as well. Most of us in this room have never engaged in a single act of original appropriation. By the time we arrived on the scene, all the land had been taken. But it would be a mistake to think of ourselves as victims – ripped off by the people who got here first. As Schmitz says, original appropriation is not the prize. Prosperity is the prize, and when it comes to prosperity, latecomers win big.

This strikes me as a useful way of thinking about the justification of property. Even so, it's worth noting that most thinkers who have pursued something like this approach, including Locke and Nozick themselves, have thought that it has its limits. It's true that *A*'s appropriation of *X* normally has spillover benefits for *B*. And so normally that act of appropriation will be justifiable to *B* in terms of her own self-interest. But what about when it isn't? What if *A* gets greedy, and decides to appropriate *all* of a vital scarce resource, leaving *B* with nothing? Can *A* come to acquire all of the land surrounding *B*, thus "trapping" *B* and demanding extortionate payment before allowing *B* to cross *A*'s land? For Locke and Nozick and those who follow in their footsteps, these kinds of questions led to the adoption of a Proviso that limits acts of permissible appropriation to those that, in Locke's language, "leave enough and as good for others" or, in Nozick's, do not "worsen the position" of others.

Nozick himself thought that the "free operation of a market system will not actually run afoul of the Lockean proviso," and so as a practical matter the differences between his view and a non-proviso view of property might be small.⁸

⁸ Nozick, *Anarchy, State, and Utopia*, p. 182.

But even so, the Proviso plays an important role in the underlying *justification* of property for Nozick (and for Locke). For them, the Proviso was essential to ensure that a system of property rights would serve the interest of *all* persons.

So here's where this leaves us. Physical resources, I have argued, even if they are not "values in themselves," are nevertheless necessary preconditions of value. This means that people cannot effectively act to pursue and create values without access to physical resources. And this, in turn, means that there is at least a *prima facie* conflict of interest inherent in the appropriation of property. Every time a resource is appropriated as private property, there's one less resource left for *me* to appropriate, and one less opportunity for me to create and pursue my *own* values. For an egoist moral philosophy, this represents a challenge. If *A*'s appropriation of *X* is to be justified, on egoist terms, we must show not only that this appropriation is compatible with *A*'s self-interest but with *B*'s as well. I think that there are several strategies available for doing precisely this. But they are not strategies that, as far as I can tell, either Fred and Adam, or Rand herself, ever pursue. I'm curious to know why not, and what alternative strategy they endorse instead for dealing with this problem.

The Nonaggression Principle

As Fred and Adam note, Ayn Rand endorses a form of the libertarian "nonaggression principle," which holds that the use of force should properly be banished from human relationships.⁹ Unlike some libertarians, however, Rand

⁹ Miller and Mossoff, p. 9.

views the nonaggression principle as an *ethical* principle, and not merely a political one. Moreover, it is an ethical principle that, for Rand, is grounded in more fundamental philosophical considerations about human nature and the nature of value.

For Rand, force is evil because it prevents individuals from acting according to the dictates of his own reason. Thus force violates man's fundamental right to life – his right to act in pursuit of his values according to his own judgments, uncompelled by the judgment of any other. As Rand puts it, "To violate man's rights means to compel him to act against his own judgment, or to expropriate his values. Basically, there is only one way to do it: the use of physical force."¹⁰

For Rand, and for Fred and Adam's interpretation of defense of Rand, the nonaggression principle plays an import role. Rand appears to see the nonaggression principle as *defining the scope* of man's rights – one has the right to live as one wishes *provided* one does not initiate force against any other human being. And Fred and Adam appeal to the nonaggression principle to, among other things, rebut one of the criticisms leveled against Rand by Eric Mack. Mack had argued that Rand seems to be committed to holding that individuals have the right to do what is morally right, but not the right to do what is morally wrong. But in response, Miller and Mossoff claim that Rand's theory of rights must be understood *alongside* the nonaggression principle, which they describe as an "equally important principle that defines the scope of ones interactions with others." One might abuse one's rights by acting in a way that is morally wrong, but so long as one does not

¹⁰ Rand, "Man's Rights," *Capitalism: The Unknown Ideal*, p. 23.

initiate force against others, it is impermissible for others to compel you to act rightly by initiating force against you.

For Rand, then, “the basic principle of the Objectivist ethics is: no man may *initiate* the use of physical force against others.”¹¹ But how exactly are we to understand the meaning of the key term “force” in this principle? Without a clear understanding of this key concept, we cannot know how to apply the nonaggression principle, nor can we understand the role that such a principle ought to play in a broader ethical and political theory.

Traditionally, libertarians and Objectivists have taken one of two broad approaches to defining “force.” One approach, which we can call the “moralized approach,” defines force in terms of an underlying theory of *rights*. The other approach, the “nonmoralized approach,” defines force in a way that makes no essential reference to rights or other moral terms. To see the difference, imagine a case in which *A* violates *B*’s rights, but does so without so much as physically touching *B*. Perhaps *B* leaves his car unlocked on the street, and *A* lets himself in and drives away with it. Has *A* initiated force against *B*? If we accept the nonmoralized definition of force, we will have to say “no.” After all, *A* didn’t touch *B* at all. The only way we can explain the way in which *A*’s action affects *B* is in terms of the *property right* *B* has in his car. But if *this* is our basis for claiming that *A* has initiated force against *B*, then we are implicitly relying on a moralized definition of force. *A*’s action initiates force against *B* *because* it violates *B*’s rights.

¹¹ Rand, “The Objectivist Ethics,” *The Virtue of Selfishness*, p. 32.

It matters a great deal which of these understandings Objectivists rely on to inform the nonaggression principle. But neither understanding is entirely without its own peculiar difficulties. If, for instance, we accept a nonmoralized definition of force, then we abandon the tight, conceptual connection between force and the violation of rights, and must accept the possibility that some rights-violations will not involve the initiation of force, *and* the possibility that some cases of the initiation of force will not involve rights-violations. And this means that we must take seriously the socialist argument that property rights *themselves* involve the initiation of force. After all, if I put a fence around a piece of land and threaten to arrest anybody who walks across it without my consent, it certainly *looks* like I'm initiating force when I grab a peaceful trespasser and slap a pair of handcuffs on him. The only way to deny that my action constitutes the initiation of force, it seems, is to argue that it was really the trespasser who *initiated* force. But that move is available only if we abandon the nonmoralized conception of force, and adopt a moralized understanding instead.

Suppose we do that. Adopting a moralized definition of force allows us to explain why the individual who steals someone's car *is* initiating force, and why the landowner who enforces his property right *isn't*. So, so far, so good. But the moralized approach to force comes with a serious drawback of its own. For if we define the initiation of force in terms of the violation of rights, then we *cannot* define the violation of rights in terms of rights in terms of the initiation of force, lest we be guilty of circular argument. In other words, if we say that force is just any activity that violates individual rights, we cannot turn around and then say that our rights

are to be understood in terms of freedom from the initiation of force. And we cannot, as Fred and Adam do, appeal to the nonaggression principle as an *independent moral principle* that can be brought in *alongside* Rand's theory of rights to buttress that theory against critiques like those made by Eric Mack.

Both ways of understanding force, then, appear to generate problems for Rand's use of the nonaggression principle. And it is not clear to me, from Rand's writings or from Fred and Adam's paper, which of them Rand herself adopts.

Rand's frequent references to the way in which physical force severs the connection between man's mind and his actions seems, to me, to suggest a nonmoralized understanding. In these passages, it seems as though Rand is describing a certain natural kind of behavior (i.e. forceful behavior), making the empirical claim that this kind of behavior is the only kind of behavior that undermines an individual's ability to act according to his own rational understanding of the world and of his values, and then, from these premises, drawing the normative conclusion that this sort of behavior violates individual rights.

But I don't think this argument will work, either. First, it's not clear to me that what we usually regard as force really has the kind of effects that Rand, Miller, and Mossoff claim it does. Miller and Mossoff write that actions that initiate force, "such as a mugger stealing a wallet," render moot "an individual's thoughts and actions with respect to how to live" their lives.¹² In cases such as this, they claim, "a gun and the threat of death intercede between the individual's mind and the actions

¹² Miller and Mossoff, p. 10.

one should take to achieve one's values in living the life one seeks for oneself."¹³

There's something to this analysis, I think. But it raises a lot of questions that neither Fred nor Adam nor, as far as I know, Rand herself ever answers. Suppose a criminal who is about to rob a bank points his gun at you and tells you that he'll shoot you in the kneecap unless stab the bank guard in the chest. Does his threat of violence prevent you from acting in accordance with your own reason? Well, strictly speaking you still have *some* choice. You can either do what he says, or you can get shot in the knee. So it's not as though you've been reduced to the status of an *object*. It's not as though you have, as Fred and Adam suggest, lost all moral agency altogether. (This, incidentally, is why the criminal law would hold you liable if you did what the gunman said, despite his threat of force. Duress, in this case, is no defense) If the gunman picked you up and *threw* you at the guard, *then* we would have a genuine case of what Aristotle described as "compulsion," and here it really would be appropriate to say that you have not *acted* as an agent at all – rather, you were *acted upon*.¹⁴ But most cases that we describe as force aren't like that. What makes the gunman's action wrong is not that he *eliminates* your capacity for choice, but that he wrongfully limits it. You *should* be able to refrain from stabbing the guard *and* keep your kneecap intact. Instead, you are forced to choose one or the other.

But once we recognize that force merely *limits* choice, we face a second problem: that of distinguishing between those limitations of choice that are *rights-violating* from those that are not. A tree that falls across your path and prevents you

¹³ *Ibid.*, p. 10.

¹⁴ Aristotle, *Nicomachean Ethics*, book III.

from going where you want to go prevents you from acting as you might have wanted to act, too. But none of us would say that the tree has violated your rights. Why not? A fallen tree might prevent your free movement just as much as me forcefully interposing my body between you and where you want to go. If we regard one of these as a rights-violation and the other as not, we will have to explain the difference on the basis of something other than their respective effects on the agent's choice, since those effects are, by hypothesis, identical. Here's another example. Suppose a black man in a racist town is denied the right by every business owner to step foot upon their property or do business with them in any way. The black man accordingly cannot buy food, cannot find a place to sleep, cannot rent a car to drive out of town, and so on. Have his rights been violated? Certainly, his choices have been restricted. His capacity to live according to his own reason has, it certainly seems, been impeded. Indeed, impeded to a much greater degree than it would be impeded if a thief stole 25 cents out of his pocket. I assume, however, that neither Rand, nor Fred and Adam, would hold that the actions of the business owners were a violation of his rights. But I'm less clear as to *why*.

Their paper does touch on this issue, however very briefly. At one point, they write that

Social disapproval, economic disadvantages, and other forms of persuasion can only succeed in influencing an individual if one *thinks* that such things are important and accepts them as such, but a gun or other form of physical coercion is the only thing that removes independent thought from the equation in an individual's action.¹⁵

¹⁵ Miller and Mossoff, p. 10.

But I simply do not see how this argument is supposed to help. For starters, and as we have already seen, a gun does not *remove* independent thought from the equation. It merely limits it, unjustly. But once this fact is recognized, we can't distinguish between the gunman's action and, say, "economic disadvantages" in the way that Fred and Adam suggest. If a boss threatens to fire his female employee unless she sleeps with him, Fred and Adam seem to suggest, this can only succeed in influencing her if she *thinks* having a job and being able to afford food and a place to sleep is important. But, of course, the gunman's threat to shoot you in the knee unless you stab the bank guard can only succeed in influencing you if you *think* having an intact kneecap is important! I don't want to deny, of course, that there *are* important moral differences between threatening to fire someone and threatening to shoot them. The question isn't whether there's a difference, but what the correct philosophical analysis of that difference is. And the analysis offered by Fred and Adam in this case simply doesn't work.

Conclusion

Fred and Adam have given us an exceptionally helpful paper on Ayn Rand's theory of rights. Part of what makes it so helpful is that it is written with such clarity that a critic of that theory, like me, can easily see exactly where he disagrees with it. I have spent a good deal of time, this evening, elaborating upon those disagreements. But I hope that Fred and Adam, and those of you in this room, will take my comments in the way they are intended – as an invitation to open the door to conversation, rather than as an attempt to slam it shut. I think that both

Objectivists and non-Objectivist academic philosophers can only benefit from the kind of conversation Fred and Adam have started here this evening. And, in the spirit of the trader principle, I look forward to what I am sure will be many mutually beneficial conversations about these topics, both in this room tonight, and beyond.