

When Rights Collide

This selection was written by Amitai Etzioni, a professor of sociology at Columbia University and director of the Center for Policy Research. Born in Germany in 1929, Etzioni was educated at Hebrew University and the University of California. He has written three books, all dealing with war: *A Diary of A Commando Soldier*, *The Hard Way to Peace*, and *Winning Without War*.

The viewpoint, now gaining momentum, that would allow individuals to "make up their own minds" about smoking, air bags, safety helmets, Laetrile, and the like ignores some elementary social realities. The ill-informed nature of this viewpoint is camouflaged by the appeal to values that are dear to most Americans. The essence of the argument is that what individuals wish to do with their lives and limbs, foolhardy though it might be, is their own business, and that any interference would abridge their rights.

Mr. Gene Wirwahn, the legislative director of the American Motorcyclist Association, which is lobbying against laws requiring riders to wear helmets, put it squarely: "The issue that we're speaking about is not the voluntary use of helmets. It's the question of whether or not there should be laws telling people to wear them." State representative Anne Miller, a liberal Democrat in Illinois, favors legalization of Laetrile. She explains that she is aware that this apricot-pit extract is useless, but insists that "the government shouldn't protect people from bad judgment. They might as well bar holy water."

U.S. representative Louis Wyman recently invoked much the same argument in leading the brigade that won adoption in the House of a resolution making seat belts voluntary. The 1974-model cars had been engineered not to start unless the seat belt was buckled. Wyman, a New Hampshire Republican, called the buckle-up system un-American, saying it made the government a Big Brother to auto drivers. Representative Abraham Kazen, Texas Democrat, summed it all up: "It is wrong to tell the individual what is good for him. . . . These are some of the things that the American people want to judge for themselves. Give them the equipment if they so desire, *and if they do not, let them do whatever they want.*"

No civil society can survive if it permits each person to maximize his or her freedoms without concern for the consequences of one's act on others. If I choose to drive without a seat belt or air bag, I am greatly increasing my chances, in case of accident, of being impaled on the steering wheel or exiting via the windshield. It is not just my body that is jeopardized; my careening auto, which I cannot get back under control, will be more likely to injure people in other autos, pedestrians, or riders in my car. (Yes, my passengers choose their own fate when they decide to ride with me, but what about the infants who are killed and injured because they are not properly protected?)

American institutions were fashioned in an era of vast unoccupied spaces and preindustrial technology. In those days, collisions between public needs and individual rights may have been minimal. But increased density, scarcity of resources, and interlocking technologies have how heightened the concern for "public goods," which belong to no one in particular but to all of us jointly. Polluting a lake or river or the air may not directly damage any one person's private

property or living space. But it destroys a good that all of us--including future generations--benefit from and have a title to. Our public goods are entitled to a measure of protection.

The individual who chooses to act irresponsibly is playing a game of heads I win, tails the public loses. All too often, the unbelted drivers, the smokers, the unvaccinated, the users of quack remedies draw on public funds to pay for the consequences of their unrestrained freedom of choice. Their rugged individualism rapidly becomes dependency when cancer strikes, or when the car overturns, sending the occupants to hospitals for treatment paid for at least in part by the public, through subsidies for hospitals and medical training. But the public till is not bottomless, and paying for these irresponsible acts leaves other public needs without funds.

True, totalitarian regimes often defend their invasions of individual liberties by citing public need or "national interest." One difference is that they are less concerned with protecting public goods than they are with building national power or new world orders. Instead of insisting on protection for some public rights, such regimes seek to put the national interest above all individual rights. The lesson is that we must not allow any claim of public or national need to go unexplained. But at the same time, we cannot allow simpleminded sloganeering (from "creeping Communism" to "Big Brother") to blind us to the fact that there are needs all of us share as a community.

Last but not least, we must face the truth about ourselves. Are we the independent, self-reliant individuals the politicians like to tell us we are? Or are we a human combination of urges and self-controls, impulses and rational judgments? Can we trust ourselves to make wise judgments routinely, or do we at times have to rely on the laws our elected representatives have fashioned, with our consent, to help guide us? The fact is that driving slowly saves lives, lots of lives; but until we are *required* to do so, most of us drive too fast. The same holds true for buckling our seat belts, buying air bags, and so on. Similarly, we need protection from quack cures. It sounds very libertarian to argue that each person can make up his or her own mind about Laetrile. But the fact is that when confronted with cancer and fearful of surgery, thousands of Americans are tempted to try a "painless medication" first, often delaying surgery until it is too late.

All in all, it is high time the oversimplification about individual freedom versus Big Brother government were replaced by a social philosophy that calls for a balance among the rights of *various* individuals, between individuals' rights and *some* public rights, and that acknowledges the support we fallible individuals need from the law.

TOPIC:

Etzioni calls for "a balance among the rights of *various* individuals, between individuals' rights and *some* public rights." Describe what, in your opinion, would represent a proper balance between public needs and individual rights. Develop your answer by using specific examples from your personal experience, your observation of others, or any of your reading—including "When Rights Collide."