

Vaccination Mandates by Those in the Private Sector

As stated in today's commentary, civil government has a duty to protect the "absolute rights" at common law of every person (not just citizens of a nation or state), which are personal security (to be secure in one's life, person, limbs and reputation), liberty, and property.

These rights, however, do not exist only in relation to actions by agents of civil government, but belong to persons in relation to other persons. A private person has no more right to trespass on another person's private property than a public official. A private person has no more right to abscond with me—take away my personal liberty—than the sheriff (unless being arrested for committing a wrong like kidnapping).

However, when private individuals are the only ones involved, the government's duty is harder to determine because the rights and corresponding duties of private actors are colliding.

But even here the common law that precedes our Constitution, in the light of which it must be understood, drew distinctions that civil government, tasked with the legislative power to declare existing common-law rights and duties and to remedy any defects in the legal security for those rights, should consider.

Publicly Available Goods and Services

For example, the common law acknowledged what we would call "public accommodations," or those goods and services made available to the public and essential to maintaining membership in society.

Therefore, to deny liberty to access those goods and services, particularly those essential to day-to-day living, could be seen as an unjust deprivation by a person who has to some degree shed his or her liberty to be a private person of another's liberty in the context of our shared social existence.

But, at that same time, a distinction could be drawn with respect to those businesses that, though "open" to all willing to pay for the good or service offered, provide it strictly by means of a private, personal (unique) contract. Grocery and department stores, for example, would not fall within that category.

Private Employment

Employment is harder as it is a matter of private contract (unless one is a government worker). Neither personal liberty nor the right to life assure anyone of specific employment, just the liberty to go wherever needed to seek employment or to start a business to sustain one's life.

A General Consideration

Finally, as stated in an associated commentary, legislative officials are not free to allow private citizens to commit inherent wrongs against other private citizens. Consider the laws that prevent a private person from committing inherent wrongs like murder, assault, and theft against other private persons.

Whether denial by a private person of employment, food, clothing, and shelter to another person if not vaccinated could be considered as falling within those inherent wrongs as “lesser included offenses” needs more debate and attention than can be given here, but our days clearly require people of wisdom, capable of making necessary and just distinctions.

I pray we have people in public office who have that wisdom