

# An Assertion of Right (Second Edition)

Excerpt (for review and evaluation)

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## Second Edition Preface

This book was written in 2011, while the woman I loved was dying.

It did not begin as memoir. It began as a philosophical demand: to answer a challenge that could not be met with slogans—what is a right, really, and where does it come from? I had said, in an argument, that rights were inherent in our existence. I was told that this explained nothing. They were right. It did not. So, I set out to make it explain something.

At the time, I did not know how soon that question would cease to be theoretical.

Victoria was ill for years. Chronic disease is not dramatic. It is attrition. It wears down the future one appointment at a time. We talked, often and explicitly, about autonomy, about living wills, about what it means to honor a person rather than a heartbeat. She was an attorney. She understood law. She also understood something more fundamental: that dignity is not maintained by machines.

While she was in the hospital after a stroke, I began writing this book. Its central claim—that rights are not grants, but assertions rooted in the human condition—was not born in abstraction. It grew in a room filled with monitors, IV poles, and conversations no one wants to have.

A year later, those ideas stood between us and the machinery of modern medicine.

After a routine procedure, Victoria crashed in the operating room. Doctors ran into a hallway and told me, “You have to let us intubate her right now or she will die.” She had a written order not to be put on machines. She had stated her wishes to doctors, in words, that very day. She could no longer speak.

They asked me five times. They did not ask what she wanted. They asked what I wanted.

In that hallway, *An Assertion of Right* stopped being a book. It became a line in the sand.

If you believe that a person owns her own life, then you must believe she owns the right to say enough. Not when it is convenient. Not when it is painless. When it costs.

I said no.

I did not do this calmly. I did not do it bravely. I did it because to do otherwise would have been to betray the most basic thing I believe: that no authority outranks the individual over her own existence. It would have betrayed her.

Victoria died that day.

This book did not save her. It did not console me. It did something far more severe: it required me to be faithful.

Nothing in these pages has been altered for this edition. The argument stands as it was first written. What has changed is only this: I now know, with the certainty that comes only from consequence, what these principles demand.

This is not a philosophy of comfort.

It is a philosophy of responsibility.

It does not promise that liberty will feel gentle.

It promises only that it will be yours.

## **Preface**

“We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty and the pursuit of happiness.”

What is a right? Where do rights come from, if they come from anywhere? Are rights a legal fabrication or just acquiescence by others to do what we want established by society or tradition? For Jefferson and many others, the Creator is the only source of rights.

The phrase ‘among these’ suggests that ‘life, liberty and the pursuit of happiness’ are just a subset of rights. Are all rights equal or of the same nature? How many rights exist? How many different types of rights exist? The subset offered by Jefferson suggests at least two different types of rights. Life is not aspirational, life either exists or does not and individuals have an infinite set of choices to attempt to pursue or aspire to, happiness.

If God endows individuals with rights, is there a mechanism? Is there a process how and when rights attach or are bestowed? If someone says God brought rain to a drought-stricken area, we know the rain came by way of a mechanism we understand scientifically quite well.

The Bible explains how God brought life into an individual:

Genesis 2:7 - then the Lord God formed man from the dust of the ground, and breathed into his nostrils the breath of life; and man became a living being.

In May 2008, during an online debate, I stated the ‘endowed by their Creator’ origin of rights said nothing of their origin or extent. I stated that we were born with rights, that they were inherent in our existence; which in many ways is no better than ‘by their Creator’. I was challenged to state where rights originated, what rights were ‘correct’ and which were no more than the ranting of a lunatic or the justification of a tyrant. Let me introduce you to my debate antagonist:

You are going to have to answer the question of where our rights originate before this discussion can go anywhere. Just saying that we have them isn't an explanation, but the

absence of an explanation.

The challenge with relying on "rights" as defined by metaphysics is that NOBODY really agrees what those rights are. So to speak in terms of "rights" and demanding your "rights" in a specific context is not really helpful to your argument.

The challenge galvanized me into spending time and considerably more effort into going beyond "inherent in our existence" and into giving my positions substance. I established a couple premises. First, the individual is sovereign. We are the masters of ourselves. Our personal actions and needs are our responsibility. We cannot transfer that responsibility to others; we cannot avoid the consequences of our actions. Even slaves still have absolute control over their own thoughts and physical actions. Nothing can change or allow us to abdicate that status.

Second, all rights are inherent in us. Rights exist because we exist. The foundation of rights can be found in each of us. Each of us has the need to breathe, eat, drink, sleep; fulfilling those needs require us to act in specific ways that if interfered with could prevent our continued existence. If we are sovereign, we are responsible first to ourselves and our needs.

To honestly take up the challenge, I was going to have to find support for these premises AND where they led me. It took a year to find my starting point.

