

Dear Judge Cameron

It has been drawn to my attention that you discuss a short paper of mine in your recent book, "Witness to AIDS". I have read the relevant section and believe that you misrepresent my position to some extent. I write in the spirit of academic debate and to correct any misunderstanding.

First, I never claimed that mothers of children with HIV are undeserving of state-provided antiretroviral treatment. What I did say was that "mothers of HIV-positive children who could reasonably have avoided conception" are one category of those who are "responsible for their or other people's HIV-positive status". My sentence employs a disjunction and I am not claiming that mothers of HIV-positive children are (necessarily) responsible for their own HIV-positive status. The subsequent example I provide illustrates the first disjunct – those who are responsible for their own HIV-positive status. It is thus unfair to say that I never explore whether "the mothers might themselves not have been 'innocently' infected".

Second, you entirely misread me when you imply that I am subtly propounding the message that "we may deny life-saving treatment to the poor" "because "HIV is transmitted through 'irresponsible' acts that are sexual". I consistently apply the same theoretical point to all other non-sexual forms of irresponsibility. This should be clear from the examples I do give, even though I do not list all the examples you do. I accept the implications of my position for all the true examples of irresponsibility that you provide. But my argument does not imply anything about those people with the inability to do useful work and possibly (depending on how we fill out the details) also those who become destitute because of their poor financial acumen. These latter examples sound like cases where it is not irresponsibility but bad luck in the natural lottery that accounts for their predicament.

You obviously disagree with my view that those who are responsible for their ill-health have no moral claim, in theory, against the state for the provision of health-care (even though you and I agree that they should have a claim in practice). Here you do not misconstrue my position. I should note, however, that my view in this regard is not that outlandish. Indeed it is your view that is in greater need of justification. Short of the practical considerations I raise, it is rather difficult to explain why A should be required, as a matter of justice rather than charity, to pay B's costs for B's irresponsibility. It is not enough to say, as you do, that the modern welfare state extends protection to people such as B. That, by itself, is a descriptive claim, rather than a normative one. And in any event, I agree that we do need a kind of welfare state. I deny only that it can be justified by a requirement of justice to bail out those who act irresponsibly.

I fear that you may have missed a central point of my paper. I wholeheartedly support the TAC's pressure on government to provide antiretrovirals to those who need them. I was arguing, however, that all the blame for the AIDS problem should not be put at the door of government, as tempting as it may be to do just that. Government has much to answer for, but so do all those individuals who are contributing, through their irresponsibility, to the spread of the epidemic. Although I am sensitive to the problems of stigma, I don't think that this should preclude our censuring those who are worthy of censure. In some cases it will be clear who such people are. In other cases it may not be clear and thus our criticism may have to be of a very general kind. This criticism, as I indicated in my paper, could be a significant tool in combating HIV. "Blaming the blameworthy provides a further disincentive to dangerous behaviour". Although it is crucial to demand that government respect the

rights of the people, it is also important that the people take seriously their own responsibilities.

Congratulations on the publication of your book, and best wishes for good health.

Yours sincerely  
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