
Rights

Posted by Tom Palven - 2008/09/02 20:14

In national election campaigns the subject of "rights" always plays a central role. Does a fetus have a "right to life" or a woman a "right to choose". Does a person have a right to carry a weapon, a right to affordable health care, and so on. Some people feel that all humans, not just US citizens, have a right to liberty, while others do not believe that any rights exist. NJLP members can help clarify what rights mean to libertarians by filling in the blanks below.

1. The US Supreme Court decided in *Kelo vs. New London, CT*, (2005) that the US government has a right to take the private property of some and give it to other private interests. Additionally, if one does not pay property taxes, government authorities can seize one's property, or if one is suspected of drug trafficking or other criminal offenses, governments may seize one's property without "due process".

Please fill in the blanks, if you will: Property rights are not merely privileges granted or withheld by governments as maintained by many police academy and law school graduates, they are actually _____ as evidenced by_____.

2. If a person offers sexual services on the street, in a newspaper, or on the web, he or she may be arrested and fined or imprisoned. Please fill in the blanks, if you will:

Freedom of speech, freedom of the press, and the freedom to do what one wants with one's body (Individual liberty.) are not merely privileges granted, modified, or rescinded by governments (Nevada differs from many states regarding sex for sale.) as many law school and police academy graduates maintain, but are actually ----- as evidenced by_____.

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Re:Rights

Posted by Jay Edgar - 2008/09/03 00:37

The first part of each is easy. They are natural rights. Legal documents (Bill of Rights, etc) merely enumerate these rights that ALL human's have. I'll have to think about the second blanks a bit, and its much too late right now.

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Re:Rights

Posted by Tom Palven - 2008/09/03 08:15

Hi Jay,

Yes, the evidence seems hard to come by. Things like the Waco massacre, the Nazi Holocaust, and the "Shock and Awe" campaign against innocent Iraqis seem to provide evidence that humans are not born with any more inherent rights than a chicken, and that a hand gun is probably more useful in protecting one's individual liberty than natural rights or the unalienable rights listed in the Bill of Rights including those rights not enumerated and "reserved to the people".

Counting on a government to protect oneself seems about as useful as counting on a St Christopher's medal, except that the medal won't try to draft you or imprison you for victimless crimes, etc.

Tom

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Re:Rights

Posted by Tom Palven - 2008/09/04 11:46

Lou Rollins' *The Myth of Natural Rights* (1983) has been re-released as *The Myth of Natural Rights and Other Essays*, and can be pre-ordered from Amazon.

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Re:Rights

Posted by big eddie - 2008/09/15 15:47

It does not amaze me that there is no regard to rights in this country. We totally deny the most basic right, that of the right to be born. If that right is not guaranteed we cannot possibly guarantee any other right. What right is more important than the right to be born? Without that right there are no rights. What is more important than the right to be born? I would really like to know which right supercedes life?

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Re:Rights

Posted by Kevin Ferrizzi - 2008/09/22 13:37

Libertarian rights seem to very rarely be black and white even though they are inherent. Natural rights are rights that the majority of people just know they have. Most of us instinctively know what is right and wrong. I know that hitting someone with a baseball bat or stealing a car is wrong. I didn't need Washington (or Trenton) to tell me that. My parents did. Even most of those who commit crimes of violence or property know what they are doing is wrong, they just do not care. It's the things that are questionable in the law that we wish to bring to light and debate about. We seek to represent those who go about their daily lives saying "The laws in this state really suck!" or "That shouldn't be illegal! Who did it hurt?"

Re:Rights

Posted by Jay Edgar - 2008/09/22 22:49

Tom's original question as to the evidence that man has inherent rights is an important one that I've been thinking about since he first posed it. The concept of innate rights was mostly conceived of during the Enlightenment. During that time the "evidence" was even more hidden. Man lived under mostly an absolute monarchy, where rulers were divinely granted rule over mankind. Organized religion was used as a tool for tyrants to rule over the populace.

To me, Tom's question just brings up more questions. Despite the lack of "evidence" of innate rights, Locke's viewpoints took hold and ignited a transformation in political thought. Perhaps the driving factor was morality and the lack of morality of the ruling class? Perhaps these innate rights became evident because the ruling class disregarded these rights.

What will wake up the world today? Perhaps the evidence of innate rights becomes more apparent when those rights are violated, like the need for water is apparent when water is not around.

Re:Rights

Posted by Tom Palven - 2008/09/23 08:29

Jay and Kevin,

If one believes in the Bible, and that God created man in his image, then it is easy to believe that men are "endowed by their Creator with certain unalienable rights", although at the time the Constitution was written He hadn't yet extended those rights to women or Blacks.

If one doesn't believe that rights are God-given, then they are much more difficult to explain. I think that Dr. Murray Rothbard was the greatest libertarian of the 20th century, but in his book *The Ethics of Liberty* his explanation of how humans acquired the rights to life, liberty, and property seem to fail. I parsed his sentences very carefully, and all I can come up with is that because human beings think, they therefore have rights which other animals do not possess. But other animals think to some degree. A coyote that has lost toes in a steel trap will not be trapped again. When one tries to corner a pig in a barn the pig sees the problem and responds. Dr. Rothbard could have made the case that since rights do not exist, that no group of people calling themselves a majority have a right to coerce anyone else, and that Rousseau's "Social Contract" is nonsense unless someone voluntarily signs it.

This does not mean that we are not hardwired with some natural ethics. We recognize babies and find them cute and are protective of them, at least partially due to the disproportionately large head size, and we find baby elephants cute although they are very large. On the "bad" side of natural ethics is our innate tribalism in which we feel that it is not nearly as bad to kill and maim people of other tribes as it is our own, but this is lessening as modern communication and transportation increases the size of our tribes.

There is also a relatively new philosophical field called "rational ethics". I think that Mark Twain anticipated this ethics when he said "When you tell the truth, you don't have to remember anything." Being honest is an easier way to live. Contrast this with Aquinas' statement that lying is a misuse of God's gift of speech in his defense of the Ten Commandments.

Tom

Re:Rights

Posted by Tom Palven - 2008/09/24 07:52

As noted previously, if you fool a pig or a coyote once, you are unlikely to fool them again. This may be one of the major differences between pigs, coyotes, and your average voter.

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