

X11 – EXchanging Worldviews, 11: EXploring Prospects for Peace & Prosperity, 3: EXpropriating Rights

Dear: In the previous two chapters, I've made many references to the complicated subject of "rights" (including Jefferson's claim that people have "certain unalienable rights", Hamilton's warnings against specifying a "Bill of Rights", and current controversies about "the right-to-life of the unborn" vs. "the reproductive rights of women"). In this chapter, I want to broaden the considerations of "rights" (to "human rights", "women's rights", "children's rights", "governmental rights", "animal rights", "the rights of future generations"...) to show you that beneath the many controversies and associated claims of injustices lies an enormous amount of confusion – about the origin of such rights, what they are, how they're expropriated, and what to do with them once they're acquired! In fact, beneath much of the controversy and confusion about "rights" is downright foolishness.

Of course, as is commonly said, "every one has the 'right' to be foolish" – but do they? What if someone foolishly endangers others? Do terrorists have the "right" to foolishly believe that they'll go directly to paradise if they blow themselves up (maiming and killing others) in some stupid jihad? Should clerics be permitted to preach such stupidity? Should any cleric have the "right" to indoctrinate children in clearly invented, data-less balderdash? Should parents have the "right" to brainwash their children in such foolishness? So, do you really support the "right to free speech" regardless of the topic and mental abilities of the audience? What about responsibilities? Who should arbitrate such rights and responsibilities? Whose opinion should prevail? Why? What's the objective?

But before I try to answer such questions, I want to return to some opinions about social justice. As I wrote in the previous chapter, I agree with Emerson that (in essence) social justice is just opinion – but I would argue for the possibility that opinions about social justice can tend to converge because of what Nature teaches all of us about natural and personal justice. I also agree with Heraclitus that strife derived from different opinions is inevitable – but I would also argue that if humans could agree on general methods for solving our many problems (in particular, if we could agree to use the scientific method rather than the moldy science codified, dogmatized, and ritualized in all religions), then strife associated with

seeking social justice could be minimized, leading to the possibility (also as suggested by Heraclitus) of a more melodious “attunement of opposite tensions, like that of the bow and the lyre.”

Yet, although strife derived from different opinions about social justice may be minimized and may even become melodious, I doubt that the strife can be eliminated – so long as all of us pursue our trio of survival goals (of ourselves, our extended families, and our values). While each of us pursues such goals, it’s easy to hinder someone else’s similar pursuit – especially if resources are constrained. Different opinions about the extent of one’s “extended family” can also lead to strife – as occurred in the past with various “patriarchal” tribes and as continues today in the “patriotism” of various nationalists. And strife derived from different sets of values (e.g., derived from different religions) has in the past led to innumerable wars – and similar continues today.

Yet, in spite of problems caused by limited resources, different perspectives on the extent of one’s family, and confused concepts of values, essentially everyone seems to have learned lessons about justice that Mother Nature teaches us as soon as we become aware of our surroundings. As I described in the **J**-chapters, Nature teaches all of us the essence of natural justice (i.e., the principle of causality), and the essence of personal justice (i.e., that we generally get what we deserve). When our awareness expands to comprehend our societies, we begin to demand similar justice in our dealings with other people. That is, we recognize that effects have causes and we demand of “social justice” that people generally get what they deserve – and don’t get what they don’t deserve.

Cause and effect, however, and “just deserts” are not so obvious in our dealings with other people as they are in our dealings with Mother Nature. If you jump off a cliff expecting to fly by flapping your arms, natural and personal justice will become readily apparent – and will prevail. But if a certain grandchild becomes pregnant and decides to have an abortion, then opinions about “social justice” will range from demands that she be punished for “murdering an unborn child” to demands that other people stop meddling in a her private life. As I tried to describe in the previous chapter, the different “rights” thereby advocated (an unborn child’s “right to life” *versus* an individual’s “right to privacy”) reflect different values, which in turn reflect different goals, different perceptions of the universe and our

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place within it (i.e., different “worldviews”), differences in understanding, and ultimately on different approaches to knowledge.

For example, my mother knew (and your mother knows) “in her heart” (i.e., *via* indoctrination by clerical clowns, steeped in the science of savages) that “God is watching”, that to get into heaven they must protect “the immortal soul of the unborn child”, and therefore in their strongly held opinions, a certain granddaughter must not have an abortion. In contrast and as far as I can make sense of the data and the meaning of words, there is no god and there never were such things, we humans have lots of problems that need to be solved, and we certainly don’t need to add to those problems by anyone bringing another unwanted child into the world; therefore, if it’s what you desire, then certainly have an abortion – especially if, thereby, it’ll be more likely that you’ll be able to reach your full potential to help humanity to evolve into a more intelligent, creative, kind, caring, cooperative... species.

I therefore trust it’s clear, Dear, that advocating various “rights” is no panacea for resolving strife associated with different opinions about social justice. Which “rights” one advocates depends on one’s worldview, therefore on one’s goals and values, and therefore on how one decides to acquire knowledge: *via* the scientific method or, e.g., *via* “listening to one’s heart.” Furthermore and unfortunately, there is substantial confusion about what such “rights” are.

To try to show you what I mean by that last sentence, let me begin by doing what grandfathers seem to have a tendency to do, namely, by telling some stories. In particular, although I’ve already told you a little about when my nearest-age brother and I were young and would steal food (and I told you, certainly not to brag about it, but to try to get certain grandchildren to appreciate the food they were served and not to be so “picky”!), yet let me ramble on again.

Where we lived when we were kids, about half the homes and properties were owned by wealthy “city slickers”, who came out to “the coast” only for their summer vacations. I’m thinking, in particular, of one multi-millionaire who smashed his beautiful boat (today, a similar boat would probably cost at least a million dollars) on a well-known reef. As I mentioned in an earlier chapter (when I was cynically describing how my brother and I were “honored” as “heroes”), one night when probably this millionaire was drunk, he ran his boat onto the reef in front of his beachfront property; that is,

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surely he knew it was there – when he was sober. When the tide was very low, the reef could be seen rising a foot or so above the water; when the tide was right, you could stand on the reef, ankle deep in water, about half a mile from shore.

Which reminds me of something else. Sometimes we would play a great game: we'd borrow a rowboat, row out to the reef when the tide was right, leave a kid standing on the reef, and the rest of us would return to shore. [I don't recall that they ever left me on that reef; I hated standing on it; there was too much slippery seaweed, kelp, and other squishy stuff – not to mention the crabs, eels, piranhas, and sea monsters!] But anyway, the result was the funniest damn thing you ever saw: a (brave) kid standing ankle deep in the water (that the unknowing would think was hundreds of feet deep) about a half a mile from shore! It's a wonder that some religious nut didn't think that Jesus had returned. Meanwhile, we kids learned a great lesson: to walk on water, to perform miracles, you don't need to believe in God, you don't need to have "sufficient faith" – you just gotta know where the reefs are!

But I digress. What I was trying to get to was describing that millionaire's land. Under some contract (I don't have a clue about the details), he leased some of his land (maybe ~100 acres) to a local farmer, who grew strawberries in one portion and corn in another. As springtime jobs, my brother and I would pick strawberries there; I don't remember how much we were paid for picking them, but I do remember that for picking a big bucket of strawberries, which would take at least an hour and which I (probably during the ages of 8 to 12, or so) could barely lift, I'd get some "change" (less than a dollar).

At other times of the year, we worked at other jobs as well – pretty much ever since I can remember. In the summers, we would catch fish and sell any that Mom couldn't use. (We didn't have a fridge, so storing fish was out of the question – and we didn't know how to smoke them.) We would get maybe 50¢ for a 5-pound cod, and maybe 25¢ for each (sort-of) 2-pound bass. [Oh, by the way, someday I gotta tell you about the ling cod my brother caught that was so big that the two of us couldn't lift it out of the water! So he walked back along "the float" (like a dock but without pilings), pulling it along as he walked, and dragged it up on the beach! It must have been at least 30 pounds! He probably got at least a dollar for it!]

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But I digress again. As I was about to say, year-round we both also had paper routes; we both would go shopping and pick up the mail for old people who couldn't get out easily; my brother did most of the chopping of wood for people – I guess that, so long as he was available, the people preferred him, because he was stronger. You might think that, thereby, we must have had quite a bit of money, and I suppose we did, but our expenses were quite high.

For example, Mom made my brother pay for any food he wanted to eat beyond what she had prepared. Apparently I was less hungry and more vain, because I remember buying toothpaste with some of my money. Besides, kids are strongly influenced by peer pressure (as you know!), so “you bet” we spent our money on things that would make us feel more as if we “belonged”. Thus, we bought most of our own clothes, and I especially remember that (what we called) “running shoes” (what you call “tennis shoes”) were very expensive: they could easily cost us the entire amount that we saved each season from picking strawberries – which leads me closer to some points I want to make.

As I mentioned, we also stole food. For example, when the corn was ripe in the half of the field that wasn't in strawberries, we'd sneak down during the right night to steal a gunnysack of corn. [We didn't steal strawberries; we could eat as many as we wanted when we picked them – and surprisingly, we didn't eat that many!] And, too, when the cherries, plums, apples, and pears were ripe (in succession) in orchards around the area, we'd steal them, too. Thereby, by the end of the season, we'd end up with at least a couple of boxes of apples stored in the back room. I'm sure that Mom knew it was all stolen food, but I suspect that we lied to her about its source, e.g., “It was just lying around on the ground” or similar.

Also, I remember that occasionally we'd raid another person's garden (I can still have a picture of that garden in my mind, even though we only raided it when it was dark), where we'd get carrots and beautifully sweet peas – and so maybe you understand my reaction when a certain skunk I used to know refused to eat her peas! In our own garden, mostly we had just potatoes (I suppose in part because of Mom's Irish experience – but maybe because of the cost of seeds). But we normally wouldn't steal enough vegetables from that garden to store any; just enough to eat when we were hungry.

And now that I'm thinking about it, I remember that "the bread man" would leave a box of bread (and sometimes some tremendous pastries) in a shed on the pier, for the ferry to take over to one of the islands the next day (that's the same shed that we dove from), and more than once we helped ourselves to those treats. Yet, never once did we get caught. And in our entire record of crimes, I don't recall that we ever stole anything but food – nor did we ever not eat all food we had stolen. But, Dear, can you imagine our troubles if we had been caught? Granted that the punishment wouldn't have been so bad as in Islamic countries (were we could have had our hands cut off), but no doubt the punishment would have been substantial: thieves were put in jail (or reform school).

Which, in my roundabout way, leads me to the subjects of "morality" and "rights". I maintain, Dear, that those two hungry little kids knew more about morality than all the garbage in all "holy books" put together and more about "human rights", "property rights", "civil rights", etc., than all the trash promulgated by power-mongering politicians into monstrous legal codes. The kids' code was simple: they claimed their "right" to exist. Higher than any "revealed morality" or "promulgated law" is the "moral law" that tells two hungry kid to eat. God said "Thou shalt not steal" and "Thou shalt not covet"? Tough! Politicians want social order? Too bad! Society will protect "property rights" by punishing stealing? Blow it out your ear! No doubt society wants these things, Dear, but I know two little kids who claimed a "higher right", namely, to eat when they were hungry.

Thus, Dear, my first point is that if members of any society want "law and order" (as they surely do), then they'll need to pay for it. Why should other members of any society get what they want for free (e.g., "law and order"), while kids must pay for what they want, namely food? Let me put it this way: if members of any society collectively establish laws that leave some humans in conditions poorer than those available for animals, then society should expect that the cast-off-humans will resort to "rights" even animals claim, namely, their "right" to continue to exist.

Now, of course I agree that all societies do invest substantial resources to try to get what they want. First, they define "crimes" and thereby "criminals", such as little kids who steal food. Then, societies establish methods to catch such criminals and punish them. Thereby, all societies invest substantial resources to establish legislative, police, and judicial systems. No society

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can continue to exist without such systems – but then, those who are hungry don't give a damn if such a society continues to exist.

And of course I agree that, in our case, our father was at fault for abandoning us, and if our society had found him and made him support his family, then I would agree that society would be “justified” in punishing well-fed and well-kept kids who didn't respect the property of others. But if society does nothing to help kids get food, then society sure as hell doesn't deserve an orderly social system. Thus, Dear, there's an unposted notice, a copy of which all members of all societies should obtain, study carefully, learn, and act appropriately. It's something similar to:

If you don't want to live among people who behave like animals, then (surprise, surprise) you'll have to pay for what you want. If people find their state is worse than for animals, then even at their best (surprise, surprise) such people will behave like animals. For all animals, their “right” to survive takes precedence over your “property rights”. If you don't want to live in a jungle full of wild animals, then make sure that all animals are tame. Stated differently: for a change, try thinking!

And yes, Dear, I agree that the above notice describes what's essentially extortion – but it also describes reality. The reality is that, if they have no other choice, people will live like other animals. And the extortion is: if society doesn't want to live with people who behave like animals, then society will need to either pay what's extorted or fight its expropriation.

For example, if worst came to worst and only I was left to protect a certain grandchild, then certainly I would again take food from essentially wherever I could find it to make sure she wouldn't starve. Anyone can fight me for my “right” to steal their property, but if push comes to shove, I'll do my share of pushing and shoving. And I don't care if my “victim” gained his property “honorably”; the highest honor I recognize is for my genetic code to continue – save only, not at the expense of someone else's children.

That is, Dear, care is needed in clearly distinguishing “needs” from “wants” and to distinguish needs and wants of different people. For example, I would agree with you if you argued that my brother and I were wrong to steal food. At the time, we weren't really starving. In later years we came close to starving: after eating our chickens, we were reduced to eating the last sack of chicken wheat – and let me tell you, kid, that chicken wheat is

pretty bad stuff, no matter how long your mother boils it! But I wouldn't defend the "right" of kids to steal food when they had enough money to buy toothpaste and running shoes. In those earlier days, we "wanted" to feel that we belonged (and therefore the toothpaste, clothes, and running shoes), but the pangs of not belonging aren't as basic (on any "pyramid of needs" or "pyramid of wants") as hunger pangs.

Thereby, it seems that sometimes I can agree with Kant's fundamental moral principle (or "categorical imperative"): "Act only on that maxim through which you can at the same time will [i.e., desire] that it should become a universal law." As I tried to show you in an earlier chapter (in **M3**), sometimes his principle fails: in such cases, one must use a moral principle that I have not yet had fail for me, namely, always use your brain as best you can. But in this case, Kant's principle (restated as: act only on those personal judicial principles that you would advocate as universal laws) does seem to be useful. Thereby, if I entertain the possible maxim that my grandchild shouldn't starve, then before acting and to act morally (consistent with Kant's categorical imperative), I must ask myself if I accept the universal principle that nobody's grandchild should starve. Accepting such, then I couldn't steal food to save even my starving grandchild – if it meant that someone else's grandchild would starve.

Now, Dear, if you think that all the above is so obvious as to be not worth thinking about, then please reconsider. Let me assume you agree with Kant that any action is okay (or acceptable or legitimate or justifiable) provided you could agree that a similar action would be okay if taken by someone else. Further, let me assume you think that it would be okay if truly starving kids stole food from millionaires (or even relatively well-off farmers or other people) – but not from other people who were also starving. Then, given that approximately 10 million of the world's children die each year of starvation, I assume you would agree that it would be okay if any of them descended on your family to steal your food – especially the food that certain grandchildren are so commonly reluctant to eat!

If I know a certain grandchild, she's probably thinking, "Get real!" She probably would argue (that much I know for sure!) that even if a small fraction of these 10 million starving children descended on her, then she would soon be starving too – and it's not right to take food from a starving child! Consistent with her maxim "Get real!" she'd probably argue, also, that a "realistic solution" is not to take food from a certain precious

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grandchild but instead to solve the problems causing 10 million children to die of starvation each year.

And of course I would agree with her, but then I'd ask her "How?" Should well-to-do Western countries send food to overpopulated countries where children are starving, so that these children can grow to at least sexual maturity, mate, and have still more starving babies? Should we send food and other aid to "needy" countries so that their corrupt leaders, rolling in wealth, will continue in power over their thereby placated people? Should we give donations to any of many Christian charities, so they can distribute not only food but also instructions in Christianity – for as Napoleon said "religion was created to keep the poor from killing the rich"?

Or, recognizing that the problem of helping the world's starving are so complicated, should we just fund "the professionals" (e.g., in our State Department) to allocate resources responsibly – then to find not only that most of the money goes to funding huge bureaucracies but also that the current, stupid, Republican Administration refuses to fund UN family planning services in poor countries (because the UN sensibly refuses to restrict the services to preach only the pope's stupid ideas about birth control)?

But let me set aside addressing such questions, until later, and now turn to another point potentially available from my story about those two food-stealing kids, namely, more clarity about the concept of "human rights". As I mentioned in the previous chapter, it really "gets to me" when people start talking about "rights" without addressing the other side of the coin, namely, "responsibilities" (or obligations or concessions). I harped on that subject in conjunction with my anger at that anti-abortionists who promote "the right to life" of the unborn while not simultaneously taking responsibilities associated with rearing the child.

But, Dear, it "gets to me" even more when people start talking about "rights" when it's clear they don't know what the devil they're talking about: they use the word 'right' wrongly – as I did in paragraphs above, which is why I have been putting "rights" in quotation marks. Thus, people say 'right' when they mean "fundamental need" or "biological necessity" or "biological imperative" or similar. For example, Dear, neither I nor anyone else gives you the "right" to obtain food when you're starving – you have a biological imperative to obtain food: *it's not a right, it's reality.*

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Further, mixed in with confusion about the nature of such “rights”, there is commonly a mish-mash of absurdities about the origins of such “rights” and how they’re obtained. To begin to see what I mean, first reconsider Jefferson’s flowery language:

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...

Certainly that’s pleasing phraseology, but it’s been terribly misleading: humans don’t have “certain unalienable rights” (such as life, liberty, and the pursuit of happiness). Instead, we possess “biological imperatives” such as the need to breath, eat, and engage in all other fundamental functions required to live (just as do all other animals). Also, we’d rather be free than be in chains (just as does your dog), and we seek “happiness”, maximizing pleasure and minimizing pain (just as does your cat). If animals will do what’s necessary to satisfy such “biological imperatives”, then it’s to be expected that people will, too.

Thereby, one cause of “pushing and shoving” that can lead to war is obvious. To continue to live, people must have the basic necessities of life: sufficient uncontaminated air, water, and food, and basic protection against the elements. Risking their lives, people will do whatever is necessary to expropriate such necessities for themselves and their families in essentially whatever manner they can (extortion not excepted, but with the possible moral exception of not expropriating their necessities from others who are in similar need). Again, they’re not “rights”, they’re reality – and anyone who doesn’t recognize such realities (e.g., for the Palestinians) will almost certainly soon recognize the unmistakable signs of extortion and expropriation, up to an including revolutions and wars.

But beyond the reality of various wants and needs, many if not most people accept that humans have various “unalienable rights”, the most fundamental apparently being the “right to life”. But in reality, Dear, do people really have a “right to life”? Granted by whom? Some alleged “creator of the universe”? I would invite anyone who has concluded that “we are endowed by our creator with certain unalienable rights; that among these are life...” to spend some time in the desert. Let them explain to rattlesnakes that their god gave them an unalienable right to life. Let them explain to the sand that

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some giant Jabberwock in the sky gave them an unalienable right to water. Instead of such nonsense, Dear, what all life apparently desires is to continue to live – not granted to them by any god but dictated by their DNA.

To illustrate further, let me mention a recent incident. While bouncing around the TV and encountering Fox TV's *Bill O'Reilly Show*, I bumped into a startling example of nonsense about the origin of "human rights". In this show, the fool O'Reilly interviewed the glib Newt Gingrich (whom you may know was Speaker of the U.S. House of Representatives from 1995 to 1999 – and when I read the recent news release that he may run for president in 2008, I just shuddered). What follows (taken from <http://newt.org/>) is from a transcript of the original 6 December 2004 interview (apparently I was watching a re-run). Because it's a transcript of a "live" interview, suitable allowance should be made for poorly phrased statements – but from other experiences, I have no doubt that what follows adequately conveys the meaning of the idiocy that Gingrich "preaches". I've added some notes in square brackets, some italics and bold type for emphasis, some ellipsis [...] to eliminate irrelevant material, and I've changed some punctuation, to correct some obvious transcription errors.

O'REILLY: What good does it do the nation to have a fundamental belief in a creator?

GINGRICH: *Well, I think it's at the core of whether we're a covenant country or a contract country. A covenant country believes that your power... comes from God. You're endowed by your creator, and therefore, you loan to the government what is your power. That's why we say "We the people of the United States..." at the beginning of the Constitution. [Dear: that's not so – and saying something is so doesn't make it so! "We the people..." doesn't mean that you "believe" that "your power... comes from God". It means whatever "we the people" intend it to mean! To me, as one of those people, it means the same as it meant to the Sumerians and Egyptians who engaged in the world's first known revolutions, i.e., "We the people... who are not without power..." And I'd say it obviously meant the same to the framers of the Constitution, because in front of them they had Jefferson's wording in the Declaration of Independence: "We hold these truth to be self evident... that... governments are instituted among men, deriving their just powers from the consent of the governed..." , i.e., we the people.]*

O'REILLY: Now am I wrong in making a comparison with Canada? ...I see Canadians and Americans as the same people. Same roots, same societies, same everything. Yet that country has become, as you put it, radicalized [i.e., in Canada, less religion and more humanism – which is O'Reilly's and Gingrich's meaning of "radicalized!]. And I say: if it can happen there, it can happen here.

GINGRICH: Look, it absolutely can happen here... the radical left, the people who are against God, against religion, against referencing the creator, against Christmas, go down the list... *In European contract law, you and I are just protoplasm. We don't have any spiritual or moral rights.* We don't loan the state anything. We're in effect creatures of the state. *So there's a profound difference between a nation founded on a covenant with God and a nation founded on a contract among protoplasm.*

What an astounding distortion of history – and *Dr. Gingrich* [cough, cough] was a former history professor (at a back-water college in the Bible Belt).

Let me illustrate what I mean with the following bit of history. When this country's first Secretary of the Treasury (Alexander Hamilton) asked Jefferson (this country's first Secretary of State) to identify the portraits of "remarkable men" in his dining room, Jefferson relates:¹ "I told him they were my trinity of the three greatest men the world has ever produced, naming them [Bacon, Newton, and Locke]." Notice, Dear, that Jefferson didn't say, for example, Moses, Jesus, and Muhammad! Bacon was responsible for showing Europeans the advances Muslim nations had made with the scientific method (following in the footsteps of Greeks such as Hippocrates and while Europe withered for more than a millennium in their own religious fanaticism, similar to the religious fanaticism that now controls most Islamic countries), Newton's accomplishments you know, and Locke basically defined a new type of society – based on a "contract" among citizens – whom Gingrich tries to insult with the word 'protoplasm'.

To describe what was protected by this social contract within free societies, Locke used the phrase "life, liberty, and property." To describe the new social contract for America (which Gingrich distortedly calls "a contract among protoplasm"), Jefferson changed Locke's wording to "life, liberty, and the pursuit of happiness." That's why, for example, in the 28 January 2005 issue of *The Wall Street Journal*, Daniel Henniger wrote:

There is [unjustified] concern that Mr. Bush wants to make the rest of the world "like us." That is, a Lockean nation that makes respect for freedom, life, tolerance, and property standard operating procedure. A Lockean world – that of the US, UK, Australia and Canada – would be a world one wouldn't have to much worry about, and worth having.

¹ *Jefferson Himself* by Bernard Mayo, p. 163 (Univ. Press of Virginia, 1942).

Thus, Gingrich's claim that the basis of our society is a "covenant" with God is false – and besides, it's as stupid a concept now as when the Jews first conceived it, thousands of years ago.

In a speech at Brown University in 1989, Arthur Schlesinger, Jr. (another historian, which Gingrich claims to be) said it far better and far more knowledgably than can I:

As a historian, I confess to a certain amusement when I hear the Judeo-Christian tradition praised as the source of our present-day concern for human rights; that is, for the valuable idea that all individuals everywhere are entitled to life, liberty, and the pursuit of happiness on this earth. In fact, the great religious ages were notable for their indifference to human rights in the contemporary sense. They were notorious not only for acquiescence in poverty, inequality, exploitation, and oppression, but also for enthusiastic justifications of slavery, persecution, abandonment of small children, torture, and genocide. During most of the history of the West... religion enshrined and vindicated hierarchy, authority, and inequality, and had no compunction about murdering heretics and blasphemers. Until the end of the 18th Century, torture was normal investigative procedure in the Catholic church as well as in most European states... Human rights is not a religious idea. It is a secular idea, the product of the last four centuries of Western history. Tocqueville persuasively attributed the humanitarian ethic to the rise of the idea of equality... It was the age of equality that brought about the disappearance of such religious appurtenances as the *auto-da-fé* [literally "act of faith"; specifically, the burning of a "heretic" by the Spanish Inquisition]... the abolition of torture and of public executions, the emancipation of the slaves... The basic human rights documents – the American Declaration of Independence and the French Declaration of the Rights of Man – were written by political, not by religious, leaders.

As one of the principal authors of one such "basic human rights documents", James Madison (the principal author of our Bill of Rights, the "father of the American Constitution", and this country's fourth president) wrote in 1785:

What influence, in fact, have ecclesiastical establishments had on society? In some instances they have been seen to erect a spiritual tyranny on the ruins of the civil authority; on many instances they have been seen upholding the thrones of political tyranny; in no instance have they been the guardians of the liberties of the people. Rulers who wish to subvert the public liberty may have found an established clergy convenient auxiliaries. A just government, instituted to secure and perpetuate it, needs them not.

Please, Dear, try to dissect and then evaluate Gingrich's thought pattern, as suggested by what I quoted from him (on the previous page – and on the internet, you can find many of his similar statements).

First, see that Gingrich concocts an artificial dichotomy of “rights” into contract vs. covenant – but at their base, “life, liberty, and the pursuit of happiness” aren’t “rights”, either by covenant or contract; they’re “biological imperatives”; they’re reality! Next, please think about what societies might do, once they recognize such realities. For example, societies could suppress such “rights” (as dictatorships do), grudgingly acknowledge such “rights” (as theocracies do, claiming that such “rights” are given to people by some “creator” – and can be taken from the people if they don’t do what the clerics say), or societies can protect and promote such “rights” (as Lockean democracies do, agreeing to abide by a social contract such as our “Bill of Rights”). So then, Dear, please consider addressing the following question. After you suitably discount Gingrich’s pejorative word ‘protoplasm’, then which society would you prefer to join: a society (such as any dictatorship) that thwarts people satisfying their “biological imperatives”, a society (such as all theocracies) whose clerics con the people into believing that they have a “covenant with God”, or a society that (through negotiations among the people) agree on a “social contract” for how to live together?

I trust you know what my choice would be. And let me add that, if this country gets much worse, if I conclude that I can’t help it get better, and if I have much longer to live, then I plan to leave it – maybe to return to the home of ancestors in Europe, where people aren’t insulted (and worse) for agreeing to a “social contract”. Maybe you want to consider similar possibilities for yourself. I’m sorry, but it scares the hell out of me (for myself, my children, and my grandchildren) when I see that someone so childish and foolish as Gingrich has been able not only to obtain his Ph.D. (without having learned how to base his opinions on data rather than childhood indoctrination) but also to rise to such a powerful position as Speaker of the House (by being a smooth talker and by professing his ‘belief’ in a creator, thereby placating a similarly brain-washed electorate).

But beyond the above, beyond confused thinking about the nature and origin of “human rights”, there’s rampant stupidity about which “rights” are “desirable” – for whom and for what reason. As an illustration of what I’m trying to get at, consider the otherwise quite-good communications by Pope John Paul II entitled “Message for 1981 World Day of Peace”² and “The

² Available at <http://www.priestsforlife.org/magisterium/80-12-08worlddayofpeace.htm>.

Freedom of Conscience and of Religion”³, to which I’ve added some notes in square brackets:

Freedom in its essence is within man, is connatural to the human person [i.e., innate], and is the distinctive sign of man’s nature. [A statement with which it’s fairly easy to agree – although my dog certainly seems to prefer freedom (!), but then this pope states:] The freedom of the individual finds its basis in man’s transcendent dignity [‘transcending’ what – beyond animals]: a dignity given to him by God [cough cough], his Creator [cough cough], and which directs him towards God [or, in the case of others, away from god, from which one can conclude what?!]... freedom of conscience and of religion... is a primary and inalienable right of the human person [A “right”? How about a reality!]; what is more, insofar as it [religion] touches the innermost sphere of the spirit [by which he probably means that religion addresses (incorrectly) some of the puzzling questions of our existence], one can even say that it upholds the justification, deeply rooted in each individual, of all other liberties. [One could say that, but then, how would one be able to explain how dogs and cats “justify” their “rights” to what their instincts “tell them” are biological imperatives?]

Considered in one way, the pope’s statement is not too bad. But “freedom of conscience and of religion” isn’t a right granted by anybody, any body, or even any “non-body”, such as an alleged “creator”. Closer to reality is what the Dalai Lama said: “It is in the inherent nature of human beings to yearn for freedom, equality, and dignity. Brute force, no matter how strongly applied, can never subdue the basic desire for freedom and dignity.” Again, thinking is not a “right”, Dear, it’s reality: people are going to think what they damn well please – almost no matter what.

And the “almost no matter what” is needed, Dear, because this “right” is egregiously violated by all organized religions, by having parents indoctrinate their children (before they learn how to think for themselves) in worldviews concocted by prehistoric savages. Thus, the damnable Pope John Paul II adds the need for:

...freedom for parents [or the “rights” of parents] to educate their children in the religious convictions that inspire their own life, and to have them attend catechetical and religious instruction as provided by their faith community...

Of course it’s clear why this pope [which rhymes with ‘dope’] wants to be able to indoctrinate Catholic children in “the faith” (to keep the Catholic collection plates filled!), but should such mental abuse of children be tolerated? Should such a “right” be recognized? Thereby, when

³ Available at <http://www.cin.org/jp2ency/freedom.html>.

brainwashed children reach adulthood, most indoctrinate their own children in the same savagery in which they were indoctrinated – and the virulent virus of religion is passed on to infect and mentally cripple still another generation.

And yes, of course I agree with this pope that the fundamental “right” for humans is the “right” to think – or stated more appropriately: the reality is, people will think! Where I disagree with him (and the leaders of all religions and all political organizations) is in my supporting the proposal by Arthur Schopenhauer (1788–1860), which I know I’ve recently quoted, but it’s so powerful it deserves to be repeated:

No child under the age of fifteen should receive instruction in subjects which may possibly be the vehicle of serious error, such as philosophy or religion, for wrong notions imbibed early can seldom be rooted out, and of all the intellectual faculties, judgment is the last to arrive at maturity. The child should give its attention either to subjects where no error is possible at all, such as mathematics, or to those in which there is no particular danger in making a mistake, such as languages, natural science, history, and so on... The memory should be specially taxed in youth, since it is then that it is strongest and most tenacious. But in choosing the things that should be committed to memory the utmost care and forethought must be exercised; as lessons well learnt in youth are never forgotten... *There is no absurdity so palpable but that it may be firmly planted in the human head if you only begin to inculcate it before the age of five, by constantly repeating it with an air of great solemnity. [Italics added]*

I would go even further (and I will, in subsequent chapters) to support the benevolent conclusion: all societies should prohibit indoctrinating anyone in any philosophy, religion, state-sponsored slogans, pledges, etc., until demonstration is made of competence in critical thinking, which should be a significant portion of every child’s education.

But rather than my now trying to defend that last statement, I want to turn to still another of my many dissatisfactions with most current (and confused) conceptions of “human rights”: not only failure to recognize associated responsibilities, not only failure to recognize that most “rights” are more accurately “biological imperatives”, not only failure to recognize the origin of such “rights”, but failure to understand how people gain such “rights”. And I apologize in advance to belabor what will probably be totally obvious to you, Dear, but what’s obvious to me is not only the astounding confusion about what such “rights” are (and how they’re gained) but also the serious consequences of such confusion, in politics and for peace and prosperity, both in our country and throughout the world.

* Go to other chapters *via*

To start, recall (as I tried to show you many chapters ago) that all humans have a “hierarchy of needs” (a concept introduced by Maslow). Also, we all have a “hierarchy of wants”. What we want depends, of course, on what we already have: both my brother and I wanted food; he wanted more food; I wanted toothpaste; we both wanted running shoes. Right now, I don’t want to construct a “pyramid of wants”; you can construct one for yourself – and if you do, notice not only how you discount all those “wants” that are already satisfied (such as food, toothpaste, and tennis shoes!) but also how you include “wants” such as staying out of trouble (or jail!) for trying to satisfy your wants in a “socially unacceptable” manner.

All people throughout the world have their wants. Millions of Mexicans apparently want better paying jobs more than they care about being caught at the US border. Millions of Muslims want greater “respect and dignity” more than they care about their security. Tens of millions of people want humanity to protect the environment more than they want additional consumer goods. Hundreds of millions of Americans want greater security more than they care about killing “the enemy”. Billions of Indians and Chinese want improved living standards more than they care about protecting the environment, and at least half the people want more “women’s rights” than they now have. In reality, none of such wants (or needs) are “rights” – but all are reality.

Yet, in the 1948 *Universal Declaration of Human Rights*, all member states of the United Nations (UN) claimed otherwise: this Declaration (reviewed below) claims that a huge list of “wants” are actually “rights”. Now, the authors of this Declaration (a group chaired by Eleanor Roosevelt) certainly deserve praise for attempting to lift humanity above the law of the jungle. And I admit not only that “politics is the art of the possible” but also that there are advantages in placing before the world a document describing desirable social arrangements. But claiming that such desires are “rights” rather than “wants” is nonsense.

To show you what I mean, let me go through the following “official version” of the UN’s *Universal Declaration of Human Rights* (which you can find at literally thousands of websites). As per usual, I’ll add some comments in square brackets.

* Go to other chapters *via*

Preamble:

Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice, and peace in the world [Hello! How about some data to support such a claim?! How about the possibility that “the foundation of freedom, justice, and peace in the world” is to ensure that the Earth’s resources aren’t strained by having too many people consuming too much?! I don’t say that’s so, but I bet I could provide more data to support my claim than the authors could to support theirs!],

Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind [Recall, Dear, that this was written just after the conclusion of WWII], and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people [Hello? “Proclaimed” by whom? By the “common people” or by your husband, FDR?! Besides, how about defining “the common people”? Are these the same “common people” who breed and consume like crazy? Doesn’t it then follow that their highest aspirations are to breed and consume even more?],

Whereas it is essential (if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression) that human rights should be protected by the rule of law [But what “human rights” are thereby to be protected, what “laws” are to prevail, who promulgates them, and if people have rebellion “as a last resort”, then obviously the law that ultimately prevails is the law of the jungle: might makes right. That is, as Marx said, the only “right” that people really seem to have is to right to revolt, and as Jefferson said: “The tree of liberty must be refreshed from time to time with the blood of patriots and tyrants.”],

Whereas it is essential to promote the development of friendly relations between nations [At what cost? Did Neville Chamberlain pay too much?],

Whereas the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person, and in the equal rights of men and women, and have determined to promote social progress and better standards of life in larger freedom [so, therefore, do you support reducing the world’s population by a factor of ten?],

Whereas Member States have pledged themselves to achieve, in cooperation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms [Talk about a cop-out! Member States are “to achieve the promotion”. Promotion doesn’t mean progress!]

Whereas a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge [Oh, I would agree – so, let’s see how you promote this “common understanding”!],

Now, therefore, The General Assembly,

Proclaims this Universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction. [Very well stated! The following is to be “a common standard of achievement...”]

Article 1: All human beings are born free and equal in dignity and rights. [Of course that’s not true! Probably every nation and certainly every religion indoctrinates children in selected “truths”; thereby, the children aren’t “free” but are destined for forced indoctrination. But maybe the reader can ignore this false statement, granting the authors their attempt to describe not what is but what they hope will be, i.e., this is the stated “common standard of achievement”.] They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood. [A statement with which it’s easy to agree – except to note that “conscience” probably has a large component derived from the culture in which the person is born. Therefore, probably more accurate than to say that people are “endowed... with conscience” is just to say that people “develop and acquire a conscience”.]

Article 2: Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind... [Well, that’s fine in principle, but in practice, if some people are entitled to “rights” while others are charged with associated “responsibilities”, then bias is obviously built in!]

Article 3: Everyone has the right to life, liberty and security of person. [Go easy! What’s meant by “security of person”? Security against fires, earthquakes, and tsunamis? Also, be careful with “liberty”: people obviously can’t have liberty to violate someone else’s “security of person.” Be more careful with your words.]

Article 4: No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms. [Excellent: not only for the idea, but for expressing it as a declarative statement. Now, if only it were true.]

Article 5: No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. [Of course I agree with the sentiment, but the wording leaves much to be desired: what do you mean by “inhuman” and “degrading”? I consider it to be “inhuman” and “degrading” (i.e., contrary to the best of what is human, namely, our ability to think) to indoctrinate children in any religious or patriotic balderdash before they have developed the ability to think critically for themselves.]

Article 6: Everyone has the right to recognition everywhere as a person before the law. [Which of course if fine – except: what is meant by “the law”? The law of the jungle? The law as dictated by some tyrant?]

Article 7: All are equal before the law and are entitled without any discrimination to equal protection of the law. [Again: what “law” is being referenced? Islamic law that states apostates are to be killed?! Further, what is meant by “equal protection” and “without any discrimination”? If it means that no one should be allowed to “get the best lawyer that money can buy”, then that would be great!] All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination. [So: is this Declaration to be the basis of “the law”? If so, how will it be enforced? And if it’s not enforced, then it won’t be law!]

Article 8: Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law. [What “constitution”? What “law”?]

Article 9: No one shall be subjected to arbitrary arrest, detention, or exile. [And what is meant by “arbitrary”? Arrests even by the Nazis weren’t “arbitrary” – Hitler had his plans.]

Article 10: Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him. [So again, does this mean that all lawyers will be assigned and that no one will be permitted to “get the best lawyer that money can buy”? Further, how can anyone get a “fair... hearing by an independent and impartial tribunal”? No one is independent and impartial; all judges are appointed because of their biases; it would be more consistent to demand that all judges must demonstrate commitment to promoting “human rights” – or they will be impeached.]

Article 11: 1) Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law [what law?] in a public trial at which he has had all the guarantees necessary for his defense. [“All the guarantees” – what are these? Guarantees of being defended by a competent lawyer?] 2) No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed. [So does that mean that none of the atrocities committed by the Nazis or any subsequent dictators can be penalized?]

Article 12: No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honor and reputation. Everyone has the right to the protection of the law against such interference or attacks. [This is a meaningless statement until “arbitrary”, “interference”, “privacy”, “honor”, “reputation”, and “law” are defined. Suppose, as recently occurred in

Pakistan, some “tribal chief” has a “reputation” of protecting the “honor” of his tribe by ordering the rape of the sister of any boy who merely talked to the daughter of a member of the leader’s tribe? That’s tribal “law” – and you better believe that many humanists desire to interfere!]

Article 13: 1) Everyone has the right to freedom of movement and residence within the borders of each State. [Define “freedom of movement”. Does it mean that “sexual predators” can’t be tracked?] 2) Everyone has the right to leave any country, including his own, and to return to his country. [Including convicted felons?]

Article 14: 1) Everyone has the right to seek and to enjoy in other countries asylum from persecution. [Define “persecution”!] 2) This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes [Define “crimes”. Is it a crime to indoctrinate one’s children in one’s religion – and if not, why not?] or from acts contrary to the purposes and principles of the United Nations.

Article 15: 1) Everyone has the right to a nationality. 2) No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality. [If every one has the right to change his nationality, then does this mean that countries can’t restrict immigration?]

Article 16: 1) Men and women of full age [define “full age”], without any limitation due to race, nationality or religion, have the right to marry and to found a family. [Does this mean that any laws to restrict population are invalid? Are women to just keep popping out babies until there’s standing room only? To what purpose?] They are entitled to equal rights as to marriage, during marriage, and at its dissolution. 2) Marriage shall be entered into only with the free and full consent of the intending spouses. 3) The family is the natural and fundamental group unit of society and is entitled to protection by society and the State. [This is meaningless, until “protection” is defined.]

Article 17: 1) Everyone has the right to own property alone as well as in association with others. 2) No one shall be arbitrarily deprived of his property. [Define “arbitrarily”. Does this mean taxes and communism are prohibited?]

Article 18: Everyone has the right to freedom of thought, conscience, and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship, and observance. [What if that “practice” and “observance” includes flying planes into the Twin Towers to get into an assumed paradise?]

Article 19: Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive, and impart information and ideas through any media and regardless of frontiers. [Including the opinion that all xxx’s should be killed?]

Article 20: 1) Everyone has the right to freedom of peaceful assembly and association. 2) No one may be compelled to belong to an association. [But with this Declaration, aren't you attempting to compel everyone to belong to the United Nations?!]

Article 21: 1) Everyone has the right to take part in the government of his country, directly or through freely chosen representatives. [Even if a person is a blithering idiot, believing that some giant Jabberwock in the sky controls the universe?] 2) Everyone has the right to equal access to public service in his country. 3) The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures. [Universal and equal suffrage even for people who demonstrate that they're delusional, e.g., by believing in the above mentioned giant Jabberwock in the sky?]

Article 22: Everyone, as a member of society, has the right to social security [define "social security"] and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social, and cultural rights indispensable for his dignity and the free development of his personality. [What "economic rights"?)]

Article 23: 1) Everyone has the right to work, to free choice of employment, to just and favorable conditions of work and to protection against unemployment. [And what slave, pray tell, is thereby given the responsibility for paying for these employees?] 2) Everyone, without any discrimination, has the right to equal pay for equal work. 3) Everyone who works has the right to just and favorable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection. [Gimme a break! What is this, a rehash of the Communist Manifesto?] 4) Everyone has the right to form and to join trade unions for the protection of his interests.

Article 24: Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay [plus a summer home, a BMW in his garage, servants, and other perks appropriate for the leaders of this communist enterprise].

Article 25: 1) Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control. [Again: who has the responsibility to supply all these goodies – and why are those responsible thereby required to be slaves! And by the way, did you ask Mother Nature if she agrees? Are you sure she agrees to provide "a standard of living adequate for the health and well-being of himself and of his family..." for 6 or 9 or 12 or 15 or... billion people!] 2) Motherhood and childhood

are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection. [Provided by which slaves and by which planet?!]

Article 26: 1) Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit. [Once again: who's gonna pay for all this?] 2) Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance, and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace. [Why should people "tolerate" stupidity?] 3) Parents have a prior right to choose the kind of education that shall be given to their children. [Including the "right" to indoctrinate their children in religious balderdash?]

Article 27: 1) Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits. [There is no free lunch! Who's gonna pay the pipers for the paupers?] 2) Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary, or artistic production of which he is the author. [Go easy! No one is the sole author of anything. Try writing a book without using someone else's discovery of how to write, how to make a pen, how to... Try inventing a gadget or making a scientific discovery without relying on previous gadgets and discoveries!]

Article 28: Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized [Again: who is to pay for all this?]

Article 29: 1) Everyone has duties to the community in which alone the free and full development of his personality is possible. [Define "duties". What if someone considers it his duty to destroy a stupid foundation on which the community rests – such as any organized religion?] 2) In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order, and the general welfare in a democratic society. [Pollyannic nonsense! Most "democratic" societies are little more than mob rule. Who defines appropriate laws for "meeting the just requirements of morality, public order, and the general welfare"? What are "just requirements"? Whose definition of "morality"? How much "public order"? "General welfare" as measured by what standard and by whom? There are enough loopholes, here, for a dictator to drive a full column of tanks through!] 3) These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations. [Because the leaders of the United Nations, still another example of mob rule, are into grabbing more power.]

Article 30: Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein. [You mean that if I don't pay the people who demand payment for work that I don't want done, then I'm bad? And then: so what? What do you plan to do about it?]

Again, Dear, of course I agree that composing the UN's *Declaration of Human Rights* was a step forward. It was a gallant attempt to prevent the wrongs perpetrated by the Nazis from ever occurring again.

But, Dear, such declarations don't describe "human rights"; they list "wants" (at least as perceived by some people). Yet, and again, "political progress" doesn't mean "pursuing the impossible", it means making progress toward what's possible – and apparently, all that was possible in 1948 was to find some agreement on goals. Subsequently, other "human-rights goals" have been promoted by the UN, as well as by other organizations, especially the nongovernmental organization (or NGO) known as Human Rights Watch, whose home page is at <http://hrw.org/>). Certainly I praise and support such attempts, especially "rights" (or goals) for women and children – goals that the US has so far refused to endorse, courtesy religious fundamentalists in this country. For example, consider the following statement about Rights of Children as given by Human Rights Watch (at <http://hrw.org/children/>):

Children around the world suffer appalling abuses. Too often, street children are killed or tortured by police. Children as young as seven or eight are recruited or kidnapped to serve as soldiers in military forces. Sometimes as young as six years old, children are forced to work under extremely difficult conditions, often as bonded laborers or in forced prostitution. They are imprisoned in inhumane conditions, sometimes in cells with adults. They are often brutalized by guards or not protected from assaults by other inmates. Refugee children, often separated from their families, are vulnerable to exploitation, sexual abuse, or domestic violence. Ironically, within the care of the state, children are often subject to abuse and mistreatment – orphaned and abandoned children are housed in appalling institutions where they suffer from cruelty and neglect; many die. For many students, life in and outside of the classroom is intolerable – at the hands of peers and teachers, many children suffer under acts of discrimination, abuse, sexual violence, and harassment. In many countries, teachers are allowed to use corporal punishment on children. Children are discriminated against in education because of their race or ethnicity. Children orphaned or otherwise affected by HIV/AIDS are discriminated against and often are left to fend for themselves.

In the past, this huge and largely voiceless population has fallen through the cracks in the international human rights arena. Traditional children's humanitarian groups

have focused mainly on vital survival and development projects, and have rarely addressed other human rights concerns because they could not afford to antagonize host governments. Human rights groups have focused chiefly on the rights of adults. As the human rights movement was founded out of concern for political dissidents, it has sometimes overlooked those – like children – whose persecution is unrelated to their political views.

The Convention on the Rights of the Child put children's rights on the world's agenda; it is the most widely ratified treaty in the world. Adopted by the United Nations General Assembly on November 20, 1989, the Convention promises children around the world the right to life, liberty, education, and health care. It provides protection to children in armed conflict, protection from discrimination, protection from torture or cruel, inhuman or degrading treatment or punishment, protection within the justice system, and protection from economic exploitation, in addition to many other fundamental protections. Despite the convention's near-universal ratification (only the U.S. and Somalia have not ratified it), children are still denied their basic rights.

Similarly, consider the following statement about the “Rights of Women” given by Human Rights Watch (at <http://hrw.org/women/>):

Millions of women throughout the world live in conditions of abject deprivation of, and attacks against, their fundamental human rights for no other reason than that they are women.

Combatants and their sympathizers in conflicts, such as those in Sierra Leone, Kosovo, the Democratic Republic of Congo, Afghanistan, and Rwanda, have raped women as a weapon of war with near complete impunity. Men in Pakistan, South Africa, Peru, Russia, and Uzbekistan beat women in the home at astounding rates, while these governments alternatively refuse to intervene to protect women and punish their batterers or do so haphazardly and in ways that make women feel culpable for the violence. As a direct result of inequalities found in their countries of origin, women from Ukraine, Moldova, Nigeria, the Dominican Republic, Burma, and Thailand are bought and sold, trafficked to work in forced prostitution, with insufficient government attention to protect their rights and punish the traffickers. In Guatemala, South Africa, and Mexico, women's ability to enter and remain in the work force is obstructed by private employers who use women's reproductive status to exclude them from work and by discriminatory employment laws or discriminatory enforcement of the law. In the U.S., students discriminate against and attack girls in school who are lesbian, bi-sexual, or transgendered, or do not conform to male standards of female behavior. Women in Morocco, Jordan, Kuwait, and Saudi Arabia face government-sponsored discrimination that renders them unequal before the law – including discriminatory family codes that take away women's legal authority and place it in the hands of male family members – and restricts women's participation in public life.

* Go to other chapters *via*

Abuses against women are relentless, systematic, and widely tolerated, if not explicitly condoned. Violence and discrimination against women are global social epidemics, notwithstanding the very real progress of the international women's human rights movement in identifying, raising awareness about, and challenging impunity for women's human rights violations.

We live in a world in which women do not have basic control over what happens to their bodies. Millions of women and girls are forced to marry and have sex with men they do not desire. Women are unable to depend on the government to protect them from physical violence in the home, with sometimes fatal consequences, including increased risk of HIV/AIDS infection. Women in state custody face sexual assault by their jailers. Women are punished for having sex outside of marriage or with a person of their choosing (rather than of their family's choosing). Husbands and other male family members obstruct or dictate women's access to reproductive health care. Doctors and government officials disproportionately target women from disadvantaged or marginalized communities for coercive family planning policies.

Our duty as activists is to expose and denounce as human rights violations those practices and policies that silence and subordinate women. We reject specific legal, cultural, or religious practices by which women are systematically discriminated against, excluded from political participation and public life, segregated in their daily lives, raped in armed conflict, beaten in their homes, denied equal divorce or inheritance rights, killed for having sex, forced to marry, assaulted for not conforming to gender norms, and sold into forced labor. Arguments that sustain and excuse these human rights abuses – those of cultural norms, “appropriate” rights for women, or western imperialism – barely disguise their true meaning: that women's lives matter less than men's. Cultural relativism, which argues that there are no universal human rights and that rights are culture-specific and culturally determined, is still a formidable and corrosive challenge to women's rights to equality and dignity in all facets of their lives.

The Women's Rights Division of Human Rights Watch fights against the dehumanization and marginalization of women. We promote women's equal rights and human dignity. The realization of women's rights is a global struggle based on universal human rights and the rule of law. It requires all of us to unite in solidarity to end traditions, practices, and laws that harm women. It is a fight for freedom to be fully and completely human and equal without apology or permission. Ultimately, the struggle for women's human rights must be about making women's lives matter everywhere all the time. In practice, this means taking action to stop discrimination and violence against women.

Within the UN, “the Division for the Advancement of Women (DAW) advocates the improvement of the status of women... Aiming to ensure the participation of women as equal partners with men in all aspects of human endeavor, the Division promotes women as equal participants and beneficiaries of sustainable development, peace and security, governance

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and human rights. As part of its mandate, it strives to stimulate the mainstreaming of gender perspectives both within and outside the United Nations system.”⁴ If, Dear, you will dig into information about the Convention on the Elimination of Discrimination against Women (CEDAW),⁵ you will find “The United States is the only industrialized country that has not ratified CEDAW. By not ratifying [it], the U.S. is in the company of countries like Iran, Sudan, and Somalia.”

Some conclusions seem obvious. One is that, unless the UN gains power to enforce its declarations, they shouldn't be given such lofty titles as the *Declaration of Human Rights*. Instead, they should be called something similar to “Aspirations of all Humans” – and then, in the text, the word ‘rights’ should be suitably replaced by words such as ‘aspirations’, ‘desires’, ‘goals’, and similar, and expressions such as “entitled to all the rights” should be replaced by “aspire to”, or “seek the goals of”, or similar. Also, all such declarations must address the other side of the “rights coin”, namely, who has the responsibilities (negative “rights”!) to supply all the claimed (positive) “rights”? Which specific people are charged with supplying the security, employment, health benefits, social security, and so on? Who are to be the slaves?!

Stated differently and taking it to an extreme, the UN would have done far more to advance “human rights” if, instead of declaring various “human rights”, it had simply stated: “Using its armed forces, the UN will remove from power any leader of any country who isn't elected for a limited (two-to-six year) term by the country's adult males and females in a UN supervised election.” If only the U.N. could!

Which then bring me closer to the point that I want to make about how people gain various “rights”. Again, Dear, “rights” aren't “unalienable” or “inviolable”, and “rights” certainly aren't granted by any giant Jabberwock in the sky, any government, or any international organization (such as the UN). Instead, people gain “rights” by wrestling them from those in power. It may not seem to be a “politically correct” statement, Dear, but “rights” are just chips in a huge poker-game played among various-and-sundry power-players in every society.

⁴ Quoted from the homepage of the UN's Division for the Advancement of Women, at <http://www.un.org/womenwatch/daw/daw/>.

⁵ See, especially, <http://www.un.org/womenwatch/daw/cedaw/text/econvention.htm>.

For example, when you wanted to drive a car, then (except when you were with me on a desert road!), you needed to wrestle the “right” to drive both from your parents (from whom you’ve had to wrestle your “rights” ever since you were a baby!) and from your state. If at any time you violated any of their many rules, those power-players planned to withdraw the “right” you had won. Similarly, when the founders of this nation wanted their independence from Great Britain, they proclaimed their “unalienable right” to chart their own future – and backed up their claim of independence with revolutionary guns. In the resulting power play, Americans gained their “rights” by fighting for them. And similar is how African slaves in American made their first steps toward freedom: not by having their “rights” granted by a benevolent Abraham Lincoln (which was merely the culmination of their efforts), but by wrestling their freedom from powerful slave owners *via* revolution.

In this country, people gained subsequent “rights” more wisely. Women led the way; they gained their “right” to vote not by armed confrontation but by dogged determination, applying essentially any technique (short of violence) available to them. Learning from both this “women’s suffrage movement” and the nonviolent techniques brilliantly executed by Mahatma (“the great soul”) Gandhi in India, Martin Luther King used his religious training to manipulate “people power” to wrestle “civil rights” for African Americans, especially from white power-brokers in America’s southern states. Thereby, once again it was clear that “rights” aren’t granted by anybody, any body, or even any non-body (such as an alleged “creator”); they’re won by people who fight for them; they’re obtained by *expropriating* them.

Yet, we followers do inherit various “rights” from those who won them – and the absolute least we can do is protect those rights, to pass them on to those who follow us, e.g., in the US, by donating money to organizations such as the American Civil Liberties Union and Human Rights Watch that constantly challenge anyone’s attempt to eliminate some of the rights that others won for us.

In that regard, it seems that always the most dangerous power-mongers seeking to restrict human rights are those who seek more power for the government. As Daniel Webster (1782–1852) said (as I’ve quoted before):

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Good intentions will always be pleaded for every assumption of authority. It is hardly too strong to say that the [American] Constitution was made to guard the people against the dangers of good intentions. There are men in all ages who mean to govern well, but they mean to govern. They promise to be good masters, but they mean to be masters.

And thus, Dear, the struggle and strife that continues throughout the world, led by such brave souls as Nelson Mandela of South Africa, Shirin Ebadi of Iran, the Dalai Lama of Tibet, Aung San Suu Kyi (pronounced “Soo Chee”) of Burma, and millions of other less-well-known people who wrestle their wants, their “biological imperatives” from power-mongers throughout the world and especially from those in their own governments. Such heroes fight against a principle that seems never to cease being illustrated: power tends to corrupt, i.e., those with the most power give themselves ever-increasing power.

Thereby, when the people wrestled power over the American Colonies from Britain, Hamilton missed the point when people further desired a “Bill of Rights”. Hamilton argued that the people already had all their “rights” and that the Constitution constrained the “rights” of the Federal Government. But the people saw that giving a Federal government power was dangerous: they knew that power corrupts, and the more powerful it became, the more the rights of the people would be constrained. Thereby, what Hamilton missed was that a Bill of Rights for this country was never a specification of the rights of the people as much as it was a statement of limitations on the “rights”, the power grabbing, of the Federal Government. Ayn Rand made the point well:

Today, when a concerted effort is made to obliterate this point, it cannot be repeated too often that the Constitution is a limitation on the government, not on private individuals – that it does not prescribe the conduct of private individuals, only the conduct of the government – that it is not a charter for government power, but a charter of the citizens’ protection against the government.

Similar was written by Henry David Thoreau (1817–1862), in his 1849 essay entitled *Civil Disobedience*:

The authority of government... to be strictly just... must have the sanction and consent of the governed. It can have no pure right over my person and property but what I concede to it. The progress from an absolute to a limited monarchy, from a limited monarchy to a democracy, is a progress toward a true respect for the individual... Is a democracy, such as we know it, the last improvement possible in government? Is it not possible to take a step further towards recognizing and

organizing the rights of man? There will never be a really free and enlightened State until the State comes to recognize the individual as a higher and independent power, from which all its own power and authority are derived, and treats him accordingly.

Again, Dear, no Constitution (such as ours), no Declaration (such as those made by the UN), no philosophical treatises (e.g., on “The Rights of Man”), no Epistles (from some stupid pope) and various similar nonsensical statements by other religious and political leaders, and certainly no communications from some giant Jabberwock in the sky give people any “rights”. “Rights” are what people claim, by themselves. Every person alive who wants to continue living will claim “rights” to water, food, clothing, shelter, and similar; it’s just a convoluted way of saying most people will do what’s necessary for their own and their family’s survival. Also, it’s the nature of the human beast to think as it desires; any declaration of “rights” of people to their beliefs is just wasted words. People will also claim “rights” to possess their property – just as your dog claims his “right” to his bone. In his 2002 book *Shouting Fire: Civil Liberties in a Turbulent Age*, the Harvard Law Professor Alan Dershowitz describes the origin of rights extremely well [to which I’ve added some italics]:

Rights do not come from God, because God does not speak to human beings in a singular voice, and rights should exist even if there is no God. Rights do not come from nature, because nature is value neutral. Rights do not come from logic, because there is little consensus about the *a priori* premisses from which rights may be deduced. Rights do not come from the law alone, because if they did, there would be no basis on which to judge a given legal system.

Rights come from human experience, particularly experience with injustice. We learn from the mistakes of history that a rights-based system and certain fundamental rights – such as freedom of expression, freedom of *and from* religion, equal protection of the laws, due process, and participatory democracy – are essential to avoid repetition of the grievous injustices of the past. Working from the bottom up, from our experiences with perfect injustice, rather than from the top down, from a theory of perfect justice, we build right on a foundation of trial and error. *In a word, rights come from wrongs.*

[M]y theory of rights is really a theory of wrongs. It begins with what experience has shown to be absolute injustices: the Crusades, the Inquisition, slavery, the Stalinist starvation and purges, the Holocaust, the Cambodian slaughter, and other unquestionable abuses. It then asks whether the absences of certain rights contributed to these abuses. If so, that experience provides a powerful argument for why these rights should become entrenched. The bottom-up approach builds on the reality that there is far more consensus about what constitutes perfect injustice than about what constitutes perfect justice. If there can be agreement that certain rights are essential

to reduce the chances of perfect injustice, that constitutes the beginning of a solid theory of rights.

But then, although I totally agree with Dershowitz's theory, there's need to put the theory into practice. And in putting such theory into practice, methods are important, i.e., the methods people use to extort the rights they want from those who think that that they have the power to withhold such rights.

Returning to the abortion issue for an example, the reason why it continues to be so contentious in this country is that a woman's "right" to have an abortion was obtained in the "wrong" way. Always, to gain a "right", it must be extorted from those who have the power to withhold the "right"; in a democracy, the appropriate way to extort a "right" is to convince the majority that such a "right" should be granted; that is, to convince those who really have the ultimate power in society (i.e., the people) of the "rightness" of the "cause" – as was done so brilliantly by women seeking the "right" to vote, by Mahatma Gandhi seeking the "right" for India to be independent from Britain, and by Martin Luther King seeking "civil rights" for African Americans. But in the case of the abortion issue, that didn't happen. Instead, those who sought "abortion rights" (or "freedom of choice") performed an "end run" around the majority (around the legislative process) and sought "abortion rights" from the courts. Foolishly, the Supreme Court "invented" the "right to abortion" in their "Roe v. Wade" decision, claiming that during its first trimester of life, an unborn child did not have a constitutionally protected "right to life". But obviously a great number of Americans disagreed with that (arbitrary) decision.

Of course it's understandable why "activists" chose "the legal route" rather than "the legislative route" to gain "abortion rights": when humanists become so frustrated by religious stupidity, they seek relief wherever it can be found. Similar seems appropriate for seeking relief throughout the world on other "women's rights" issues – and especially for seeking "rights" for the world's children. All of which then points to fundamental flaws in the organization of the global Human System: flaws in its management and even in what it has learned. Trying to correct such flaws, however, is a huge topic – which I'll postpone until later X-chapters. Meanwhile, consider the potential flaw of your failing to get more exercise, for as Jefferson said, "...health is worth more than learning."