

There Is No Such Thing As A Right

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Impassioned orators large and small, including those in the highest places, sling around the noun “right” as if it were something extremely important and about which they have a deep understanding. In 99% of such cases, the users of this word probably haven’t given its meaning much serious thought. In 99.99% of the cases (and this percentage could be even higher), the statements made are incorrect in some sense and the speakers do not actually have an in-depth understanding of this word. In view of the visceral reactions people frequently have to statements containing the word “right,” not to mention the major decisions affecting everyone that are justified by using the term, it is past time for a calm and logical examination to bring some clarity to this concept.

Some say that every person has a right to life. Some think people have a right to liberty. Others claim the right to own and control property. Still others insist that people have a right to pursue happiness, to health care, to a decent standard of living, and on and on. What do they mean, or think they mean, when they make these statements? How many things are really rights, if any? If they exist, from where do rights come?

The most common understanding of the noun “right” in the above context is this: ***a liberty of action or a benefit that every person is entitled to, that cannot be taken away, and about which everyone agrees*** (or certainly should agree, unless they are a stupid @#\$%^&*!!! ignorant lout, etc., etc.). Of course, problems abound because people do *not* all agree about rights. Most religious people say rights are conferred upon humans by “God” or some other deity. Non-religious people claim that rights come from “nature” (which belief might itself be considered a religion of a sort). Statists of every ilk (socialists, communists, Marxists, fascists, monarchists) insist that rights are granted to people by the state.

When people disagree, there *is* a way they can peacefully resolve their differences as long as all parties subscribe to the tenets of Aristotlean logic and the scientific method. They can check and verify their premises against objective reality, then build upon the premises with logic, agreeing at each step, until they ultimately arrive at the conclusion with which they then must all agree. Note that this process involves no force or coercion. However, also note that such a process is not possible whenever an irrational participant is involved. There is no way to have a logical debate which is guaranteed to reach a conclusion that all agree upon as long as one party is illogical or irrational. It’s just an exercise in frustration. Perhaps the main source of (or indicator of) irrationality is religion. Religion of any flavor is based on some great leap of faith – the acceptance of an idea or concept with no way to prove its validity against objective reality. Thus, by its very definition, religion is *not* rational or logical; the purpose here is to state pertinent facts, not to attack religion. Of course, everyone has a right (that word again) to believe whatever they want, if there is such a thing as a right.

In an effort to shed some light on the subject in a manner with which rational people can agree, let us try a “thought experiment.” Imagine that there is only one person in the world (a very simple version of the “state of nature” as explored by Thomas Hobbes, John Locke and others).

What rights would this lonely person have? One might think that she (assume a woman, although it surely could just as well be a man) would have any and all possible rights. At least, with no other people, there could be no problem with anyone disagreeing that she has any particular right; so we only have to worry about the part of the definition that says the right cannot be taken away.

How about one of the most basic, the right to life? She should be OK with the right to a natural life as there is no one else around to commit murder. Of course, there could be large carnivorous animals that would rather have a tasty dinner than respect her right to life, so even this basic right is not “inalienable” under all circumstances. It would require sufficient strength and/or intelligence to either overpower or protect against such animals in order to defend the right to life.

How about private property ownership? No problem.

Liberty? Anything you can do, you may do!

How about rights to health care and a decent standard of living? Sure! However, these would necessarily and obviously be *limited to whatever she could provide for herself*.

Suppose that we now add two or three more people to this world. As long as they are very widely separated and never come into contact, all of the above remains true. But when the population density reaches the point where there is contact and potential interference, problems multiply. There is a probability that someone will disagree that she should have any particular right, or just arbitrarily decide to take the right away from her. That probability approaches certainty as the population grows large. Whether or not she can hang onto (what she thinks are) her rights depends on her strength relative to the strength of whatever person or gang decides to deny her those rights.

Suppose now that our heroine is able to assemble a large group of like-minded persons who reach a consensus as to what rights they should have. They form a gang of burly people to secure these rights and come to the aid of any person whose rights are threatened. This might work as long as the gang behaves well and commands sufficient muscle to defend the rights against any person or other gang. (In our real world, the gang is often called a government.)

Several conclusions may be drawn from the thought experiment. Whether or not a person is “entitled” to some particular right based upon an abstract argument or a theory, the right has zero practical value to the person unless it can be defended and secured by a sufficient force. The only thing certain is that the law of the jungle (survival of the fittest) always applies with no exceptions. There is just no such thing as an inalienable right or one about which every person agrees (as specified by the classic definition). Conversely, almost anything can be made into a right as long as a sufficient force structure exists to secure it. This last explains why the rights topic can seem pretty fuzzy; there is no automatic hard line dividing rights and non-rights. Since rights just do not exist in the romantic way people traditionally think of them, they do not “come from” anywhere as a tidy pre-ordained list. The fact is that rights are purely a human construct which is still a work in progress. Since rights are a human construct, their purpose and definition are entirely up to humans. And that is exactly what has been happening for

thousands of years with assorted results: various people in power have been defining rights in accordance with their ideas, prejudices and purposes.

The usual question, “What rights do people have?” can be much more usefully recast as, “What rights should a power structure be established to secure?” The only reasonable way to approach this problem that could be successful is to define rights in a way that all rational people can agree is “best.” Sorry, but for reasons previously discussed, irrational people are unable to participate in this process. However, one of the first things the rational people will probably conclude quickly is that all people should have the same rights. It can be hoped that the definition forged by the rational people will likely also be “best” (or very close to it) for any irrational people. Hey, it’s the messy real world we must deal with, and the real world is just not perfect; it’s a mistake to pretend that it is.

The remaining challenge is to come up with the correct definition of “best.” The “rights problem” has been around for a long time, so over the centuries, some very intelligent and thoughtful people have pondered it. A few of those who have made notable contributions are John Locke, John Rawls, Robert Nozick, Friedrich Hayek, Murray Rothbard and (quite recently) Hans-Hermann Hoppe. (It will be rewarding for the interested reader to become familiar with the work of these scholars.) The most logically supportable definition of rights is one generally known as “libertarian rights.” A critical and fundamental right is that of private property ownership. The first piece of private property that each person owns absolutely is herself. It follows directly that each person also owns the product of her labor. People must then have the liberty to do whatever they wish with their justly acquired private property, limited *only* by the caveat that they must not infringe upon the equal liberty of other people to do whatever they like with their justly owned private property. This balance must be struck and maintained carefully, thoughtfully and fairly. If someone does infringe upon another’s rights, she must be held personally responsible. This simple statement of libertarian rights is powerful and has far reaching (good) ramifications.

But why not define “best” directly in terms of what people really want: ***The definition of rights that each person should have must maximize the total “happiness” of all people.*** While such a statement sounds great and is pretty easy to agree with, it may seem that the concept is too nebulous to have any practical value. It is true that happiness is difficult to measure and that the happiness of each individual likely results from a large variety of different things. We *can* conclude, though, that in order to maximize happiness, each individual must have the freedom to pursue her own unique path to happiness. Obviously, the use of force, coercion or the threat thereof either prevents a person from doing something that she wants to do or requires her do something she does not wish to do. Clearly, force and coercion can only restrict freedom and directly reduce happiness. Therefore, we can say that ***the definition of the rights that it would be best to empower a gang to secure has to maximize individual liberty and involve the least possible application of force;*** these two goals are entirely compatible and are two ways of saying essentially the same thing. This is a much more objective and actionable definition of “best” which follows rather directly from the statement at the beginning of this paragraph..

Libertarians say no individual or group of individuals may *initiate* the use of force or fraud and that force must not be used to achieve social or political goals. The only proper use of force is as a response to a prior initiation of force or fraud. Even a gang that is empowered to protect rights generally may not initiate the use of force (though there necessarily are some extremely

limited exceptions); its role being to counter prior initiations of force or fraud and to secure justice.

Let's recheck our list of rights in a populated world under the libertarian definitions.

- Right to life – Check.
- Private property ownership – Check.
- Liberty – Anything you can do you may do, *as long as you do not infringe on anyone else's equal rights.*
- Healthcare and decent standard of living – Sure, but *only what you can provide for yourself.* Note that you cannot steal (forcibly confiscate wealth) from anyone else to enhance your situation, and even the gang or government cannot steal from anyone else on your behalf!

The list is remarkably close to the same rights you would have if you were the only person in the world. However, you would be dramatically better off in a populated libertarian world than if you were alone. The healthcare and general standard of living that you could provide for yourself would be vastly superior, greatly amplified by specialization and peaceful, voluntary exchanges with other people.

In a society where people are free, honest and peaceful, a free market economic system will spontaneously self organize. It is based upon six pillars:

1. Private property ownership – Without this there is only tyranny.
2. Specialization – People are free to specialize at whatever productive endeavor they do best.
3. Voluntary exchanges – People are free to exchange goods and services.
4. The price system of resource allocation – Prices always and freely adjust to keep production and consumption matched and to assure that scarce resources are always smoothly allocated to their most efficient use.
5. Market competition – Competition among many buyers and many sellers assures that prices are an accurate measure of value.
6. Entrepreneurship – Some people are willing to assume the risk of combining the factors of production (land, labor and capital) using their ingenuity to create new or improved goods and services with the incentive of possibly making a profit.

A free market economy is entirely voluntary. It involves no force or coercion and is the only economic system possible in a libertarian society. Something almost magical happens when each free market voluntary exchange is made: wealth is created. Suppose you exchange \$100 of your hard-earned money for, say, some clothing. Obviously, you valued the clothing at more than \$100 or you would not have made the exchange. Similarly, the previous owner of the clothing valued it at less than \$100 or s/he would not have agreed to the exchange. Note that **both** parties to a voluntary exchange make a profit and come out ahead; this is guaranteed, but it is only guaranteed when the exchange is completely voluntary on both sides. Thus, a \$100 voluntary exchange satisfies **more** than \$100 of wants. Not only is the free market the fairest system, but it has clearly demonstrated that it is by far the most powerful engine of wealth creation ever known. It harnesses natural and normal rational self-interest to most efficiently satisfy everybody's wants. The way you improve your situation and get ahead in a free market economy is by doing a good job of satisfying other people's wants! It's a beautiful thing.

Sadly, understanding of basic economic principles is insufficiently widespread; the benefits of a free market economy are woefully underappreciated and often irrationally vilified.

Some words of warning about gangs and governments are definitely in order. When people do get together and decide to empower some organization to protect their rights, extreme caution is essential. Granting the power necessary to protect rights creates a dangerous entity also capable of restricting rights and destroying freedom. The people need to be certain that the organization is strictly limited to protecting very clearly defined rights and that it is allowed to do nothing else. Since the people are creating it, they need to guarantee that they remain in control and are able to modify or abolish it if/when it is not acting as intended. These things are far easier said than done. Power corrupts. The founding fathers of the United States understood these tricky problems very well. The following quotation attributed to George Washington sums it up: "Government is not reason; it is not eloquence; it is force. Like fire, it is a dangerous servant and a fearful master." The framers of the U.S. Constitution made a very creditable attempt at defining rights and establishing a safe gang, but a combination of power hungry, corrupt politicians and apathetic citizens has allowed government fire to blaze way out of control. Of course, unlibertarianlike confiscation of wealth (taxes) to fund government operations is a glaring problem with any such power structure once it expands beyond its minimal role of securing basic rights.

There is a subset of libertarians called anarcho-capitalists who say that governments are much too dangerous and are not really needed anyway. They argue that all of the functions that would be proper for governments to provide can be better and more safely performed privately within a free market economy. It is possible that they could be right. The track record of governments is abysmal. It's hard to point to any current or historical example of a government that did a truly good job over a long span of time of protecting the right rights and not unnecessarily restricting citizens' freedoms.