

Where Do Rights Come From?

Your rights don't come from wrtings.

Guest post by Spencer Morgan.

One of the recurring confusions that I encounter in discussions about liberty is the idea of rights. There is probably not a single philosophical issue around which more confusion gestates, both among advocates of individual rights and their opponents. So where do our rights come from and what are they?

The first step in ending this confusion is to dispel the false notions that come from terminology. We tend to refer to a “right” as some sort of physical object, that can be transferred from one person to another or conveyed by a government or other group to a person. Phrases like “constitutional rights,” “civil rights,” “legal rights” and even “God-given rights” all perpetuate this problematic notion that a right is something given to us from an outside source (please hear me out on this one, Christians).

A right is not a physical object evident in the material world, nor is it a materially evident trait manifested by a type of organism. It is merely a concept applied by the human mind. That fact, however, does not at all undermine the validity of rights as a concept.

To further clarify, we need to separate the idea of “natural rights” or “unalienable rights” from rights in the more general sense which could mean any just entitlement owing to an individual. A “natural right,” rather than arising from any act of consent or individual will via groups or legislatures, is the *ultimate source* of those types of entitlements because it is the conceptual basis *for* that very consent or cooperation. A “natural right” is a conceptual sphere of free, uninhibited action that we presume to apply to each individual by virtue of their condition of humanity. **There really is only one basic, natural right and that is self-ownership or self-determination. This implies free action in the use of one's mind, body, time and the entitlement to use and retain the results of that exercise.** Every other “right” whether it be a natural right, or a right arising from consensual agreements, is ultimately just a contextual application of this one basic right.

This is why it is counter-productive to refer to rights as “constitutional” or “civil” or even “God-given.” It confuses the nature of what they are, and treats them as something we have to be granted from an external source. The idea that a right can or must be conveyed by virtue of one's identifying with a minority group, citizenship in a nation-state or even by virtue of divine decree itself is an idea antithetical to rights. This is because such notions would imply that in the lack of those constituting circumstances the rights would not be valid.

If one believes in a divine creator, then certainly that creator would be the ultimate source of rights by virtue of that creative act... but not in the direct sense by decree or bestowal.

What we can all observe is that *whatever being, power or process accomplished our creation placed us in a condition that implies these rights.* Therefore, it is not necessary to hold a particular view of the origin of human life in order to observe and correctly extrapolate the concept of natural rights from the existence of that human life.

We can eliminate the barriers to our unity on this underlying moral issue of self-determination by shedding these bad conceptions surrounding rights. These falsehoods all tend to impose a greater burden of religious agreement or unity of specific cooperative goals than is necessary. Once we shed them, and become more rational and careful in our use of words, we can come together on the basic morality of self-ownership which we are already implying in our day-to-day dealings with others and move forward from there so that we can all act upon our divergent interests all of the ways we individually desire so long as they are consistent with that basic moral rule.