

The Reformulation of Rights as Liberties

While we're on the topic of liberties and crimes, I think taking a ~~second~~ ~~third~~ ~~fourth~~ ~~fifth~~ ~~sixth~~ look at the concept of rights is in order. Here's a question: *What if rights were simply, liberties?*

Everyone and their mom likes to posit that humans have rights, and they shan't be violated. Some say the source of these rights are God, or the gods. Others say that our rights were bestowed upon us by nature. Others, by "government" (Oy!).

Along came some mostly rational thinkers and explained that rights aren't a thing, but rather, they are the absence of a thing. Rights, properly understood, are negative. This means that saying, "I have a right to life" is really saying, "Others have no right to kill me." Another example, "I have the right to dance to music" is "Others don't have the right to stop me from dancing to music!"

Some more mostly rational thinkers stepped up to declare that all so-called rights are property rights, starting with self-ownership, and if an action doesn't concern the use of one's own property, then it's not a right. It's something else, a privilege.

Finally, some almost totally rational thinkers stepped up to show that rights, positive or negative, aren't a thing, or an absence of a thing, but instead a tool, a mental construct, that served a purpose by those who shared it, ie. members of a society. The tool is meant to foster peaceful coexistence, and no more. Those who value coexistence will recognize and respect everybody's rights. Those who don't value coexistence, may not respect others' rights, and thus may be dealt with on the same basis, if their actions prove nefarious.

Through my study of this concept and the evolution of where my thinking on it stood, I have decided, for now at least, that "rights" are just *liberties*. What are liberties? To understand liberties, we must understand their opposite: crimes. In my article titled, "Two Types of Laws; The Voluntarist Perspective on Politics" I wrote,

Crimes are actions that produce victims, which in popular usage can mean almost anything undesirable under the sun. A more principled approach to understanding crime and victimhood is to narrow the definition to a state in which somebody has been forcefully or fraudulently deprived of life, liberty, or property.

Crime includes such obvious actions like murder, battery, rape,

assault, and theft. How particular people define particular instances of these types of action may differ, but for the most part, physically hurting people or taking their stuff is generally viewed as criminal behavior.

Liberties, on the other hand, are actions that do not produce an identifiable victim. They are actions that people should be free to perform as they do not victimize, in the criminal sense, other people.

Liberty includes a much broader spectrum of actions than does crime. I think we can confidently say that any action that is not criminal, is a liberty. Liberties typically comprise 100% of people's actions day-to-day. Think of anything you do: does it physically hurt somebody or take/damage their stuff? Then it's a liberty, not a crime.

As liberties, rights are merely non-criminal positive actions. Everytime you perform a liberty, you are exercising a right. To say, "I have a right to life" is to say, "I am at liberty to live." And also, "Others are not at liberty to kill me." Both statements are absolutely true. Simply living is a liberty, as it doesn't victimize anybody, and when others try to kill me, they are performing a crime, not a liberty.

Any liberty you perform, you are automatically, by definition, exercising a right. Likewise, any crime you perform, you are automatically, by definition, violating a right.

Think about it this way: every time somebody is claiming a right or lamenting a rights violation, what are they actually saying in terms of liberties and crimes, and is it valid? Let's see.

"These people have rights, you can't just come in here and take their homes and push them out!"

What is being said here? Methinks, "These people are at liberty to keep and live in their homes; to come in here and remove them is a crime!"

Keeping and living in their homes is a liberty (a right), by virtue of it not being a crime. And to forcefully interfere with this liberty is a crime by virtue of its victimizing nature.

Now, is it true that the people in this example are *at liberty* to keep and live in their homes? Perhaps, but perhaps not. Depends on how they obtained these homes and

whether or not doing so was itself a criminal action. If that's the case, then forcefully removing them may be an act of justice on the part of those who were victimized to obtain the homes in question. We don't automatically know, we must investigate the situation, trace cause and effect, determine which actions were liberties, and which were crimes.

Only then can we know whose rights were violated, and who were the perpetrators of rights violations.

If at this point you're thinking that all of this sounds tautological, that's because it is. I am not claiming that anybody is under any obligation to respect other people's rights, to abstain from criminal behavior, or anything like that which usually accompanies the concept of rights. I have merely reformulated the entire concept of rights, and I hope that I've brought, finally, some sense to it.

To close, here are some points I've made in my past writings on rights, and below each are how these points are reconciled under this reformulation.

From "Rights are a Tool":

It is my belief that rights only exist as a matter of abstract thought among human beings who desire to live together in peace and harmony, in society.

Reformulated: Rights exist as positive actions, so long as those actions are not criminal in nature. Rights, or liberties, are exercised in lieu of crimes, pursuant to the desire to live among other human beings in peace and harmony, in society.

From "Might Makes Rights":

[The] only way to secure property rights is through the the use of might (of force or reason).

Reformulated: The exercise of rights, or liberties, are only as secure as the willingness to forcefully (by word or by deed) repel crime. Only the mighty are at liberty, so to speak.

From "Rights Don't Exist? Bitch, Please":

I see no point in shouting or arguing "Rights don't exist!" Not only is it to contradict one's behavioral language, but it serves no purpose.

Rights do exist in the way explained. It is far more effective to tease out what people verbally or behaviorally claim are their rights.

Reformulated: Anyone exercising a liberty is, by the exercise thereof, claiming the right to do so. Rights do exist, in observable reality, in this way. If a person is claiming a right that would require criminal action, it is not a right. It is a crime. So-called rights like “a right to a free education” or “a right to affordable housing” or “a right to free health-care” are only rights insofar as obtaining such are the result of performing liberties, not crimes.

And finally, from “We All Acknowledge Rights“:

[Every] actor presupposes some underlying rights-based structure, typically beginning with some theory of self-ownership, and often expanded into a theory of property.

Reformulated: Every actor engages in either liberties, or crimes. Those committed to avoiding and combating criminal behavior are presupposing the invalidity of crime as compatible with their chosen preferences, which must include peaceful coexistence with other people.

I can't finish without two more comments. This reformulation of rights has heretofore presupposed human behavior toward other humans. What about the actions we perform toward animals? From their perspective, our actions are either liberties or crimes. Same logic applies. Do you prefer peaceful coexistence with other animals? Then respect their rights (to live). If you're like me, and you prefer to eat some animals, and not others, then don't respect their rights. Animals have every right (are at liberty) to defend themselves from humans. Are humans at liberty to defend animals from other humans? In my opinion, only those animals which are claimed as property by said humans, in which case they are at liberty to protect them.

What behavior constitutes crime is often a point of contention. Every person, society, and culture have different ideas on what constitutes crime. That's a discussion for another time, but for those interested I've written a six-part series on universal ethics that has a lot to say on this question, which starts here.