

Rights as Things

Post by Skyler J. Collins. Originally written April 2010.

What are rights? The purpose of this short essay, or collection of thoughts, is to explore that question. So many commentators on rights treat them as something tangible, such as:

"We have rights." as compared to "We have milk."

"Don't tread on my rights." as compared to "Don't tread on my land."

"Rights are a gift from God." as compared to "Manna is a gift from God."

What is obvious is that they are anything but tangible. So why do we talk and write like this about rights? If I am alone on an island, do I have rights? What rights do I have? It seems I wouldn't have rights because I would have no need for the entire concept. Why not? Because the concept of rights depends on others. To claim you have rights is nothing more than to claim you have exclusive control and authority over your actions and behavior. Because others claim to have rights, they too have exclusive control and authority over their actions and behavior. This claim of exclusive control and authority necessarily indicates that we claim ownership of our ourselves. "Ourselves" includes both the tangible and intangible components.

Everyone claims rights, so everyone claims exclusive control and authority over themselves. It necessarily follows that no one has (justifiably) exclusive or partial control and authority over anyone else. On an island where only one person lives, the concept of rights is meaningless because there is no one else on the island that can claim control and authority over the lone person, so his claim of exclusive control and authority over himself is unnecessary. We can see then, that rights are not something we have, but something that we don't have. What we don't have is a claim of control or authority over anyone else.

The previous phrases must be understood as:

"We have rights." really means "No one else can claim control and authority over us."

"Don't tread on my rights." really means, "Don't claim control and authority over me that you don't have."

"Rights are a gift from God." really means, "God hasn't given anyone

else control and authority over me.”

There are only two ways a person can claim control and authority over someone else. The first is to be given permission to exercise control and authority over someone by that person. This person already has control and authority over himself, and so he can share that control and authority with someone else. (He of course cannot completely relinquish it, as free will dictates.) The second is to pull the claim of control and authority over others out of thin air. (Even claiming God gave you this control and authority is “out of thin air” relative to another, if they disbelieve this authority came from God.)

The idea of rights, or more accurately, the idea that no one else can make a claim of control and authority over us, is as far as the “social contract” can go. It cannot go any further than this without being a tangible contract (written and signed). By claiming we have rights, we are then forcing ourselves by that claim to respect the rights of others. To disregard the rights of others, then, is to disclaim our own rights. This is why exercising control and authority over others in retaliation to the control and authority they exercised over us is logically and morally justified. By initiating aggression against you (your person or property), they have shown they don’t believe in the concept of rights, and so cannot object to their being aggressed against (arrested, incarcerated, executed) by you (or your agents). It must also be understood that retaliatory force cannot exceed the level used by the initiator for this very reason.

This brings me to my final thought. Because a right is the claim that we are the only ones with control and authority over ourselves, all rights must be understood as property rights. The right to believe what I want requires my controlling my mind; the right to say what I want requires my controlling my speech; and the right to defend myself requires my controlling my whole person in removing it from or resisting harm. It is because we own ourselves, our minds, our bodies, and whatever material external to us that we either homestead (first to claim ownership of out of nature through utilization) or trade for, that we can claim any rights at all, relative to others. If anyone else assumes control and authority over us that we have not given them, then such is a claim of full- or partial-ownership, thus reducing us to slaves. To limit what I can believe, what I can say, how I can defend myself, or even what I consume, is to make a claim of ownership over me. For reasons explained above, this would be completely unjustified and illegitimate. Every law passed and every law we submit to, must be weighed against this concept of rights that I have outlined here.