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Making Human Rights Really Real

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In lieu of Illinois Wesleyan's "Making Human Rights Real" endeavors this school year, questions arise concerning the meaning of human rights and how we can effectively apply such a concept in the world around us. The discussion of human rights has long been one of the most contested among political philosophers and ordinary citizens alike. And rightfully so, because its conclusions hold drastic implications for individuals everywhere at all times. In order to avoid a muddled debate on the subject, it is critical to concretely define human rights. Thus, the concept of a "human," the concept of a "right," and government's role in protecting these values must be made coherent. To give up on these issues simply because they are perhaps far from being resolved is to give up the purpose of government, rights, and likely humans themselves.

Sciences including biology, psychology, and anthropology have studied what makes a human for centuries, and though these sciences are far from being finished, their answers cannot be ignored in any discussion involving human rights. The characteristics which separate humans from other animals are those which will entitle them to specific rights, and so must be consistently agreed upon. Humans are *Homo sapiens*—upright-walking mammals—but most importantly, possessing a unique rational faculty. Reason is what segregates humankind from the rest of the animal kingdom. While other species live predominantly perceptual and instinctual lives, surviving for survival's sake, humans are taught to value and pursue life from a young age. Left to his or her own devices, an infant will not understand the necessities of life nor how to obtain them.

Rather, automatic perceptions are eventually applied to learned concepts. These concepts are the foundation of knowledge which is not only compounded during an individual's lifetime, but passed on to future generations via evolving means of communication. An individual's knowledge and the ability to consider the costs and benefits or causes and effects of any given action allow them to choose their course in life according to their values. And contrarily to other animals, if a human does not value life, he or she can choose to not pursue it. Humans, then, are creatures

whose rational faculty allows them to conceptualize their perceptions and make educated decisions based on their desires and the implications of their actions.

Human nature, then, is to use a rational faculty to pursue values. This requires that people deal with each other willingly and reasonably. The antithesis of this would suggest that people may deal with one another by force. Force negates the willingness and reason of any transaction and surrenders the rational faculty of the victim to the whim of the arbiter. In no situation under the threat of force is an individual able to choose their own course and pursue their own values. Rather, an aversion to pain or death is the only overwhelming concern at hand, and indeed the only rational activity possible at that moment. To preserve human nature—and humans themselves—force must be disallowed as a means of dealing with people. This is the origin of a right.

An individual has the right to life and liberty. This means that no person or persons may forcefully take another's life or alter the course of their life against their will. This principle is what ensures that people need only to deal with those whom they choose in the pursuit of their own ends. These rights are perhaps best thought of as what many political philosophers call a negative conception of rights. Negative rights protect people from certain actions like abuse or theft, as opposed to positive rights which entitle people to certain goods. Nevertheless, under this conception of negative rights, every individual has the right to act as they will, according to their cognitive capacity, and deserves the assurance that the course of their life is not subject to change at the hand or gun of an irrational coward.

Naturally following the rights to life and liberty is the right to property. Property must be earned and maintained through labor and voluntary transactions with others. Any acquisition of property through force comes at the expense of another's life, liberty, and labor. In fact, the right to property reinforces the right to life much as the right to life reinforces the right to property. One's life is sustained through the use and disposal of property; without a right to use property as one sees fit, one cannot live life as they choose. One's property is conversely a result of their livelihood and their decisions; without a right to life and choice, obtaining property is futile. Thus, humans and human nature require that force is an illegitimate means of dealing with people—that life, liberty, and property are rights

belonging to each and every person equally. This is the origin of proper and salutary government.

Government is constructed among people to protect human rights—namely the rights to life, liberty, and property. This entails that a government defend its citizens from the use of force, whether used between citizens or by noncitizens. As such, government must be the sole legitimate arbiter of force and must only use force against those who compromise the rights of their people. Government and political discourse should exist to and are necessary to protect humans, human nature, and human rights. Without a government established to wield the threat of force against those who choose to deal with others forcefully, there is no effective way to safeguard humans, the rational thought process by which they live their lives, or their liberty and property. However, government has been used toward many different ends across civilizations. It has been utilized to conquer foreign lands, redistribute wealth and resources, and even decimate portions of their own constituencies. None of these actions fulfill the primary purpose of government. A global history rife with states abandoning government's most noble purpose has left us with case studies including a war-torn and impoverished Africa, a struggling Russia, and our nation's own bloody civil war.

As evidenced, disregarding the idea of human rights and its proper place in government would be destructive. As previously mentioned, the study of what makes a human distinctively human is not concluded. Hence, human nature may not yet be comprehensively defined; and most certainly, deliberations regarding government's role in people's lives are not yet settled. However, these concessions are far from forfeiting the discourse on human rights. It is important to incorporate what we do know in the continuing discourse on human rights. Then as our understanding of humans and human nature expand, our thoughts on human rights and their political implications may change accordingly. For the time being, we must attempt to make these concepts as coherent as possible while knowing what we know. The consequences of abandoning the discussion altogether have been and will continue to be relatively catastrophic.

If the concept of a "human" is given up on, we fail to distinguish ourselves from the rest of the animal kingdom. This will lead to one of two deductions: either every animal is permitted similar rights, human rights

being unexceptional compared to the others', or there is nothing about any animal's nature that permits it rights. If human rights are unexceptional, perhaps every animal's life, liberty, and property are its own by right and should be protected by government and society as such. This will undoubtedly alter life as most are accustomed to it. Force then becomes an illegitimate means of dealing with all animals, eliminating the possibility of using animals for consumption or in captivity. Granting property rights to wild animals will surely result in countless trespassing charges against all animals, as they are unlikely to settle as definitively as humans. The results of deducing that no animal's nature permits it rights will be similar to giving up on the concept of a "right."

If the concept of a "right" is given up on, there is nothing safeguarding humans or ensuring their ability to pursue their values through rational means. Instead, force becomes a tolerable means of dealing with people, meaning that anyone's life and property is subject to the whim of the stronger and more forceful. A Hobbesian state of nature is reinforced, wherein a brutal state of chaos is never-ending because the weak are subject to the strong and the strong are subject to a collective of the weak at any given time. There is no concept left which suggests that people engage in only voluntary and rational transactions; there is no concept left which prevents enslavement and homicide; there is no reason left to maintain and better one's life or property, as either can be taken without warning or justification. Additionally, if surrendering the concept of a right, the purpose of government is given up on.

If the proper purpose of government is given up on, the results are likely the same as giving up on the concept of rights. Any number of individuals may still agree on a conception of rights, but there is no institution to protect them without government. If the state does not exist to deter those who use force, there is only a shared conception among people with nothing ensuring its reinforcement. There is no means, then, of countering those who use force. With no deterrent or punishment in place for the use of force, there is nothing beyond a shared conception preventing the society from collapsing into the same Hobbesian state of nature and the outcome may be equally disastrous.

As illustrated, the discourse of human rights is politically necessary, and in fact the foundation of politics. Not only is this discourse politi-

cally necessary, but it is essential to preserving humans and human nature. Without making human rights real, government serves no purpose and nothing separates humans from the rest of the animal kingdom. Without making human rights real, nothing ensures that people deal with each other rationally, as human nature allows. Though the discourse is contested and assuredly will be for quite some time, the idea of human rights can be made coherent, the discourse can be made consistent. And not only is it productive, but it is necessary to government, human nature, and humans themselves.