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Commentary

Natural Rights: A Matter of Origins

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Within the general category of “natural rights”, there are two underlying schools of thought. Both believe that human beings possess certain rights and that these rights cannot be infringed, even by legitimate government action. (This is not to say that these rights are never violated. In fact, these rights are often infringed by governments acting outside of their proper and legitimate role.) Between these two camps, there is only minor disagreement about what these “natural rights” are, and both camps believe that an understanding of these natural rights is essential to the cause of liberty. Despite all of the commonalities, however, these two schools of thought have one very significant difference: their understanding of the source of these rights.

One might ask, “If both sides generally agree on what these rights are, why does it matter where they come from?” In this article, I will

explore some reasons why the source of our rights is an important question—one that needs to be answered.

The difference between the two natural rights philosophies is essentially a religious one. One side, which I will call the “divine rights perspective”, sees God as the source of rights and His divinely inspired, written communication as the documentation and clarification of these rights. The other view, which I will call the “atheistic rights perspective”, sees rights as innate possessions of all human beings, but does not identify a specific source of these rights. In the atheistic view, rights inure to human beings by virtue of being born human.

There are several logical and philosophical difficulties with the atheistic view of rights

and I would like to explore two of them here.

1) The absence of an ethical imperative.

In the “atheist natural rights” worldview, the laws of nature that might relate to our rights become relative instead of absolute. If there is no creator to establish absolute truth, we are left to create our own truths. Human rights, in this scenario, are only pragmatic and cannot have an ethical foundation. If we desire to discover the best philosophical system for laws regarding rights, we would implement various laws and test all of the possible iterations of these laws. Each experiment in rights is a hypothesis to test.

If, through lengthy and detailed study, we determine that a certain philosophy of rights (or set of public laws) produces more productivity, more wealth, or more liberty, society might determine to adopt this set of laws, but there is still no ethical or moral imperative to organize society in that manner. An analogy may be instructive on this point. For example, the laws of physics may allow for many different designs for an automobile. Some of these designs are more efficient than others, but auto makers are free to manufacture vehicles that fall short of the ideal standard that science can produce. Legislators, like automakers, therefore would be free to design laws and formulate rights in various

ways, including ways that fall short of the ideal.

2) Competing interests.

Another problem with the atheistic natural rights view is that it must ultimately award rights to those who have superior strength, intellect, or cunning. What does a society do if our legal experimentation concludes that there is no one set of laws that is best for everyone? What if one legal philosophy is best for one group in society and a different legal philosophy is better for another? How would we resolve this conflict? Each group would want the laws that favor them. The answer is simple. The atheist is forced to solve this question of philosophical competition in much the same way that he solves matters of biological competition: survival of the fittest.

In the atheist natural rights model, these political questions must be solved by using a political “survival of the fittest” method, where those with the most political power will dominate those with less power. The end result is that the rights of various minorities are left unprotected.