

On laws and rights

Introduction

In JAW54 , I mentioned the interface: *“There are only individual people, their desires, their actions, and their reactions to the actions of others.”* . Today I want to use this interface to briefly discuss laws and rights.

I take the position that most people have very psychologically real concepts in their minds, meaning that they can speak about and reason with these concepts fluently and consistently, and that these concepts can affect the way they see and interact with the world. However, I also take the position that most people do not have a conscious awareness of what properties constitute many of the concepts in their minds.

Now, in general, I don't mind having only a subconscious understanding of a concept. (I'm from California, after all.) But considering the important roles laws and rights play in our lives, I think these particular concepts deserve a closer look. Thus in this note, I analyze what I perceive to be some common uses of 'laws' and 'rights' , in the hopes of provoking many of my readers to take this closer look.

On laws

Usually, I hear the word 'law' when people describe the way things are or should be. Common quotes are:

- You can't do that because it's against the law.
- There should be a law against that.
- Whether or not you like it, you have to accept it, because it's the law.

A law is being treated as some entity with the magical ability to compel people to accord with it. My interface will not tolerate such entities: if we are to understand law, we must understand it in terms of the desires and actions of individual people.

The only way I have found to understand law in my interface is as follows: A law is a declaration of values, stating that its supporters use or condone the use of force (“violence or threat of violence against a person or their property”) against those who violate that law. Usually this force comes from the government and/or police.

So in this view, the critical question each person should ask themselves is: “To what extent will I use or support the use of force to realize my desires?” .

On rights

Here are some common uses of ‘right’ :

- I have the right to do this.
- You can’t do that, it violates my rights.
- Everyone should have the right to X.

Again there is an invocation of the way things are or should be, but here the situation is more complex: It seems as if ‘right’ is being used as an interface between the speaker’s ideal world, and a collection of laws meant to realize that ideal. Unfortunately, it is rarely made explicit which laws are supposed to constitute this collection. (As for my interpretation of ‘law’ , see above.)

For example, people in many cultures have what is called the ‘right’ to practice religion freely. At the very least, this means that officers of the government will not use force against someone for practicing a particular religion. This is the way I prefer to view a right, as simply a declaration of values, stating that its supporters neither use nor condone the use of force against those acting in accordance with the right. This notion of right is not associated with any laws at all.

But in many cultures, this ‘right’ implies much more. Sometimes it is construed to imply a (special?) law against physically attacking other people because of their religion. Sometimes it implies a law against employers or landlords using religion as a criterion in selecting employees or tenants. Sometimes it implies a law against acting in a disrespectful way towards a religion. Sometimes it implies a law against speaking negatively about a religion. (I vividly remember my Dutch dormmate once asking me how we Americans reconcile freedom of speech and freedom of religion. I had never considered that they needed to be reconciled!)

One should think hard to uncover the implicit laws beneath what they call a right. And then one should once again ask: “To what extent will I use or support the use of force to realize my desires?” .

Dedication

This note is dedicated to my brother, Jamie Weissmann, on the occasion of his 19th birthday.

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