

I'm both elated and distressed by the debate developments in election '84, which as I write this thinksheet is only a month ahead. Elated because debate content is developing and broadening: distressed because the confrontations are fogged over by the overriding "need to be nice" else the people consider you emotionally unfit for public office, but also because, vis-a-vis RIGHTS, (1) the confusion of moral/legal elements is the rule rather than the exception, and (2) the confrontations seldom clarify the particular RIGHTS-LOCUS issue (i.e., the placement of the sphere within which a particular right exists in the speaker's mind) underlying a particular rights-debate. ...This thinksheet merely displays the possibilities of rights loci. I.e., a speaker may center his/her rights viewpoint on an issue in...

1. The human fetus. E.g., the RC hierarchy (most explicitly Boston's Abp. Bernard Law and NYC's Card. Jn. O'Connor) on the abortion issue, which they now present under the secular-scriptural authority of "the right to life, liberty, and the pursuit of happiness": without the (fetus') right to life, the other two rights are meaningless. Notice my parentheses: "right to life" means, for antiabortionists, the fetus' right to life (even if the practice of this right denies, as it does in traditional Catholic practice, the mother's "right to life": better a live infant than a live mother--a doctrine which to me is so vile I can only compare it to India's suttee, which British India crushed as the Roman Empire crushed Carthaginian and Druidic human sacrifice, as later did the Spanish in Central America). Pres. Reagan, siding with the RC hierarchy against abortion, is equally guilty of moralizing a legal issue--and Ed. Kennedy (today's--11Sept84--NYT, p.1+) attacks both: "Our political process is properly an area of disagreement among people of good will, ...not an area of combat between the forces of light and the forces of darkness. The choice we face is between Democrats and Republicans, not between good and evil." In short, the antiabortionists' rights-locus is so precise and narrow that it is as if life begins at conception and ends at birth.

2. The human individual. In the Enlightenment dimension of my soul, I am "pro-choice," = pro the pregnant woman's "right to (make choices concerning her) life" vis-a-vis her individual body. From this standpoint, a fetus is exactly as much a part of the woman as would be a tumor: she shall not be deprived of the right to determine what is to be done with any kind of "growth" inside her body. The fetus become embryo, at whatever stage, is a human being only when the umbilical cord is severed: "the individual" means, outwardly, a skinbag independent of other skinbags (the one exception being Siamese twins). The American sense of the sacred has two strands: (1) Jewish-and-Christian (i.e., "biblical"), which locates "the holy" only in God, with all sacreds potentially sacramental or idolatrous), and (2) Late-Greek-philosophical, revived in the Enlightenment (and, less so, in the Renaissance before it), which locates the sacred in "the individual," whose rights and dignity are a se, not to be violated by any human institution or power, secular (government) or sacred (church). Each of these strands exists as a religion in America today, and each tends to be (1) intolerant of the other and (2) blind to the other's arguments. Further, the two strands combine in various patterns, such as the Am. RC hierarchy's use of Scripture and "natural law" and the USA's founding documents to support the doctrine of (1) the fetus as an individual and therefore a human being of (2) inviolable life. This doctrine I consider both nonsensical and immoral, and I as Enlightenment man say a pox on it! But note that I am also biblical man: I have made my own mix of our two Am. strands. And a lot of Americans would say a pox on my mix--which proves once more how wise was Jefferson's "wall of separation between church and state."...In sum, this second locus of rights is this: Men and women have, each one, the primary rights/duties pertaining to, and inherent in, each her/his own body (and so, person). To move this issue from the realm of individual-personal morality to the realm of social-public policy and law is an egregious transgression of (to choose a French phrase older than the phrasing of our founding documents) "the rights of man." And to force antiabortion on nation and world is a great evil: the flow of human flesh increasingly threatens to make human life inhuman and the globe unlivable....In this Enlightenment tradition is the UN Universal Declaration of Human Rights (my #831A) and the subsequent

OVER

* + the rights of women and the feminist movement.

UN Declaration of the Rights of the Child (my #1205)*. These two are, in the best sense of the word, "liberal" documents, mainly Anglo-Saxon in tradition and American in shaping--and as an Anglo-Saxon American I'm "partial" to them. But I'm against an idolatrous elevating of this viewpoint on rights, an arrogant shutting off of debate as to whether, e.g., "one-man,one-vote" is a political principle to be applied undeviatingly in all situations. (Early America certainly did not hold to "one-man, one vote": the only voters were white free males, and even their votes were only of indirect force in Senate and Presidential elections.)...As to the rights of the child, American law is developing rapidly vis-a-vis (1) child abuse and (2) the rights of the child against his/her parents...In codex criminalis, the rights of the victim are now being spelled out parallel with the earlier elaboration of the rights of the criminal.

3. The family. This basic human unit has rights throughout history spelled out against its own members and against the rest of society. Conjoint with the weakening of the family, family rights have been weakening around the world.

4. Class. Nobles, landowners, merchants, the proletariat. The Vatican's current pressure against "liberation theology" is partly concern about the classism of "the poor" as defined more by marxian analysis than by the gospel (and so constituting a neo-classism), partly concern about disciplinary laxity. The best "liberation theology" writing combines this locus #4 with locus #2. I rejoice in Roman clergy's identification with the poor partly because it erodes clericalism (e.g., in the Latin Am. "base communities"), which is an ancient classism I did not mention in the first sentence of this section. Clericalism locates rights mainly in the clergy, of course.

5. Race. "Entitlements" is a new word for an old reality. Being "free, white, and 21" (and, not incidentally, male) used to entitle more than it does now. What about compensatory rights--for, e.g., black Americans or Jews or Japanese Americans who were in "the camps"?

6. "Nation" meaning ethnos. This is difficult to distinguish from (1) "nation" as race (in, e.g., the phrase "the black nation") and (2) "nation" as political unity, i.e., government. Does an ethnic grouping have rights-claims; i.e., is an ethnos a legitimate rights-focus? If the answer is yes (and mine is yes), how do ethnoi differ in their rights as (1) people in place, in contrast to (2) displaced people? Does my having been strongly for egalitarian suffrage (one-person,one-vote) in Am. counties with black majorities (because I had no fear of the minority's loss of rights or even life) commit me to being strongly for egalitarian suffrage in geographical areas where I do have this fear--e.g., Israel (where the Jews are already a minority if one includes the West Bank) and S.Africa (where whites are a small minority)? (Among my liberal friends I find nothing but contempt for S.Africa's struggle to produce a political-economic-social fabric protecting ethnic rights. They dogmatize that "human rights" means the rights of individual humans rather than that + the rights of ethnic groupings; and for them "equality" locates rights only in the individual. However, they abandon this principle when it comes to "affirmative action," which demotes the individual in favor of the race or ethnos or economic grouping.)

7. "Nation" meaning state, i.e., geopolitical unity. Phrases like "national sovereignty" and "the self-development of peoples" point to the state as a legitimate rights-locus but bear the connotation that a state's right to noninterference from other states is an absolute right--a notion history makes nonsense of and present realities belie. Ghandi fought for a fiction, viz., "India," shown to be a mirage when the British left: soon a million corpses in the birthing of "Pakistan." And what of "Ireland," a geographical reality but a political fiction: should the British pull out of the north and let the blood flow? And what of the fiction that Africa belongs to blacks (which it never has except for its interior)? And what of Israel's claim of biblical sanction for its territorial claims? And what of the Islamic claim to "the Land of Islam" (meaning any territory ever held by Muslims, including the whole of "Palestine")? Or "spheres of influence," USA and USSR and other? All this is flimsy and largely flimflam.

8. Humanity. Is humanity a legitimate rights-focus against (9) the biosphere?