

# The Origin and Proof of Individual Rights

The most famous sentence written on the North American continent is Thomas Jefferson's claim in the Declaration of Independence that, "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness." This is arguably the single most important statement of the past one thousand years.

Viewed from the perspective of world history, it's immediately obvious — even self-evident — to comprehend how the eloquence and nobility of this statement motivated countless millions to emigrate to America in search of individual liberty in the 230 years since it was published. Yet, when taken apart and examined in detail with scientific discipline and philosophical rigor, Jefferson's declaration cannot be justified any more than Marx's dictatorship of the proletariat is self-evident, or that health care is an inalienable right.

This unintentional fraud of inalienable rights propagated by Jefferson is exposed on four dimensions: origin, proof, universality and equality. The first part of this paper will examine and refute the origin and proof of Jeffersonian rights. The second part will examine and refute the universality and equality of Jeffersonian rights.

Jefferson ignores the origin of these rights for the simple reason that he did not inherit them from his father, he did not find them on his farm in Virginia, nor was he able to describe the Creator who endowed them, or why this Creator endowed these rights to man, but not to plants and animals. He states these inalienable rights originate from our Creator, yet no religion known to Jefferson asserted them.

Judaism was founded on the principle that if Yahweh commands you to kill your son, you obey. Hinduism prescribes a hierarchical caste system that denies equality of rights. Christ did not come to establish rights, because his kingdom was not of this world. And Islam is not concerned with asserting and defending individual rights, because whatever happens is Allah's will.

If these rights came from a Creator, then they must have existed since the beginning of time. Thus Jefferson fails to explain why these rights did not exist in prior generations. Or why they were not recognized and respected in Europe, but must be recognized and respected in the New World.

Jefferson also cleverly ignores the proof of these rights, by claiming they are "self-evident." If they are self-evident, why did they never occur to anyone in all of human history? How could the world's greatest philosophers from Aristotle to Buddha to Christ fail to stumble on these basic, simple, self-evident truths?

When Isaac Newton discovered and described the self-evident laws of gravity and motion, nothing changed. These Natural Laws worked the same way for all the generations that preceded Newton as they would for the generations that followed him. It's self-evident that apples fall to the ground, and that all living things eventually die. However it is not self-evident that all men are created equal and endowed by their Creator with inalienable rights. If it was, Jefferson would not be known as the person who boldly made this declaration to the world.

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Newton was not the first to observe that apples fall to the ground; he merely explained why. But Jefferson appeared to be the first to observe these self-evident truths, and thus declare that monarchy was an invalid social structure. By definition, to be the first to declare something means what one is declaring is not self-evident.

The rights expressed in the Declaration of Independence are not inalienable, self-evident, or endowed by a Creator. They are merely Jefferson's personal preferences: the wishes, hopes, desires and aspirations of a select minority of the aristocracy, specific to his time and place in history. Had Jefferson been born one thousand years earlier, these self-evident truths and inalienable rights would not have occurred to him, because he would have had no use for them.

## Violations of Natural Rights

When we speak of violations of inalienable or natural rights, we can easily identify examples on which there is near universal agreement:

- A young girl is sold into marriage to pay a family debt; or a young boy is castrated to serve the king's harem — [right of self-ownership]
- A young man is conscripted, enslaved or tortured — [right of liberty]
- Someone is punished for stating a truth or expressing an opinion — [right of tolerance]
- A social outcast such as an illegitimate child, or someone with a physical deformity, is either shunned or expelled from society and left to starve — [right of acceptance]

But how can reasonable, rational and honorable people universally agree that these examples describe violations of Natural Rights, when they are all educated enough to understand that these same violations were considered natural, normal and accepted throughout human history. Viewed from this perspective, the rights which Jefferson and the Founding Fathers claimed were inalienable, were in actuality unnatural, abnormal and most definitely not self-evident.

If these inalienable rights did not originate from God, Jefferson could conceivably claim they originate from nature, or are Natural Rights. And if we were to derive Natural Rights in the same way we derive Natural Law — by observing nature and the animal kingdom — we would conclude that the *primus inter pares* of rights is that all animals of prey have the right to be more alert and faster than their fastest predator — at all times and in all places — lest they be killed and eaten. While all predators have the right to be faster than their slowest prey, lest they starve to death. These “natural rights,” these “natural laws,” allow for no exceptions. The first lapse, due to fatigue, laziness, inattention, illness, injury or age, results in death.

The expression, “the lion's share,” refers to the strongest lion grabbing largest share of the prey. The lion is never denied the natural right to his dinner. He never goes hungry because other species violate his rights. For Nature, as Hobbs noted, is nothing but an endless cruel and indiscriminate clash of violent forces without purpose or direction, and devoid of compassion. In other words, “a war of all against all,” that is “solitary, poor, nasty, brutish and short.” And these “rights” are hardly rights at all. They are more accurately definitions or tautologies. They define the cruel and indiscriminate laws of the jungle that enslave every living organism on the planet.

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## Definition of Rights

These four examples of violations of Natural Rights: self-ownership, liberty, acceptance and tolerance, are cases of the strong exploiting the weak, or the many oppressing the few, and not the reverse. To assert a right is to oppose nature's law of survival of the fittest in a specific situation. When a young and strong man robs a weak and elderly woman, an instinctive human reaction is to intervene to protect her rights and punish the assailant. When a group surrounds and attacks an individual, we assume that his rights have similarly been violated.

Thus, in establishing a right, a society defines the circumstances when it can — indeed must — justly interfere with force to restrain the strong and the many, to protect the weak and the few. When we seek to determine human inalienable rights, we attempt to divine and discern the broad categories of circumstances where society is obligated to interfere — with force, if necessary — to maximize the potential for its survival. Thus a right presumes the existence of an ordered society governed by rules and laws — explicit or implicit.

In other words, when we speak of rights, we are speaking of circumstances that are most definitely unnatural. The strong have always dominated the weak. The predator has always feasted upon its prey. The many have always oppressed the few. To attempt to redefine the world where these laws of nature must be resisted with force, is to oppose the normal course of nature. By defining and establishing rights, we create an order for governing society. What rights we define and how we enforce them shape the destiny of our civilization.

When humans fail to define the concept of rights, they exist like animals in a primitive state of nature and do not develop a civilization. In his book, *The Ascent of Man* (1973), Jacob Bronowski profiles a primitive nomadic tribe, the Bakhtiara of Persia, that cannot afford to protect its weakest members, both old and young. Every year the entire tribe, along with everything it owns, must cross the raging Bazuft River. Somewhere between twenty and forty percent of the tribe's goats and sheep will die in the process. The weakest members of the tribe — both old and young — will die as well.

Bronowski describes this annual river crossing as “testing day ... when the young become men because the survival of the herd and the family depends on their strength ... a baptism into manhood.” The young, who fail the test are washed away in the currents, never to be seen again. The old, who lack the strength to make one more crossing, are left behind on the opposing riverbank to die alone of starvation. “Only the dog,” Bronowki notes, “is puzzled to see a man abandoned. The man accepts the nomad custom; he has come to the end of his journey.”

## Natural Rights & Religion

To define Natural Rights in the same manner as Natural Law, would be to identify and describe the list of rights that are inherent, observable and universal in nature, at all times, and in all places. Man-made laws come and go, and are not to be taken seriously, because they are only enforced by man and only apply at specific times, in specific places, under specific

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circumstances. Such were the 18<sup>th</sup> Century British laws restricting the practice of Catholicism and the growing of wheat. But Natural Laws are eternal. They are enforced by Nature and apply at all times, in all places, under all circumstances. Natural Laws must be taken seriously because they cannot be successfully avoided, ignored or violated.

Congruently, Natural Rights would be protected and enforced by Nature, and apply at all times, in all places, to all living things. If they did not, then they would not be Natural. And violations of Natural Rights, like violations or disregard of Natural Law, would prove to be immoral in the sense that they threaten the lives of individuals — and by extension — the survival of society. Thus a society that requires a mother to sacrifice her firstborn to appease the gods destroys the most promising and precious portion of its human resources. A society that practices incest corrupts its genetic diversity. And obviously, a religion so ascetic that it prohibits sex, commits suicide and extinguishes itself.

Jefferson's list of inalienable rights clearly only apply to man. His definition of rights is founded on the religious perspective which holds that man is a separate and distinct species, who is superior to the rest of the animal kingdom. For a man to kill an animal for food, sport, or in self-defense, is considered to be reasonable, rational, just and normal. But for an animal to kill a man is considered an outrage, which cannot be tolerated, and must be prevented.

Since the age of reason, rationality, empiricism and science — which gave birth to the philosophical foundations of Natural Rights — is coincidentally also the age that gave birth to the theory of evolution and the scientific rejection of organized religion, Jefferson's definition of inalienable rights does not suffice. If we must consider the proposition that God does not exist, then Nature is not as God designed it — with man as the ruler of the animal kingdom. Then we must also be prepared to define the concept of Natural Rights from the same perspective as Natural Law, where man is not distinct from the rest of the animal kingdom, and where the Rights of Man are on equal par with the rights of wolves, rodents and insects.

To justify Natural Rights, we must consider the following questions: How do we identify them? How are they enforced? And how are they violated? With these criteria in place, we have assured our failure to define and establish Natural Rights. And implicit in this failure is the reason why our wishes, hopes, desires and aspirations that Jefferson expressed as inalienable rights must be exposed as a fraud.

For if we choose the religious perspective, while we can claim that God chose man to rule over the animal kingdom, we are forced to admit that this same God of the world's major religions failed to invent or convey the very inalienable Rights which Jefferson identified to govern the affairs of men, and which we hold so dear. And we can cite numerous examples where this God — or the religions that serve and worship it — has commanded or sanctioned violations of the four inalienable rights of self-ownership, liberty, acceptance and tolerance.

And if we chose the atheistic or Natural perspective, while we are free to claim all the rights denied to us by the world's civilized religions, we must also abandon the religious concept which holds that man is separate and distinct from the rest of the animal kingdom, and is the master of all he surveys. Without religion, we are forced to extend our claims to these inalienable rights to

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lions, chickens and cockroaches. For if we don't, then we accept by default that man rules the earth — and all the animals that live in it — by his superior physical and intellectual capabilities. In other words, the strong exploit the weak. And to say the strong have the inalienable Natural Right to exploit the weak, is both a tautology and a denial of the concept of rights. To do otherwise is to be arbitrary and dishonest.

As Abraham Lincoln noted, you can always find someone who is stronger than you, smarter than you, faster than you, or more attractive than you. Do any of these advantages provide sufficient justification for one man to rule over another? Does any combination of these advantages provide sufficient justification for one man — or group of men — to rule over another? Jefferson and the Founding Fathers said “No,” but Nature says “Yes.”

Natural Law applies to plants, animals and humans equally. Natural Law is not defined by men, but by nature. Similarly, Natural Rights would apply equally to plants, animals and humans. And Natural Rights would not be defined by humans, but by nature. Like Newton's discovery of the laws of gravity, humans would only observe and explain them. For humans to define rights would bias them in favor of humans over the plant and animal kingdoms. Thus Jefferson's inalienable or Natural Rights do not exist within religion, and cannot exist without it.

### **Unnatural Religious Rights**

However, when nature and religion are combined, we are able to derive unnatural laws and unnatural rights. Of course, the most unnatural of set laws, which defines the most unnatural set of rights, is the Decalogue, which forms the foundation of Western Civilization. And the most unique unnatural right — the most opposed to the entirety of nature throughout the animal kingdom — is the fifth commandment to Honor Thy Father and Thy Mother.

There is no need for a law to nurture one's offspring. When a crying baby demands the attention, care and love of its mother, it asserts a claim on her without anyone objecting that her rights are being violated. All animals must observe this law to survive. Indeed it is a Natural Law. For if they did not, a species would fail to perpetuate itself and cease to exist.

The unnatural religious law to Honor Thy Parents — which equates to the unnatural right of parents to command the respect and obedience of their children — has no evolutionary purpose in the animal kingdom. It merely serves to protect the old and the weak. No other animal observes this law.

Younger deer do not protect their older feeble parents, or nurse others of their species who have temporarily fallen to illness or injury. And aging wolves do not look forward to a future of leisure and relaxation when they will live off the prey caught by their offspring. Thus, it makes no sense to apply this concept of Rights to such animals as deer, wolves or mosquitoes.

Other commandments of the Decalogue prohibiting theft, deceit and murder are likewise unnatural, because they are not observed — nor are violations punished — by any other animal species. When we speak of one's rights, and violations thereof, we are not talking about Natural

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Rights, as observed and practiced in nature; but unnatural rights, observed nowhere else in nature, and defined by an unnatural set of laws, by an unnatural, or supernatural being, applying specifically and exclusively to man. These laws — these rights — are actually a command to the physically and mentally young and strong, to preserve and protect the old and weak.

Here God and religion are opposed to nature and the animal kingdom. The conflict arises when nature's law — e. g. the strong exploit the weak, and the predator feasts on its prey — violates one of God's laws such as Thou Shalt Not Kill. For example, when Nazi Germany was swept into the vortex of the eugenics movement in the 1930s and abandoned its responsibility to protect the mentally retarded, physically deformed, and feeble elderly — marking them for extermination — it chose to abandon unnatural laws and unnatural rights, and side with Nature, which does not protect any of the retarded, deformed or feeble of any species in the animal kingdom. Like the primitive Bakhtiari tribe in Persia, the old and the weak fail the test and are discarded to the indiscriminate forces of nature.

By definition, God's laws and Nature's laws should be identical. If God created the universe, then God created nature and the laws that govern it. But if God does not exist, then God did not create the universe. Then whatever one observes in the universe, however undesirable, is — by definition — natural. Be it Natural Laws or Natural Rights. And if God does exist, why did he create man opposed to nature, when all other species are aligned with nature?

Droughts, floods, earthquakes and hurricanes are not unnatural events. They are natural events, to be expected to occur with varying severity at random intervals. And by extension, any observed behavior, by any living thing, must also be classified as natural. Theft, murder, war and genocide — however undesirable — are natural. These behaviors are an intrinsic part of human nature. Like droughts, floods, earthquakes and hurricanes, they are events which can be expected to occur with varying severity at random intervals.

In a godless world governed only by the laws of nature, one cannot assert that all men have a right to be free of the risks of droughts, floods, earthquakes and hurricanes. Such an assertion would be absurd because these events are an integral part of nature. It would amount to a demand that humans have a right to be free from the laws of gravity. And by extension, in a godless world governed only by nature's laws, one cannot assert that men have a right to be free of the risks of theft, murder, war and genocide. This assertion would be equally absurd because these events are an integral part of human behavior, which is also a part of nature.

The stoic philosopher Epictetus stated that, “men are not disturbed by things, but by the view they take of them.” Thus when men observe these grotesque violations of what they claim are individual rights, they are observing behaviors that are part of human nature. To object to these behaviors is to take a view of them — a view that is opposed to human nature. To oppose them is to side with a deity that establishes a set of standards for man separate from the rest of the animal kingdom and opposed to nature. These standards — in other words, these rights — define both a code of behavior for the human race, and the circumstances when society can — indeed must — justly interfere with force to restrain the strong and the many and protect the weak and the few.

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We all object to death, preferring to deny or avoid it for as long as possible. Yet we know it is inevitable. From the stoic perspective, one might conclude that our assertion of inalienable or Natural Rights — however we define them — is as absurd as an assertion of our immortality. We earnestly desire for them to be true, but know they are not. And to object to siding with a deity — i.e. by taking the atheistic viewpoint — one is compelled to derive rights from nature. However, in the state of nature, the strong exploit the weak, and the many dominate the few.

One could define Natural Rights as the list of unwritten rules or standards which — if properly described, understood and adhered to — provide the best opportunity for human civilization to survive and grow. For example, what is this unwritten rule with respect to conscription? Is conscription a right of the society to enslave its young men? Or is it a violation of the rights of young men to be free to choose their future, independent of the needs and desires of society?

To answer this question from a religious perspective, one would consult the sacred texts. To answer this question from the atheistic evolutionary perspective, one would examine a large sample of historical data from hundreds of societies spanning thousands of years.

Such an analysis reveals that tribes, societies, nations and civilizations have clashed since the beginning of time. They fought bloody and savage battles comprised of soldiers conscripted against their will. The evidence is overwhelmingly conclusive: the societies that excelled at conscription — both of men and the taxes to support them — have succeeded. While the ones that did not, were enslaved and obliterated. And in the 20<sup>th</sup> century, the United States, once the freest nation in history, increased its taxation and conscription to ultimately dominate the globe —claiming the title of World Policeman.

Under the definition of the optimal society, conscription — and the taxation necessary to support it — is a Natural Right of the collective. To assert otherwise is to favor one's personal prejudices and deny the facts. If taxation, conscription and war were opposed to Natural Law and Natural Rights, the process of evolution would have extinguished these collective behaviors centuries ago. Thus the second of the four violations of Natural Rights is actually a confirmation of it. If we can no longer object to taxation and conscription as a violation of Natural Rights, have our objections to the other three violations noted above been compromised as well?

The evidence forces us to concede that Jeffersonian rights are unnatural, or opposed to nature. And if we agree these rights are necessary and vital to civilized society, then we can conclude — as Jefferson did — that they originate from God or religion. However, none of the four violations of inalienable rights — self-ownership, liberty, acceptance and tolerance — are prohibited by any established religion. Indeed civilizations both east and west have accepted these practices as normal, just and natural.

As defined by God, men have numerous duties and obligations, but very few rights. And the few rights endowed to man by God in the Decalogue cannot be said to be Natural, in the sense they can be observed in nature. They were defined by God, precisely because they were unnatural and opposed to nature. They are the rules of conduct for man that separates him from the rest of the animal kingdom.

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Conversely, if we argue that Jeffersonian rights are natural, and were not endowed by a Creator, then — if we want to defend and support these rights — we must ask when and where did they come from; and are they valid or true. We know that the right to health care originated in the 20<sup>th</sup> Century. And we know that it is a lie because it necessarily enslaves those forced provide it — thus violating their inalienable rights of liberty and self-ownership. Jefferson lived in an age when medical science was more likely to kill the patient than to cure him. Had Jefferson thought to include health care in the Declaration of Independence, he would have wrote that “... all men have an inalienable right, not *to* health care, but *from* it.”

## Pre-Jeffersonian Rights & Classical Virtues

Describing the unnatural environment of the 20<sup>th</sup> Century, how far it is removed from the rest of history that came before it, and how quickly it is accelerating, the literary critic George Steiner noted, “Sir Winston Churchill began [his adult life], riding on a horse, waiving a saber, leading a charge, which Homer would have been able to understand, describe and recognize. He would have known exactly what was going on. Towards the end of his life, Churchill was shown a thermo-nuclear bomb, and walked around it.”

Prior to the 20<sup>th</sup> century, warfare was a classical concept that people generally understood in the same way. But warfare in the nuclear age, like many aspects of technology deeply embedded into our lives, involves a language and a mode of thought incomprehensible to the classical nature of humanity. When we apply the rigors of logic to it, we ultimately arrive at, not a sense of nations or civilizations, but absurdity.

The 20<sup>th</sup> Century post-war discipline of game theory — as defined by John von Neumann in *The Theory of Games and Economic Behavior*, and elaborated by Thomas Schelling in *The Strategy of Conflict* — quickly collapses into the black humor of Stanley Kubrick’s *Dr. Strangelove*. Nuclear Winter and Mutually Assured Destruction were not terms or concepts conceivable to the characters of Homer’s epic tales.

Admiral James Stockdale, who spent eight years as a POW in North Vietnam, had perhaps the most prolonged and intimate experience of traveling instantaneously from the rational, scientific nuclear age — thousands of years back in time — to the Judaic, Greek and Roman civilizations. He spent four of those years alone in a four foot by nine foot cell. The most advanced technology he encountered during his solitary confinement was the primitive metallurgy that produced the bucket he defecated in.

Like few modern men of the 20<sup>th</sup> century — and no doubt even fewer in the 21<sup>st</sup> — Stockdale came to understand classical tragedy, which he described as follows, “I feel in my lifetime I’ve personally known half the characters Homer described in the Iliad three thousand years ago. Hector is about to leave the gates of Troy to fight Achilles. He will lose and he will die. When he says goodbye to his wife and baby son at the gate, the baby becomes frightened by the nodding of the plumes on his father’s shining helmet bobbing in the breeze. You have it all in an instantaneous snapshot: Hector’s duty, his wife’s tragedy, Troy’s necessity, and the baby’s cry. This is almost a picture of my family in the 20<sup>th</sup> century.”



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Note that these four elements of classical history, Hector's duty, his wife's tragedy, Troy's necessity, and the baby's cry, only apply to humans because they are man-made. This is the distinction between catastrophe and tragedy. Catastrophes, such as the 2004 Indonesian tsunami that killed 230,000 people, are inevitable consequences of nature that affect man and animals alike, and without malice. Tragedies, such as the trial of Socrates, or "The War To End All Wars," are man-made situations that both escalate levels of destruction beyond the capacities of nature, and do not apply to the rest of the animal kingdom.

All great literature is tragedy; happy endings are confined to children's fairytales. To be a great work of art is to convey to the reader the inevitable destiny of futile struggle, suffering, failure and death. This is a conservative concept with religious roots. It emphasizes that all humans, all societies, and all civilizations must inevitably, struggle, suffer, fail and die. It's the timeless lesson of both the Hebrew Book of Ecclesiastes, which refuses to be led astray from man's inevitable fate by the boundless enthusiasm and energy of youth — and the Book of Job, which describes the tortured emotions of a man who refused to accept these fundamental laws of nature.

### **Pursuit of Happiness**

To Thomas Jefferson, these four elements of classical history, Hector's duty, his wife's tragedy, Troy's necessity, and the baby's cry, were outdated concepts that belonged to the Old World. The opening of the New World appeared to him to provide an unprecedented alternative. Man's circumstances did not have to determine his fate. Hector's duty did not have to be subservient to Troy's necessity. The opposite was now the case. Hector's duty was to himself, and the state should serve him. His wife's tragedy and his baby's cry were no longer inevitable.

Prior to Columbus's discovery of the New World, when virtually everyone was confined — indeed enslaved — to the state and the circumstances they were born into, this option was not only not available to any human being, it was inconceivable to the average human mind. But once people emigrated to the New World in large numbers, they began to realize that they were not confined to one location, one society, and one destiny. They were no longer enslaved by the institutions, customs, religions and laws of the country of their birth.

Before Columbus discovered the New World, there was no need for a definition of inalienable rights, because few would have recognized them, few would have understood them, and even fewer would have had any use for them. Without the ability to read or write, and without the technology of Gutenberg's printing press, the right of free speech would not appear on the average person's hierarchy of values. Few questioned the religion bestowed on them by their parents, because they were never exposed to any alternatives. It was Columbus's voyage that created a vacuum that gave birth to these concepts and the definitions Jefferson supplied.

Where their ancestors had been slaves to a king, lord or duke, people were now only slaves to nature. And with the progression of reason, rationality and science, nature was eventually transformed from being a cruel and brutal oppressor of man, into a generous and faithful servant. If the state made Hector's life possible, then Hector's duty was to the state's necessity. But now

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that Hector could produce the wealth and abundance to live and grow with minimal relation to the state, Hector's duty shifted from the state to himself. As state's necessity shrank, the tragedy of his fate no longer seemed inevitable.

The presentation of this choice to the mass of mankind is the foundation of the American Dream. It defines American art, literature and philosophy, and is most poignantly and graphically illustrated in the spirit and style of stories of the opening of the West in the 19<sup>th</sup> century. When anyone, no matter how poor, humble, or insignificant, could choose to escape the circumstances of his birth, and envision success and happiness beyond both what his present station in life could offer, or what anyone could hope to achieve.

The romantic story of the West — in novels and more indelibly in films — is that of struggle, triumph and success. The creation of a new order of abundant, good and free supplants the previous chaos of scarcity, evil and bondage at the hands of an oppressive state. But this is a myth that relegates the popular stories of the West to a second-rate art form. The reality is that the vast majority of those who went west in the 19<sup>th</sup> century failed. Many died of disease, hunger or thirst. Most of the rest went broke, were overcome by the random shocks of nature, Indian attacks, or clashes with other settlers.

The real story of the opening of the West is not triumph and success, but the fact that those who dared to take the risk to abandon their roots and forge ahead to an unknown territory, with an uncertain future, had an opportunity none of their ancestors had: which was to hold onto their personal dreams and succeed or fail on their own, without any limits placed on them by the state or its institutions. The settlers who moved west would rather fail on a grand scale, on their own terms — than succeed on a limited basis, constrained by the social structure and established institutions that governed them.

Ironically, sex and marriage are the least romantic elements of the story of the West. Instead of love and happiness, the opening of the West was dominated by brothels and mail-order brides. Women did not recklessly gamble with their destinies and go west to become prostitutes or to marry complete strangers to escape slavery or starvation. But rather they willingly went because they knew — or at least thought they knew — there had to be a better future in an unknown land with unlimited possibilities. Anything else was preferable to the monotonous burden — however secure it was — that was the inescapable destiny of the generations that preceded them. Had they been born 500 years earlier, the option to throw away one's heritage and head out into the unchartered wilderness would not have been available to them. They would have been little more than mindless and helpless slaves to the aristocracy that owned them.

Many of the men who went West to build the transcontinental railroad were Civil War veterans. The historian, Stephen Ambrose, described their mindset by noting they had just played a part in the greatest battle in United States history. They had seen and done things beyond their wildest imaginations. And choosing between the opportunity to make history by linking the North American continent by rail, or going back to Iowa and being a slave to an ox and a plow, was like choosing between the past — which was familiar, confined and predictable — and the future, which was open, unknown and promised unlimited possibilities.

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In what appeared to be the first time in human history, these men had a chance to be heroic, without having to engage in a senseless slaughter in a military battle to suit the whims of kings and princes. The prize would not be the spoils of war to be divided among the exclusive members of the nobility, but a technological achievement that would benefit the entire nation for generations to come, and be worthy of the title of the Eight Wonder of the World.

This option was not the result of anything these Civil War veterans had done, but the result of what had been done for them by all the generations that preceded them. Without these technologies, and the accumulated wealth they supplied, these rights would not exist and would not have been possible. What differentiated them from previous generation was that they felt their experiences belonged to them, and not to the state. Their experiences — however joyous or miserable — had a meaning that they defined, and not a meaning that someone defined for them.

In Homeric terms, Hector's duty, his wife's tragedy, Troy's necessity, and the baby's cry were transformed from a mindless collective slavery to an indifferent and anonymous state, into individual liberties in pursuit of personal happiness. These experiences and emotions were now an integral part of the experience of the common man. Similarly, individual rights were no longer merely a philosophical pastime confined to the elite members of the aristocracy. Now they were the everyday concern of the common man. Exercising these rights was something Homer could not conceive of and would not be able to understand.

### **Rights as Social and Civil Capital**

And tragically, but also naturally, the so-called rights — that took thousands of years to nurture and develop — can be extinguished overnight. The experience of Stockdale and his fellow POWs in Hanoi attest to the fact that it was not Jeffersonian rights that formed the foundation of their resistance, and provided the strength for them to endure torture, starvation, loneliness and betrayal, but rather the classical virtues of fortitude and resolve exemplified by the Greeks, Romans and Old Testament.

In drawing the short straw, by getting shot down over North Vietnam, Stockdale instantly reverted from the twentieth century laissez-faire philosophical “big easy world of yakity yak,” back thousands of years into the past to cope with the inevitable fate of Hector's duty, his wife's tragedy, Troy's necessity, and the baby's cry. When the isolation, torture and starvation were most intense, the lofty writings of Thomas Jefferson and Thomas Paine — however eloquent and inspiring — were of no use. Instead, it was the writings and stories of Homer, Socrates, Epictetus and Job that provided the intellectual capital for their survival.

This concept is virtually impossible to convey to the comparatively wealthy and educated people in the late 20<sup>th</sup> century. Expressing the frustrations over his inability to communicate the timeless lessons of civilization he learned during his years as a POW, and the resolve that helped him endure, Stockdale complained, “you can't get off the stage of an ex-POW talk until you finally concede to the questioning audience that, yes, it was principally God and the American ideal carried you through.”

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Stockdale's frustration was, not only his inability to express and convey the horrors he endured to his blissfully ignorant modern day audiences, but also due to the fact that he violated a sacred American taboo, which holds that Jeffersonian rights are the highest ideals and values of the human race. And these rights are what separate Americans from their inferior European ancestors.

Stockdale first dared to state that there are higher ideals than the individual rights on which the United States was founded. Then he forced his audiences to confront this classical truth, which impolitely exposed them as helplessly ill-prepared moral and intellectual infants in a brutal world that does not coddle or show mercy towards them. Nor does it recognize or uphold the rights they believe to be inalienable and endowed by their Creator.

For the POWs in Hanoi, survival depended on their slavish devotion and obedience to the first and oldest law of Western Civilization: Yahweh's commandment in the Book of Genesis that "I am my brother's keeper," which they shortened to "Unity over Self." And what mattered most was their personal fortitude and resolve.

As if he was ignorant of the concept of Jeffersonian rights, Stockdale wrote, "Resolve is too expensive to waste on trivial things, too precious to throw away on anything you don't believe to be worthy of you. On the other hand, the things we do consider worthy of ourselves demand it ... What we dispense resolve on depends on how we feel about ourselves. If we have a low opinion of ourselves, if we *deserve* a low opinion of ourselves, our resolve is not likely to flourish. For contrast, look at Socrates. Socrates thought it unworthy of himself to pander to the Athenians because all they could do was extend his life, and pandering to extend his life was an affront to his own sense of behavior worthy of him. His resolve was, as with all of us, directly tied to his own self-respect and the terms on which he could preserve it."

For the POWs in Hanoi, when the pressure was most intense, the irrelevance of the concept of inalienable rights was self-evident. Yahweh's commandment that "I am my brother's keeper," and the classical concepts of fortitude and resolve — thousands of years old — were all that mattered, and all they had time for. For it is not individual rights, but instead the timeless classical virtues of individual fortitude and personal resolve that bind a civilization together.

Rights are theological in that they place man above animals. Rights are also a gift, endowed by a society, a religion, a government, and a civilization. They are solely dependent on the wealth of the giver. And that wealth is measured by the size and strength of its social capital, built up over countless generations. When that capital is depleted, its ability to grant, protect and preserve the rights of its citizens fails. In the summer of 1940, Western Civilization stood helpless and impotent as it confronted the nations of the Nazi-Soviet Pact, with no ability to protect the rights it took thousands of years to establish.

Jeffersonian rights, like the modern day luxuries of running water, toilet paper, and alternating current, are merely products of a long-running civilization with a vast store of accumulated wealth and capital. And the history of what Jefferson mislabeled as inalienable rights, is commensurate with the history of the accumulated wealth of civilizations. These rights are merely one of the many currencies of wealth, which are invented by advanced societies to

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denominate, store and exchange among its citizens in direct proportion to the level of the moral, intellectual and social capital they have accumulated.

Life, Liberty and the pursuit of Happiness are not unalienable or Natural Rights, and the idea that they are is not self-evident. These rights, if they are rights, did not come from God as the religions of Western Civilization defined him. They are wishes, hopes, desires and aspirations, which were only made possible by the cumulative accomplishments of an advanced civilization. And the most important documents in human history are not Jefferson's *Declaration of Independence* and Paine's *Rights of Man*, but Homer's *Iliad* and the *Old Testament*.