

## Needed: A Bill of Human Rights

The United States takes pride in its “Bill of Rights.” These ten amendments to the U. S. Constitution can provide support to its citizens and inspiration to people in other countries. The Bill of Rights to the Constitution will not likely ever be withdrawn. However, it is worth considering what might be done to make up for deficiencies in this list of rights.

Two characteristics should be noted about the Bill of Rights. First, the Bill of Rights was the work of people who opposed the Constitution. They thought that the Constitution restricted the “unalienable” rights of life, liberty and the pursuit of happiness in the Declaration of Independence. The Constitution was about the government and the individual needed to have protection from the government. Second, the Bill of Rights is written in the eighteenth-century language of “natural rights.” The concept of natural rights is inadequate today. Instead, the idea of human rights, which has slowly emerged during the last two centuries, is relevant in the United States and throughout the world.

Thomas Jefferson in the preamble to the Declaration of Independence made the strange claim that the rights to life, liberty and the pursuit of happiness are self-evident. They were evident to Jefferson because he was borrowing them from John Locke who borrowed them from moralists in the late middle ages. These rights were “natural rights” because they were implied by “natural law.” The rights were alienable or unalienable depending on whether they could be relinquished.

In the discussion of medieval canonists, life and liberty seemed obvious as unalienable rights; property was debatable. A person has a right to what is proper to oneself, but property can extend to possession of many things. Some moralists argued that individual ownership is a result of sin. Jefferson substituted “pursuit of happiness” for property, but the phrase easily translated into acquiring plenty of property for one’s happiness. In the nineteenth century, owning property became an unchallengeable right and was interpreted to include the right to own slaves.

Liberty, when discussed by Christian moralists, drew upon the tradition of Augustine of Hippo’s brilliant analysis of liberty of the will. Unfortunately, *libertas* had a longer political meaning in Roman history in which free men had liberty as opposed to slaves who did not. No political ideal is more celebrated in United States history than liberty which unfortunately has never extended to all citizens and allows for some people to be treated as slaves.

The Bill of Rights does not guarantee the exercise of any rights. The rights come from “nature and nature’s God.” Any regulation of speech, religion or guns is thought to be unlawful and a violation of an individual’s natural rights. The tenth amendment is designed to make certain that the federal government will not interfere with “religious liberty,” “free speech,” or “the right of the individual to bear arms.” The Amendment reads: “The powers not delegated to the United States by the Constitution nor prohibited by it to the states, are reserved to the states, respectively, or to the people.”

Mike Pompeo in June 2019 announced the formation of a commission to study if human rights are conflicting with our “unalienable” rights of life, liberty and the pursuit of happiness. People who assume that “human rights” is just another name for “natural rights” were puzzled, but Pompeo had good reason to ask. The two sets of rights can sometimes conflict.

“Human rights” arose in the abolitionist movement of the early nineteenth century in opposition to the “natural right” to own slaves. The idea of a right to be recognized as fully human was picked up by the women’s conference at Seneca Falls in 1848. Sarah Grimké came to the term “human rights” in insisting that women and men have the same rights. She put the women’s case graphically: “All that I ask of our brethren is that they take their feet off our necks.”

Former slaves and women were not able to change the political language of the country. Progressive movements in the nineteenth century considered the language of rights to be their opposition. To this day, right-wing groups are the most enthusiastic advocates of free speech, religious liberty, guns for everyone, and the rest of our natural rights.

The idea of human rights slowly emerged in the twentieth century. The United Nations made the term human rights well known by its “Universal Declaration of Human Rights” even though the document is a clumsy stitching together of all kinds of rights. Franklin Roosevelt in his 1944 State of the Union Address called for a second bill of rights by which he meant adding economic rights to political rights. The UN committee, chaired by Eleanor Roosevelt, debated whether political rights or economic rights come first. The United States which championed the first position won out over the Soviet Union. The idea of human rights that need to have both political and economic dimensions was obscured.

Not until Jimmy Carter did a U.S. president raise a question about human rights in foreign policy. Foreign policy experts scoffed at the idea. Carter may have been

influenced by Martin Luther King, Jr. who used “human rights” in his late speeches. After connecting race to poverty and militarism, King recognized that he was fighting not only for civil rights but for human rights. King and Carter may have seemed to fail in establishing human rights in U.S. policies. But the language has slowly grown in importance so that nearly everyone in the world has heard of human rights and protest to be treated as human beings..

There is no agreement on how a bill of human rights would be formulated; a human rights convention is needed. An example of entries for a bill of human rights might be: the first human right is not to be tortured or murdered; the second right is freedom of movement; the third right is freedom of expression; the fourth right is that of having food, housing and health care for a decent life.

The country needs to have a convention which reflects the diversity of its citizens. From discussions that might take several years a Bill of Human Rights could emerge that recognizes all citizens as equally human. The exercise of these human rights, unlike natural rights, will require cooperation among citizens and cooperation between citizens and their government.