

A commitment to human rights has been a central part of American life since our country's beginning. In 1776, the Declaration of Independence asserted that all people are endowed by God with "certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness" and that "to secure these rights, Governments are instituted." From 1789 to 1791, in response to vigorous debates that occurred in the original thirteen states about whether to adopt the Constitution, the first Congress proposed and the states ratified the first ten amendments to the Constitution, which are known collectively as the Bill of Rights. The enduring importance of the concept of rights in America is seen in its being mentioned in the state mottos of Alabama, Iowa and Wyoming.

A right is typically a freedom to do something or an entitlement to receive or possess something. In the arena of government, rights are a matter of law. While advocates may claim that something is a human right, unless that right is written into a constitution or law, it is unlikely to be recognized or acted on by government. However, the idea that something is or ought to be a right generally arises from practical, moral or even religious considerations.

The earliest civilizations often claimed that their laws were given to them by their gods. Whether or not they meant this literally, the claim signified that the laws, rather than being arbitrary, were rooted in something fundamental to human existence and that to disregard them would have consequences beyond mere human retribution. We see something similar in the Declaration of Independence's claim that everyone has been created equal and endowed by their Creator with certain unalienable rights. The claim to a divine source of these rights

expressed the conviction that the American colonies, in launching their revolution, were acting justly.

The practical reality behind the establishment of many rights is that those rights make a society stronger and healthier, more cohesive and more resilient. Property rights enhance a society's productivity and wealth. If the fruits of a person's labor can be taken from them without just cause, the motivation to work inevitably decreases. The right to express one's thoughts and feelings freely encourages an exchange of ideas that, in the long run, benefits everyone, even if it sometimes creates discomfort or involves intentional or unintentional falsehoods. There are almost always practical considerations connected to the question whether something should be made a legal right.

Yet there is often something that stirs within us when we talk about rights, a moral sense that moves us to support or oppose a claim that there is or ought to be a particular right. A person who says that health care is a human right is making a moral assertion. A person who says that an embryo has a right to life is making a moral assertion. Our moral feelings arise from deep within us and have a powerful influence on our thinking. The problem is that one person's moral feelings are often different and even in conflict with the moral feelings of others.

In 1948, three years after the defeat of Nazi Germany and a time when its human rights abuses had come into full view, the General Assembly of the United Nations, a new international organization, proclaimed a Universal Declaration of Human Rights, which led subsequently to more than 70 human rights treaties. While many of

the rights contained in the declaration and later treaties were inspired by the example of American democracy, there are also many declared rights that the United States as a whole has not consistently upheld, either at the time they were first declared or in some instances even today. This is particularly true with regard to the right to a minimum standard of living, medical care or other forms of socio-economic support, which have not found their way into American law.

Our federal, state and local constitutions and laws do establish many rights for all Americans, including freedom of religion and speech, the right to peaceful assembly and the right to the due process of law when charged with a crime, to mention just a few contained in the Bill of Rights. As our legislatures do their work of passing new laws and occasionally revoking old laws, Americans' legal rights continue to evolve. It is good to remember that, while we may advocate for or even assert the existence of certain rights based on our moral feelings, it is our legal systems that establish our rights and make them enforceable by government. And beyond simply asserting our belief in the existence of rights not yet embodied in law, it is more helpful to say why we support such rights and the good that their adoption would bring to all of us.