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Voice, Rights, and Reason

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A Conversation...

LEE: It strikes me that what we're getting towards is the relativity of rights. You have a right relative to the circumstances you're in. There is no objective, absolute right. You're talking about whether you can yell "fire" in a movie theater, whether you have that right If someone grants you a right, and it's legal, then it seems like it should be an absolute right, but that never seems to be the case. There's no objectivity in this document or in any legal granting document If someone says you have a right to do this, then there really is no reason you shouldn't be allowed to do it whenever you want to.

PAT: Then there's kind of a problem with our Constitution, because the rights there . . . are all open to interpretation, they are all qualified. As society has changed so has the interpretation of the laws over the years. None of the rights, like the right to bear arms, that's not really an absolute right because of other restrictions or laws that have been made None of them are absolute.

JAMIE: Do you think the reason that none of them are absolute is that they wrote them so open-endedly that you can interpret them however you want to?

PAT: I think they can be made clearer. Someone may have said them in a statement, like "they have the right to do this" and might have thought that that meant absolute. But the person who actually wrote it might have thought it was very, very clear. And when other people took it they may have changed the interpretation . . .

TAYLOR: So is a right something that we as a society came together, and the government, in a document, on a piece of paper, says it's right or wrong. You just started talking about the Bill of Rights What is a right? Is it just a piece of paper?

LEE: If you look at it governmentally, or societally, a right is basically something which is a condition that you desire and that everyone else around you desires, or most other people around you desire. And you are willing to have restrictions placed on yourself to protect whatever this condition is. Say, uh, the right to free speech, or the right to not be killed. I'm willing to give up the right to kill other people in order to protect my right to not be killed. And it becomes a right because we all agree that it's worth giving up rights to be democratic or whatever. The authority comes from the social contract.

JAMIE: Does everyone have to agree?

TAYLOR: Does that make it a right?

JAMIE: Is it a right if only fifty-one of a hundred agree?

LEE: Nobody has to enter the social contract.

DAKOTA: Well, you're kind of born into the social contract. It's sort of a decision to break it than to enter it.

LEE: There's no place where at least technically that murder isn't a crime. . . . You're born into a society and you're bound by that society's rules. If you choose to break those rules then you give up the rights and protections that that society gave you.

TAYLOR: But sometimes in a society If you went back to when there was slavery they'd say that they have the right to own slaves.

LEE: But that's their social contract. You're born into a social contract.

TAYLOR: But that doesn't make it right though.

LEE: It's not necessarily right but the point is you're born into a social contract whether you like it or not. You can choose to follow that social contract and get whatever benefits or not get the restriction that implies. Or you can choose to break that, at which point the other people in that social contract can do whatever they want to because you don't have any social contract.