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## Chancellor's Update

### Pope Benedict XVI Reminds the World

#### Rights, Responsibilities and Privileges

The cry these days is “I have rights!” Some emphasize the right to privacy, while others emphasize the right to choose. A newer statement is for government mandated, taxpayer funded right to universal health care. These ‘rights’ represent a far cry from age-old rights, such as freedom of religion, freedom of speech, and freedom of the press. In the near future what new rights will appear on the horizon? A discussion of the basic beliefs about rights should clear up some of the confusion.

**RIGHTS.** The dictionary defines a right as ‘a justifiable claim’, ‘a just claim or title’ and ‘that which is due to anyone by just claim’. All rights originate in law: natural law, state law or other law. Basic human rights or natural rights are derived from the Natural Law. **Those who deny the existence of natural law deny also the existence of natural rights. No natural law; no natural rights. If there is no natural law, then the state is the sole source of rights.**

**Properties of Rights.** Rights are vested in a person; hence they have a moral power, but not a physical power. If a right is derived from the Natural Law, no rights can collide. Any conflict of rights is only apparent. Children and insane people possess rights. Since animals are not rational, they have no rights. However, animals should be treated humanely. Others may not impede someone in the exercise of a right.

**Natural Law.** Aristotle in his *Rhetoric* states, “For there really is, as every one to some extent divines, a natural justice and injustice that is binding on all men, even on those who have no association or covenant with each other.” Cicero in his *De Re Publica* writes, “There is truly a law, which is right reason, fitted to our nature, proclaimed to all men, constant, everlasting...It can neither be evaded nor amended nor wholly abolished. No decree of Senate or people can free us from it. No explainer or interpreter of it need be sought but itself.” (Austin Fagothey, S.J., *Right and Reason*, Saint Louis, The C. V. Mosby Company, 1963, pp. 124-125). Saint Paul tells us, *When the Gentiles who have no law do by nature what the Law prescribes, these having no law are a law unto themselves. They show the work of the Law written in their hearts* (Romans 2, v. 14-15).

**Rights derived from the Natural Law.** Natural rights, also known as inalienable rights, belong to man by birth. These are life and the means of preserving life, seeking one’s last end, liberty, and the pursuit of happiness. Supplemental to inalienable rights are the right to marry, the right to acquire property, private property, the right to own things necessary to preserve life, and the right of parents to educate their children.

Other Rights. These include positive rights, which are acquired by fulfilling a condition, e.g., voting; contractual rights, which require a contract or mutual agreement to confer them, e.g., acquiring a specific property; and alienable rights, which can be given away or renounced.

Specific Right 1. Right to life exists (from the moment of conception) as soon as someone becomes and remains a human being. Man is not free to renounce it. He has a duty to preserve it. Suicide opposes self-preservation, is never justifiable, and is contrary to man's nature and contrary to the Natural Law. Man does not have dominion over his own life. Since God, the Creator of all things is the absolute owner, man, as the steward, must one day give an account of his stewardship. The end of man's existence is to attain God by observance of His law. The Master (God) determines man's servitude (Miltner C.S.C., Ph.D., The Elements of Ethics, New York: The MacMillan Company, 1936, pp. 190, 165).

Specific Right 2. Right not to be deceived. To attain to the truth is the natural end of the human intellect. No man has a right to every truth, but he has the right not to be deceived. (Miltner, *ibid*, p. 205)

Specific Right 3. Right of ownership means full power to make use of, profit by exchange, sell, give away or destroy an object to exercise control over it permanently in one's own interest, provided that in so doing the rights of others be not violated, nor the common welfare be ignored. Since man has the natural duty to provide for the material needs of family and education of children, he has the right to accumulate and retain material goods in order to fulfill these duties (Miltner, *ibid*, pp. 219 & 223).

Pope Benedict XVI Speaks. "It is evident...that the rights recognized and expounded in the Declaration (of Human Rights) apply to everyone by virtue of the common origin of the person, who remains the high-point of God's creative design for the world and for history. **They are based on the Natural Law inscribed on human hearts and present in different cultures and civilizations. Removing human rights from this context would mean restricting their range** and yielding to a relativistic conception, according to which the meaning and interpretation of rights could vary **and their universality would be denied in the name of different** cultural, political, social and even religious **outlooks.** This great variety of viewpoints must not be allowed to obscure the fact that not only rights are universal, but so too is the human person, the subject of those rights..."

"Experience shows that legality often prevails over justice when the insistence upon rights makes them appear as the exclusive result of legislative enactments or normative decisions taken by the various agencies of those in power. **When presented purely in terms of legality, rights risk becoming weak propositions** divorced from the ethical and rational dimension which is their foundation and their goal..."

**"It should never be necessary to deny God in order to enjoy one's rights.** The rights associated with religion are all the more in need of protection if they are considered to clash with a prevailing secular ideology or with majority religious positions of an exclusive nature." (United Nations General Assembly, April 18, 2008).

RESPONSIBILITIES AND DUTIES. Whoever has rights has duties. Since man must pursue his ultimate end, which begins with knowing God and the Natural Law, then he has the duty to worship God and obey the Natural Law.

Duties of justice are absolute, binding at all times, and may not be neglected without incurring the obligation of making restitution. Duties of charity do not oblige to restitution (Miltner, *ibid*, p. 214).

Duty imposed by divine authority is graver than duty to human authority. Duty toward soul or life is stronger than toward body or property. Duty is stronger to parents or country than to stranger or foreign country (Miltner, *ibid.*, p. 146).

The duty of parents to educate their children is imposed by the Natural Law. Rights and duties of the state in education of children are of a secondary and indirect nature. *Parents may never wholly relinquish supervision over the education of children.* (Miltner, *ibid.*, pp. 274 & 276).

Necessity, which involves unforeseen or unpreventable danger, could exempt from duty, depending on the gravity of the danger. Negative duty forbids something intrinsically evil, such as lying, suicide, blasphemy (Miltner, *ibid.*, p. 147).

**Pope Benedict XVI Speaks.** “In the name of freedom, there has to be a correlation between rights and duties, by which every person is called to assume responsibility for his or her choices, made as a consequence of entering into relations with others....

Notwithstanding the enormous benefits that humanity can gain, some instances of scientific research and technological advances represent a clear violation of the order of creation, to the point where not only is the sacred character of life contradicted, but the human person and the family are robbed of their natural identity...

“This principle of ‘responsibility to protect’ has to invoke the idea of the person as image of the Creator, the desire for the absolute and the essence of freedom. The founding of the United Nations, as we know, coincided with the profound upheavals that humanity experienced when reference to the meaning of transcendence and natural reason was abandoned, and in consequence, freedom and human dignity were grossly violated.” (United Nations General Assembly, April 18, 2008).

**PRIVILEGES.** The dictionary defines a privilege as ‘a right or immunity enjoyed by a person beyond the common advantage of others’, ‘a special advantage’, ‘a special prerogative’, and ‘a grant’. Thus, since flying a plane is not a necessity to preservation of life, no one has a ‘right’ to fly a plane.

Today people are clamoring for government mandated taxpayer funded universal health care. They claim it is a right. Is it a right or is it a privilege?

The crisis with health care involves two main factors: its affordability and the concept of right. Health care and its insurance are unaffordable because the government mandates what medical conditions must be covered and what will not be covered, and how much to pay doctors for their services and laboratories for their tests, and use of community ratings to determine insurance premiums. Second, purchases of health insurance based on free market practices and available across state lines for competitive pricing are discouraged or forbidden. Third, doctors must pay such expensive premiums for malpractice insurance that many retire early or move to states with easier regulations, limit their practice or leave the profession.

Advocates of the right to universal health care are confusing a right with a privilege. While one has an inalienable right to life, one does not have a right to universal health care for the following reasons: 1. Those who choose to have health care pay for it by using their personal property (money). 2. Others choose not to purchase it for whatever reason. The third group determines that they want health care, but since they cannot or don’t want to pay for it, they want their neighbors to pay for it. That makes it **a privilege not a right**. To complicate the matter further, they want the government to steal it from their neighbors and give it to them, thus relieving **their** consciences from the burden of

stealing. By positioning **one's** right to life against **his** neighbor's right to private property (money), they present an emotional argument to justify a new right, called universal health care.

Once an idea like this becomes prevalent, the people lose the concept of responsibility, and become more dependent upon government, leading to an increase of laziness and sloth. Wise King Solomon admonishes, *By **slothfulness** a building shall be brought down, and through the weakness of hands, the house shall drop through* (Eccles. X v.18).

St. Olympias, a holy widow in the Eastern Church, was born about the year 361. After her husband's death the hand of Olympias was being sought by several of the most considerable men of the court. To the Emperor Theodosius she declared her resolution of remaining single the rest of her days: "Had God wished me to remain a wife", she said, "He would not have taken Nebridius away."

St Olympias thereupon offered herself to the Bishop of Constantinople for consecration as a deaconess, and established herself in a large house with a number of maidens who wished to devote themselves to the service of God. Her dress was plain, her furniture simple, her prayers assiduous, and her charities without bounds, so that St. John Chrysostom, her protector, found it necessary to tell her sometimes to moderate her alms, or rather to be more cautious in bestowing them, that she might be able to succor those whose distress deserved preference: "**You must not encourage the laziness of those who live upon you without necessity. It is like throwing your money into the sea.**" (Butler's Lives of the Saints).

In more recent times Socialists have offered universal health care as part of their goal of temporal welfare and happiness. Under this system man is deprived of the right of private ownership. "He becomes necessarily dependent upon the will of the State with regard to all the necessities and comforts of life. He becomes a servant of public authority, and like all servants he must take what work is given him and be content with whatever return his master (the state) may see fit to give him for his labor. Material well-being--presuming that he would have it under Socialist control--purchased at the cost of freedom of choice can be at best but a foolhardy bargain. Socialism therefore as a means to better the conditions of the working classes, is vain and illusory. It would inaugurate conditions worse than those it aims at eliminating." Just the contrary would be the case under a system of private property. "The laborer, however great the difficulty may be in any given case, has always the possibility and the hope of bettering his economic condition, and so of increasing his economic independence. **He retains his power of initiative, control over his time and energies, his self-respect as a free individual capable of shaping his own career**" (Miltner, *ibid*, p. 248).

In justice preservation of life requires that anyone suffering a serious health emergency, such as severe bleeding, stoppage of breathing, shock or poisoning, should be treated regardless of ability to pay or ownership of health insurance. Because many people live long lives with disabilities or handicaps, charity care or taxpayer funded health care should be offered to the indigent only to the extent that the finances of fellow citizens permit. Thus, universal all-inclusive health care is not a right; it is a privilege.

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