



## “UNALIENABLE” RIGHTS vs. PRODUCTS AND SERVICES – THEY ARE NOT THE SAME!

**But just because something isn't an Unalienable Right  
doesn't mean it's not a good thing!**

Stephen L. Bakke  February 20, 2012

*To equate a true Unalienable Right to a product or service is to cheapen the intentions of our Founders as it relates to individual liberty. Let us not make the mistake of elevating these entitlements to the lofty height and importance of Unalienable Rights.*

– Pretend pundit, Stephano Bakovich, February 2012

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### Leave the Rights Alone

Unalienable Rights are what they are! If we can accept that premise, then the debates really is on the role of government:

- As it respects, or on the other hand, infringes, or permits infringement on individuals' rights and freedoms;
- As it adheres to, or doesn't, the Constitutional limitations on what the federal government can do;
- **And as it deliberates the type of individual services (not individual rights) it provides.**

As I wrote in my last report, true rights are not something like a product or service that is to be bought and sold and has limitations. Rights are inherent and are not diminished as desire for them increases. Nevertheless, please don't forget that **just because something isn't an Unalienable Right, that doesn't mean it's not a "good thing!"** Are food, drink, and shelter Unalienable Rights as used in our founding documents? No, these are merely very good and desirable things that can be bought and sold – i.e. products and services. And we must debate in Congress to what extent these are provided by government – not as an Unalienable Right, but as a governmental benefit.

### A Friendly Critic of My Opinions

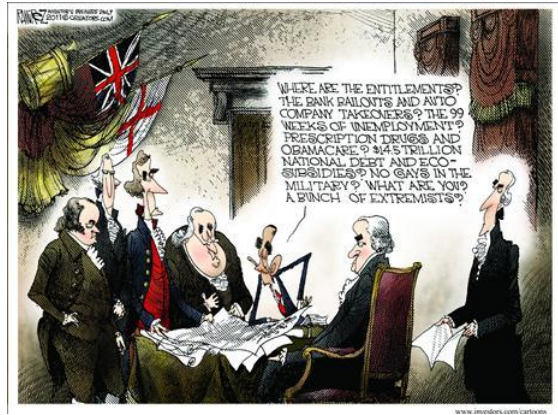
A friendly critic of my opinions once wrote: “Clearly the Constitution defines that it is the responsibility of the federal government to ‘provide for the common defense and general welfare’ ... and furthermore ‘to make all laws which shall be necessary and proper for carrying into execution the foregoing powers’ ... there is an inherent tension between the 10th Amendment and Article 1, Section 8 of the Constitution. The Tenth Amendment says everything not granted to the Feds is granted to the states and individuals. But at the same time we have this incredibly broad and vague grant of powers in Article 1, Section 8. It is essentially a ‘get out of jail free’ card.”

That last statement may be easily inferred if you consider the Constitution as a “qualifier” of the Bill of Rights. **However, the opposite is the case.** The 10th Amendment was intended to be a strong statement that the enumerated powers in the Constitution (particularly Article 1, section 8) is

lengthy because **it was important to be specific. It was specific because the government's role was intended to be limited and include only those things specifically described/enumerated** – thereby absolutely limiting the power of the federal government.

### **But Does Government Guarantee Our Individual Rights?**

Government's job is to guard against the infringement of individual Unalienable Rights. Rights are inherent and not government **provided**. The government **protects** those rights. **Sometimes people obscure (consciously or unconsciously) the difference between "provide" and "protect."** It is this incorrect interpretation of government's role that leads the more liberal politicians to try to provide all things that may simply be "desirable and good." Those are not Unalienable Rights.



### **What Happens When Rights are Incorrectly Defined?**

An "incorrectly presumed" right becomes an entitlement when, by force of governmental influence, it is mandated on an individual. It may be good or bad. It may be constitutional or (in the minds of some) unconstitutional. But the delivery of entitlements is almost always inefficient and inconsistent – and fraught with unintended consequences.

Often, when the government is involved in attempting to widen the definition of a "right," other artificial forces take hold and results are disappointing - even damaging. Consider the movement in recent years to declare home ownership a "right." To that end the Community Reinvestment Act was passed and the marketplace was asked to be creative in finding ways to underwrite mortgages to allow more Americans to own homes. We saw what happened: the housing bubble, Frannie, Freddie, foolish loan underwriting, and eventually a "crash" in the fragile "pretend" housing market.

**Stated another way, things that are determined by the government to be deserved by the population shouldn't be confused with "rights." Unalienable Rights are inseparable, and a given. Those things "deserved" and provided by the government are "entitlements." The "service" in question may be a "good thing", but let us not presuppose that government delivery is the best way for citizens to receive it. There are "good things, and things that are deserved." Let us not make the mistake of elevating these to the lofty height and importance of our Unalienable Rights.**

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*With Obama's statements, are we witnessing larger symptoms of a progressive push to reshape and redefine the Declaration's inalienable rights and, even more fundamentally, their very source? ... Progressivism is nothing more than moral relativism at the political level. Truth is never constant, with no fixed starting point, whether (theologically) in Sacred Scripture or (politically) in sacred political documents like the Constitution and Declaration of Independence. Truth is determined not by an absolute, single authority but by the individual – or, here, progressive individuals en masse – who are always marching and ever-advancing toward evolving truths revealed somewhere down the road. – author and columnist Paul Kengor*