

# Rights Without Morals Are Killing Our Democracy

*What was the first thing you did when you heard that  
 Hamas was attacking Israel on **October 7, 2023**?*

I began spreading the news of what was taking place in Israel through BHC's social media platforms. I began receiving responses that said something like this, "I am praying for Israel, but we all know that God is going to take care of them."

Susan, my wife, was on her phone checking on people she knew in Israel. They were focused on the rockets and missiles that were exploding over their heads. Hamas and other Islamic groups had been attacking Israel from Gaza since **January 30, 2001** – the same year September 11<sup>th</sup> attacks happened in America. Some television news reporters even called October 7<sup>th</sup> "**the September 11<sup>th</sup> event of Israel.**" Below is a description of what happened as Americans tried to process information about the attack.

*The country reacted with shock, confusion, and sorrow. With a strong desire to prevent similar events in the future, policymakers quickly assessed the existing security and vulnerabilities of the country's infrastructure.*

On **October 7, 2001**, in response to the September 11 attacks, President George W. Bush announced that airstrikes targeting **Al-Qaeda** and the Taliban had begun in Afghanistan.<sup>1</sup> **Operation Enduring Freedom** was the official name used by the U.S. government for both the first stage (2001–2014) of the **War in Afghanistan** (2001–2021) and the larger-scale **Global War on Terrorism** (counterterrorism operations in other countries, such as the Philippines and Trans Sahara). The final flight, a US Air Force C-17, departed at 3:29 p.m. ET, 11:59 p.m. in Kabul time, on **August 30, 2021**, marking the end of the American campaign in Afghanistan and followed by celebratory gunfire by the Taliban. Many observers have noted this as the end of America's longest war in history:

19 years, 10 months, and 23 days<sup>2</sup>

What does the date **October 7, 2001** mean to Al-Qaeda, the Taliban, and other Islamic terrorists groups? *It was the beginning of the war they won, and America lost!* Was the attack on Israel planned to take place on that date, or was simply a coincident? Either way, October 7<sup>th</sup> is not just another day in the minds of leaders of the Islamic groups Hamas has ties with. However, if that date was part of the plan or intentionally became part of the "**spin**," Hamas and other terrorists' groups were sending a message to Americas.

- October 12 -- Hamas leader Mashaal "*called for a 'day of rage' tomorrow against Zionists and Americans by Muslims and Arabs all around the world.*" He was calling for a "jihad" -- *the personal duty of every Muslim in the world to attack Jews.* There are 1.5 billion Muslims around the world.

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<sup>1</sup> [https://en.wikipedia.org/wiki/Operation\\_Enduring\\_Freedom](https://en.wikipedia.org/wiki/Operation_Enduring_Freedom)

<sup>2</sup> [https://en.wikipedia.org/wiki/War\\_in\\_Afghanistan\\_\(2001%E2%80%932021\)#2020%E2%80%932021:\\_US\\_withdrawal](https://en.wikipedia.org/wiki/War_in_Afghanistan_(2001%E2%80%932021)#2020%E2%80%932021:_US_withdrawal)

## **BHC Topics to Explore 20231129**

- October 14 -- protests supporting the decision of Hamas to attack Israel broke out across America, especially on college campuses.
- October 22 -- Thousands join Paris's first authorized pro-Palestinian demo since the Hamas attacks.
- October 27 – Campus police arrested 57 at a pro-Palestinian sit-in at UMass Amherst.
- October 29 - ‘Stop the massacre’: Pro-Palestinian, anti-Israel protests draw large crowds word wide: Demonstrations in New York, Pakistan, Greece, Madrid, Morocco. Thousands rally in Pakistan against Israel's bombing in Gaza, chanting anti-American slogans. Anti-Israeli slogans of pro-Palestinian protesters reverberated through downtown Toronto.
- October 30 – Hundreds storm an airport in Russia in an antisemitic riot over the arrival of a plane from Israel.

## **Cascading Unintended Consequences Weaken American Democracy**

One day in April 1970, twenty million Americans of every age and political party came out into the streets and the parks to celebrate the first **Earth Day**. They demanded a better balance between corporations and people and better stewardship of our land, water, and air. These millions continued a longstanding American principle of guarding against concentrated corporate power that might overwhelm the larger interest of the nation. With a Republican president in the White House and bipartisan support in Congress, the extent of reform that quickly followed in the months and a few short years after the first Earth Day remains astonishing:

- First Environmental Protection Agency
- Clean Water Act
- Federal Water Pollution Control Amendments
- Clean Air Act Extension
- Toxic Substances Control Act
- Safe Drinking Water Act
- Wilderness Act
- Surface Mining Control and Reclamation Act
- Endangered Species Act
- Marine Mammal Protection Act
- Resource Recovery Act
- First fuel economy standards for motor vehicles<sup>3</sup>

The biggest corporations on the planet did not celebrate the responsive democracy that followed Earth Day. **The corporations organized to fund a sustained program to take political power and rights for themselves and away from average Americans.**

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<sup>3</sup> *Corporations Are Not People: Why They Have More Rights Than You Do And What You Can Do About It* by Jeffrey D. Clements © 2012; Berrett-Koehler, Inc.; San Francisco, CA; pp. 14-15.

## BHC Topics to Explore 20231129

When philosopher **John Rawls** published *Theory of Justice* in **1971**, one of his main goals was to overturn utilitarianism. **He sought to prioritize the right over the good**, establishing as the purpose of political order **the protection of a framework of right, not the pursuit of any particular good**, even utility or happiness.<sup>4</sup>

No political philosopher of the past quarter century has had a more significant impact on political discourse in the English-speaking world than **John Rawls**. He has given us many of our common and conventional **“rules for action.”**

**“Rules for action”** is a broad concept **covering beliefs about what our ideals or goals should be**, strategic design principles for specific organizational domains, and the tactical choices about rules norms that can bring those design principles to life in practical, on-the-ground applications.<sup>5</sup>

In 1971, **Lewis Powell**, was a mild-mannered, courtly, and shrew corporate lawyer in Richmond, Virginia. He was also a director of more than a dozen international corporations, including Philip Morris Inc., a global manufacturer and seller of cigarettes. Powell wrote a memorandum to his client, the **United States Chamber of Commerce**. He outlined a critique and a plan that changed America.<sup>6</sup>

Powell titled his 1971 memo to the Chamber of Commerce *“Attack on American Free Enterprise System.”* He explained, *“No thoughtful person can question that the American economic system is under broad attack.”* In response, corporations must organize and fund a drive to achieve political power through **“united action.”**

Powell emphasized the need for a sustained, multiyear corporate campaign to use an **“activist-minded Supreme Court”** to **shape “social, economic and political change”** to the advantage of corporations. “Under our constitutional system,” Powell told the U.S. Chamber of Commerce, **“especially with an activist-minded Supreme Court, the judiciary may be the most important instrument for social, economic and political change.”**<sup>7</sup>

The following quote by Michael Anthony Lawrence (*Justice-as-Fairness as Judicial Guiding Principle: Remembering John Rawls and the Warren Court*) was published in the Brooklyn Law Review (2016 Vol. 81; Issue 2; pp. 674-675).

*A Theory of Justice at its simplest, Rawls suggested that in order to achieve a just (or “fair”) society, decision-makers should operate from the original position of equality behind a so-called veil of ignorance, where they have no idea of their own personal circumstances, in order to promote a just society . . . [I]ts impact on contemporary legal thinking has been profound,” writes one legal scholar. Widely cited in law review articles and court opinions, the book has provided a unifying*

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<sup>4</sup> *Justice By Way of Democracy*, By Danielle Allen; p. 17.

<sup>5</sup> *Justice By Way of Democracy*, By Danielle Allen, © 2023 Democratic Knowledge, LLC, University of Chicago Press, Chicago, IL; p. 11.

<sup>6</sup> *Corporations Are Not People* by Jeffrey D. Clements; p. 17.

<sup>7</sup> *Corporations Are Not People* by Jeffrey D. Clements; p. 18.

## BHC Topics to Explore 20231129

*approach for many theorists and jurists seeking to elevate basic fairness as an integral component of any concept of justice.*

**Lewis Powell** served on the United States Supreme Court from January 7, 1972 until June 26, 1987, when he retired from the Court.

Dr. Danielle Allen addresses the primary conflict created by Rawls:

- The **rights of the ancients** (collective rights) were political rights, the right to be a part of a society that was working together to steer itself through collective decision-making.
- The **rights of the moderns** (individual) were about private autonomy -- steering your own life and being more or less left alone by any collective decision-making.

Well-being resting on autonomy cannot emerge simply from being the author of one's own life as an individual operating in an autonomously controlled space. None of us lives on such a private island. Each of us lives inside a set of societal constraints. As we pursue our purposes, and shape our lives in relation to them, there is no way to proceed through the world without recognizing and submitting to a set of limits that come from laws, shared cultural practices, social norms, and organizational protocols.<sup>8</sup>

For Lewis Powell, the ultimate goal was obtaining a Supreme Court ruling that including the following:

- Decrease the power of the President and Congress by increasing the power of an "activist-minded Supreme Court."
- Establishing a political order based on the protection of a framework of "right purpose" (without moral equality).
- Corporations have the same rights as individuals.
- Individual rights are superior to collective rights.

Both Rawls and Powell had their agendas, but they could have never dreamed of the numbers of or types of rights groups that are fighting for political dominance today. Instead of establishing a better political order, **the political system has become so individualized and polarized it seems to be cannibalizing itself**. Today, there is an overwhelming majority of citizens that value the Bible and the teachings of Jesus. *Exploring the Bible and Biblical Heritages* is a way to rediscover the moral equity upon which the United States of America was founded.

*"We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness . . . ."*

**BHC**

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<sup>8</sup> *Justice By Way of Democracy*, By Danielle Allen; pp. 21, 32.