



Episode 9

The Rights Stuff

"All right," Jasmine Maru begins. She has brought Hamlet P. Buglaroni back to the locker alcove where she originally tried to get some information into his decidedly unreceptive brain. She likes the idea of that spot, because that's where Had Fleece started talking to her. "I have a question for you. What are rights?"

Buglaroni has removed his Star Trek tie and rolled it up in a ball with his sports jacket and squeezed both of them into his back pack. He may not be debating so at least he ought to feel comfortable. In fact, he's beginning to believe that comfort and debating might not be mutually compatible.

"I give up," he responds. "What are rights?"

Once again they are entirely alone, with only the occasional passer-by paying no attention to them. Jasmine knows that Had is busy in A flight, hopefully winning his fifth round. Maybe they'll both break. Maybe they'll even hit each other this afternoon.

Although that might not be such a good thing after all.

Jasmine returns her thoughts to the issue at hand. "Rights are entitlements to which you have a just claim," she tells Buglaroni.

He looks at her with a befuddled expression. "Say what?"

"Entitlements to which you have a just claim. Do you know what an entitlement is?"

Buglaroni shrugs. "Something you're entitled to?"

"Exactly. So what's a just claim?"

"Like, uh, something you are justified in, like, claiming."

Jasmine frowns. "All you're doing is repeating what I'm saying in exactly the same

words."

"Then I must be right," he claims, justly.

"You have no idea what I'm talking about, do you?"

Buglaroni gives her a crooked smile. "No," he says, nodding.

She sighs. "All right. Let's look at--"

"I wish you wouldn't say that."

"What?"

"All right."

"All right, I won't."

"All right."

"All right. Let's look at just claims. You can make a claim for anything you want, but that doesn't make it just. To claim something you simply say, this is mine."

"So a just claim is something that is mine, justly."

"Right. So what does just mean?"

"I was afraid you were going to ask that. Just means, like, right."

"How about just meaning things that are fair? Something that is just is something that's fair. You know what fair means, don't you?"

"Fair I know from. Fair is everybody gets what they deserve. An honest split."

"Good enough. So a just claim is something that is yours, that is fair for you to have it, and fair for other people that you have it. So therefore, a right is anything that it's fair for you to have."

"It's fair that I have this shirt, isn't it?" Buglaroni asks. "So this shirt is a right, then."

"Not quite." Jasmine thinks for a minute. "It's fair probably that you have a shirt, however. You have a just claim to clothing. Perhaps."

"But perhaps not."

"Perhaps not."

"Which means I'd have to run around naked."

Jasmine cringes at the possibility. "Classical philosophers would not necessarily argue in favor of a right to clothes, but I'm sure in your case they'd make an exception."

"Good. I'm glad to hear that."

"Not as glad as I am. But you bring up an interesting question. Rights can be anything. You can claim a right to clothes, or a right to food, or a right to anything. There's no end to it. But just because you claim a right to something, that doesn't actually give you the right to that thing. I could claim that I have the right to be principal of Nighten Day, but that claim doesn't equate with the literal right to start being the principal. Before I can actually exercise a right, that right has to be protected."

"You're really losing me in all of this, Jasmine."

"All right. Let's try it another way. You have a vague idea now about what rights are. Let's see if we can actually pin a few rights down. What we know about them is that they have to be fair, which must mean therefore that there are some rights that, if any one person can claim them, every other person ought to be able to claim them too."

"Those would be, like, basic rights."

"Basic rights. Perfect. The Declaration of Independence says, 'all men are endowed by their Creator with certain unalienable rights, and among these are life, liberty, and the pursuit of happiness.'"

"I've heard of them," Buglaroni says with a look of self-congratulation. "Unalienable rights."

"What does unalienable mean?"

Buglaroni thinks for a second. "Not from outer space?"

"What?"

"Not alien. Terrestrial, in other words."

"Inalienable means not transferable."

"I thought you said *unalienable*."

"Jefferson said *unalienable*. Nowadays we say *inalienable*."

"What was wrong with *unalienable*?"

"I have no idea, Hamlet. The point is, an *inalienable* right -- like life, liberty and the pursuit of happiness -- is something that you have that can't be taken away."

"Where do I get it?"

Jasmine's face brightens into a rare smile. Or at least rare in the vicinity of Buglaroni.

"That's a good question. The Declaration says we get them from our Creator, or God. John Locke said the same thing, that basic natural rights come from God, and that they're shared by everyone by virtue of everyone being human."

"Human rights, in other words?"

"Sure. *Inalienable* rights, natural rights, human rights. They're pretty much the same idea."

"And we get these from God?"

"That's what some philosophers say."

"But what about atheists? Where do they get their rights?"

"God gives them to everyone. Even atheists."

"But what if the atheists are right? That there is no God? Then wouldn't we have any rights anymore?"

"That's actually another good question. Let's say there is no God--"

"But that's just, like, hypothetical, right? I mean, there is a God."

"Whether or not there is a God doesn't matter, Hamlet."

"Well, it may not matter to you, but a lot of priests and rabbis are going to be out of work if it turns out there's no God."

"You're missing my point. The thing is, a right to life, for instance, is a good thing, wouldn't you say."

"I certainly would."

"How about the right to liberty?"

"Sounds good to me. Liberty means I can do whatever I want, right?"

"Right. And of course the pursuit of happiness--"

"I never did understand that one."

Jasmine pauses. "I never did either, if you want to know the truth. And it will get you in trouble in debates. You're better off with the right to property, in the Lockean sense."

"What's the Lockean sense?"

"When Locke talks about property, he isn't talking about land, he's talking about the fruits of your labors. Like if you go through all the work to plant an apple orchard, you deserve to have the apples."

"You said like."

"No I didn't."

"Yes you did."

"Then I used it correctly."

"No you didn't."

"Yes I did."

"No you didn't."

"Did."

"Didn't."

"You're dragging me to your level, Buglaroni."

"I often have that effect on people."

"I'm not surprised. Can we continue?"

"Okay."

"So you have certain basic rights. And having those rights is a good thing. Even if you didn't get them from God, they'd still be a good thing. Correct?"

"Correct."

"It would be clear to anyone, even you, that having these rights are a good thing?"

"Correct."

"Okay, then wouldn't it make sense, for our mutual benefit, for us to simply agree that these rights exist? I'll say that you have these rights if you say that I have these rights?"

"Makes sense to me."

"So we'll have a reciprocal agreement that we both have these rights, regardless of whether or not they come from God."

"Okay."

"So all humans should have these rights, simply by virtue of being human. By the nature of humanity."

"Sure."

"So therefore, these are natural, human rights. Life, liberty and property."

"Sure."

"So a right, therefore, is a claim that we agree that we should have. We claim a right to life, we all agree that it's just for all of us to claim this, so we simply agree that a right to life exists. An entitlement to which we have a just claim. And the justice comes in because we allow everyone on earth to make a claim for a right to life. And liberty. And property."

"Sure."

"So maybe we get our natural rights from god, or maybe we just have them by mutual agreement. In practical terms, does it make any difference?"

"Only to those priests and rabbis."

"Stop worrying about priests and rabbis!"

"That's easy for you to say. You're a girl. You can't be a priest or a rabbi."

"I can be a rabbi."

"But you're not Jewish."

"I'm not Catholic either."

"What else is there?" Buglaroni asks.

"How about extremely annoyed," Jasmine replies.

"I'll buy that."

"I figured you would." She looks at her watch. "I've got to get to my round. You should observe."

"Do I have to?"

"You are on the debate team, Hamlet. That does occasionally include activities somewhat analogous to debating."

"I'd rather play cards with Morrie."

"You're going to make a great debater some day. But not if you waste your time playing cards." She stands up. "Come with me. I'm not giving you a choice."

Buglaroni pulls himself up and reluctantly follows Jasmine down the hall to her room. Just as they arrive the first flight ends, and the two debaters come out, each of them explaining why he thinks the other has won the round. Jasmine allows Buglaroni to enter the room ahead of her, primarily because she feels he might attempt an escape if she lets him out of her sight even for a second. Right before she enters the room she looks down the end of the corridor and sees Had Fleece in the stairwell, going down to the first floor.

Cartier Diamond is at his side.

Jasmine feels a lead weight suddenly dropping into the pit of her stomach. What is going on here? She is almost nauseous as she enters the room, fighting the urge to go running down the hall after them. But she enters, to find Buglaroni already slouched in a chair in the rear while the judge in the center of the room is writing up her ballot from the first flight. The windows are open, and Jasmine walks to them to get some air.

Down below, Cartier and Had are still walking together. Jasmine grasps the windowsill for support. Cartier touches Had's arm and laughs, the hollow sound reaching all the way up to Jasmine's window. She leads Had to her father's Porsche and hands him the keys. He stands motionless for a second and then snatches them from her as he walks around to let her into the passenger side.

"Slam the door on her foot," Jasmine mutters under her breath as Had helps Cartier in. She continues to watch, despite the sound of her opponent arriving behind her, as Had bends his tall body into the driver's side. The growl of the starting engine rises up, and then the car pulls away, out of the parking lot, into the street. Away. Somewhere.

"Opponent ready?" Jasmine hears a voice behind her.

She composes herself, smiles, and turns around.

The show must go on.

Will Jasmine regain her self-control well enough to debate her fifth round?

Will Had and Cartier run out of gas in her Daddy's Porsche?

Will Hamlet P. Buglaroni ever understand the concept of rights?

Will the Hale-Bopp comet crash into downtown Toledo?

Why would you ask these questions now, since you know they'll never be answered in our next installment: "Musth: Is the `h' truly silent?"