

Shaping a New Rights Sphere

Many liberals immediately tune out any opinion that starts with “small government”, recognizing it as the cornerstone of conservative political ideology – and evoking an image of a cold and uncaring government system, more interested in growth and business than anything else. As the ostensible champions of the “little people” however, liberals are hard up to deny the pernicious effects that increased centralization has on both our cultural and individual freedoms.

From the perspective of social threefolding, a healthy rights sphere means casting aside the tired left-right paradigm and marrying the best of each of these polarized views. Through this lens, we see a far less portly version of today’s political state coupled with the muscle and strength necessary to preserve individual and cultural freedoms. Smart boundaries need to be established so that the economic sphere, guided by an awareness of human rights, can productively serve and benefit all of society. We need to reimagine this sphere of society, untangle it, slim it down and reshape it. But what does this look like?

In the strictest sense, the rights sphere involves only those issues that concern all of us. Within this framework every person’s view holds equal weight; we all meet on a level playing field and agree to a set of basic rules that help direct and facilitate our relations with one another. All these rights are then applicable to each individual, regardless of cultural or economic difference. This includes different types of rights:

- The rights of individual men and women, such as the insurance of cultural freedoms including education and healthcare. To uphold these rights we need to cast aside the idea that big government is the cure-all for our social malaise. We need to conceive of a State that doesn’t concern itself with how we want to pray or teach our children -- other than to ensure our free exercise of these rights and our safety in doing so.
- The rights between individuals, moral imperatives such as thou shall not kill, steal or cheat as well as a fair and just conception of labor. Here we need to find ways to free labor from the clutches of economic servitude and ensure a solidly democratic political process through which to establish necessary regulations and legal arrangements.
- The rights of the individual to the land. We have to identify a just conception of *ownership* that determines what we should consider as personal property and what should be established as common to all.

To establish a rights sphere according to these principles would require a complete dismantling of the current State and its redesign as a smaller and simpler administrative body, chosen to carry out certain, limited tasks (such as protecting human beings and the planet) and nothing else. Putting full-scale overhaul aside, there are some

practices and initiatives that are redefining the role of the State on an issue-by-issue basis with powerful and transformative effects.

Our Right to Land Use

The history of land ownership has often been a tale of brute force and privilege. In the last century, with the acceleration of all economic life, this story has morphed into one of wild speculation and drastic fluctuations in today's markets. Land doesn't come into being thanks to any one individual's work or effort - like ideas and products do - but power, control and unconditional right to land are the categorical standard. To work towards the threefold picture of a free rights sphere, we need to look for a structure, which can breakdown this myth of land use, and do more than ensure that the rich landowner makes money by sitting on his hands and the downtown developer enforces her tasteless junk of choice on our Main Streets and Broadways. Peter Barnes, founder of Working Assets, a socially responsible telephone company, and writer on issues of ownership, categorizes land as part of *the commons*, that which we all inherit and must improve -- or at the very least preserve -- to pass along to our children and theirs.

One convincing and effective means of reinventing and transforming our relationship to land is through a Community Land Trust (CLT). A community land trust is a model of land ownership in which a non-profit entity with an elected governing body holds and stewards a piece of land for the purposes of affordable housing, farming or other productive uses. The first CLT was started in the 60s by Robert Swann, founding president of the E. F. Schumacher Society. Inspired by the land gift movement in India, Swann and Slater King started the movement as an effort to help African American farmers in the south gain access to farmland.

Occupants of a CLT own the houses or buildings and any improvements that they make to the land, even the soil. However, they do not own the land itself, but instead have long-term leases on the land, which are renewable and can be passed on to family members. In this way, the land is no longer subject to speculation and the fluctuations of the market but becomes a matter of secure rights, with consideration given to both the needs of the community and the ecology of the region.

Our Right to Freedom of Education

Ensuring cultural autonomy is another important function of the rights sphere. Currently, we've managed to conflate a good portion of our cultural life, particularly in education, with the rights sphere. We've done this to such a degree that the State goes far beyond upholding the right to education and instead dictates and controls each and every aspect of its administration. If I send my child to public school, the state has complete control of both the pedagogy and substance of my child's scholastic experience - and I'm left with virtually no decision-making power. We have to recognize the absurdity of a system that identifies education as a universal right, but in which only the affluent are free to choose the education that they want for their children.

Education and other cultural matters should be removed from government control. The rights sphere should ensure each child's access to an education of their family's choosing, regardless of their financial means, but condemn anything more than that as a compromise of their cultural freedom. School voucher programs (which direct public or private funds to the child's education at an independent school chosen by the parents), as well as tax-credit legislation and tuition adjustment programs, should all be supported as promising and effective means to begin to unfetter education from state control while maintaining its support and protection.

Our Right to Labor as we Choose

Labor is not recognized as a matter of inalienable rights and human dignity but rather a slice of the economic pie. But the economic sphere can't possibly protect labor on its own, as it is its nature to see everything as a commodity and will treat a man's time and effort the same as it does sugar or cotton. Just as slavery and serfdom were overcome, we must now find ways to emancipate ourselves from wavery, never buying and selling labor itself, but rather the products of our labor.

One bastion of hope for securing labor's rightful place in the social organism, is the worker-owned cooperative model, wherein each worker owns a share of the business, while no outside party may do so. The cooperatives are owned and managed by the workers themselves, who vote and elect a board of directors to oversee it. In this way, labor rights are supported and protected by a strong and democratic body separate and apart from economic forces.

The Mondragón Cooperative in the Basque region of Spain is perhaps the largest and one of the most successful examples; Mondragón's worker-owners have an established pay scale, which dictates that the highest employee salary may not make more than six times the lowest. In contrast to the pandemic of traditional capitalist enterprises, the worker-owned cooperatives guarantee many of the worker rights that are usually consumed by the profit motive or ineffectively standardized by hefty state legislation or control.

Our Right to a Level and Democratic Playing Field

As the administrative body of the rights sphere, government itself also requires significant redress. In fact, part of the reason that the rights sphere cannot successfully protect land, labor and education is because of the economic incursion on rights administration. The domination of elections by economic powerhouses means that the iron triangle of interest groups, legislators and government bureaucracy are at the forefront of policy-making – not the wants and needs of the people. While there are certainly whistleblowers who point out the existent danger of a government system up for sale, what is most important is identifying practical ways to alter the system and stop economic influences from circumventing so many of the democratic rights and protections.

One good example is the Clean Elections movement which discourages the private financing of political campaigns in favor of a publically funded system. In this model government provides every candidate a flat sum of money with which to run their campaign. Other campaign finance legislation monitors and limits campaign contributions and curtails the use of soft money. An executive policy document in the Philippines called Agenda 21 (PA21) flattens control and influence by big government and business alike by promoting tri-sector partnerships as a way to help the private sector, civil society and government work together towards sustainable development. These models promote a democratic and healthy rights sphere and have an important place in the greater context of social transformation.

Threefolding our Way to an Autonomous Rights Sphere

No individual or pressure group has the right to buy elections or laws and they should be prevented from doing so, plain and simple. Similarly, rights to land and labor should appeal first and foremost to the necessity of human dignity and environmental protection, not the highest bidder; education and other matters of spirit and culture should be supported and ensured, but not explicitly dictated.

To actively support such measures is an affirmation of social threefolding. It is to envision an autonomous rights sphere, founded on principles of equality and justice, which heeds the notion of democratic process and does not bow out and succumb to the influence of giant corporations and their big money. Nevertheless, these examples don't provide a cure for all the social ills of our time, nor do they establish a perfectly conceived rights sphere. They are merely pieces of the puzzle.

So many of the possible manifestations of the impulses and ideas of social threefolding are surely yet to come. And yet, as part of this living process, these projects, initiatives and ideas already at work in this country and around the world are exceedingly important. They corroborate the viability of the rights sphere we so urgently require: an autonomous, scaled down, but influential, guide for all other societal activities, ensuring and protecting freedoms and social justice.

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