

The Rights of the “Human” over the “Non-Human”: The Undeclared World War of Human Rights versus Corporate Rights.

Part I

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Theme: [History](#)

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The following essay by Professor John McMurtry is Part I of a sixteen part series, which will be published on Global Research in the course of the next two months

The core problem of rights in general is that we have no life-value criterion whereby to tell whether a right is good or bad for society. Rights in private property are accepted from the English, American and French revolutions on, and disbelievers have been generally vilified as subversive and against freedom. Yet any *criterion* to determine when private property's right to exclude others *enables and disables people's lives* is not conceived by philosophers, and economists assume private property as an absolute presupposition of market exchange. Since John Locke and the private-property revolutions he provides the canonical justifications for in England and America, any idea of basing property and exchange in life needs is effectively taboo in the mass media, public political discourse and economic theory alike.

Locke specified three provisos of an individual property right claim in his historic *Second Treatise of Government* which was published within a year of the English revolution against James II in 1688. His conditions for the legitimacy of private property were life-grounded, but for the last time in the received literatures since. Locke's memorable conditions of just private-property right were sound: (1) “mixing one's labour with” the property to entitle it; (2) “always good enough left over for others”; and (3) “no waste or spoilage” of it. Yet while Locke's rhetoric of freedom and democratic accountability was recited almost word for word in the U.S. Declaration of Independence, his life-grounding conditions of exclusionary property were ignored from then on including by Locke himself. Having made the case at length for private property as a “natural right” by these three justifications, Locke erased all of them with “the introduction of money” in a stroke of the pen, and the erasure was never acknowledged. [\[1\]](#) A subordinate clause within a 10-line sentence was enough, and Locke's money shell-game has stood since – a synecdoche of the capitalist epoch. His life-grounded provisos have disappeared without a trace, with fateful implications. In this study, I explain the *life-value test* by which we tell whether any claimed right, however powerful it is in the world, is sound or not, and to what extent. Property right itself – from personal fixed possessions to corporate kingdoms – is neither holus-bolus justified or rejected, but grounded in and tested by its life value.

The general theory behind my analysis is *life-value onto-axiology*, what I have spelled out in

depth for UNESCO.^[2] Simply speaking, the *onto* of the concept refers to ontology, literally “the philosophy of *being*”; and the *axiology* refers to theories of what is of *value*, truth being a primary value. Multiplied disciplinary divisions into fields and areas of specialty have, however, among other centrifugal forces of the contemporary mind, excluded any unifying principle of value at all, and that has been a major incapacity of thought behind life and life-support system collapse across the world with no unified causal explanation or resolution in principle.

Right to Life: From Right-Wing Slogan to Life-Grounded Comprehension

One particular block against understanding life value has been the slogan ‘right-to-life’ attached to the U.S. right-wing’s most popular issue of contention – a woman’s relatively recent legal right to end her pregnancy. When I first introduced life-value theory in generic form to the Canadian Philosophical Association’s Annual Meeting in 1998, a well-known feminist philosopher, Alison Jaggar, stormily dismissed the idea as more ‘right-to-life’ advocacy. I report this position to illustrate the metaphysical stupefaction that has come with the internalization of this slogan in even a distinguished feminist philosopher’s mind – so that the very concept of life itself is erasively reduced to an embryo in a woman’s body with rights to continue growing. This fallacy fits a much wider syntax of thought that is by its nature life-blind – the greatest problem of our age to which explanation returns ahead. At this stage, the point is to observe that the ‘*right-to-life*’ concept to denote *what excludes virtually all of life* discloses in its acceptance a mind-block which, at the most general level, is a structural disconnect of this era’s consciousness from the very ground of our lives. If one tracks its pattern, one sees that a decoupling from life requirements at all levels has occurred. Since the abortion issue has astonishingly managed to appropriate the meaning of ‘right to life’, with even philosophers internalising rather than challenging the conception, while simultaneously avoiding deeper-structural issues of life rights in discussing justice itself, we need clearly to re-ground. Analysis here thus introduces the method and *logos* of life-value understanding through this issue.

As it stands, the abortion issue poses “woman’s right to choose” as in ultimate conflict with “the right to life of the unborn human being”. Legions of people *adopt one side or the other* in sustained elaboration of the one or the other position, ignoring the common life-ground that life-value understanding begins with – that is, that life is good, and is better the more coherently inclusive its life-fields and ranges in thought, felt being and action. This forms *the primary axiom of life value*.^[3] In contrast, the opposing sides of this issue (and countless others) privilege a standpoint of exclusive right in either-or disjunction.

Here as elsewhere, *life-value understanding goes underneath one-sided structuring to the deeper ground of life value itself*, and applies a life-value test to both sides. Thus the normalized circle of sterile conflict found in rights conflicts in general – in which each side obscures the underlying principle of life value in attachment to an aspect which excludes the other – is re-set to comprehend the wider common ground of life value itself to resolve dispute in terms of this more ultimate and unifying meaning.

Life-value analysis therefore always goes to *what is at stake in life capacity gain or loss* – a life re-grounding which is utterly foreign to the corporate-right reign now destroying world life and life support systems. Life-value method identifies the extent to which any side stands – and does not stand – for life value, and exposes false pretences masking the underlying life-value issues. Here as elsewhere, there is one ultimate criterion of life-value/disvalue across domains, the formal axiom of life value and its converse. As testing

will show, it applies across value conflicts.

With respect to the woman's "right to choose" whether to continue bearing an embryo or fetus, it follows, life-value analysis recognises that the principal life-value bearing here lies with the person who organically *bears* the life. Gain or loss of life-value and decision on how to go living better or worse is hers *by the organic coordinates of life itself*. For she alone in the world is the direct experiencer and carrier of it. This is *not* an argument for private property, to which the woman's right has been often reduced. It is a life-value diagnosis which explains her rights and its limits at the same time. All concept and image thought is borne by her. The felt side of being within is carried by her. She not anyone else lives the action of the one organism. All of these facts are undeniable – that is, they cannot be *life-coherently* denied – and all are basic to the 'right to life' of the pregnant woman herself and the fields of life she organically bears.

While the embryo bears little or none of these life claims to right at the outset, it qualifies for them as it grows towards these very capacities of higher life and its self-governing direction and enjoyment as human life. In the ontogeny of embryonic existence growing to fetal differentiation to eventually the stage when an organic human being *has* developed, the concept of a human baby becomes life coherent rather than a patriarchal projection of power to dictate to the woman life-bearer. At this stage, the fetus is truly no longer *merely* "part of the woman's body". It has become a self-organising unity capable of independent fields of life learning, sentience, affect and body action, however infantile. At this moving line of life development the still in-utero fetus ascends to right to life since it could be delivered from the life bearer as a child with all these human ranges of an advanced self-organising life form. It is during this stage, conversely, that the woman's right to terminate ends insofar as there is truly a being with the distinguishing characteristics of human life.

Intrinsic Life Worth and Humanity's Universal Being

It might be reasoned from this line of argument that other forms of life too have a right to life insofar as they too are just as "capable of independent fields of life learning, sentience, affect and body action". This inference follows, but is a frozen one. Unlike the human infant which is not yet delivered, they are *not* capable of continuously higher life in development of human language, concept and image thought, feeling identity limitlessly beyond its own body, and rule-governed activities forming all of what we call the sciences, the arts, and games. Humanity in the full sense consists of these ever developing and uniquely human characteristics. It is this out-of-uterus potential of the gestating infant that anti-abortion positions conflate with what is without any of its features – a confusion of projection which is dominant in this lobby.

In accordance life-value measure, the embryo/fetus within the woman's organism is only of intrinsic worth insofar as it realises and bears life fields of thought, felt being and action – beginning with intra-uterine movement, proprioceptive feeling and perhaps image thought.

Thus the embryo or fetus is correspondingly lower in life value in proportion to the *non*-existence of these fields of life value. It is, as Aldous Huxley clinically observes in *Point Counter Point*, "a potential fish". But it is also a human potential. Observe that life-value analysis does not import the future imagined of a human person into present value any more than it does the image of a full-grown fish. Yet it still recognises the life value of the projective imagination and feeling-with by life-value measure. It may be a projection, but

the act of imagination and fellow-life feeling themselves are of life value as such. They become disvalue in life terms, nonetheless, insofar as they attack or repress the ultimate choice and self-direction of the fully human life of the fetus-bearing woman on the basis of this projection.

Projecting Personhood onto the Non-Human to Deprive the Human

Life-value analysis brings us back to the life-ground. It affirms the right of both bearing mother and embryo/fetus as life value within themselves *to the extent of the fields of life-value borne* – not by projection of doctrine claiming absolute value where little life-value in fact exists.

In accordance with the same life-value measure, the woman and the fetus are of the greatest value *together* before artificial separation by this projection. This is why life-value onto-axiology rejects projection of human status onto the non-human when it licenses repression and attack of what is truly human in fact – the impregnated woman. Denial and punishment of her deciding against allowing an almost invisible zygote cell grow rapidly inside her body over almost a year against her will is tyrannical. This form of oppression on the strength of a figurative fallacy is, however, not alone in the contemporary world. It is magnified many times over when the rights of super persons are legally conferred on lifeless corporate stocks which have the rights to rule over living persons in every way that lawyers can construct. These fictive corporate “persons” bearing unlimited growing rights have become the dictator of the age.

The rights of corporate “persons” wholly invented by law are far beyond the patriarchal fiction of an heir inside a mother at impregnation. They can deprive people of their livelihoods and vocations in the thousands without cause, loot and destroy environments around the world in every form of pollution and degradation, sue governments for hundreds of millions for democratic legislation that diminishes their profits, and finance governments in and out of office with no effective rights of living human beings to stop them.

Do we see here a connected derangement of society’s ruling syntax of value and meaning? *Fictional human beings are constructed to rule real human beings.* Living persons are thus demoted to things or obedient cogs; while non-human entities are promoted to living persons ruling over them. Has this dehumanization of the human and humanization of the non-human inverted our very structure of thinking in terms of rights. Recall how Locke annulled in the blink of an eye all rights to property by labour, non-scarcity and non-waste by the rights of money to override all of them – the shell-game switch now over three centuries old.

Non-persons inverted into persons and the rights of the non-human over the human are metaphysical absurdities which oppress the world at many levels. The passionate certitude with they are prosecuted is familiar in fanatic cults, but now has countless legs to overrun real human lives in the name of invented “persons” – the most recent of which has been the 2010 U.S. Supreme Court decision to abolish spending limits on media-flood electioneering called the “free political speech of corporate persons”. Under the court name of “United Citizens”, a turnaround of the long constitutional phrase of “citizens united”, the corporate lobby won the “first amendment right of free speech” for big oil/banks/military/pharmaceutical corporations to, in fact, drown out the voices of all living citizens and persons. An ultimate onto-axiological reversal of human life itself has thus occurred as court command. Dehumanization of the human and humanization of the inhuman

is the inner logic of the corporate rights system.

Deprivation of living people's rights under cover of "freedom of trade" has long preceded the court's decision – in fact, only the unilateral rights of transnational corporations. Its deeper decoded meaning is their freedom to displace all life and life-value by private commodities and profit – that is, *to substitute the rights of the non-living over the living at every turn for corporate money gain*. Locke's money substitution for living labor, non-waste and enough left over for others – the canonical justification of the 1688 bourgeois Revolution – rationalized the master cheat of the ruling money party since.

No sacrificial regime to tribal god has so long bedevilled humanity. Its system lock-step over the last 30 years to global disaster is laid bare by this investigation.

The Life-Value Onto-Ethic in Contrast

At the most general level, in contrast, the life-value onto-ethic chooses and stands for what coherently enables life at all levels (*the life coherence principle*) and upholds it to the most inclusive level possible without life-value loss (*the life compossibility principle*).

We see this meaning in motion throughout this analysis. But it is buried from view in the most apparently plausible ways. Always there is involved in the discourses of the corporate-rights system the necessity of "trade-offs" that are in fact life-sacrificial- the very nature of the global corporate system which has been internalized by moral theory itself. Yet life-sacrificial tradeoffs are nowhere truly necessary if they are thought through in the light of the life compossibility and coherence principles. The clearcuts of forests for "development" of all kinds, for example, are in fact much more developed in outcome without the clearcuts by selective harvesting and soil stewardship to maximize life function for all. One would hardly know this in the endless positing in our culture of "no choice" and the "necessity" of pesticides, prisons, lay-offs, environmental destruction, foreign wars, and so on. But the rule-governed human being can always change the rules as human – although one can hardly understand this once the ultimate dehumanization of society is assumed as bound by the 'iron laws' of a pervasively enforced system.

Behind these disorders of human life sacrifice and system dehumanization – evils which it is civilisation's vocation to grow beyond – lies the monstrous construction itself. Its ruling value is invariant – to turn life and life conditions into more money for the corporate rich as the final end of society. The rules and rights by which we live are a-priori ungrounded in life and life value, and the slow-motion collapse underneath of world life and life support systems signals this in every domain.

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Three sub-volumes entitled Western Philosophy and the Life-Ground, Modes of Reason, and Philosophy, Human Nature and Society have been written with internationally distinguished philosophers contributing to five topic areas in each of these general fields. The central title study by McMurtry, entitled, "What is Good, What is Bad? The Value of All Values Across

Time, Place and Theories”, is an encompassing in-depth critical study of known world philosophies and fields to explain the inner logic of each canon and school in relationship to world problems across languages and eras including the method of life value ontology which is deployed to excavate, explain and resolve life-blind presuppositions of the world’s major thought-systems from the ancients East and West to modern and contemporary philosophy. McMurtry was named a Fellow of the Royal Society of Canada (FRSC) in June 2001 for his outstanding contributions to the study of humanities.

The references as well as endnotes apply to the entire eight part series of Professor McMurtry’s essay.

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Notes

1 The fallacious logic and devious strategy of Locke's argument is anatomized step by step in *Value Wars: The Global Market versus the Life Economy*, London: Pluto Press, pp.65-73.

2 *What is Good? What is Bad? The Value of All Values Across Time, Place and Theories*, Oxford: Eolss Publishers under the auspices of Unesco, 2010.

3 The formal axiom of life value is: x is of value if and only if, and to the extent that, it constitutes or enables a more coherently inclusive range of life than without it: within the fields of life of thought (conceptual and image), felt side of being (sentience, emotion, mood), and/or action (animate movement through space-time). Conversely, x is of disvalue if and only if, and to the extent that, it disables life so defined.

4 The literature here has become huge, but Amartya Sen (1992) *Inequality ReExamined* Cambridge Mass: Harvard University Press is a good place to start, and discussion around the capabilities touchstone of equality is found in Martha Nussbaum and Sen Nussbaum, M. and Sen, eds. (1993) *The Quality of Life*. Clarendon: Oxford University Press, along with relevant work by G.A. Cohen, Onera O'Neill, Hilary Putnam, Charles Taylor, and Michael Walzer. Nussbaum (2000), *Women and Human Development. The Capabilities Approach* New York: Cambridge Univeraity Press provides her most in-depth account.

5 Philip Mirowski's *Machine Dreams* (2000) is a very informed study tracking the machine model in contemporary market economic theory into the "automaton theater" of economic, military and decision-theory research today - extending the magic thinking of the invisible hand's necessitation of the best of possible worlds into the mechanism of life-blind system automatism..

6 *Mathematical Psychics* (1881[1932], London: London School of Economics). Bernard Hodgson spells out the implications in his *Economics as Moral Science* (2001), Heidelberg: Springer Press..

7 Edward Bernays, a nephew of Freud , explains how in his *Propaganda* (1933) New York: Liverright. As the primary pioneer of modern mass-market conditioning, he identifies the key of the process is to appeal to and control unconscious desires to sell commodities and engineer social consent. My essay entry, "The Ruling Group-Mind" (in the *Encyclopedia of Case-Study Research* (2008), Toronto: Sage) spells out the unexamined premises and systematically life-destructive consequences of the group-mind phenomenon.

8 Amartya Sen's Nobel Speech on "Social Choice" preconsciously reveals the problem. In his immense bibliography, there is no concept of social choice he reports that does not

assume it as an aggregate of individual agents choosing in market, electoral or other such atomic grid of choice space.

9 Pareto, Vilfredo, (1971 [1906]), *Manual of Political Economy*, New York: A.M. Kelley. Few realise that Pareto's classic is based on dyadic asset exchange with no relation to life needs, given distribution, work hours, ecological support systems, or economic performance.

10 This argument is made in "The Case for Children's Liberation", *Interchange* (1979-80) 10:3, with Critical Response and Reply.

11 Adam Smith (1776/1966), *An Inquiry into Nature and Causes of the Wealth of Nations*. New York: A.M. Kelley, p.85 (Book I, Chapter III, "Wages of Labour").

12 In a paradigm- setting state Supreme Court decision (Dodge v. Ford Motor Co., 204 Michigan 459 (1919), for example, the Court held in a precedent ruling that has not since been overturned that it is a violation of "the lawful power of a corporation" to decide anything not "organized for the profit of the stockholders". In this case, even Henry Ford's own plan to "employ more men, to spread the benefits of this industrial system to the greatest possible number, to help them build up their lives and homes" was ruled illegal. It transgressed the rights of corporate stockholders to maximum profits revenues to themselves. In short, the corporate person could not plan for the life benefits of anyone, even "the greatest possible number" of real persons, without violating its legal purpose of private money sequencing to maximally more for money-stock investors. The corporate person remains programmed by law to this one overriding goal *in exclusion of* providing more life means for more people by still-profitable business.

13 McMurtry (1999/2002), *The Cancer Stage of Capitalism* (London and Tokyo: Pluto and Springer Press) explains this anomaly and the underlying money-sequence source and cause of cumulative world system collapse.

14 Little known even today is that the Ford, General Motors, IBM and Dupont corporations produced for the Nazi war machine in these functions even after the U.S. was at war with it (Charles Higham, *Trading with the Enemy: An Expose of the Nazi-American Money Plot 1933-1949*. New York, Dell Publishing Co., 1983). Moreover these corporations received government compensation for their bombed factories and losses in Germany after the war was ended, an indication of the supreme and borderless power wielded upon which the 'New World Order', a Nazi concept, was instituted by national and international mechanisms of law identified in this paper.

15 I have tracked these strategic patterns in depth in prior work such as *Unequal Freedoms: The Global Market as an Ethical System* (1998) Toronto: Garamond/University of Toronto Press.

16 The underlying fascist logic is explained in my *Fascism and Neo-Conservatism: Is There a Difference?* (1984), "Praxis International 4 (1), 86-102.

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