



## On the Fence

### What does a 'fair and just' society look like?

Universal political, civil, social and economic rights are key

An 'equal opportunity' nation creates a fair and just society

Everyone wants to live in a fair and just society. Key documents of the American experiment in democracy reflect our struggles for fairness and justice.

The Preamble to the United States Constitution states, "We, the People of the United States, in order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defense, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America."

Amendments to the Constitution document our journey toward achieving a fair and just society. The first 10 amendments — our Bill of Rights — include political and civil rights including freedom of speech and the press; freedom of religion; our right to assemble peacefully and to petition the government for a redress of grievances; the right to fair, speedy and public trial by jury; due process of law; and protection against unreasonable search and seizures, double jeopardy and self-incrimination.

The Bill of Rights, however, left many gaps — rights later guaranteed through further amendments to the Constitution. After the Civil War, slavery was abolished. Black men could vote. Senators were elected directly by voters. After a long struggle, women too could vote. Presidents were limited to two terms. Poll taxes were outlawed. Eighteen-year-olds could vote. Political and civil rights were strengthened.

President Franklin D. Roosevelt advocated a "Second Bill of Rights" — as next steps toward a fair and just society. We have made far less progress on these social and economic rights. Updated to current circumstances this would mean that every citizen would have the right to a good education; to adequate protection in the event of extreme need stemming from illness, accident, old age or unemployment; to have access to adequate food, shelter and health care; to employment that pays a living wage; and to freedom from unfair competition and domination by monopolies at home or abroad. In a fair and just society, Congress and state governments would take



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reasonable legislative and other measures to achieve the universal realization of these rights.

We will have a fair and just society in the United States when we achieve for everyone both the political and civil rights guaranteed by the U.S. Constitution as amended and the social and economic rights proposed in the Second Bill of Rights, when every person is guaranteed the rights to equity and life, liberty and the pursuit of happiness, when all Americans have equal protection under laws fairly enforced, and, if those rights and liberties are not fully realized, we commit to ensure that everyone within our borders achieves or regains them.

We will have a fair and just society when each of us recognizes our rights and responsibilities as citizens of our local communities, our state, our nation and the global community. We must stand firmly opposed to any attempt to compromise those rights and liberties and assert that, as citizens, we are the government and promise to uphold the protections granted to us by our state and national constitutions.

We will have a just and fair society only when we understand, admit to and, through our government, atone for the genocide that decimated the indigenous nations of North America and for the enslavement of Africans who built our nation's Capitol and generated much of our nation's wealth. We will have a fair and just society only when control of government is reclaimed from corporate interests, representative democracy prevails, each of our votes is equal, and fair taxation funds the public programs that benefit all of us — education, transportation, public safety, health care, retirement security, parks and safety nets.

Through people's struggles and social movements, the United States has made, by fits and starts, considerable progress toward achieving a fair and just society. As Democrats and progressives we are committed to continuing the struggles to realize all the ideals of a fair and just

Perhaps it would be good to outline what a fair and just society should not look like, before we proclaim what it should be. A fair and just society should not exalt sexual freedom and expression over the right to life of millions of children that are alive and well in their mothers' wombs, before they are brutally killed through abortion. This same society should not exalt individual autonomy, especially with respect to gender identity and homosexuality, over the rights of millions of Americans to respectfully disagree with these lifestyle choices. It should not infringe on any freedom of speech in the religious, political or any other realm, allowing both non-violent disagreement and persuasion to occur, without censure or fear of physical or financial retribution. It should not infringe on freedom of conscience, allowing any American who provides a creative service to refuse these same creative services to those who would insist that the provider violate his or her personal beliefs (e.g., Masterpiece Cake Shop vs. The State of Colorado). A fair and just society should not practice identity politics, such as carving up the American people into various subgroups, in order to intensify feelings of mistrust, victimization and envy.

Lastly, it should not try to force equality of outcomes in the workplace or in economics. We are an "equal opportunity" nation, not an "equality of outcomes" nation. It follows that any "affirmative action," while initially well intended, should be seen by all for what it is, a racist policy that increases racial tensions and does not serve to elevate the very subgroup it aims to help. Similarly, trying to force quotas in the workplace, based on gender, skin shade or national heritage doesn't necessarily lead to excellence in that particular field. Merit-based promotion is what the market demands and is what makes America, or any other nation, great.

So what does a fair and just society look like? Briefly I answer: freedom of religion, freedom of speech, freedom to assemble, freedom of the press, and freedom to redress the government for grievances, all enshrined in the First Amendment. I would also add: the right to life, the right to persuade without violence, and the right to protect one's family and community from tyrannical government (all certainly implied by the U.S. Constitution).

As for economics, worldview matters. The



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conservative/classical liberal position, which I believe to be the only rational position to take regarding economics, holds firmly to the idea that "men are created equal." Milton Friedman proffers three categories for human equality: equality before God, equality of opportunity and equality of outcomes.

The founders, of course, did not consider equality before God literally. They did not regard "men" (or, as we say today, "persons") as equal in physical characteristics, emotional reactions, mechanical and intellectual abilities. I, for example, could not, even with years of intense training and practice, play soccer like Lionel Messi, or even stay with our local high school players. Rather, the founders' ideas of equality before God have us all created by God, who created us with intrinsic value, which we speak of in the terms of "rights" language. There are, therefore, given "unalienable rights" with which we are all "endowed by our Creator," in Thomas Jefferson's own words.

Equality of opportunity simply describes equality before the law and is "an essential component of liberty," to use Friedman's words. That is, someone cannot be denied a job (for which he or she is qualified) based on ethnic background, skin color or religion.

Equality of outcomes is the equality among "persons" — that is the most problematic view.

The desire for so-called equity bleeds over into Big Business and many other fields, where quotas are forced or at least desired. In my own field of surgery, there are actually ridiculous conversations regarding the lack of women trauma surgeons. It is funny that the same fake moral outrage is never over a lack of male nurses, where females represent 97%.

Conservative/classical liberals agree wholeheartedly with equality before God and equality of opportunity. They have, in David Marrota's words, "a tragic view of the world." They understand the fact that man is not basically good, has innate selfishness and needs incentives. Today's "liberals" or "progressives" have a utopian view of the world and believe that government can be used to coerce equality of outcomes in economics by ever increasing taxation.

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