

The Most Durable Document of Them All

July 4, 1776, marked the inception of an experiment the likes of which the world has never before seen— The United States of America. A feather quill, iron gall ink, and a single piece of parchment established a framework that has been used to guide our republic since its fabrication. Words, meticulously chosen, and ideals, cultivated to protect each individual, make up the Constitution. Such a document has provided answers to moral controversies that have ensured the survival of our nation. So far withstanding the Colonial Era to the Industrial Age, but now, more than ever, these principles are being threatened by the Information and Technology Era.

To understand why the Constitution of the United States of America is paramount to and sets itself apart from every other nation, we must first explore what makes each individual right granted in the Constitution special. First, it is best to understand the difference between positive and negative rights. The *Stanford Encyclopedia of Philosophy* defines them as such:

“Negative liberty is the absence of obstacles, barriers or constraints. One has negative liberty to the extent that actions are available to one in this negative sense. Positive liberty is the possibility of acting — or the fact of acting — in such a way as to take control of one's life and realize one's fundamental purposes. While negative liberty is usually attributed to individual agents, positive liberty is sometimes attributed to collectivities, or to individuals considered primarily as members of given collectivities.”
(Center for the Study of Language and Information (CSLI), Stanford University)

Furthermore, a positive right grants individuals access to the fruits of another's labor, while a negative rights does not. For example, universal healthcare is a popular idea wherein medical treatment is provided free of charge to those who need it. This would be classified as a positive right because an individual, the patient, is promised the fruits, medical treatment, of another's labor, a doctor's toil. The fundamental idea is that a right is granted without exception and free of charge. Some people argue that good health is a moral right, yet it is not a constitutional right. A negative right is different because it does not require any externalities(the fact of existing outside the perceiving subject). For example, a

negative right would be freedom of speech. The act of protecting an individual's ability to express themselves does not require the individual to have access to any other agent other than themselves. The Constitution is unique because it does not grant citizens positive rights, only negative rights. Although constitutional rights are often referred to as being a subset of moral rights, the debate between amending additional moral rights to the Constitution is typically the difference between positive and negative rights. Challenges against the preservation of negative rights granted in the Constitution are not foreign threats to its originality. But in the Information and Technology Era, this fight is being fought with greater conviction than ever before.

There is one simple explanation for the advancement in technology, efficiency. Throughout history humans have been attracted to alternatives that are easier, faster, and cheaper. Why use feather and ink when you could use a pen or a pencil? Why use a donkey and plow when you could use a tractor? Why handwrite a letter in the mail when you could send an email? Why go to the movies when you could watch *Netflix*? Why go to the store when you could order it on *Amazon*? The answer to all of the above: efficiency. But at what expense does this have on the human condition. An article from *Scientific American* states, "I believe we may be making ourselves dumber when we outsource thinking and rely on supposedly smart tech to micromanage our daily lives for the sake of cheap convenience." (*Frischmann*) The increase of readily available information at our fingertips, provided by the advancements in technology, is causing humans to lose the intellectual abilities which we once had. It seems somewhat contradictory that the increase in accessibility to information is actually making us 'dumber', but, in fact, it is the case. There exists a phenomenon such that Chinese speaking individuals are forgetting how to write their native language by hand (*TranslateMedia*). It is much simpler to use a computer than to remember the 50,000+ Chinese alphabetic characters. But do the consequences of substituting simple daily inconveniences for once common knowledge extend further into the human condition? If it is efficient to outsource the minor informative task, then it must also be preservable that this is occurring in other aspects of human culture.

Andrew Breitbart once said, “Politics is downstream of culture.” He suggests that cultural battles dictate the direction of politics. I believe that political issues are now the cultural battles, and cultural battles are now politics. Historically, the majority of people have *not* been deeply invested in politics. Studies suggest that the true proportion of voters who cast a ballot in the electoral process has increased with each election. But surely in the past, the overwhelming majority of the population had an opinion about the current cultural agenda of the time. Everyone had an opinion about women’s suffrage or slavery, which most likely dictated the interactions of their daily lives. The 2020 presidential election had the highest voter turnout of any other election in history. While also, the reflection of the candidates from each major political party can be described by the different sides of the cultural ideological battle. But why did this happen? Is it a coincidence that it is happening because of the Information and Technology Era? The goal of politics is to successfully create legislation that enshrines into law the reflections of what is deemed to protect the necessary moral rights of its citizens. As discussed, positive and negative rights are the fundamental principles for which the protections in the Constitution signifies. Although the document was created over two centuries ago, the Information and Technology Era has made its contents readily available. But we have also examined the phenomena such that the increase in technological efficiency is increasing the gap between popular common knowledge and valuable historic teachings.

Popular Democrat senator, and former bartender, Alexandria Ocasio-Cortez has endorsed the ideals of Socialism (*Democratic Socialists of America*). Doing a quick google search, you will discover that over 100 million unmarked graves are the result of Socialist nations in the 19th century; 11 million slaughtered in Nazi Germany under Adolf Hitler (*Stephens*), 61 million killed in Soviet Union Russian under Joseph Stalin (*Wikipedia*), and 550 million massacred under Mao Zedong in China (*Wikipedia*). The Socialism experiment has been tried, time and time again, in many nations throughout history and it has never once succeeded; yet this has not stopped it from regaining popularity. Alexandria Ocasio-Cortez endorses another issue of debate; the right for a women to terminate the life of an unborn

child. Such justification is made by classifying a fetus as just a “cluster of cells”. Research suggests that the neonatal period is “the first 4 weeks of a child's life. It is a time when changes are very rapid. Many critical events can occur in this period” (*U.S. National Library of Medicine*). Additionally, an unborn child has a different blood type from mother within 4 weeks (28 days), and s heartbeat is detectable at 6-7 weeks (42-48 days). It is undeniable that this is just a “cluster of cells”, it is more, it is a human life. Not only are there discrepancies in this logic, but inconsistencies also exist in the lifetime of the stance of the platform. Support for abortion has transformed to: taxpayer funded, available on demand and up until birth-no matter what (*Alvarez*). Certainly not identifiable with the constitutional interpretation of “safe, legal, and rare”. Clearly, only uneducated voters would back these primary issues held by the Democratic party. If you think that is simply my opinion to blast democrats, then explain why, “A majority of House Democrats on Wednesday voted to lower the federal voting age from 18 to 16” (*Hasson*). Furthermore, compliments are often uttered about a minors intellect such that, “He/she is smart for a 156 year old,” or for the matter, any age of a minor. This does not imply that the minor in question is smart compared to the rest of the population, but that the minor is smart for his/her age. Attempting to lower the minimum legal age to vote must imply that you are increasing the proportion of uneducated voters.

There is evidence that technology is affecting the desirability to conduct independent research for knowledge, it is much more convenient to absorb immediate information with simple solutions. The debate on moral rights and constitutional rights is complicated, as too the debate of socialism and abortion. There exists much controversy over what is a moral right and what is not, and what moral rights should be constitutional rights. The idea of a positive right may seem attractive, but we must remember that the Constitution is a set of negative rights necessary for the protection of our nation. With efficiency in technology shallowing the depth of common knowledge, the justification of which moral rights that the Constitution should enforce begins to blurr.

Bibliography

- Alvarez, Yendi. "AOC and "Squad" want taxpayer funded Abortions." *HISPOLITICA*, 1 October 2019, <https://hispolitica.com/2019/10/01/aoc-and-squad-want-taxpayer-funded-abortions/>. Accessed 10 November 2020.
- Center for the Study of Language and Information (CSLI), Stanford University. "Positive and Negative Liberty." *Stanford Encyclopedia of Philosophy*, 2 August 2016, <https://plato.stanford.edu/entries/liberty-positive-negative/>. Accessed 8 November 2020.
- Democratic Socialists of America. "Ocasio-Cortez and Omar endorse Bernie and the political revolution." 16 October 2019, <https://www.dsausa.org/statements/ocasio-cortez-tlaib-and-omar-endorse-bernie-and-the-political-revolution/>. Accessed 10 November 2020.
- Frischmann, Brett. "Is Smart Technology Making Us Dumb?" *Scientific American*, 27 December 2018, <https://blogs.scientificamerican.com/observations/is-smart-technology-making-us-dumb/>. Accessed 8 November 2020.
- Hasson, Peter. "125 Democrats and 1 Republican Vote to Lower Voting Age to 16." *Ted Lieu - Congressman for California's 33rd District*, house.gov, 8 March 2019, <https://lieu.house.gov/media-center/in-the-news/125-democrats-and-1-republican-vote-lower-voting-age-16>. Accessed 10 November 2020.
- Stephens, Katharine. "11 million, not 6 million, died in the Holocaust." *The Washington Post*, https://www.washingtonpost.com/opinions/11-million-not-6-million-died-in-the-holocaust/2017/05/26/6fdcc270-3f1c-11e7-b29f-f40ffced2ddb_story.html. Accessed 10 November 2020.
- TranslateMedia. "Mandarin's Problem of Character Amnesia." 9 January 2017, <https://www.translatemedia.com/us/blog-usa/mandarins-problem-character-amnesia/>. Accessed 10 November 2020.

U.S. National Library of Medicine. “Neonate.” *MedlinePlus*, 3 November 2020,

<https://medlineplus.gov/ency/article/002271.htm#:~:text=The%20neonatal%20period%20is%20the,between%20parents%20and%20infant%20begin>. Accessed 10 November 2020.

Wikipedia. “List of massacres in China.” https://en.wikipedia.org/wiki/List_of_massacres_in_China.

Accessed 10 November 2020.

Wikipedia. “Mass killings under communist regimes.”

https://en.wikipedia.org/wiki/Mass_killings_under_communist_regimes#:~:text=Some%20historians%20attempt%20to%20make,the%20period%201917%2D1987). Accessed 10 November 2020.