

Do individual rights trump those of society?

Mark Pavilons



The needs of the many outweigh the needs of the few, or the one.

Top-down dictatorships, socialist nations and communist ideology put the "state" ahead of the individual. We here in the free west have grown accustomed to our liberal rights, and shun those other systems.

We spent the Cold War hardening to one of the largest military powers on the planet. Still today, the Soviet Union approaches things differently than we do. And we really don't understand North Korea or the People's Republic of China. In fact, we fear them.

For our forward-thinking, modern way of doing things, we are now saddled with a predicament -- a human conundrum. Should the rights of the individual take precedence over those of society as a whole? In other words, unlike my opening comment, do the needs of the one outweigh the needs of the many?

The obvious answer is no.

But we are steadily moving in that direction. The pendulum is swinging so far toward individual rights and freedoms that law-makers and politicians will have some tough choices on their hands. They already do.

Currently in Canada we are discussing physician-assisted dying and we've seen a few cases in B.C. where people have lobbied to end their lives. Our officials are trying to put together a comprehensive law that protects everyone, after the Supreme Court decided physician-assisted dying was legitimate.

There are many opinions on this, and opponents are adamant that safeguards need to be in place, and that this move gives others the right to play God.

I won't debate this issue here, other than to say until you've experienced a painful, terminal illness of a loved one, you may not fully understand this issue.

Our laws, rules, regulations and legislation all tend to be crafted with society in mind, and not individual interests.

Generally, they have served us well for centuries.

We have laws that prohibit crimes, particularly violent crimes, to ensure the safety of our fellow men, women and children. We place society's safety and liberty at the forefront.

So, when someone is convicted of a crime, particularly a violent one, do they lose their individual rights? That question continues to plague us.

Inmates serving life, or long-term sentences, deserve decent treatment. They are allowed to pursue their interests, have access to the Internet, and even publish books.

But sometimes, we're left scratching our heads at the lengths they will go to protect their rights.

Norway's mass killer Anders Breivik is suing the government, claiming that by keeping him in solitary confinement, they're violating his human rights! He killed 77 people in 2011.

Breivik's lawyer accused Norway of violating a ban on 'inhuman and degrading treatment' under the European Convention on Human Rights by keeping the 37-year-old isolated from other inmates in his special, three-room cell.

Now, many will contend that he lost his rights the day he murdered all those people. How can one possibly atone, or be properly punished, for killing so many innocent souls?

It doesn't even seem worthy of debate, and yet, here we are.

His isn't the first case along these lines. Many inmates have fought perceived human rights violations, and won.

It has been suggested, and so far received lukewarm response, that dangerous offenders be microchipped upon their release back into society. The U.S. has been studying this matter, but it's argued that such a move would violate a person's constitutional civil liberties.

Again, some would say this idea has merit, particularly when it involves dangerous, repeat offenders and pedophiles.

Certain convicted criminals are routinely given ankle monitors to keep an eye on their whereabouts.

In the U.S., some 100,000 sex offenders, parolees and people free on bail or probation wear ankle bracelets that can sound an alarm if they leave home without permission, fail to show up for work or linger near a playground or school.

As this number rises, it presents an issue with logistics. It's becoming difficult to properly monitor them and respond to all the false alarms, dead batteries, etc. But it's still a law enforcement tool that's being used and that works.

Is substituting an ankle bracelet for a tiny implant the end of the world? I would agree it's more invasive, but if it's a condition of one's sentence or parole, then perhaps it's warranted. But that's a discussion for another day.

There is an offender living in our community and a group of parents will not rest until he's relocated. He is monitored and I believe he does wear an ankle monitor. But his very presence has caused an uproar, and even led to a mayor's task force on offenders. This group meets regularly and brings in guest speakers from various agencies to discuss laws, regulations, etc.

All of these examples involve a clash between the rights of an individual and those of the collective society. I don't have any answers. And I believe lawmakers are reluctant to go deeper into such things, for fear of a backlash.

We have fought hard to preserve our way of life and all that it is.

We should continue to fight to preserve the nature of our system. This means we should all be aware, educated and engaged.

What say you?