

HUMAN RIGHTS AND DEVOLVING STANDARDS OF DECENCY

Published in *Athens Human Rights Festival*, p. 3 (April 20-21, 2002).

Author: Donald E. Wilkes, Jr., Professor of Law, University of Georgia School of Law.

In 1958 in *Trop v. Dulles* the U. S. Supreme Court, construing the Bill of Rights provision prohibiting cruel and unusual punishments, struck down a statute under which American soldiers convicted of desertion in wartime were to be stripped of their American citizenship. In his classic opinion for the Court, Chief Justice Warren stated that the Bill of Rights provision at issue, the Eighth Amendment of the U. S. Constitution, "must draw its meaning from the evolving standards of decency that mark the progress of a maturing society."

Warren was correct. Due process, free speech, all human rights, as well as the humanitarian values they enshrine, originate in the evolving standards of decency that are the milestones of human social progress. Today, however, all across America, we see alarming signs of the devolving standards of decency which mark the decline of a decaying society.

We see increasing concentrations of wealth in the hands of a few. We see megacorporations dominating the economy and more and more oligopoly and less and less competition. We see a crime control establishment transforming the nation into a police state with a vast prison system. We see a huge military and intelligence establishment. We see racial profiling, police brutality and corruption, and executions of juveniles, the retarded, and the poor. We see over 100 innocent persons released from death row, nearly murdered by government. We see inadequate housing and medical care for millions, the destruction of the social safety net, and a U. S. Supreme Court stacked with justices who steadily erode individual rights and almost always rule in favor of the government. We see the destruction of privacy rights, the McDonaldisation and the material cost-benefit analysis of everything, and the enthronement of plutocratic notions of private property.

In 1950 four social scientists published a book, *The Authoritarian Personality*, which studied the potentially fascistic individual, i.e., "one whose structure is such as to render him particularly susceptible to anti-democratic propaganda." The scientists discovered that authoritarian personalities not only show "extreme susceptibility to fascist propaganda," but also "have a great deal in common." The manifestations of this anti-democratic syndrome include: (1) Conventionalism ("rigid adherence to conventional, middle-class values"); (2) Authoritarian submission ("submissive, uncritical attitude toward idealized moral authorities of the ingroup"); (3) Authoritarian aggression ("tendency to be on the lookout for, and to condemn, reject, and punish people who violate conventional values"); (4) Anti-intraception ("opposition to the subjective, the imaginative, the tender-minded"); (5) Superstition and stereotypy ("disposition to think in rigid categories"); (6) Power and toughness ("exaggerated assertion of strength and toughness"); (7) Destructiveness and cynicism ("generalized hostility; vilification of the human"); (8) Projectivity ("disposition to believe that wild and dangerous things go on in the world"); and (9) Sex ("exaggerated concern with sexual goings-on").

You don't have to be Einstein to realize that the right-wing mentality and the authoritarian personality are intertwined, or that authoritarian personalities tend to become right-wingers,

including fascists and fascist supporters. In their political positioning, writings, speeches, and activities, right-wingers typically display an authoritarian personality's politics. Smugness; no sympathy for the poor or ghettoized; no compassion for the oppressed or underprivileged; draconian severity toward "criminals"; fondness for capital punishment; slavish deference to police lawlessness; a Social-Darwinist, survival of the fittest ethos; a bottom-line mentality; kowtowing to corporate wealth; enthusiastic support for the military-industrial complex; chauvinistic patriotism; a religious fundamentalism which emphasizes stern Old Testament harshness and consigns most of humanity to eternal punishment inflicted by a wrathful deity; hostility to homosexuals and gay rights; a pathological obsession with homosexual sex and even with Bill Clinton's sex life - these are elements of an illiberal mindset estranged from concern for liberty, freedom, and justice.

Today's devolving standards of decency are understandable. They flow from the increasing influence in our society of right-wingers, the political embodiments of the authoritarian personality. This country has for years increasingly been breeding persons with anti-democratic trends. These persons, as The Authoritarian Personality notes, "pose a grave threat to our traditional values and institutions."

The United States is now the West's incubator of authoritarian personalities.

Why has there been a burgeoning of authoritarian personality individuals in America? Answering this question would require a gigantic treatise on the scale of Oswald Spengler's *The Decline of the West*.

Whatever the reasons for the surge of Americans with illiberal proclivities, the painful truth is that the United States of America, a republic founded by liberals on liberal principles, enters the 21st century befouled by devolving standards of decency that mark the decline of a decaying society with a weakening commitment to human rights.