

# Whose rights count?

Some people's rights seem to trump other people's rights in ways that don't seem fair. Laws exist to protect certain infringements but there still are many violations occurring every day. These instances can be more than mere inconveniences, some are serious threats. As such, they warrant critical inspection. To that end, let's examine a few that I have encountered in my discussions with people recently. I pose them as hypothetical scenarios but each of them undoubtedly represents real-world cases where violations of citizen's rights are occurring.

Ursula, a home owner, wants an insect-free, weed-free lawn. She believes the only way to do this is to have her yard treated with synthetic chemicals. Joséph and Sally, two young children living next door, also want to be able to play in their backyard (and neighborhood) without being exposed to toxic chemicals. Their pet Chihuahuas don't seem to like these chemicals either (as evidenced by their enhanced sneezing and watery eyes when spraying occurs). Likely, the squirrels, butterflies, raccoons, and song birds don't either, but we don't care to monitor this. So, given these negative responses, does Ursula still have the right to use toxic chemicals (herbicides, insecticides, and fungicides) to keep the weeds and bugs down?

Peggy, a blue collar worker, wants a decent paying job to support her family. She finds one in an industrial park surrounding a low income community. The air quality in this neighborhood is notoriously bad, largely because of the abundance of large scale industrial emitters there. The owners (and stock holders) of the company for which she works demand maximum quarterly profits which requires a slew of decisions concerning production levels and labor costs. This business environment often means that the air quality of their workers goes overlooked as a concern. Peggy wishes she didn't have to spend 8-hours a day (250 days a year) breathing in unhealthy air. What recourse does Peggy have?

Donald, a high ranking employee in a large furniture distributor, likes his job primarily because it provides him the income he needs to support his family, including three daughters in college and a disabled son at home. His job gives him a cell phone which he is on most of his working day—they don't have land lines in the office. Just above his office one also finds a large cell phone tower situated on the roof. Everyone in his office also uses wireless (Wi-Fi) Internet connections to conduct their daily responsibilities. Donald research reveals that these three sources of microwave radiation may be hazardous to his health. His boss insists that all claims about cell phones and Wi-Fi are terribly exaggerated and that Donald should stop reading tabloids. Not surprisingly, Donald's request to move to another office or to shift to a land line phone is dismissed summarily. What is Donald to do?

José, a 16-year-old living in a densely populated urban neighborhood, loves to exercise but his options are very limited around his house. The nearest park is more than three miles away and it is almost always overcrowded by the youth that live in its vicinity. There happen to be many vacant lots in the blocks surrounding his house. However, they all have been fenced in and display large "No Trespassing" signs. Apparently, these lots are owned by people who are holding on to the lots awaiting future gentrification (and the associated hike in property values). What are José and his friends to do? Jumping a fence, and using

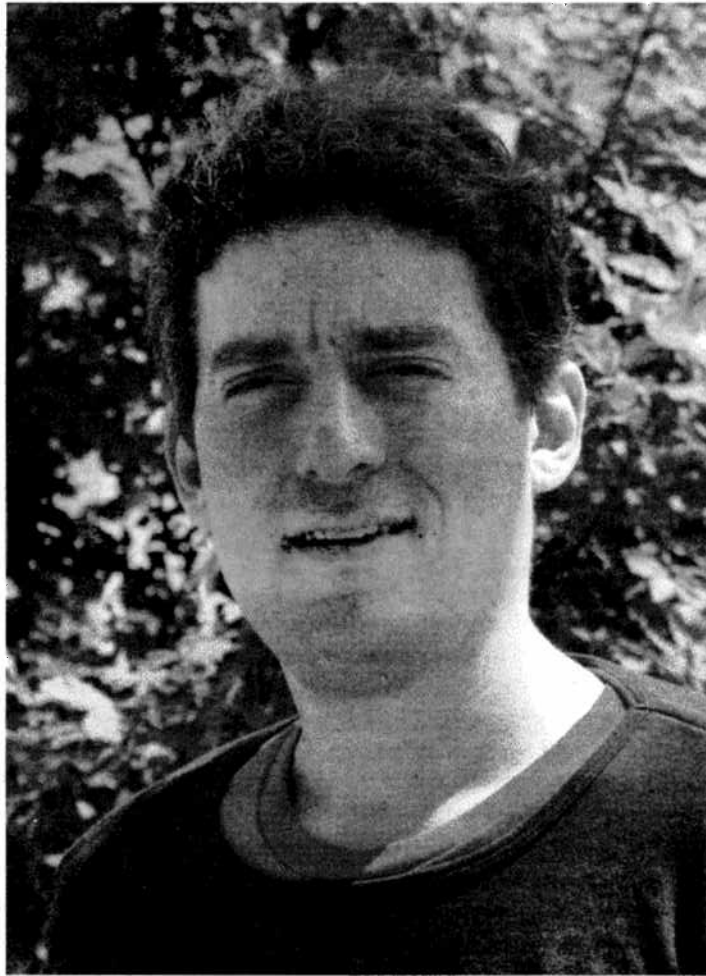
these lots, would bring the police and certain trouble. How long is it acceptable to hold fallow land inaccessible to the larger public in the area where children are abundant and recreational opportunities for them are very limited?

Jenny lives on a small rural farm passed down to her by her parents. Her descendants have lived and worked the farm for several generations. She, and her husband, Jack, dedicate their lives to making the farm productive and sustainable. Last year, an ethanol plant was sited to be built on the land adjacent to their farm. The prospects of this are horrifying to Jenny and Jack. They contacted the Department of Natural Resources in their state and were told that the company had filed all the necessary paperwork and it was just a matter of time before the plant would be built. As there are significant concerns about air and water pollution in association with ethanol production facilities, Jack and Jenny are very leery of its locating so close to their farm. But can they do anything about this?

Shelly begins Kindergarten today. Her parents want the best food for her daughter. They have been very selective about her food up to this point—buying organic fruits and vegetables when they are available as well as free range dairy products. However, there is one thing they can't know about the food that they buy—if it is genetically modified. Shelly's mom is a scientist who is familiar with research on genetically modified organisms (GMOs). She doesn't think there have been sufficient studies done to warrant the sale of GMO food. But outside of growing her own food, she can't be sure what food at the grocery store is GMO and what food isn't. In fact, the U.S. government forbids companies to tell us this information! Since her family lives in a climate where food only grows a few months a year, Shelly can't really avoid giving her daughter food that may be GMO. What is Shelly supposed to do?

Howard works nights as a security guard in a large office building. Routinely, during his hourly walks through the facility, he comes across an exterminator spraying insecticides. Lately, Howard has been having respiratory problems. Not a smoker, he feels this is odd given that he has been in rather good health for most of his life, and he is only 42 years of age. He has even had to miss work a few times because he can't seem to breathe. And this hurts him more economically than physically because he needs every dime he can get to pay his bills. As best he can recall, his health began to decline when he started this late night job. He notices a particularly bad reaction after the building exterminations. Not one to complain, he doesn't say much to anyone about what is going on. He senses that he will just have to hope things improve on their own. Will they?

All of these examples represent situations where an ordinary person has their right to a clean, healthy, and safe environment compromised in some way. In all cases, they don't have much (if any) power to demand recognition of their rights. If they do speak up, they often face repercussions or reprisals (such as, loss of job, damage to neighborly relations, etc.). A deeper, collective examination of these scenarios



the German government last year appealed to its citizens to use Wi-Fi as minimally as possible, given its potential health risks. Why aren't any of these things newsworthy here?

Why does mainstream media avoid exposing us to the insecurities surrounding using certain technologies but feel quite comfortable sensationalizing other risks (such as, terrorists, child abductions, shark attacks, etc.)?

All children have the right to exercise somewhere accessible and safe. José's right to it is the same as millions of other children. In fact, we should be encouraging our children to exercise more regularly (rather than supporting their increasing habit to live vicariously through video sports). Yet, José has limited access to fields or courts. This isn't because there is a shortage of land; it is because we don't prioritize José's needs to those of the land-speculators. One cost of this misprioritization might be the growing attraction of gang affiliation (and territorial disputes).

Strangely, we can't find the money to build new parks and encourage the productive use (rather than the holding) of land. Yet, we can find money to criminalize and incarcerate young people. Wouldn't a proactive urban policy demand that parks become a priority? Wouldn't we all be happier and healthier if this were done?

One would think that we have a right to know what we eat. Yet, when it comes to GMOs we don't. The rights of large-scale agricultural companies trump consumers overwhelmingly. If GMOs are so safe, why can't people at least know when they are in their food? Have you heard that the European Union decided in 2003 that all GMO foods must be labeled accordingly? Why do European's have access to information that is forbidden by U.S. law?

What are conscientious parents to do? What are any of us supposed to do? It isn't just a matter of rights here. There are huge costs paid by the masses (in the form of asthma, heart attacks, cancer, criminal records, etc.) for these infringements on our rights. We all pay these costs via our taxes (for prisons, hospitals, clinics, etc.), our health insurance rates, and our personal health (mustn't we all breathe and eat?). Thus, improving our environmental health and well-being requires critiquing (and changing) the way we afford rights. Until we guarantee all people's basic right to clean air, water, and space, we will continue to allow these rights to be ignored, ridiculed, compromised, and, even, trampled.

Why must those that refuse to use it be exposed to risks created by those that do?

How is this matter different from second hand smoke?

Will it take us just as long to realize the dangers associated with this microwave communicating technologies?

Why do we allow potentially dangerous technologies into our society so easily?

Does the convenience of some trump the legitimate concerns of others? Some don't think so. Libraries in some European nations have decided not to put Wi-Fi capabilities in their facilities drawing from the "precautionary principle" for defense of their position.

Some schools in England have chosen to do the same because of the apparent health problems observed by patrons. Even

reveals tons of unanswered questions regarding the rationale for privileging some rights over environmental ones. It also shows that there are places where environmental rights are being expanded. Joséph and Sally can't make Ursula stop using chemicals on her lawn. Strangely, we actually protect the "poisoner" not the children in this case. Do we really need weed-free lawns that badly?

It turns out that not all people feel this way. In Toronto, Canada, the city council banned the use of chemicals for cosmetic yard care in 2003. This year, the entire province of Ontario is moving in this direction. At least some seem to have their priorities straight. Peggy, Howard and Donald are just three of millions of people that must often sacrifice their health in exchange for basic economic security. We live in the richest country in the world. Why must so many of our citizens (or immigrants) still trade health for a check? We look upon the "black lung" saga of coal miners with regret but we continue to expose workers to dangerous chemicals today. Why? Donald's concerns about "cell phones" and "Wi-Fi" may seem excessive to many in our society but how many of us know much about the research that has (or hasn't) been done. Now that cell phones are such a cultural imperative, many people find that they must own one. (I don't yet and don't plan on it either.) For those that don't want to use a potentially dangerous technology, must they be forced to do so?

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*Peter Schwartzman (email: wordnerdauthor@gmail.com) is associate professor and chair of the Department of Environmental Studies at Knox College. Father to two amazing girls, Peter hopes that their lives will be lived on a less-toxic, more just, more loving planet. A nationally-ranked Scrabble® junkie, he is also the founder and maintainer of websites dedicated to peace and environmental well-being ([www.onehuman.org](http://www.onehuman.org) & [www.blackthornhill.org](http://www.blackthornhill.org)) as well as cofounder of The Center (thecenteringalesburg.org).*