

THERE is still some magic in the words the Rights of Man; it is as if they awaken a deep instinct as well as provoke discussion. Perhaps this is the reason why not so very long ago a movement for reform, based on this appeal, could cross frontiers and continents and win ardent support among millions of working men and women as well as among circles of profound thinkers. The atmosphere was unprecedented. William Hazlitt, looking back from 1814 after the movement had sunk to mere power-politics, recalls the outset as "that springtime of the world when France called her children to partake her equal blessings beneath her laughing skies; when the stranger was met in all her villages with festive songs in celebration of a new era; and when, to the retired student, the prospects of human happiness were seen ascending, like the steps of Jacob's ladder, in never-ending succession."

It is strange to us in the atmosphere of today, to imagine that a statement of government policy could arouse such feelings. But the American Declaration of Independence, 1776, and the French Declaration of the Rights of Man and of Citizens, 1789, were not election addresses. Despite imperfections such as "all men are created equal," these documents were the culmination of a century of active thought, known to historians as "the Age of Common Sense," or "the Age of Reason." After the English Glorious Revolution, 1689, "the eternal spirit of the chainless mind" had been awakened. The ideas of John Locke, that government itself has no rights, only the duty of protecting individual rights, began to spread like slow fire at the roots of paternalism. Carried to America and back again to Europe on two great occasions it had brought into public affairs not professional politicians but amateurs of courage and conviction, not yet corrupted by power. The ringing phrases of these two manifestos breathe the spirit that resists government pretensions, that scorns patronage, that begs nothing from public funds; a spirit based on the conviction that "the sole causes of public misfortunes and corruptions of government" are not defects in the planned economy or welfare regulations but "ignorance, neglect, or contempt of human rights." They were uncompromising appeals from man to man, not from organisations to the timid who seek the shelter of organisations. Said Benjamin Franklin: "They that can give up essential liberty to obtain a little temporary safety deserve neither liberty nor safety."

It is like a cold douche to turn from these declarations to the text of the Universal Declaration of Human Rights—later referred to as the Charter—originally approved by the United Nations Assembly at Paris, 10th December, 1948, and now, in this officially-appointed Human Rights Year, due to be celebrated and reviewed at a meeting of delegates in Teheran, December 1968. All who are genuinely concerned for right and justice must hope that the delegates to Teheran will forget political considerations in favour of universal considerations and revise the Charter on this basis. To do so would transform the document into a challenge to world opinion and evoke



On Human Rights

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"Freedom is a universal principle
abstraction"

discussion on a scale it has so far failed to arouse. Even when the Charter was first issued there was comparatively little notice in the newspapers, and some more serious organs pointed to its defects. The *Church Times* remarked: "It makes claims and enunciates dogmas which are by no means self-evident to the human mind or human conscience. What is the intellectual basis for its assertions?" Mrs. Eleanor Roosevelt, Chairman of the Human Rights Commission, stated in a foreword to the text: "It is not a perfect document. . . there must be a considerable number of compromises . . . but a beginning had to be made."

It is unfortunate that the Charter does not begin with a clear definition of universal human rights, *i.e.*, inherent to every person at any time and in any place. This might have saved the sponsors from confounding rights and duties in so many of the Articles. This not only confuses the reader; it blurs perception of both rights and duties. We all acknowledge moral obligations, duties to society; but these would have been much clearer if tabulated separately. Moreover, in such a statement it is necessary to use words only in their essential, unmistakable meaning. In the preamble the Charter refers to "freedom from fear and want" and to "fundamental freedoms." But freedom, the state of being exempt from outward restrictions or compulsions, has no direct reference to human emotions. Open the prison door and the man is free, but he is still subject to natural fear and the need to supply his requirements by his own efforts. Misuse of the word freedom, in this context, deflects enquiry from possible restrictions or compulsions leading to unnatural fear and unnatural privation. Freedom is a universal principle with infinite application; to pluralise such an abstraction is absurd and misleading.

"The natural liberty of man," says John Locke, "is to have only the law of nature as his rule." All are born equally free to use the natural resources of the earth for their support, and to exert their natural powers, mental and physical, as seems best to themselves within the limits that nature imposes. This equal freedom of natural opportunity is the basis of all human rights, and one which any intelligent person can understand. If the sponsors of the Charter had made this clear at the outset the document might have been more convincing, and have attracted more attention. A right is a negative conception. If an alleged right conflicts with another, one or both must be spurious. If an alleged right requires someone to

Human Rights

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do something, it is spurious. No right can be created by government; human rights are anterior to all government.

The first sentence of Article 1 of the Charter: "All human beings are born free and equal in dignity and rights," clearly accords with this definition, and so with a number of subsequent passages, e.g.: "Everyone has the right to life, liberty and security of person." "No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence." "Everyone has the right to own property." "No one shall be arbitrarily deprived of his property." "No one may be compelled to belong to an association." "Everyone has the right to work." Assuming that property is understood in its universal sense, all the foregoing accord with the negative conception of rights and with the definition, in every reputable dictionary, of freedom as "the state or condition of being free."

In other parts of the Charter, however, we find so many passages in conflict with the above that an inattentive reader might forget these quoted statements as mere verbal formalities. We are told, for example: "Everyone has the right to social security." "Everyone has the right to favourable conditions of work and to protection against unemployment." "Everyone has the right to equal pay for equal work." and to "just and favourable remuneration . . . supplemented, if necessary, by other means of social protection." "Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay." "Everyone has the right to a standard of living adequate for the well-being of himself and his family, including food, clothing, housing," etc. "Everyone has the right to education." "Education shall be compulsory" and directed to purposes the Charter prescribes. "In the exercise of his rights and freedoms everyone shall be subject only to such limitations as are determined for the purpose of securing the general welfare in a democratic society."

As we are also told that "education shall be free" and that "parents have a prior claim to decide their children's education," the clauses on education are contradictory; but one can see, on examination, that none of the above statements conforms to a universal human right. They are all statements of claims for things which everybody has the alleged right to compel everybody to provide. If A has the right to well-paid employment with paid holidays, B must necessarily provide it; but if B has the same right, then A must also provide B with

the same. This is not a statement of universal human rights in the enjoyment of which all might freely provide for themselves; it is a code of regulations for a dependent world. Such statements might have been drawn up by a committee of well-meaning persons, who, taking slavery for granted, were concerned to ensure that the slaves were well treated, allowing the inspector, however, wide discretion in interpreting what shall be "reasonable," "adequate," conducive to the "general welfare," etc. All is based on the acceptance of compulsion as a necessary and permanent element in human rights.

Totalitarian regimes find it necessary to set up prison camps in which those who seek truth independently, despite the influences of state education, prevailing opinion, and authority, are subjected to brain washing designed to restore them to what is considered a normal condition of mind. In a letter recently smuggled out, one victim, an historian who had survived the corrective process, observes: "Despotism begin its chronology from the time people stop thinking of compulsion from above as evil, and begin to regard it as normal."

The most significant aspect of the Charter is its omissions. Almost all controversy today is concerned with what are called economic matters: question of inflation and trade, taxation, and the prohibitive cost of land for people to live on and work on. And it is conducted with so much expertise, jargon and metaphor that it is a kind of closed circuit from which the common sense of ordinary people is excluded, although they are well aware that their interests are at stake, and when the promised miracles do not emerge they feel sullen discontent. Here, if anywhere, a clear lead on their rights is required. Yet on these subjects the Charter has nothing to say, leaving the public to infer that no human rights are involved. For all the Charter has to declare, any ruling authority, by debasing the currency, might reduce everyone whose means are only in the form of money to destitution; by putting a complete embargo upon the exchange of goods and services it could reduce its subjects to the lowest scale of human existence; by taxing all their earnings it could confiscate all their property; by denying them the use of the earth it could deprive them of life itself.

The difficulties of persuading many delegates to cooperate in drawing up this Charter reflects credit on those who took the lead and it would be unfair to condemn the document for minor shortcomings. But when the omissions and inconsistencies allow violations of the most important human rights, the Charter requires drastic revision if the original purpose is to be realised. Many persons are capable of a surprising degree of self-delusion when faced with awkward realities, but the patrons and sponsors of this Charter occupy the highest positions in Church and State. If they delude themselves they delude millions. Intellectual integrity is a moral obligation; it could not be more so than in framing such a declaration.

Distinguishing truth and error in regard to rights is not merely intellectual exercise but a matter of the high-

est concern for everybody, and a theory is more acceptable if an example can be quoted. The Charter declares that recognition of human rights promotes the "inherent dignity" of men and women and "freedom, justice and peace in the world." If the earlier conception of rights is accepted, a general view of history confirms this, and a specific example can be quoted in relation to one human right which the Charter omits.

The right to trade freely is a natural right. It conflicts with no other right and requires no compulsion. At all times and places the natural impulse to exchange goods and services to mutual advantage has tended to form a peaceful bond between individuals and nations, to stimulate intelligence and to promote prosperity. Governments have always denied this right, usually succeeding in persuading people to believe that the infinite series of exchanges can be directed by officialdom, using restrictions, penalties and taxes, national treaties and alliances, better than by leaving trade to the individuals concerned. But in Britain in the 1840s popular agitation obliged the government to allow this essential human right to trade. Restrictions were progressively removed, and with opportunity increased and more open to personal initiative, the material benefits were so impressive that restrictions could not be re-imposed until seventy years afterwards, when the example had been forgotten. But the moral effects were equally marked. Poverty remained, but the victims had more spirit to fight it. People discovered that by relying upon themselves instead of on protection from above, life had much more to offer. Respect for their own powers in providing for their material needs enhanced their dignity as men and citizens. Feeling that honest effort was rewarded more than political intrigue, they respected the property of others and the laws that protected it. At the beginning of Victoria's reign crime was rife and pauperism widespread; by the close, the incidence of crime had declined to a quarter of the earlier figures and pauperism perhaps even more. The Great Exhibition of 1851 drew unprecedented crowds to London scarcely two years after revolutionary outbreaks had swept Europe. Yet there were no disturbances; no exhibit was broken or stolen. The French author Jules Janin was astonished. Remembering, no doubt, the bureaucratic regimes of his own country, and the succession of mob violence, revolutions and *coups d'etat*, he wrote: "What an extraordinary people, these English. They refuse to be governed; they govern themselves. At the slightest occasion every bystander goes to the help of the policeman."

If recognition of an important, though not all-comprehensive right, had this effect, and if the Charter's view of human rights as claims on society is correct, one would expect similar effects to have become evident during the last twenty years, during which Western governments have increasingly implemented the Charter's view, and indeed extended it to industries. Yet who could say that the standards of self-respect and public spirit have risen; that peoples, classes and individuals are more at peace with

each other; that life and property are more secure; that confidence in freedom is firmer?

The record suggests that to systemise state relief for all as a human right can never bring happiness. The general malaise threatens to erupt in violence as blind and selfish as that which preceded the downfall of previous civilisations. The riotous demand is not for recognition of human rights. Students on public assistance demand more assistance and fewer obligations to the society that supplies it. Closed shop trade unionists do not strike to assert the right to work, but to monopolise it. Consumers are exploited by private and state monopolies; taxpayers are subjected to arbitrary and crushing imposts; elderly savers



are robbed by debasing the reward of thrift; land users have to pay an ever-increasing toll to land owners; but none of these victims think of invoking the United Nations Charter of Human Rights. If they did they would find no specific Article to protect them.

It is absurd to expect that this tide can be turned by ceremonious professions of well-meaningness, by hoping that justice can be done without injuring those who profit from injustice, or by merely ringing the changes in prevailing ideas. It can be turned only by giving a different direction to thought on social affairs. A beginning might be made by a new and arresting re-statement of human rights, capable of showing normally intelligent people that if essential rights previously overlooked were now acknowledged they could live and prosper by their own efforts, without having to interfere with others. Mrs. Roosevelt's suggestion of amending the United Nations Charter has not been taken up, and interest in the subject has waned. Now is the opportunity for drastic revision.

The inconsistencies and evasions of the Charter appear, on examination, to have arisen from the perception that under what was called freedom the mass of people found and still find themselves threatened by poverty and unemployment, so that any new statement of human rights must somehow help to allay this fear. The sponsors of the document had either to show that these evils were caused by violation of essential rights, and to denounce such violation, or to re-state human rights in such a way as to accord with artificial measures of protection and relief, as if these evils were natural and inevitable. They chose the latter alternative and produced a document which the most selfish landowner or trade monopolist could sign; but it has done little or nothing to enhance the value of human rights in the eyes of the people; the indifference is general. Only after long disappointed hopes and aspirations have Western peoples turned away from the ordeal of self-reliance, but they still cherish it in-

instinctively in their hearts. If a re-statement could satisfy both the logical understanding and the innate urge to be free, people would not remain indifferent.

The weakness of earlier declarations has been the failure to emphasise the essential conditions of human life within which all the rights of man must be exercised. Yet the key is to be found in common knowledge and observation. It seems a truism to point out that man and every one of his requirements, all drawn from animal, vegetable and mineral resources, go back to the earth; but it is a truism almost always ignored in relation to social questions. If the first of human rights, that on which all other rights depend, is not the right to land, everybody's conception of the world around them is mistaken. But if they are not mistaken, and as there is nothing in the order of nature to show that any individual has more right to land than another, then the first consideration in a synthesis of human rights is to ensure that rights to land are free and equal. Insofar as this right is denied, other rights cannot be freely enjoyed; they must appear in practice to be insufficient, and however reluctantly, people will surrender their rights in return for some form of charity, genuine or compulsory.

But this method of overcoming difficulties by providing a substitute for rights must always create further difficulties because it ignores human nature. A recent government survey, noticing that elderly British people are reluctant to beg for everything the regulations allow them, suggests some form of psychological treatment; but it is unlikely that these experts will succeed in stamping out the last embers of self-respect, a task in which even the Russians have failed. It might be objected that the "inherent dignity" of these friendless people does not reflect the attitude of younger people conditioned to accept state protection as natural; but self-respect is only one form of the urge to self assertion which everyone feels. Young people of today, having never breathed the hopeful atmosphere of freedom, often regard the ideal of self-reliance as an affront to their "rights," but this only diverts their self-assertion into other channels. They demand more of the collectivist cake, but chafe so much against the unnatural discipline any such system requires that its operation becomes progressively difficult. They deny the restraints it is easiest to break, those moral obligations our forebears in harder conditions found it necessary to respect; but this easy form of protest is not enough. Some take to aimless violence, but almost all begin to question everything, and in this there is hope.

The young denounce "the establishment," not noticing as yet, that collectivism is an establishment. But land monopoly is the oldest establishment in modern society and so influential that all the other establishments, Left, Right and Centre, keep quiet about it. If the attention of young enquiring minds could be drawn to this they might eventually realise that the ultimate source of all the restrictions that cramp and frustrate their energies is denial of genuine natural rights. This would give them what they are unconsciously seeking—a generous cause to

fight for. The healthiest societies have always needed intelligent rebels; a sick society needs them especially. Despite publicised examples to the contrary, everyone knows that young persons today can be just as generous and considerate as in former times.

No movement in human affairs starts from nothing. The malaise today is only a further development in modern society of earlier symptoms arising from the same causes. These causes are not to be found in the events that attract publicity, but in the things which affect the daily lives of ordinary people. "The association of poverty with progress is the great enigma of our times. It is the riddle which the Sphinx of Fate puts to our civilisation and which not to answer is to be destroyed." Thus said Henry George some ninety years ago, and technological advance has made not the slightest difference to the basis on which he formulated his answer. Land and labour are still the primary factors in the production of real wealth. However affluent the disguise, no person depending upon state allowances can be otherwise than essentially poor. No person acquiring wealth by artificial privilege can do so except at the expense of producers.

But today, as at any other time, we could establish a just and natural principle in public revenue, which, by equalising the individual opportunities that arise from human association, would enable all to enjoy their natural rights and provide for themselves in genuine freedom. The basis of a healthy society is at our feet. With everyone free to pursue his own happiness in his own way there would be no artificial frustration. With no rat race to narrow sympathies and foster selfishness, natural charity would provide for all the unfortunate and afflicted. Individual weaknesses would remain, though more subject to the natural correctives; but in an atmosphere so enriched, offering infinite variety of opportunity to human aspiration, the higher qualities would have more scope. It is unlikely that so many would drug themselves by trivial pastimes and sensual indulgence as now when opportunity is so monopolised that crime seems the only channel left open to personal initiative.

One aspect of the question of the universal right to land is unique among current discussion of social questions. Whatever their differences in other respects, leaders of opinion adopt the same attitude to the essential principle; they neither oppose nor support, denounce nor approve it; they simply ignore it. Their attitude is similar to that of the courtiers in Hans Andersen's story of the



emperor's new clothes; they blind themselves to what a child might see. The wildest and most destructive political and social ideas are given wide publicity, and in economics those who preach manipulation as the basis of

the science have all the arena. But the right to land has no publicity. Land "shortage" in Western countries is recognised but it is treated as if it were a shortage of some man-made commodity, capable of being supplied by subsidies and regulations. In Eastern countries we are told the difficulty can be overcome by arbitrary redistribution of ownership. But in both cases the essential principle of land rights is avoided.

If human rights are regarded as claims to protection, this silence is not surprising. The atmosphere encourages great interests to obtain privileges and thus become the dominating force in moulding opinion. The spirit of monopoly instinctively impels them to divert attention from the monopoly which Churchill once described as "the mother of all other forms of monopoly."

Land speculating companies, however, are not misled. In attracting investors they point out that "the supply of land cannot be increased" and that "throughout history the ownership of land has given power literally of

life and death" over the landless. Earlier societies, to whom eternal things were more obvious, also recognised this. "The Earth is the Lord's," said the old Hebrews, and they acknowledged the principle of equal right to God's creation by their institution of the Jubilee. Church leaders today ignore this example. By their silence on the right of God's creatures to the gifts of Providence they seem to imply that modern economists are wiser than the old prophets. But this passing by on the other side does not appear to have strengthened the influence of religion. To most people the Churches seem to be in timid retreat, compromising with debasing trends rather than stoutly opposing them and pointing to an alternative approach; and a religious approach must necessarily be far more profound than that of current journalism and broadcasting. Western civilisation used to be considered on the whole a Christian civilisation. As Henry George pointed out, the earth is the tomb of dead empires and civilisations no less than of dead men.

A Valuer's Review of Land Taxes in Australia

P. R. HUDSON

This is the first article of a series which will highlight some of the points made in papers presented at the Conference of the Federation International des Geometres (F.I.G.) held in London in September, 1968

PROFESSIONAL VALUERS employed by governments for assessing the value of real estate for tax purposes never have an easy task. It is their function to make the calculations which are required by statute or other legislative enactment to arrive at the particular value which the law requires. In carrying out their work they need to demonstrate their impartiality between one tax payer and another. Above all, they must be able to show that their valuations are reasonable in the light of the statutory requirements. The draughting of legislation is also a painstaking task and however thorough it is experience will prove a need for interpretation by the courts or other judicial body. In many cases decisions from other courts have made it necessary to redraft enactments to meet the political intention behind the original measure.

Bearing these things in mind, it is not surprising to find that valuers are frequently critical of legislation. The best of them, being concerned with equity, efficient administration, and also their own convenience, often propose changes that are an improvement on current legislation. Since valuers are so closely concerned with the law they are in a good position to pass judgement. On the other hand, it needs to be remembered that they are more concerned with the mechanics of valuation than the

political implications or economic theory of tax incidence.

In New South Wales (Australia) about 300,000 sq. miles of land are covered by state and local property taxation, the assessments being made by the Valuer-General's Department. According to Mr. C. O. Litchfield, New South Wales is the most advanced State in the valuation field with a high level of professionalism in the Department and a well tried appeals machinery. The Valuer-General must make three separate valuations for each property at least every six years, namely:

- Unimproved Capital Value (UCV) (land value)
- Improved Capital Value (ICV) (land and building value)
- Assessed Annual Value (AAV) (rental value land and buildings)

The State land tax and all local government taxes are levied against the Unimproved Capital Value assessments. Some water and sewerage rates, however, are levied on the annual value which includes the value of structures and improvements. In 1966 the total unimproved capital value of all rateable land in NSW was A\$5,447,400,832. Clearly the Valuation Department has plenty of work to do and inevitably faces a number of appeals each year. The way in which these are dealt with is interesting.