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Editor: A. W. MADSEN.

Assistant Editors:

F. DUPUIS and V. H. BLUNDELL.

4 GREAT SMITH STREET, LONDON, S.W.1.

Telegrams:
Eulav, Parl, London.

Telephone:
Abbey 6665.

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THE BASIS OF HUMAN RIGHTS

The subject of human rights is again before the public. Those who think this question is of prime importance must not assume that official bodies will carry the discussion very far. Early in 1947 the United Nations Educational, Scientific and Cultural Organisation (UNESCO) was working on a new declaration of rights and on December 10, 1948, the Human Rights Commission of the United Nations Organisation secured the acceptance by the General Assembly of a "Universal Declaration of Human Rights,"* tabulated in thirty articles. Two national delegations were absent, however; eight others abstained and the Chairman of the Commission admitted the document was imperfect and included "a considerable number of compromises." It was intended to serve as the foundation for a Covenant, including methods of enforcement, to be adopted at the next Assembly. The draft of this Covenant was submitted to the Economic and Social Council at Geneva in July and August this year, but after prolonged discussion and reference to experts the Council virtually failed to agree on a form of draft to recommend. When a Council of eighteen delegates fails the delegations of some fifty governments are not likely to succeed in formulating a logical and sufficient covenant of human rights.

In an article, which attracted considerable attention, in the Italian liberal weekly, *Mondo*, in July, the respected historian-philosopher Benedetto Croce, besides calling attention to some inherent paradoxes in all intra-governmental efforts to organise intellectual activity, revealed that in April, 1947, in a letter UNESCO did not publish, he had refused an invitation to help in formulating the "Universal Declaration." The incompatibility of "the two chief contrasting currents of thought which divide the world to-day: the liberal and the authoritarian-totalitarian currents," he argued, destroyed any basis that might exist for universal agreement on human rights.

In addition to the intellectual differences, government agencies are especially ill-suited for defining human rights. The earlier declarations, which inspired the world, were all made by revolutionaries intent on consolidating a victory for individual freedom against the State. Agents of settled governments cannot act in this spirit. They must be always on the defensive, vindicating their particular governments and avoiding any aspect of the question which might weaken the prevailing ideas on which all governments, for the time being, depend for power. The Declaration of 1948 illustrates this limitation. A new declaration at that time could only have been appropriate

* Reviewed in *LAND & LIBERTY*, January, 1949.

if it pointed out the faults of previous declarations or revealed where their principles had been ignored. The Universal Declaration did neither. It repeated the central principles of earlier documents and then proceeded to sanction practices plainly at variance with those principles but which modern governments have adopted as expedients to deal with problems arising from involuntary poverty. It is unfair to place upon governments the onus of formulating documents to guide the public opinion which must be the ultimate judge of their own actions.

Signor Croce, in his letter, suggested that UNESCO's intervention should be limited to a "solemn, public, world debate on which are the principles necessary to the dignity of human life and civilisation." But his opinion that any "theory of natural right" is "historically and philosophically untenable" makes a chilling atmosphere in which to begin the debate. Whenever a number of ordinary folk join together in a voluntary group such as a club or even a trading association they agree almost instinctively on the right of equal opportunity within the society, and the principle works. It should not be impossible for legislators to apply this principle to the wider society of nations. In this direction, by removing the hindrances to the natural satisfaction of human desire, lies the hope of demonstrating that freedom is indeed so happy a condition that, come what may, it is worth working and striving for with hope and resolution.

The Virginians in 1776 declared that every man had an "equal right to life and liberty, with the means of acquiring and possessing property." The French National Assembly in 1789 were convinced that "ignorance, neglect, or contempt of human rights are the sole causes of public misfortunes." Because grave social evils developed later in America and France we are not justified in concluding that these early reformers were radically mistaken, still less can we be excused for cloaking our repudiation of their principles in the dubious phrases used in many parts of the Universal Declaration. If on a specific occasion a racing car fails to start, its designers do not assume the theory of internal combustion engines to be untenable, they set to work to find something they have overlooked when applying the theory. Enthusiasm for equal freedom, based on some conception of natural right, carried civilisation far. If civilisation is now receding we must search for something which the early enthusiasts overlooked. Is it true that among the supposedly free nations every person has had an equal opportunity to acquire and possess property? The Virginians did not explain how taxation could conform to the natural right to property. Have prominent modern thinkers remedied this omission? Here ordinary folk must help themselves.

In August, 1949, an international assembly of independent persons, representing no sectional or national interest, met together at Swanwick in Derbyshire and drew up a Declaration of Principle and Policy reviewing the current national and international difficulties in the light of human rights. In conformity with this an accompanying Resolution on Individual and Common Rights in Land was adopted. These documents shirk none of the problems similar statements avoid. The Declaration begins by condemning forthright "as infringing personal liberties and menacing the general welfare, all plans which involve increased regimentation of the individual by the State," and making it clear that by this is meant the whole apparatus of State control over the individual's freedom to produce and exchange goods and services. This condemnation leaves the sponsors of the Declaration

no possible escape from the obligation of pointing out what fundamental adjustment must be made in our society, *consistent with uncompromising acceptance of equal rights*, if the causes of social weaknesses are to be eliminated. On this the Declaration leaves no grounds for doubt and, incidentally, it challenges Communist propaganda on a subject Communist propagandists have always exploited with success.

The Manifesto is published by the International Union for Land Value Taxation and Free Trade, at our offices. "We declare," it states, "that the tenure of land is the great governing fact which ultimately determines the . . . condition of the people. That the fundamental cause of involuntary poverty and recurrent periods of unemployment is the private appropriation of the rent of land and the withholding of land from adequate and proper use . . . That until measures are taken to stop the private appropriation of the rent of land, all measures currently advocated for improving social conditions are incapable of achieving their purpose . . . that as everyone has an equal right to life it necessarily follows that everyone has an equal right to land on which alone life can be sustained."

To remove this source of evil the document advocates: "That the equal right to land be secured by collecting the rent of land and devoting it to the uses of the community and assuring to the producer the full fruits of his efforts by abolishing the imposts," etc., which at present penalise his exertions.

The accompanying Resolution on Individual and Common Rights in Land specifies briefly the principles of justice by which these rights may be exactly determined

and exercised in complete accord with the true right to property.

The Declaration and Resolution, which were confirmed by members drawn from twenty-seven different countries, thus reconcile the great declarations of human rights of the past, with the profound reform required by modern society; no conclusion is evaded, no question is begged, no phrase left doubtful. Any inconsistency should be easy to distinguish.

The Manifesto has been translated into fifteen languages and the text is now available in printed form, not only in English but also in French, German, Spanish, Italian and Esperanto. Printing of other translations will follow. Copies of these documents have been and are being circulated widely to appropriate public bodies and men and women. They were acknowledged by the Secretary-General of the United Nations in October, 1949, but, so far, no further action has been taken by that organisation.

If one is convinced that land is not necessary to human existence the Swanwick Declarations can be ignored, but if one is not of that opinion it follows that most of the current discussion on human rights is conducted on a basis of unreality, for the question of right to land is almost always ignored. No interest in social questions can be inspired by a higher or wiser motive than consideration for the dignity and rights of others as well as for oneself, but to ignore the subject of land tenure in social investigation reduces that consideration to nullity. The right to land is the first of human rights, on it all other rights depend.

F. D. P.

SIR ROBERT PEEL AND PATRICK EDWARD DOVE

In an article in the *Manchester Guardian*, July 6, marking the centenary of Sir Robert Peel's death, Mr. Asa Briggs emphasises Peel's practical mind and appreciates "his vast programme of fiscal reform." But Mr. Briggs mentions Free Trade only once, and then in an incidental way which might lead the unsuspecting reader to assume that the *laissez faire* Prime Minister did not wish to be associated too prominently with Free Trade. If in recalling eminent figures of the past we are always to avoid mentioning any aspect which clashes with the prevalent notions of to-day, of what use is it to recall them? On the other hand, remembering that it is always opinion which moulds the conditions of society, if we live in an age which seems heading for disaster, and the example of some great figure of the past directly conflicts with opinions at present prevailing, it is these conflicting opinions which especially merit our attention.

Peel lived in an age which identified Protection, public debt, inflation, pressure groups and international regulation of commerce with poverty, corruption and war. By *laissez faire* was then meant not licence for the strong to oppress the weak, but removal of obstructions to honest work. By liberty men meant equal freedom to rely on one's self. "Freedom from want" would have evoked the contempt which such misapplication of language deserves. Peel set himself to abolish things which he regarded as evil and, being practical, did so by legislation designed to reduce debt, restore the honesty of public finance and reduce or abolish Protection. It never occurred to him that before redressing an evil in one's own country it was necessary to await the decision

of an international conference; and the results of his measures showed it was not necessary. On the contrary, he regarded efforts to interfere with the policies of other nations as futile. On that subject, the night before his fatal accident, he said in Parliament, "Liberty will be best worked out by those who aspire to freedom by their own efforts. You will only overload it by your principle of interference, against which I remonstrate—against which I enter my protest." No message could be more useful than this, to come to us from the period of peace, increasing prosperity, rising national confidence and hopeful civilisation during which Peel was Prime Minister.

But it is equally important as a lesson to our own age to recall the aspect in which Peel failed, and the consequent measure which dimmed his reputation, even at its highest. For generations it was remembered against him that in 1842, in order to supply revenue needed to make up for reduction of Protective duties, he revived the Income Tax. In speeches by Macaulay, Lord John Russell and others, and numerous popular petitions, the taxing of a person according to his industry and thrift was denounced as inexpedient in peace time as it was unjust always, however it might be tolerable, like the press gang, in national emergency. But Peel's critics, like the anti-socialists of to-day, failed to see their criticism was almost useless unless it led up to an alternative to meet the situation. At the back of their minds, it is true, they realised that the alternative lay in some kind of "property tax," but this took no better shape than the inhabited house duty of 1851 in place of the