

# NATURAL RIGHTS - NATURAL DUTIES

Natural rights are accorded as birthrights by Nature to every living individual on earth to support their civil and economic existence. Yet the gift of Nature is often ignored and human rights formulated by man are preferred. The difference between rights founded on Nature and those formulated without aspiration to harmonise the natural order is clearly illustrated in the present order of society in both civil and economic terms. Present society is plagued by unresolved poverty in which the mass of society cannot earn their independence, cannot care for themselves and their families. Natural rights are implanted in human nature. Human rights are created in words on paper.

The evolution of society from early evidence of existence to the present is accompanied by the realisation that the protection of individual rights requires the development of society to replace clan, community and tribe in order to protect them. Indeed, the struggle to protect natural individual rights is a grand and noble aim that goes to the roots of society. The evolutionary jump that powerful interests do not want even to consider is to create a just society that would constitute a wonder of a new world. But this essay covers the modern history of the discovery and, unhappily, the burial of natural rights.

The rights of individuals runs through English history. Magna Carta is often cited as a hallmark enactment that began the process. Yet it was not a measure whereby the Crown acknowledged the man in the street. King John intended to afford rights to threatening nobles in order to preserve his rule. The real progress in establishing the civil rights of individuals accompanied the rise over eight centuries of common law and strongly from the fourteenth century the demands of the people for basic civil rights denied to them at different times by the Church, Crown, Parliament and the judiciary. It is easy to forget that the law of the land depends on both the administration of justice and the people's struggles for their civil liberties. The public sense of justice has played a powerful but unseen part in the operation of the common law.

The modern political debate over the rights of individuals broke during the second half of the seventeenth century. Thomas Hobbes, after the Civil War that had shocked him, developed the twin ideas that individuals possessed only such rights as the sovereign was pleased to award them and that they served the State, or the body Leviathan, as bees serve a beehive. Sir Robert Filmer's book on royal authority, *Patriarcha*, was published in 1680. He argued on scriptural authority that the king ruled by Divine Right. Thus stood the question of the rights of the individual: absolute human authority backed by the Creator.

John Locke attacked both propositions in his book, *Two Treatises of Government* that was published in the year 1692. In the first, he examined the scriptural authorities claimed by Filmer and found them wanting. Later, he discountenanced the idea that Conquest covered only the generation conquered rather than their heirs or their lands. In the second treatise, he argued that human rights derived as the birthrights of Nature. The second chapter begins:

*To understand political power right, and derive it from its original, we must consider what state all men are naturally in, and that is a state of perfect freedom to order their actions and dispose of their possessions and persons as they think fit, within the bounds of the laws of nature, without asking leave, or depending upon the will of any other man.*

Locke had turned a page of political thought from the medieval to the modern age. Voltaire toured England during a period of exile in the 1720s. He was encouraged that English people no longer discussed, let alone fought over, religion. He was inspired by the new thinking of Francis Bacon, Isaac Newton and Locke whom he praised on his return to Paris. His account of his travels took hold among thinkers who embraced these three as founders of the Enlightenment.

That movement caused a profound change of introducing science. Science brought with it an objective enquiry that could



be substantiated by Nature. It involved in many fields leaps in imagination to posit a proposition to be tested against the natural order.

The scientific spirit challenged, for example, the idea that the manifest order was composed of the traditional four elements of air, fire, earth and water. These were discovered to be compounds of other elements. Air contained oxygen, hydrogen, carbon dioxide and so with the other three. Physics and chemistry led the scientific movement and biology, zoology, botany followed. The path was not always clear of religious doctrine and traditional understanding. That was vividly illustrated by Charles Darwin keeping back his magnum opus for decades in order not to offend the book of Genesis and those who believed it, like his wife.

However, public opinion was disturbed by the introduction of economic science that was to extend natural rights beyond civil rights. Its founder of this branch of science was François Quesnay, a French surgeon. He began to study Chinese philosophy that became popular in Europe after the publication of works of Confucius in Latin in 1585. He has derived much from the Way of Nature. Quesnay became prominent after he treated an epileptic fit of Mme de Pompadour's friend, comtess d'Estrades, with commanding adroitness at a party. The royal mistress had him installed at Versailles as physician to Louis XV.

His conversation with the king turned invariably to economic matters, in which he advanced the just and reasonable idea that the most fertile land in an agricultural society should bear the need of taxation. Moreover, Quesnay demonstrated that the most fertile land returned a surplus over the more marginal and greater areas of France. Therefore, a tax would not interfere with the profits or earnings earned from agriculture. For that reason Quesnay termed it a tax on the *produit net* or net of the rewards of labour and costs of production.

A young scholar, Anne-Robert Turgot, whose political thinking was greatly influenced by Voltaire, Bacon and Locke, was immediately attracted by Quesnay's idea of the *produit net*. For it accorded with reason, Nature and justice at a time when taxation under the ancien régime was levied on the poorest and avoided largely by the many ranks of privilege. Quesnay attracted a number of young men who regarded him as their master. They were associated at Versailles with the insistent idea of limiting the expenditure of government and became known, accordingly,

as *les économistes*. Quesnay was carried away by his ideas and in 1758 published his work *Tableau Économique* that Turgot described as a work of 'algebra' and 'fatras' [jumble] written by a 'patriarch'. Turgot stood apart from the sectarian spirit that enveloped their thinking. The *économistes* styled themselves as *Physiocrats*. After the death of Mme de Pompadour in 1764, Quesnay was removed from Versailles and the group dissolved and its journals were suppressed.

Turgot pursued the establishment of the natural rights of the individual with relentless reason, unblemished faith in Nature and a passionate pursuit of justice. He introduced the first steps in economic science of an agricultural society. In five volumes of his political career only a single page, involving the protection of a grower of rose madder, was at variance with his principles. His integrity, his motives and the foundations of his political thinking were of a high standard. He served thirteen years as an Intendant, before being summoned to the King's Council by young Louis XVI. As *cotrôleur général* he served eighteen months before being brought down by the full weight of the ancien régime - led by the Prime Minister and Marie-Antoinette, the Court, the Church, the nobles, the parliaments, the monopolists, the tax collectors and the other privileged. With his dismissal the introduction of economic science was buried.

Shortly after the death of his friend Condorcet wrote a biography of Turgot. Its opening paragraphs convey a timeless relevance.

*Among the multitude of ministers, who, during a short period, govern the fate of nations, there are a few who merit the attention of posterity. If they merely held principles and prejudices in common with the age in which they lived, of what moment is the name of one who has done what a thousand others in his place would have done as well?*

*General history serves to record the events in which they had a share. There we find that such a minister, raised from the crowd of the ambitious, was more eager to obtain his office than to deserve it; that he was more anxious to prolong his administration than to make it useful. There we see the ill that such men do from ambition, the ill that they permit from ignorance or irresolution; sometimes the good that they have attempted without success, and more rarely the good that they have been able to effect. The history of their ideas, and even of their virtues, may be read in the opinions and prejudices of their contemporaries.*







*But if there appear among these a man, who has received from nature a superior strength of reason, accompanied with peculiar virtues and principles of action, and whose genius has so far outrun the acquisitions of his age as not to be understood by it; the life of such a minister may be interesting to every age and nation. His example may long be useful. His authority may give to important truths that sanction, which reason itself sometimes stands in need of.*

The introduction of economic science was an important part of the Enlightenment. It provided a just foundation to the Industrial Revolution and to the new world of the American colonies. America became independent in the year that Turgot was sacked 'in disgrace'. He had been a friend of Benjamin Franklin who derived strength from friends in Paris at a time that he was not in contact with London. He met Franklin frequently in the salons. He entered a correspondence with him and warned against the imposition of taxation on productive industry. He added the memorial inscription to a portrait of Franklin; 'Eruptit caelo fulmen scepturumsque tyrannis' - he stole lightning from heaven and the spectre from tyrants.

Turgot became particularly interested in the development of what he saw as a refuge of mankind that could be free of the political errors of the Old World. But the founding fathers preferred to adopt Locke as a guiding authority. They were not troubled by the error of Locke concerning the acquisition of land that Turgot exposed as a denial of Nature and natural rights. Land he held was given as a natural element, as air, sunshine and water, to every person equally. America also adopted Adam Smith as another authority. His assertion that self-interest was the engine that created society appealed to pioneers of a new continent. Yet Locke had written a century earlier in his *Essay on Nature*:

*What reason is left for the fulfilment of promises, what protection for the interests, what sense of community and common purpose between men, when equity and justice are the same as self-interest?*

Smith is hailed in America particularly as a leading member of the Enlightenment. However, there is no evidence of a progression of reasoned argument, little interest in Nature and none whatever in justice. The Enlightenment, in so far as it concerned economic justice, passed by Smith, was stamped out by the ancien regime and buried by its tragic revolution. Then it was ignored in America that blindly submitted to the political errors of Europe.

However, the quest for economic science, surely a most important branch of science affecting the daily existence of millions, re-emerged in America after the Industrial Revolution had swept through the West, in a matter of two or three decades by about 1860. Society had progressed from an agricultural state of the eighteenth century into an urbanised, industrial society. The same foundations established by Turgot were in the changed conditions to produce a more extensive development of economic science. It was due to one man, Henry George, who possessed none of the advantages of Turgot, who left a modest school at the age of thirteen, who studied no early influences such as Voltaire, Locke and Quesnay and who attained no public office.

George was born in 1839 on the east coast of Philadelphia. After he left school, there was no work and much unemployment. He visited the docks and was lured by the talk of sailors to travel at seventeen by schooner to Australia. When he arrived in

Melbourne he paid only one visit ashore when he encountered the familiar evidence of unemployment. In Calcutta the poverty was worse. He returned and learnt typesetting. A cousin living in Oregon wrote of a land of prosperity. George caught a schooner sailing round the southern tip of South America to San Francisco. On arrival the familiar scene of poverty greeted him. To escape he joined a gold rush in the northern state of Columbia on the Fraser River. The best diggings were occupied and what remained yielded little. He returned to San Francisco and found employment as a typesetter. The President, Abraham Lincoln, was assassinated in 1865. George wrote an obituary that merited his move into journalism.

All the while he was absorbed by the cause of mass poverty in a modern society. He remembered two conversations. An old typesetter in Philadelphia and a miner on the Fraser River had each observed that as the population grew so earnings would fall. There remarks inspired George to discover the reason why this should occur. While puzzling this paradox he wrote in 1868 about the consequences of the railroads being constructed eastwards across the continent. In San Francisco there was much jubilation and expectation of the benefits that would result. George remained cool-headed. The railroads would bring riches to the builders who received swathes of land on either side of the track instead of state subsidies. While it made for a few riches, the locomotive would also convey the tramp. He wrote a pamphlet that reminded a friend of the thinking of the French *économistes*. George owed nothing to them and only later did he become acquainted with Turgot with whom he shared the same foundations of thinking. Indeed, they were fellow scientists of the Enlightenment.

While riding his horse in the hills above Oakland George stopped to talk to a stranger. He asked casually what land was worth there. 'I don't know exactly,' replied the stranger and, pointing in the direction of some grazing cows on far hills that seemed like mice, 'a thousand dollars an acre.' This simple exchange suddenly crystallised his brooding thought. George described the 'ecstatic vision' that came to him:

*Like a flash it came upon me that there was a reason for advancing poverty with advancing wealth. With the growth of population, land grows in value, and men who work it must pay for the privilege. I turned back amidst quiet thought, to the perception that then came to me and has been with me ever since.*

By such moments or flashes does science reveal itself to its most ardent students.

His thinking rested on his magnum opus, *Progress and Poverty*, showing that as people congregated in cities the value of land rises while the level of earnings are determined by competition of people seeking work on land already enclosed. Thus the level falls from true productivity of work to the least that an individual will accept. He developed a theme that Turgot had elaborated in his essay, *Réflexions*, in 1766, explaining how the level of earnings came to be fixed by the same process but he had not seen the effect of a rising population on the value of land. But George developed the insight more extensively.

George showed how the two principles determine important natural rights beyond civil rights. Freedom of speech, from arbitrary arrest and the like count for nothing in the determination of such crucial matters of the natural rights involved in the

distribution of wealth and the distribution of property between what is naturally private - created by individual labour - and naturally public - created by a society. George had opened the question of natural rights to the wider dimension that could only arise in a just democracy. That ideal society that eludes mankind is like an undiscovered wonder.

*Progress and Poverty* became a best-seller that was translated into the major languages of the world. George became known outside America as a figure to rank with Thomas Edison and Henry James. George's second book, *Protection or Free Trade*, was beautifully written and comprehensively argued. It recalls the eloquence that Turgot had deployed on the question. It will long remain a classic on a perennial truth of the natural free order of trade and commerce. George had travelled to the British Isles, Australia and New Zealand lecturing. His thinking took hold firmly in Scotland. Local municipalities demanded powers to impose rates on the value of land. They enlisted the support of the Liberal Party who came to office after their triumph in the General Election of 1906. Their demands brought the question to the agenda of Sir Henry Campbell-Bannerman's government. Winston Churchill mastered the case for both the taxation of land value and the freedom of trade. He delivered the most eloquent speeches on both questions during the first decade of the twentieth century. Unfortunately the Prime Minister died in 1908. His successor, Herbert Asquith, appointed David Lloyd George to deliver the reform of taxation. He completely lost control of the issue that he never really understood and the First World War all but ended the radical spit. But Philip Snowden, a founder of the Labour Party, had heard George speak in Aberdeen at the age of twenty-one. He became Chancellor of the Exchequer and in the Budget of 1931 introduced the valuation of land. He was also an ardent supporter of free trade. When he resigned through ill-health that year, free trade was overthrown by the only country in the developed world to have adopted it. The valuation of land was also terminated. Thus ended the pursuit of natural rights in British politics.

Both Turgot and George have been almost erased from the historical record. Turgot was admired with 'wonder' in France and Britain during the nineteenth century by John Stuart Mill and historians William Lecky and Lord Acton. But during the last century he has been vilified in France for not being a *socialiste* and misrepresented in Britain. There is hardly a reference to him that is accurate. Unable to counter their arguments, critics attack Turgot for being inflexible, politically inept and maladroit and George was destroyed by academic economists as irrelevant within twenty years of his death. The dismissal by economists

recalled a meeting in Oxford at which Alfred Marshall had branded him with consummate condescension and pomposity as 'untrained'.

To erase the thinking of these two men, who were pioneers of a most important science, prevented the evolution of a just society. The multitude awake each day to think about keeping their head above poverty rather than the force of gravity throughout the Universe. The character of both men would encourage posterity to concentrate on the ideas founded on reason, Nature and justice rather than upon them personally. For it is important to rise to the scale in which natural rights become self-evident. Turgot would have advised most emphatically against forming sects and sectarian ideas. He endlessly wrote against the habit of 'we think' in place of what 'I think'. The struggle to secure natural rights is the great challenge to achieve the evolution of societies from the jungle to justice: much grander than a sectarian squabble.

Such enquiry would expose the cause of mass poverty disabling an individual achieving independence and fulfilling personal responsibilities for the education of children, healthcare and retirement. That unresolved cause of poverty has justified the rise of socialism throughout Europe. It has mitigated the effects of poverty instead of reforming its unjust causes. The Old World has contributed a second-rate example of unjust societies and America has followed cap in hand.

The barrier to harmonising human society with the benign provision of Nature is that people are blinded to the evidence because they do not want to know. The ruling attitude is 'to hell with Nature, that is only for dogs and gardens! Human society must be created by political action'. Politicians are said to live in the real world. If the political order throughout the globe is real, let us forsake study altogether so that man can at last appreciate the real drama of *Punch and Judy*. Without a profound approach to the objectivity of economic science, the natural birthrights of every individual walking upon the earth are ignored or misconceived. This is a state of fact, not a criticism of government, who mirror the political thinking in the mind of the public.

Finally, it is time to re-consider natural duties. The coupling of rights and duties seems at first sight like two sides of a coin; Each right carries with it a corresponding duty. This way of thinking leads easily to a mismatch of natural rights implanted by Nature with moral duties devised by man. The natural balance between rights and duties exists in human nature. For example, every individual inherits at birth the right of free speech without a duty not to libel or injure another. Natural rights are of fundamental importance since they represent the birthrights of every individual on earth. It is necessary to give account of how they came to be discovered in the modern world before being largely discountenanced by it. There are three duties associated with natural rights: to establish natural rights by reason, to teach the same, and to comprehend how they might be delivered by a just society.

The Enlightenment introduced a new order of objective science but economic science, perhaps the most simple and the most important, was rejected. Mankind stands at the edge of another moment of renaissance three centuries later. The need of economic science based on the profound foundations shared by Turgot and George are still too grand for present societies to want to understand or implement. 

