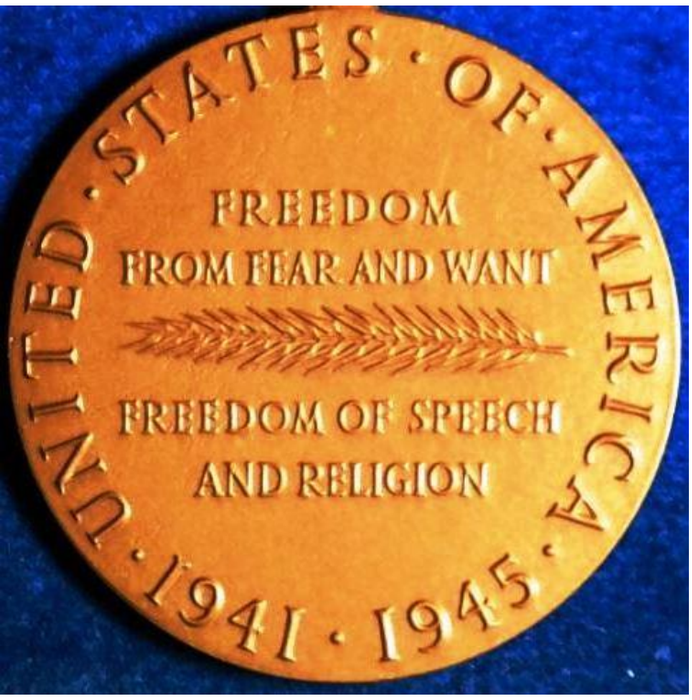
Four Freedoms and Natural Right

This furthers the study Natural Law in connection with of the Four Freedoms of World War 2. The following definition is from a *Dictionary of the Social Sciences*[1] to examine *freedom*. Although many use the term in an emotive laudatory way. It actually depends on what one is free to do. It must sometimes move aside for the sake of security equality, or justice (***Freedom for foxes can be mean death for the chickens.)*** In a *State of the Union* address on 6 January 1941 President Franklin Roosevelt articulated four goals of his administration. This was known as the ***Four Freedoms Speech.***

He proposed four fundamental freedoms that people "everywhere in the world" ought to enjoy. These included Freedom from fear, Freedom from want, Freedom of speech, and Freedom of religion. He said: "**That is no vision of a distant millennium. It is a definite basis for a kind of world attainable in our own time and generation. That kind of world is the very antithesis of the so-called new order of tyranny which the dictators seek to create ..**.". That is what the "Greatest Generation" fought for, as shown in the World War 2 Victory Medal (7 Dec. 1941 to 31 Dec. 1946).



My personal interest is in helping others who are currently working on *one* of the five following goals:

Freedom from fear **(mostly veterans)**
Freedom from want **(mostly economics)**
Freedom of speech **(writers and opponents of fraud)**
Freedom of worship **(deists, students of natural law)**
Enforcing U.N. Universal Declaration of Human Rights

The United States discourages the teaching of Deism and generally allows it to be distorted by the Masons in alliance with mainline Protestant Christianity. I'm not a Mason and a separate paper defines Deism. It's not my primary concern. The United States is based on the statement of Natural Law as articulated by Thomas Paine in Common Sense and later in the *Declaration of Independence.* Americans should be able to connect the dots from Common Sense to the Four Freedoms. I agree with President Carter that the country is now an oligarchy.

My vision, if all goes well, is that after about five years we could have semi-autonomous Common Sense Clubs (whatever they're called) in most Congressional Districts; with loose coordination by at least five directors. If all does not go well, then plans can be changed. As for the relevance to Thomas Paine, He embodied **freedom from fear** as a combat veteran both an English privateer and in taking a musket to join Nathanael Greene in the Revolution. He sought freedom from want as defined **by** Agrarian Justice. He favored **freedom of speech** in opposition to aristocratic fraud as shown in *Rights of Man*. He supported **freedom of worship** as demonstrated by attacks on dogma in *Age of Reason* and in support of Elihu Palmer's *Principles of Nature*. As with the Four Freedoms which developed into the Universal Declaration of Human Rights, in his *Pacte Maritime,* Paine also proposed an early United Nations under a rainbow flag. President Jefferson approved it and it might have worked if Czar Paul hadn't been assassinated.

Natural Right & Natural Law by J. Roland Pennock[2]

A. Natural right may be defined as a liberty or immunity that ought to be protected or a service or enablement that ought to be provided for all men at all times and under all conditions. Although it has an ancient lineage, the term came into general use in the 17th and 18th centuries, with regard to assertions of liberties, immunities, or enablements assigned to individual men by natural law.

By definition natural rights must be unconditional, immutable, and inalienable, and it is usually claimed that they are the same for all men. They were thought of as those rights that man enjoyed in a "state of nature" before the establishment of civil society; or rights that *would* pertain to man in the absence of government. The most commonly asserted natural rights were those of life, liberty, and equality - generally stated without further definition.

B. 1. Natural rights were widely believed to be self-evident. When justification was attempted, especially in earlier periods, it was generally in terms of one or another of the lines of reasoning discussed in this volume under *Natural Law*.[3] Especially in England, natural rights were often identified with particular legal rights alleged to have been recognized and guaranteed in the past. As such they provided a potent rallying cry for revolutionaries seeking the re-establishment of old rights that had been infringed upon or, sometimes, seeking the establishment of new rights under the guise that they were old. The Puritan Revolution and Revolution of 1688 in England and the American Revolution provide examples of this kind of use.

2. More philosophically minded attempts at justification were made by Hobbes, Locke, and by French philosophers of the Enlightenment. T. Hobbes (1588-1679) would have nothing of self-evident or rationally apprehended truth. Rights, he reasoned, are liberties to do what is not prohibited by law. Since in the state of nature there is no law, ***"nature hath given to every one a right to all"***.[4] However, with the coming of society, even so much as is involved by the family, man enters into various engagements that limit his natural rights. Then, according to the social contract, by which civil society is established, man gives up all his natural rights except the right to that which is necessary to preserve his life against attack, and certain matters believed incident or equivalent thereto.

Locke (1632-1704) held a view more typical of the natural law tradition from which it was derived, that it was self-evident that certain rights pertained to man as man. They existed in the state of nature and they continued in civil society. On entering the state man gave up only his right to enforce his natural rights; this he transferred to the state. These rights included the rights of life, liberty (freedom from arbitrary rule), and equality. Property, by a process of derivation from principles believed to be self-evident, was added to the list. This Lockean doctrine that has been historically provided a foundation both for alleged rights of revolution (a use to which Locke himself put the notion and which was applied by Jefferson in formulating

the American Declaration of Independence) and for bills of rights as frequently embodied in constitutions.[5] A century after Locke, in England both Burke and Bentham, unlike in most ways, united in condemning the doctrine.[6]

C. Especially in the United States, the doctrine long retained its vigor and has force even today. Courts have frequently made use of the concept in declaring certain laws invalid, and especially in interpreting the vague constitutional provision regarding due process of law. Although the doctrine is now generally conservative rather than revolutionary, being invoked in support of vested interests, it is also used to justify certain procedural liberties essential to individual freedom and justice, such as the right to a fair trial.

D. Philosophers long since came to realize that the notion of a right implies the existence of others against whom the right is claimed, and that therefore it makes no sense to talk of rights in a pre-social condition. It remains possible, however, to speak of natural rights as those claims of liberty, immunity, or enablement that ought to be given legal sanction in an ideal society or, alternatively, as those moral rights that exist in all societies and at all times.

Today as in the past most assertions of natural right are qualified by the limitation that the natural rights of each person are limited as much as is necessary to secure the like rights for all others. Whether any such rights can be validated is a matter of dispute among philosophers. The tendency among those who accept the notion as valid is to define the asserted natural rights much more carefully than was the practice of earlier theorists and to narrow their range, sometimes to a single natural right, as for instance the right to **equal freedom.**

E. Natural law refers to a body of principles and rules believed to be uniquely fitting for and binding upon a community of rational beings. Sometimes thought of as applying only to a primitive society or perhaps to an ideal society, it is generally believed to have some relevance to the governance of existing societies and usually is related directly as ideal, standard, or guide for the positive laws of existing societies.

F. In the social sciences the terms *natural law* and *law of nature* are prescriptive; that is they relate to some concept of what rules ought to prevail. It is often held, however, that there is a close relationship between natural human laws and natural physical laws. Although the latter are purely 'descriptive', they may be thought of as 'regulating' the phenomena to which they apply. At the same time, the prescriptive laws of nature held binding upon human conduct are often believed to derive from a general body of laws of the universe that includes the laws of physical nature as well. According to this view, some laws of nature govern the movements of the planets and others govern the conduct of men; but they are of the same general kind. Ever since the dawn of political and legal theorizing, natural law doctrine has played an important role in political and legal philosophy.[7]

G. The ideas attached to Natural law has also been portrayed by a series of antinomies.[8] They may also be defined or explained in terms of their source, nature, or foundation; i.e., how they are discovered or made known to man.[9] However defined, natural law maybe thought of as serving various functions; and the way they are viewed will in turn affect the role they plays in society.[10]

H. There is much disagreement as to the content of natural law. If we confine ourselves to the most general rules and principles, however, there is probably more agreement as to the substance of the rules than as to their origin or authority. Almost any list of such rules would include the following propositions: **human life is to he protected and forwarded; no one should injure another.** Perhaps more subject to dispute, yet **very widely held, are the propositions that all men are born free and equal.** Modern analysis tends to reduce this age-old formula to the contention that there is a presumption in favor of freedom, and likewise of equality. In other words, any infringement on man's freedom or equality must be justified.

J. Roland Pennock ✯

Endnotes

[1] 1964 by Julius Gould & William L. Kolb (Eds.) for U.N. Educational, Scientific, and Cultural Organization. A third of 270 authors were from the British Commonwealth. *Wikipedia* also has useful discussion of the Four Freedoms.

[2] Dr. James Roland Pennock was born in Chatham, PA and retired to Haverstraw PA. He attended the London School of Economics in the mid-1920's and, after graduating from Swarthmore in 1927, earned master's and Ph.D. degrees at Harvard. He became Richter Professor Emeritus of Political Science at Swarthmore College, where he taught from 1929 until his retirement in 1976. He served as chair of the department for 39 years and was a visiting professor to Harvard and Columbia, the U of Minnesota and the U of California at San Diego. He was a past president of the American Society for Political and Legal Theory and a principal editor of its annual *Nomos* series, published by NYU Press with various titles still in print. His own books include *Democratic Political Theory* (1979), *Self-Government in Modernizing Nations* (1965) and *Administration and the Rule of Law* (1941). He was a past vice president of the American Political Science Association and served two terms on the editorial board of the American Political Science Review.

[3] Dr. Pennock added this definition, which also cross-references *Cultural Relativity*.

[4] *De Cive or The Citizen*, ed. S. P. Lamprecht, NY: AppletonCentury-Crofts, 1949, p. 27.

[5] As in the case of the *French Declaration of the Rights of Man and Citizen* and the *American Bill of Rights*. However, this is further discussed in the section Jefferson.

[6] They would have agreed with the remark of the American Supreme Court Justice Holmes, who declared that the word "rights" was `a constant solicitation to fallacy. Bentham himself considered talk of rights as "nonsense", while natural rights to his way of thinking were "nonsense on stilts".

[7] Adopted from the Stoics by the Roman lawyers, it played a key role in the formation and spread of Roman law, in two epochs of history, over most of the civilized world. In the medieval period the Church took it up and gave it currency and prestige. In the 17th and 18th centuries a secularized version, expounded first by Grotius, not only served as the foundation for the developing law of nations but also absorbed the whole body of theory of law, state, and society. Today utilitarianism and positivism have greatly loosened its hold on the modern mind. Yet, adhered to by the Catholic Church, and recurrently finding new sources of support, especially as a reaction to the doctrines of totalitarianism, natural law can by no means be written off as a dead dogma.

[8] There is the opposition between ***natural* and *artificial***. Artificial law is law that is the product of deliberation and will; and conversely natural law is spontaneous and uncontrived, a product of the continuous flow of life. 2. Natural law is ***rational* as opposed to *empirical*;** it is the product of reason and conforms to reason as contrasted with rules of conduct that lack such correspondence or that are accepted as binding merely because they are generally obeyed or because they are commanded by recognized authority. 3. A third antinomy, between the ***ideal* and the *real***, is perhaps the most basic of all, at least for modern usage. However, the point at which the ideal applies varies. Some writers have considered natural law as the law that would be ideal for (and perhaps would prevail in) a primitive society. Others have spoken of it as the law that would be proper for an ideal society. However, the most common notion is that of an ideal for existing society. 4. Finally, one must note the twin antinomies of the ***immutable* and the *changing* and the *eternal* and the *temporary***. Throughout all concepts of natural law runs the thread of universality and eternity. Even those modern notions that speak of "natural law with changing content" retain the idea of a central core, though it may be a matter of form rather than eternal substance.

[9] 1. A widely acceptable answer would be that natural law is the law peculiar to rational beings and is made evident to them by their reason. How reason discovers natural law is a more difficult question. Some hold with Plato that reason in its highest form includes the faculty of perceiving a priori truth, of direct insight into the eternal verities. Many who speak of the principles of natural law as self-evident to rational beings have this sense in mind. This concept of natural law may be referred to as *transcendental*. Most writers, however, would hold that only the most general principles of natural law (e.g. that one should not do harm to others) could be known in this fashion. Reasoning and experience can derive other principles and rules from these. 2. Another way in which it is held that natural law may be found out by reason is by deriving it from the physical and psychological nature of man and especially from observed *tendencies* of human nature. Just as it is the nature of an acorn to become an oak tree, so it is the nature of man to develop wisdom and virtue, and those things that are natural and right may be discovered by observing the tendencies inherent in man and essential to him. This *immanent* view of natural law is characteristically Aristotelian. Some modern writers who reject any idea of 'essence' nonetheless hold that it is possible to discover, empirically, certain rules of conduct that lead to the most satisfactory life, or the most happy and harmonious society, or something of the sort. This notion of *empirical* natural law provides yet another category. 3. For centuries Churchmen tended to identify natural law with the law of God. Although St. Thomas kept the two distinct, no less an authority than Gratian identified natural law with the law of the Scriptures and the Gospel, and more particularly with the golden rule. For supporters of this view the source of natural law is revelation. 4. In recent times many writers have sought to avoid difficulties regarding the foundations of right and justice by defining natural law simply as those principles of morality that could appropriately be enacted into positive law. Also, alternatively, some see it as that portion of morality that finds support in the popular 'sense of right'.

[10] 1. For instance, it may be considered as the basis of all human (positive) law, the latter being only an extension and application of its principles. This view, generally combined, as with Aristotle and Aquinas, with the contention that the state is natural, tends to be conservative, because it is then presumed that the laws of the state partake of the quality of natural law. 2. Again, natural law may be considered as a standard by which to judge positive laws and the actions of the rulers who make and administer those laws. Such a critical notion is conducive, as generally in the medieval period, to the thought that the acts of tyrants who defy natural law are not binding and may even justify violent resistance. While the notion of resistance was generally minimized during this period, post-Reformation philosophers, who started with man's natural freedom and thought of the state as an artificial device for the protection of that freedom and of other rights derived from natural law, were easily led to more radical doctrines. Thus Locke and Paine used natural law, and its derivative natural rights, to justify individual claims against the state and ultimately the right to revolt. While this point of view has been characteristic of the post-Reformation world, it should be stressed that this individualistic approach is by no means necessarily anti-social. Burlamaqui was typical of many 18th-century writers in defining natural law as 'that which so necessarily agrees with the nature and state of man that, without observing its maxims, neither the individuals nor society can maintain themselves in an honest and comportable state' *(The Principles of Natural and Politic Law, 2 vols.,* trans by T. Nugent, London: Nourse, 3rd edn., 1784, vol. 1, pt. 1, ch. X, par. 15, p. 110). 3. Finally, natural law may also play a role in the more limited sphere of the judicial process, providing a standard for judges in interpreting laws and constitutions, or in filling in gaps in the law. In the most extreme application of the theory, it may serve as the basis for declaring laws null and void as contrary to the law of nature (see *Judicial Review).* The latter application the theory may be conservative, reformist, or neutral.